

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC NO.4692 OF 2021

Sisra Garanayak		Petitioner
	Mr. Omkar Devdas, Advocate	
	-versus-	
Anu Garg, Secy. Water Resources Dept. & others		Opp.parties

Mr.L. Samantaray, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO

ORDER (Oral)
27.10.2022

Order No.

6. 1. This matter is taken up through hybrid mode.
2. Learned counsel for the petitioner submits that referring to the compliance affidavit filed by opposite party no.3 dated 29.07.2022 that the petitioner is entitled to the prevailing market rate for the land and, therefore, the order passed by this Court dated 19.09.2019 passed in W.P.(C) No.13984 of 2018 and order dated 11.09.2020 passed in CONTC No.526 of 2020 have not been complied with.
3. Learned Additional Government Advocate refers to paragraphs 4 and 5 of the affidavit dated 29.07.2022 which are reproduced herein :

“4. That, it is humbly submitted that the State Government was moved to sanction the cash component in respect of total 57 nos. of petitioners in W.P.(C) No.13984 of 2018 and vide sanction order no.177 dated 4.1.2022 a sum of Rs.29,84,800/- was sanctioned for disbursement and the present petitioner was paid the amount of Rs.54,600/- in respect of Ac.0.06 decs. Of land, which has been assed as per the present market value and the amount was credited to the account of the petitioner as per CC voucher dated 05.04.2022. Copy of the CC voucher is filed herewith as Annexure-A/3.

5. That it is humbly submitted that the present market value of the land has been assessed on the basis of Bench Mark valuation fixed by the Government in respect of the area, where the land situates so also the contemporary sale deeds."

The petitioner has received a sum of Rs.54,600/- towards his share of cash component in lieu of homestead land and the acknowledgement in Form CC Appendix-5 Bihar and Orissa Financial Rules is enclosed to the show cause affidavit marked as Annexure-A/3.

4. Considering the rival submissions, this Court is of the view that since the market value of the land has been assessed on the basis of Bench Mark Valuation fixed by the Government in respect of the area where the land situates, as well as the contemporary sale deeds executed for the said area, the petitioner cannot have a grievance regarding determination of amount of compensation.

5. In view of the above, this Court is of considered opinion that the order dated 19.09.2019 passed in W.P.(C) No.13984 of 2018 and order dated 11.09.2020 passed in CONTC No.526 of 2020 have been complied with and the contempt petition is dismissed having been rendered infructuous.

(Jaswant Singh)
Judge

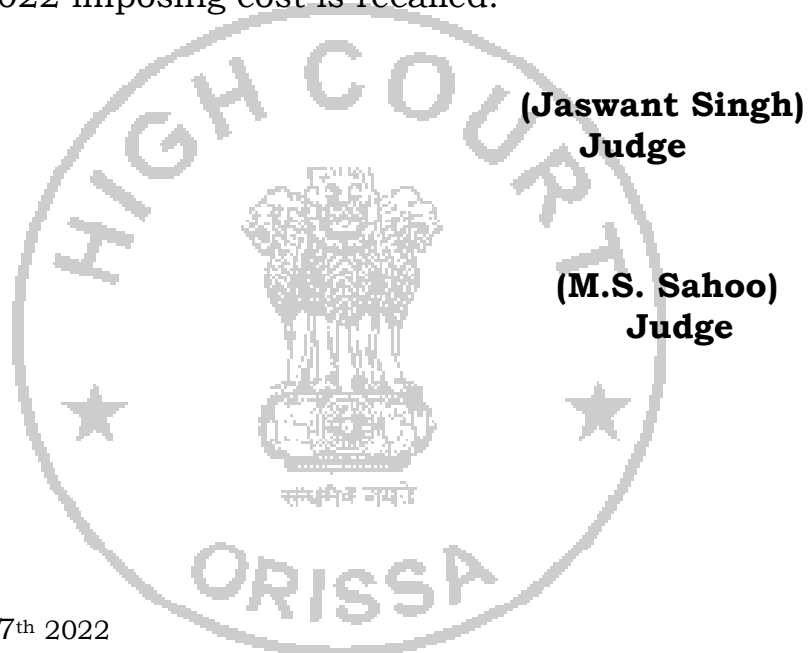
(M.S. Sahoo)
Judge

I.A. No.204 of 2022

7. 1. This I.A. has been filed for recall/modification of the order dated 05.07.2022 imposing cost of Rs.10,000/- for delay in filing the compliance affidavit.

2. The contempt petition has been dismissed by order passed today, in view of the compliance of this Court's order dated 19.09.2019 passed in W.P.(C) No.13984 of 2018 and order dated 11.09.2020 passed in CONTC No.526 of 2020. The reasons stated in the I.A. giving the explaining the time taken in implementing of the order and unconditional apology tendered by the opposite parties are accepted by the Court.

3. Accordingly, the I.A. is allowed. The order dated 05.07.2022 imposing cost is recalled.



October 27th 2022
Cuttack

Gs