

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14111 OF 2022

Nalini Ranjan Pattanaik

....

Petitioner

Mr. P. Das, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

10.06.2022

Order No.

2. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the Collector-cum-District Magistrate-Opposite Party No.4 to initiate appropriate proceeding for determination and award of full and final compensation for drawal of High Tension transmission line over his land.
3. Mr. Das, learned counsel for the Petitioner submits that the Petitioner is the owner of possession of Plot No.827 under Khata No.66 situated in Mouza Junagarh under Junagarh Tahasil in the district of Kalahandi over which the Odisha Power Transmission Corporation Ltd. (OPTCL)-Opposite Party No.3 is contemplating to draw High Tension transmission line. It is his submission that in view of Section 10 of the Indian Telegraph Act, 1885, the Authority before drawing transmission line must initiate a proceeding and pay full compensation to the Petitioner for drawal of such High Tension transmission line. In the instant case, neither any proceeding has been initiated nor compensation has been paid to the Petitioner. On the other hand, the Tahasildar, Junagarh by issuing notice under Annexures- 3 and 4 is contemplating to evict

the Petitioner from the land in question without payment of compensation. Thus, finding no other alternative, the Petitioner has filed this writ petition for the aforesaid relief.

4. Mr. Mishra, learned Additional Standing Counsel, on instruction, submits that the compensation in terms of Clause-7 of the Resolution dated 11th September, 2017 issued by the Revenue and Disaster Management, Government of Odisha will be paid to the Petitioner, if a petition in that regard is made to the Collector-cum-District Magistrate, Kalahandi-Opposite Party No.4 enclosing relevant documents, the same will be considered in accordance with law and compensation as due and admissible shall be paid to him.

5. Taking into consideration the rival contentions of the parties, this Court without expressing any opinion on the merits of the case of the Petitioner disposes of this writ petition with a direction that in the event, the Petitioner makes an application to the Collector-cum-District Magistrate, Kalahandi-Opposite Party No.4 under Section 10 of the Indian Telegraph Act, 1885 within a period of two weeks hence along with certified copy of this order enclosing relevant documents thereto, the Collector-cum-District Magistrate, Kalahandi-Opposite Party No.4 shall do well to consider the same in accordance with law and determine the compensation to be paid to the Petitioner as expeditiously as possible, preferably within a period of six months therefrom giving opportunity of hearing to the parties concerned.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Vacation Judge