

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.16937 of 2022

Kumudini Behera and others

.....

Petitioners

Mr.S.K.Joshi, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. H.M.Dhal, AGA

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE SAVITRI RATHO

ORDER

12.07.2022

Order No.

01.

1. On the oral prayer, Mr. Joshi, learned counsel for the petitioners is permitted to implead the Collector, Bolangir as opp. party No.6 to the writ petition.
2. Heard Mr.S.K.Joshi, learned counsel for the petitioners and Mr. H.M.Dhal, learned Addl. Government Advocate.
3. According to Mr. Joshi, the petitioners are aggrieved by the inaction of the authorities in adhering to the provisions contained under Sections 26, 27, 28, 29 and 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (in short “the Act”) in the matter of determining the compensation vis-à-vis their land which the authorities have purchased under Direct Purchase Scheme. Elaborating further, he submits that an area of Ac.0.759 decimals, out of the total area of 1.30 decimals, belonging to petitioners under Plot No.1985 have been acquired by the opp. parties under Direct Purchase Scheme. But no proper determination has been made of the quantum of compensation. In this context, he relies on the guidelines dated 27.1.2016 issued by Government of Odisha in Revenue and

Disaster Management Department regarding Direct Purchase of private land under Annexure-4 and draws our attention to Clause-e, which reads as follows:-

“(e) Market value of the land shall be assessed as per the provisions of Section 26 to 30 of RFCTLAR Act, 2013. Compensation as admissible in respect of building and other structures under the said Act shall be payable.”

According to learned counsel for the petitioners, if the market value would be properly calculated, that would be much more than the calculation which has been made at Rs.1,37,25,837/- (Rupees one crore thirty seven lakhs twenty five thousand eight hundred thirty seven) only.

4. Mr. H.M.Dhal, learned Addl. Government Advocate relying on clause-‘o’ of the guidelines submits that if the petitioners have any grievance, they should have approached the Collector of the District, who is the competent authority to take a decision on such grievance petition. Instead of doing that, the petitioners have un-necessarily rushed to this Court.

5. In such background, Mr. Joshi submits that liberty may be granted to the petitioners to file a grievance petition before the Collector, Bolangir (opp. party No.6) for redressal of their grievance/s and further prays that a direction be issued to said opp. party to take a decision on such grievance petition, within a specific time period.

6. 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 comprehensive grievance petition before the opp. party No.6 within a period of two weeks along with a copy of this order by Registered Post with A.D. If such a petition is received by the opp. party No.6, he 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 this order after giving reasonable opportunity of hearing to the petitioner No.2-Gobinda Chandra Behera, on behalf of all the petitioners and communicate the result of such exercise to the petitioners.

7. The writ petition is accordingly disposed of.
8. Urgent certified copy of this order be granted as per rules.

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge

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