

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 11577 of 2015

Sanu @ Debarchan Bhoi

.....

Petitioner
Mr. S.K. Ray, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties
Mr. P. Panda, Adv.[O.P.No.4]

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

12.12.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. None appears for the petitioner at the time of call.
3. Heard Mr. P. Panda, learned counsel for opposite party no.4.
4. Perused the records. The petitioner has filed this writ petition seeking direction to the opposite parties to provide all arrear benefits and compensation as per norms under the Orissa Re-Settlement and Rehabilitation Policy, 2006, within a stipulated time.
5. A counter affidavit has been filed by opposite party no.4, paragraphs-8 and 10 whereof read as under:

“8. That the Opp. Party responsibility submits that the School Leaving Certificate issued on 7.4.2009 by the Head Master, Basudevpur Primary School in favour of the petitioner clearly mentioned his date of birth has been recorded as 12.03.1992. Basing upon the aforesaid facts and figures, the petitioner’s father well as his brother have received all the benefits under the R&R Policy as PDF since 2013 and further the petitioner being a minor at the time of cut off date i.e. 01.01.2009, he was not eligible to get R&R benefit as envisaged in the R&R Policy of Government of Odisha and as such the Collector after examination of record rightly rejected the fake claim of the petitioner and as such there is no illegality or irregularity committed by any of the authority which warrants interference of this Hon’ble Court. Copy of the proceeding of the 4th RPDAC

*and School Leaving Certificate in respect of petitioner is annexed herewith as **Annexure-A/4 & B/4 respectively.***

xxx

xxx

xxx

10. That the Opp. Party No.4 respectfully submits that the petitioner grandfather was originally shifted from Madhiamunda to Basudevpur village in the year 1968 as a displaced person for construction of Derjang Dam Project At-Madhiamunda. At that time, the Government of Odisha had provided an area Ac.3.48 decs. agriculture land along with Ac.0.04 decs. of homestead land in Village- Basudevpur in favour of the petitioner's grandfather. It may be clarified here that during the life time of petitioner's grandfather, he was displaced in the year 1968 and resettled at Village- Basudevpur. At the time of displacement, the petitioner was not borne, because of fact at present, the age of the petitioner has been shown in the affidavit portion of the writ application as 20 years and as such even if the said age will be counted today, in such event as per the cut off date 1.1.2009, he was also a minor. Besides the above, the concept of double displacement will be treated and counted if a person during his life time physically displaced from one place to another place twice and then he will be treated as double displacement person and he is entitled to get double displacement benefit as envisaged under the R&R Policy, 2006. But in the instant case, the petitioner is the third generation of original displaced person i.e. the moreover the petitioner being a minor cannot he treated as separate family and as such he is not entitled to get any R&R benefit under the R&R Policy."

6. In view of the above position, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok

(B.P. SATAPATHY)
JUDGE