

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 15834 OF 2022

Md. Shammim

***..... Petitioner
Mr. P.C. Mishra, Advocate***

-versus-

State of Odisha & others

***..... Opposite Parties
Mr. H.M. Dhal,
Additional Government Advocate***

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE SAVITRI RATHO

ORDER

25.08.2022

Order No.

01.

1. Heard Mr. P.C. Mishra, learned counsel for the petitioner and Mr. H.M. Dhal, learned Additional Government Advocate.
2. According to Mr. Mishra, the petitioner is aggrieved by non-payment of compensation by Opposite Party No.3 namely the Competent Authority-cum-ADM under the N.H. Act, 1956 to him in respect of the acquired Plot No. 1702 pertaining to Khata No. 115/814 of Kissam-Gharabari covering an area Ac.0.10 decimals.
3. According to him, the recorded tenant-Md. Fatima has died in the meantime and the petitioner is the nephew of the deceased lady. Since, Opposite Party No.3 vide notice under Annexure-2 in L.A. Case No.3/21 and P.R. No.20 dtd. 19.02.2022 has intimated the petitioner as well as eleven (11) others to receive compensation after production of the relevant documents, Mr. Mishra submits that rest eleven (11) persons have nothing to do with the plot and accordingly the compensation

cannot be shared by them. Lastly he submits that though highlighting his grievances, the petitioner has filed a representation on 22.02.2022 under Annexure-3 before the ADM-cum-Competent Authority, NHAI, Sundargarh (Opposite Party No.3) and though the same was received on the same date by the office of the Opposite Party No.3, however, till date no decision has been taken on the same. In such background, learned counsel for the petitioner prays that a direction be issued to the Opposite Party No.3 to take a decision on the above noted representation of the petitioner under Annexure-3 within a specific time period.

4. Considering the submissions made and without expressing any opinion on the merit of the case, this Court directs the Opposite Party No.3 to take a decision on the above noted representation of the petitioner under Annexure-3 within a period of three months from the date of production of a certified copy of this order after giving opportunity of hearing to the petitioner as well as the eleven (11) persons whose names appear in Annexure-2 which refers to P.R. No.20 dtd. 19.02.2022 in connection with L.A. Case No.3/21 and communicate the result of such exercise to the petitioner.

5. Accordingly, the Writ Petition is disposed of.

6. Urgent certified copy of this order be granted as per rules.

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge