

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16087 of 2022

Ura Das & others

.....

Petitioner

Mr. Saroj Ranjan Subudhi, Adv.

-Versus-

State of Orissa & others

.....

Opp. Parties

Mr. J.P. Patnaik,

Government Advocate

Mr. S.S. Kanungo, AGA

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

10.08.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr. S.R. Subudhi, learned counsel appearing for the petitioner. We have also heard Mr. J.P. Patnaik, learned Government Advocate and Mr. S.S. Kanungo, learned Addl. Government Advocate appearing for the State.
3. It is the second round of litigation by the petitioner. While disposing the previous writ petition, being, W.P.(C) No.4784 of 2018, this Court had occasion to observe as follows:

“Considering the limited nature of grievances, without expressing any opinion on the merit of the case, this writ petition is disposed of directing the Chief Engineer and Basin Manager, Brahmani Left Basin, Samal, Angul- Opposite party no.3 to consider and dispose of the

representations of the petitioners vide Annexure-6 series to the writ petition by a reasoned order, if the same are still pending, as expeditiously as possible preferably within a period of three months from the date of receipt of certified copy of this order, after affording reasonable opportunity of hearing to the petitioners.”

4. Learned counsel for the petitioner has submitted that, pursuant to the said direction, no appropriate action has been taken by the State in order to save the endangered land of the petitioner is concerned. At the same time, it is surfaced that the lands of the other persons, who are living in that area, have been acquired by the State.

5. It appears from the writ petition that the State Government has formed an expert committee to survey the status of the land and to map to what extent, the acquisition is required.

6. According to the petitioner, the Government has decided to acquire the land within 30 fts. from the river bank in Villages Nalam and Durgapur and in this regard, disclosure has been made in the letter No.5911/WR, dated 13.02.2001, Annexure-1 to the writ petition.

7. The petitioner's grievance is that, at least 100 ft. ought to have been acquired. Since that has not been done, this writ petition has been filed.

8. Mr. J.P. Patnaik, learned Government Advocate appearing for the State has submitted that, that aspect would again be considered by the Government and if, the technical team is found to have expired their term, a new technical team might be formed for recommending, if further acquisition is required. The Government is ready to acquire that land, if found required.

9. In view of the above statement made by the Government Advocate, this writ petition stands disposed of, with the following direction:

The petitioner shall file a fresh representation to the Engineer-in-Chief and Basin Manager, Rengali Irrigation Project, Left Canal System, Samal by reiterating what has been averred in the writ petition. From the date of submission of such representation, the Opp. Parties, particularly, the said Engineer-in-Chief and Basin Manager is directed to the technical team or the expert body to make a field survey in order to find out whether further acquisition of land is required or not. On the basis of the recommendation or otherwise of the said recommendation, the State shall decide whether further acquisition of land is to be made or not.

10. Granting further reliefs, beyond what has been directed, will be exceeding the limit of jurisdiction as conferred by the Articles- 226 and 227 of the Constitution of India.

11. The entire exercise be completed within a period of three months from the date, when the petitioner shall file their representation to the Engineer-in-Chief and Basin Manager or any other appropriate authority.

12. No order as to costs.

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge



