

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.18977 of 2022

Md. Tausif Alam

.... ***Petitioner***
Mr.B.R.Behera, Advocate

-versus-

***Government of India, Ministry of Road
Transport and Highways and others***

.... ***Opp. Parties***
Mr. H.M.Dhal, AGA
Mr.P.K.Parhi, ASGI
for Odisha along with Ms. Babita Sahu, CGC

CORAM:

**JUSTICE BISWAJIT MOHANTY
MISS JUSTICE SAVITRI RATHO**

ORDER
11.08.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. On the oral prayer, Mr.B.R.Behera, learned counsel for the petitioner is permitted to correct the descriptions of opp. party Nos. 5 to 7 in Court today.
3. Heard Mr. B.R.Behera, learned counsel for the petitioner, Mr.H.M.Dhal, learned Additional Government Advocate and Mr. P.K.Parhi, learned Asst. Solicitor General of India for Odisha assisted by Ms.Babita Sahu, learned Central Government Counsel.
4. According to Mr.Behera, Sabik Plot No.235 pertaining to Sabik Khata No.16 covering an area of Ac.0.52 decimals, out of total area of Ac.1.04 decimals, under Mouza:Chadheibhol, Tahasil: Karanjia in the district of Mayurbhanj, which corresponds to Hal Plot No.517, Hal Khata No.62 was purchased by the late father of the

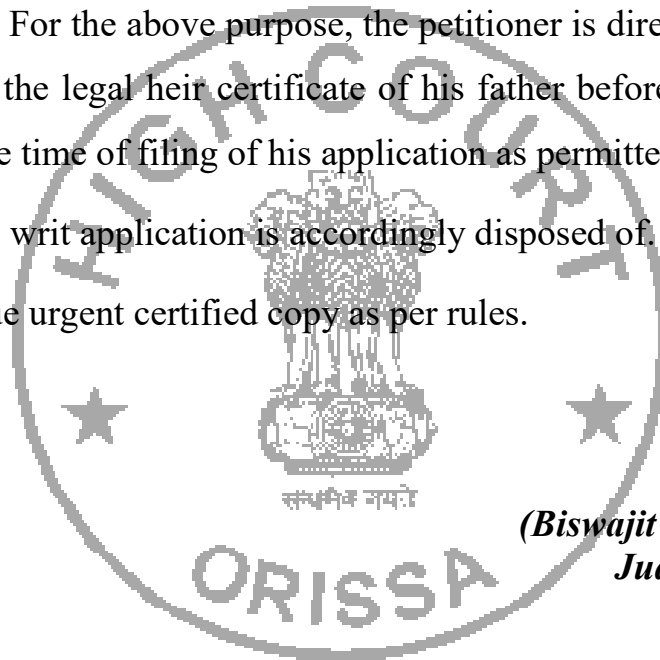
petitioner vide Registered sale deed No.915 dated 16.04.1981 from one Noor Jahan Begum, Wife of: Md. Sanawalla @ Md.Ansari. However, on account of certain difficulties, the land was not mutated in the name of the father of the present petitioner. Accordingly, in the land records, the old entries continued. In the meantime, the authorities issued notification under Section 3-A of the National Highways Act, 1956 (for short “the Act”) for acquisition of the land for expanding and widening of N.H.6 during September, 2019 and ultimately Notification under Section 3-D of the above noted Act was published on 24.1.2020. Only from such notification, the petitioner could come to know that the land belonging to his father has been acquired by the authorities. On further query, the petitioner came to know that on account of wrong revenue entries, the compensation amount may be released in favour of the legal heirs of the above mentioned Noor Jahan Begum, Wife of: Md. Sanawalla @ Md.Ansari. Accordingly, he filed an objection on 28.6.2021 under Annexure-13 series before the Opp. party No.3-Land Acquisition Officer & Competent Authority-cum-Tahasildar, Karanjia requesting him not to release/disburse any compensation amount in favour of the legal heirs of Noor Jahan Begum, Wife of: Md. Sanawalla @ Md.Ansari and also prayed for extending an opportunity of personal hearing.

5. During course of hearing, Mr. Behera submits that liberty may be granted to the petitioner to file an appropriate application under Sub-section 3 of Section 3-H of “the Act” for getting compensation which is already there with the office of the opp. party No.3 and further prays that the said opp. party be directed to take a decision on such motion 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 petitioner to file an appropriate application under the above noted Act before the opp. party No.3 within a period of two weeks along with a certified copy of this order. In the event such application is received by opp. party No.3, he/she is directed to take a decision on the same in accordance with law, within a period of four months from the date of receiving of such representation, by giving opportunity of hearing to the legal heirs of late father of the present petitioner as well as opp. party Nos.5 to 10 and communicate the result of such exercise to the petitioner. For the above purpose, the petitioner is directed to produce a copy of the legal heir certificate of his father before the opp. party No.3 at the time of filing of his application as permitted above.

7. The writ application is accordingly disposed of.

8. Issue urgent certified copy as per rules.



(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge

Bichi

