

IN THE HIGH COURT OF ORISSA AT CUTTACK

RVWPET No.82 of 2015

Executive Director, Jindal Petitioner
Steel and Powers Ltd.

Mr. P.P. Panda,
Advocate

-versus-

State of Odisha & others Opp. Parties

Mr. A.K. Nanda,
Additional Government Advocate

Mr. D.K. Panda, Advocate
(For opposite party Nos.5 to 10)

CORAM:
JUSTICE BISWAJIT MOHANTY
JUSTICE K.R. MOHAPATRA

ORDER

13.04.2022

संयुक्त न्यायो

Order No.

14. 1. Heard Mr. P.P. Panda, learned counsel for the petitioner, Mr. A.K. Nanda, learned Additional Government Advocate and Mr. D.K. Panda, learned counsel for opposite party Nos.5 to 10.
2. Mr. P.P. Panda, learned counsel for the petitioner submits that the order dated 11.02.2015 passed in W.P.(C) No.23427 of 2013 ought to be recalled as the same was passed without issuing any notice to the present petitioner, who was arrayed as opposite party No.5 in the aforesaid writ petition though the prayers of the petitioners as made in writ petition i.e. for providing the benefits under Orissa Resettlement and Rehabilitation Policy, 2006 like the benefits of employment assistance, transportation allowance etc. can only be provided by the present petitioner. He also submits that since the order

dated 11.02.2015 was passed without issuing any notice to the present petitioner; the petitioner has been seriously prejudiced. In such background, he prays that the said order be recalled.

3. Mr. D.K. Panda, learned counsel for opposite party Nos.5 to 10 opposes such prayer of the present petitioner and submits that there exists no error apparent on the face of order dated 11.02.2015 which is sought to be reviewed and accordingly, prays for dismissal of the review petition.

4. A perusal of the prayers made in the writ petition reveals that many reliefs have been sought for against the present petitioner, who was arrayed as opposite party No.5 in the said writ petition. It is not disputed that lands of the opposite parties No.5 to 10 were acquired for the purpose of establishment of Industrial Project of the present petitioner and that as per Clause-8 (vii) of the Orissa Resettlement and Rehabilitation Policy, 2006, District Administration and project authorities are jointly responsible for ensuring that the benefits under the Policy reach the beneficiaries in a time bound manner. Further, under Sub-Clause-1 of Clause-9 of the above Policy covering "Industrial Projects", it is clear that the Industrial Projects are required to provide employment and they have to give preference to the nominated members of the displaced family in the matter of employment and where displaced/other families do not opt for employment/self employment, they should be provided by the project authority with one time cash assistance in lieu of employment. Further as per Clause-11 (c) Transportation Allowance is to be provided to the displaced family by the Project Authority which undisputedly in this case is the present petitioner. Thus it is clear that the present petitioner has to bear substantial burden in the matter of resettlement and rehabilitation. Probably keeping all these in mind, the opposite party Nos.5 to 10, who were the petitioners in W.P.(C) No.23427 of 2013 have purposefully arrayed the present petitioner as opposite party No.5. Therefore, this Court is of the opinion that

prior to disposing of the writ petition, the present petitioner should have been noticed. Since admittedly no notice was issued to the present petitioner, who was opposite party No.5 in the writ petition, there has been clear violation of principles of natural justice. For all these reasons, this Court recalls the order dated 11.02.2015 passed in W.P.(C) No.23427 of 2013.

5. Accordingly, the review petition is allowed. No cost.
6. The writ petition be listed on 19.04.2022 before the assigned Bench.
7. Urgent certified copy of this order be granted on proper application.

Prasant

