

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.16616 of 2022**

***Kubera Sahoo & another* .... *Petitioners***

*Mr. S.R. Subudhi,*  
*Advocate*

*-versus-*

***State of Odisha & others* .... *Opp. Parties***

*Mr. D.K. Mohanty,*  
*Additional Standing Counsel.*

**CORAM:**  
**JUSTICE BISWAJIT MOHANTY**  
**JUSTICE SAVITRI RATHO**

**ORDER**

**04.08.2022**

**Order No.**

01. 1. Heard Mr. S.R. Subudhi, learned counsel for the petitioners and Mr. D.K. Mohanty, learned Additional Standing Counsel.
2. According to Mr. Subudhi, though Plot No.2427 pertaining to Khata No.362 falling under Mouza- Nalam in the district of Angul has been acquired and compensation has been paid however, while making calculation of such compensation, the authorities have ignored the structure built by petitioner No.1 namely, Kubera Sahoo over the said plot. In this connection, he draws our attention to letter dated 26.10.2016 written by the Deputy Executive Engineer, Head Works Sub-Division No.1, Samal to the Executive Engineer, Head Works Divisions, Samal under Annexure-5 wherein, it has been admitted that the structure built over Plot No.2427 had not be measured and included in the valuation of structure. Despite this and despite several approaches made by the petitioner No.1 to get the compensation with regard to the above noted

structure, he has not been paid compensation.

3. Mr. D.K. Mohanty submits that for redressal of such type of grievances, the petitioners should have approached the Commissioner-cum-Secretary, Water Resources Department, Odisha, Bhubaneswar instead of rushing to this Court.

4. In such background, Mr. Subudhi submits that liberty may be granted to the petitioner to approach the Commissioner-cum-Secretary, Water Resources Department, Odisha, Bhubaneswar in the matter by filing a representation and prays that the said officer 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 a detailed representation along with relevant documents before the Commissioner-cum-Secretary, Water Resources Department, Government of Odisha, Bhubaneswar through registered post within a period of two weeks from today. In the event, such representation is received along with a copy of this order, the said officer is directed to take a decision on the same in accordance with law within a period of three months from the date of receipt of such representation and communicate the result of such exercise to the petitioners.

6. Accordingly, this writ petition is disposed of.

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

**(Biswajit Mohanty)**  
**Judge**

**(Savitri Ratho)**  
**Judge**