

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.3441 of 2022

Judhistir Pradhan

....

Petitioner

Ms. Sanjukta Bala Das, Advocate

-versus-

***Smt. Anu Garg, IAS, Principal
Secretary to Government
Department of Water Resources,
Bhubaneswar & Another***

....

Opposite Parties

Mr. L. Samantarary, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
26.09.2022

Order No.

02. This matter is taken up by virtual/physical mode.

1. While disposing of the writ petition being W.P.(C) No. 4413 of 2020 filed by the present Petitioner, this Court *vide* order dated 25th February, 2020, considering the grievance of the Petitioner that his application under Section 28-A of the Land Acquisition Act, 1894 filed before the Special Land Acquisition Officer, Lower Indra Irrigation Project, Khariar in the district of Nuapada (Annexure-2) for determination of the compensation was pending, directed as follows:-

“Considering the above, without going into the merits of the case, this Court disposes of this writ petition with a direction to the Opposite Party No.2 Special Land

Acquisition Officer, Lower Indra Irrigation Project, Khariar in the district of Nuapada to dispose of the petition under Section 28-A of the Land Acquisition Act filed by the Petitioner in accordance with law after verifying the same within a period of four months from the date of production of certified copy of this order along with a copy of this writ petitioner.”

2. Since the said direction was not complied within the period stipulated in the said Order, the Petitioner along with others approached this Court in CONTC No. 5448 of 2021, which came to be disposed of on 6th December, 2021 with the following observation:-

“5. At the time of hearing, Mr. L. Samantaray, AGA upon instructions submits that the Land Acquisition Officer concerned shall positively decide the said pending applications under Sections 28-A of the Act on or before 31-December-2021, failing which he shall make himself liable to be present in Court to face further contempt proceedings.

6. In view of the stand of Mr. L. Samantaray, AGA, counsel for the Petitioners does not press the present CONTCs.

7. In view of the above, the CONTCs are disposed of.

8. The Special Land Acquisition-cum-Collector shall be bound by his stand made through the Additional Government Advocate. The parties are given liberty to seek revival of the present CONTCs in case needful is not done.”

Since needful was not done, the Petitioner again approached this Court in the present contempt alleging willful and deliberate

non-compliance of the order dated 6th December, 2021 passed in CONTC No. 5448 of 2021.

3. On 2nd August, 2022, this Court allowed the prayer of the Additional Government Advocate for grant of further time to ensure the sanction and disbursement of the admissible amount of compensation.

4. On the resumed hearing today, Mr. L. Samantaray, Additional Government Advocate filed a copy of letter bearing No.WR-LA-CASEOP-0116-2022-25092/WR, dated 23rd September, 2022 and relying on para-4 of the letter, submitted that the directions of this Court *vide* order dated 25th February, 2020 in W.P.(C) No. 4413 of 2020 and subsequent order dated 6th December, 2021 passed in CONTC No. 5448 of 2021 have been complied with. Paragraph 4 of the said letter reads as follows:-

“4. Payment should be made through Electronic transfer only. This sanction order is based on the amount calculated by the Spl. LA & RRO. Only the interest component has been updated. It is expected that the Spl. LA & RRO has properly verified the award copy and the judgment before the preparation of the calculation sheet. It is also expected that decretal dues to the decree holder be verified properly at his level to avoid future legal complications before payment. He must also verify before payment that the payment in respect of the above case has not been made earlier.”

5. Counsel for the Parties, in the light of the aforesaid Letter dated 23rd September, 2022 issued by the Director R & R & Ex-

Officio, Additional Secretary to Government, conceded that the present contempt petition has become infructuous.

6. Accordingly, the contempt petition is disposed of as infructuous.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

September 26, 2022 Cuttack

