

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 9996 of 2015

Hrudananda Singh & Ors.

.....

Petitioners

Mr. T.K. Pattnaik, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

Mr. H.M. Dhal, AGA

(O.Ps.1 to 5 & 7)

Mr. N. Panda-1, Advocate

(O.Ps.8 & 9)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

02.11.2022

Order No.

08

This matter is taken up through hybrid mode.

2. Heard Mr. T.K. Pattnaik, learned counsel appearing for the petitioners; Mr. H.M. Dhal, learned Additional Government Advocate appearing for the State-opposite parties and Mr. N.Panda-1, learned counsel appearing for the opposite party-NALCO.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to acquire their lands, which are situated in the water logging area near Railway Bridge No.10 due to construction of Railway line by the NALCO and further to issue direction to opposite parties no.1 to 5 and 7 to 9 to pay compensation to the petitioners and other land owners whose lands are situated within the water logging area in terms of Land Acquisition Act, 2013 and further to issue direction to opposite party no.2 to cause an enquiry in presence of the petitioners and other opposite parties and submit a report before this Court for payment of compensation in terms of Land Acquisition Act.

4. Mr. T.K. Pattnaik, learned counsel appearing for the

petitioners contended that pursuant to notice issued, opposite parties no.2 to 5 have filed counter affidavit incorporating the Joint Verification Report under Annexure-“A” series, which was made on the basis of the complaint lodged by petitioner no.1. It is contended that while causing inquiry, opportunity of hearing to the petitioners was not given. Therefore, the so called joint verification said to have been conducted by the authorities and the report thereof, cannot be taken into consideration.

5. Mr. H.M. Dhal, learned Additional Government Advocate appearing for the State-opposite parties contended that on the basis of joint verification report submitted by opposite parties no.2 to 5, which is annexed as Annexure-“A” to the counter affidavit, the persons present during the field enquiry were provided opportunity of hearing, but the names of the petitioners have not been indicated in the joint verification report, as they were not the signatories to the said report.

6. Mr. N. Panda-1, learned counsel appearing for the opposite party-NALCO contended that since the joint verification was conducted in the year 2009, the relief sought has been granted to the petitioners. Therefore, the writ petition filed at the instance of the petitioners should be dismissed.

7. Having heard learned counsel for the parties and after going through the records, it appears that the grievance of the petitioners to the extent that the joint verification conducted by the opposite party-authorities does not comply with the principle of natural justice, in view of the fact that even though the joint verification report has been placed on record, but the same has been done without giving notice to the petitioners and, thereby, the petitioners have not been given opportunity of hearing. Be that as it may, the so called joint

verification report cannot be said to be compliance of the relief sought by the petitioners because of the fact that whether the lands of the petitioners are water logged due to drawal of Railway Line by the NALCO, the same has to be enquired into by opposite party no.1 along with opposite parties no.2 and 5 in presence of the petitioners, reason being the petitioners have to show their own land, which they are in possession and identify the same.

8. In the above view of matter, the joint verification report, which has been placed on record, cannot be sustained in the eye of law. Accordingly, this Court directs opposite parties no.1 to 5 to give appropriate notice to the petitioners to be present during joint verification to be conducted afresh and on receipt of the notice, the petitioners shall remain present and cooperate opposite parties no.1 to 5 during joint verification. If the lands of the petitioners are found to have been water-logged due to drawal of Railway Line by the NALCO, opposite parties no.2 to 5 shall take appropriate steps in accordance with the provisions of Land Acquisition Act, 2013 for grant of compensation. The entire exercise shall be done within a period of four weeks from the date of communication/production of the certified copy of this order.

9. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Alok/Subhasmita