

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13391 of 2022

Karunakar Sahoo

....

Petitioner

Mr. B. Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.A.K. Sharma,

Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

31.05.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard the learned counsel for the petitioner and learned counsel for the State.

This writ petition has been filed by the petitioner on being dissatisfied with the quantum of compensation that was paid to him after acquisition of his land measuring an area Ac.0.491 dec., Hal Khata No.148 of mouza- Banapur in the District of Jajpur.

Learned counsel for the petitioner submitted that though as per the valuation certificate under Annexure-4, the quantum of compensation for the acquired land in question has been determined at Rs.19,64,955/- (rupees nineteen lakhs sixty four

thousand and nine hundred fifty five) and the said amount has been transferred to the account of the petitioner as per the Bank's statement under Annexure-3, the valuation of such acquired land would be much more than what has been determined.

There is no dispute that the land was acquired and compensation was determined as per the provisions of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereafter in short, the 'Act'). Sub-section (2) of section 10 of the said act reads as follows :

"10.Compensation- (1) xx xx xx xx

(2) If the amount of compensation determined by the competent authority under sub-section (1) is not acceptable to either of the parties, the amount of compensation shall, on application by either of the parties to the District Judge within the limits of whose jurisdiction the land or any part thereof is situated, be determined by that District Judge."

Thus, in view of the aforesaid provision in the Act, it appears that the petitioner has got an alternative remedy and if he is dissatisfied with the award of compensation, he can approach the learned District Judge, within whose jurisdiction the land or any part thereof is situated, for appropriate remedy.

Learned counsel for the petitioner submits that he wants to withdraw this writ petition with liberty to approach the learned District Judge in accordance with law.

In view of such submission, with the aforesaid liberty, this writ petition stands disposed of as withdrawn.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Vacation Judge

(Biraja Prasanna Satapathy)
Vacation Judge



PKSahoo