

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.16170 of 2022

*Sabita Behera @ Chhabi Dalai and
others*

.....

***Petitioners**
Mr.A.Nayak, Advocate*

Union of India and others

Vs.
.....

***Opposite Parties**
Mr.P.K.Parhi, ASGI for Odisha*

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE SAVITRI RATHO

ORDER

22.07.2022

Order No.
02.

1. Heard Mr.A.Nayak, learned counsel for the petitioners and Mr.P.K.Parhi, learned Asst. Solicitor General of India for Odisha.

2. According to Mr.Nayak, learned counsel for the petitioners, the petitioners are aggrieved by disbursement of compensation amount vis-à-vis Consolidation Plot No.2569 under Khata No.516 falling under Mouza:Nimaisapur under Cuttack Tahasil, wherein the right of user has been acquired by the authorities under the ***Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962***. Relying on Record of Rights under Annexure-2, he submits that the recorded tenants as indicated therein are all entitled to compensation. Instead, the authorities have wrongly disbursed the entire amount of compensation in favour of Purna Chandra Dalai (opposite party No.4), who happens to be the brother of the petitioners.

3. Mr. Parhi, learned Asst. Solicitor General of India for Odisha submits that since the matter relates to apportionment of compensation, for redressal of their grievances, the petitioners should approach the competent authority for making a reference as

required under sub-section (5) of Section-11 of the above noted Act.

4. In such background, learned counsel for the petitioners submits that the petitioners be granted liberty to move the Competent Authority, Odisha, GAIL (India) Ltd., Bhubaneswar Zonal Office (opposite party No.3) accordingly, and further prays that the said opp. party be directed to take a decision on such motion within a specific time period.

5. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to the petitioners to file an appropriate representation before the opposite party No.3 requesting him/her to refer their matter under sub-section (5) of Section-11 of the above noted Act, within a period of two weeks through Registered Post along with a copy of this order. In the event, such a representation is received by the Competent Authority (opposite party No.3), he/she is directed to take a decision on such representation in accordance with law, within a period of two weeks from the date of receipt of the certified copy of this order and communicate the result of such decision to the petitioners.

6. With the above observation and direction, the writ petition is disposed of.

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

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge