

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.15375 of 2019

**Mahanadi Coalfields Ltd.,
Sundargarh**

.....

Petitioner

Mr. D. Mohanty, Advocate

Vs.

**Claims Commission,
Bhubaneswar & Ors.**

.....

Opposite Parties

Mr. P.K. Muduli, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

14.11.2022

**W.P.(C) Nos.15375, 15339, 15366, 15369, 15373, 15378, 15380,
15381, 15384, 15385, 18659, 18664, 18673, 18674, 18675, 18678,
18703, 18706 and 18709 of 2019**

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. D. Mohanty, learned counsel appearing for the petitioner and Mr. P.K. Muduli, learned Additional Government Advocate appearing for the opposite parties.
3. The petitioner has filed this writ petition seeking to quash the compensation roll under Anneuxre-3 series and the order dated 19.08.2016 passed by the Claim Commission, Bhubaneswar in Civil (Misc) Case No.331 of 2016 under Annexure-6.
4. Mr. D. Mohanty, learned counsel appearing for the petitioner brings to the notice of this Court that as against similar batch of cases, SLP (C) No.6933 of 2007 and batch were filed and the apex Court disposed of the said SLP (C) No.6933 of 2007 and batch with CONMT.PET (C) No.540 of 2019 and batch by recording that since the approach adopted in the previous orders, was to ensure that the landowners are not put to further hardship and agony, of prolonged wait. Therefore, it is contended that this Court may dispose of this

writ petition in terms of the judgment dated 03.11.2022 passed by the apex Court in SLP(C) No.6933 of 2007 and batch.

5. Mr. P.K. Muduli, learned Additional Government Advocate appearing for the opposite parties contended that there are private parties in the case itself and unless notice is issued to the said private parties, their rights will be affected. Therefore, notice may be issued to the private parties so that they can say something in the matter and their right shall be protected. He further contended that there is no dispute with regard to observation made by the apex Court in the SLP(C) No.6933 of 2007 and batch.

6. Considering the contentions raised by learned counsel appearing for the parties and after going through the records, it appears that challenging the judgment and order of this Court passed in a batch of writ petitions, the petitioner had approached the apex Court in SLP(C) No.6933 of 2007 and batch, which have been disposed of along with CONMT.PET (C) No.540 of 2019 and batch, vide judgment dated 03.11.2022, paragraph-34 whereof reads as follows:

“34. In the light of the above discussion, it is held that the First Schedule of the R & R Act, 2013 is applicable to the acquisition in question, made by the Central Government in favour of MCL, in respect of the villages, the reports of which were not approved prior to 28.10.2015. Accordingly, the compensation based upon the market value for the four villages i.e., Tumulia, Jhupuranga, Ratansara, and Kirpsara have to be re-determined in accordance with the provisions of the First Schedule to the R&R Act, 2013. Since the extent to land involved, identification of land owners, and the basic market value along with solatium and interest payments, have been determined, the only additional exercise which the Commission has to carry out is the differential payable after the re-determination in respect of all the elements i.e., the market value, solatium, and further interest. It is also further clarified that the villages in respect of which this court has already approved reports of the Commission, and entitlements have been determined, even availed of, or pending implementation, i.e., the other ten villages, the issues shall stand finalized-there can be no re-determination on the

basis of the present judgment”.

7. In view of aforesaid observation and clarification made by the apex Court that the villages in respect of which, the apex Court has already approved the reports of the Commission, and entitlements have been determined, even availed of, or pending implementation, i.e., the other ten villages, the issues shall stand finalized-there can be no re-determination on the basis of the present judgment, the private opposite parties, who have been impleaded as parties to the writ petitions, they are entitled to get the benefit in terms of the said determination, as it has been stated that the said benefit has been given to them. Therefore, this Court is not inclined to issue fresh notice to the affected parties, who have been made as parties to the writ petitions. But it is left open to the Claim Commission, if at all any benefits have not been given to the affected parties on the basis of its report, to consider their grievance, if agitated by them before it, and grant all such benefits to them. Therefore, this Court remands the matter to the Claim Commission to act in accordance with law as per the direction given by the apex Court in SLP(C) No. No.6933 of 2007 and batch.

8. With the above observation and direction, the writ petition stands disposed of.

9. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Alok