

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 15357 of 2021

Sanyasi Sa

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Petitioner

Mr. A. Mohanty, Adv.

Vs.

General Manager, MCL and others

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Opposite Parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

28.10.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. A. Mohanty, learned counsel for the petitioner.
3. The petitioner has filed this writ petition seeking direction to opposite party no.2-Additional District Magistrate, R&R, Mahanadi Coal Fields Limited, Basundhara, Hemgir not to disburse the compensation amount in respect of Khata No.10 of Mouza-Bangurkela of Sundargarh district during pendency of Civil Suit No. 117 of 2018 in the court of learned Civil Judge (Senior Division), Sundargarh.
4. Mr. A. Mohanty, learned counsel for the petitioner contended that the matter with regard to apportionment of compensation amount is pending before the court below. Therefore, unless Civil Suit No. 117 of 2018 pending in the court of learned Civil Judge (Senior Division) Sundargarh is decided, the compensation amount cannot be apportioned among the parties.
5. Having heard learned counsel for the parties and after going through the records, this Court is not inclined to issue notice to the opposite parties at this stage, as because unless Civil Suit No. 117

of 2018 pending in the court of learned Civil Judge (Senior Division), Sundargarh is decided with regard to rights accrued in favour of the parties for apportionment of the compensation amount, the same cannot be disbursed. Therefore, liberty is granted to the petitioner to pursue his remedy before the Civil Judge (Senior Division), Sundargarh for disposal of Civil Suit No. 117 of 2018, as expeditiously as possible, so as to claim the amount, as has been determined by the authority concerned.

6. With the aforesaid liberty, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Ashok/Debasish

