

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.844 of 2019

Subash Majhi

....

Petitioner

Mr. Bhakta Ranjan Barik, Advocate

-versus-

***Biswajit Keshari Das &
Another***

....

***Contemnors/
Opp. Parties***

Mr. Arnab Behera, ASC

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO**

ORDER (Oral)

15.12.2022

(Hybrid Mode)

Order No.

- 05.**
- 1.** The present contempt has been filed for the alleged violation of the order dated 31.01.2019 passed by this Court in W.P.(C) No.14222 of 2018, whereby the authorities were directed to consider the case of the petitioner for additional compensation under the Orissa Rehabilitation and Resettlement Policy, 2006 on account of the land of the family having been acquired for Manjori Irrigation Project.
 - 2.** A compliance affidavit dated 22.11.2022 has been filed wherein it is stated that upon verification of the documents, it was found that the petitioner on the cutoff date of eligibility as per Clause-2 of sub-clause(c) was around 12 and ½ years of age and hence would not

constitute a separate family entitle for the benefit. The relevant paragraph 5.1 of the same reads as under:

*“5.1 That, private land to the extent of Ac.16.37 in village-Goratopa, P.O. Raniakata, P.S./Tah-Kishorenagar in the District of Angul vide L.A. case No.15/2004 has been acquired for Manjore Irrigation Project vide Notification No.41135 dtd.15.10.2007 of Govt. in Revenue & Disaster Management Department, Odisha, Bhubaneswar. Out of the said private land, an area of Ac.16.37 under Khata No.3 belonging to the recorded tenant namely Bichhanda Majhi, S/o-Kamala Majhi father of the petitioner and others has been acquired under Manjore Irrigation Project, Athamallik. The awarded amount for Rs.20,47,020/- for the said acquired land has been paid to the awardee Bichhanda Majhi, father of the petitioner and other co-sharers on 20.12.2008 as ascertained from the Form 10 payment register. This particular village is one of the partly affected villages of Manjore Irrigation Project, Athamallik. In the said report, the cutoff date i.e. 31.03.2013 was mistakenly taken into account and the Department informed that the petitioner has attained the age of 18 years as per the cutoff date and eligible to get Rehabilitation Assistance under R&R Policy, 2006. It is a fact that the petitioner belongs to village-Goratopa, P.O. – Raniakata, P.S./Tah – Kishorenager in the District of Angul which is one of the partly affected villages of Manjore Irrigation Project, Athamallik. The date of Notification u/s-4(1) of L.A. Act-1894 issued by the Govt. in Revenue & Disaster Management Department to acquire land is to be treated as cut-off-date for the affected persons as per the Letter of the govt. in Water Resources Department bearing No.20097/WR dtd.10.09.2019. Copy of the letter dtd.10.09.2019 is annexed herewith and marked as **Annexure-A/2**. Since, the land belonging to Bichhanda Majhi, the father of the petitioners and others in village-Goratopa has*

been acquired vide Notification u/s.4(1) No.34582/R&DM dtd.24.08.2005, the cutoff date i.e. 24.08.2005 shall be taken into account. Accordingly, the Director (R&R) & Ex-Officio Additional Secretary to Govt. Water Resources Department, Odisha, Bhubaneswar (O.P.No.2) has been informed vide office letter No.5016 dtd.28.08.2019 and No.2714 dtd.27.10.2022 that the petitioner is not eligible to get Rehabilitation Assistance as he is below the age of 18 as per the cutoff date his date of birth being 12.05.1993 as per School Leaving Certificate. Copies of letter dtd.28.08.2019 and 27.10.2022 are enclosed herewith and marked as Annexure-B/2 & C/2 respectively. Copy of School Leaving Certificate is annexed herewith as Annexure-D/2. The Director (R&R) & Ex-Officio Additional Secretary to Govt. Water Resources Department, Odisha, Bhubaneswar (O.P. No.2) has informed the Special Land Acquisition Officer, Rengali Right Canal System, Dhenkanal vide letter No.29130/WR dtd.07.11.2022 that the petitioner may not be treated as separate affected family as he is below the age of 18 years on the cutoff date as his date of birth is 12.05.1993 as mentioned in the School Leaving Certificate whereas the cutoff date of the village is 01.01.2005.”

3. In view of the above, we find no grounds to entertain the contempt any further.

4. The CONTC is accordingly dismissed.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

AKK

15th December, 2022
Cuttack