

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.5082 of 2022

Sri Prafulla Singh & Others

....

Petitioners

Mr. S.B. Mohanty, Advocate

-versus-

***Siddhartha Shankar Swain,
Collector, Angul & Others***

....

Opposite Parties

Mr. L. Samantaray, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

23.08.2022

Order No.

- 02.** 1. This matter is taken up by virtual/physical mode.
2. The land of the Petitioners is stated to have been acquired for construction of Railway Over Bridge at Dighi vide notification dated 8th July, 2013 issued under Section 6 of the Land Acquisition Act, 1894. However, the compensation by virtue of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (new Act) was required to be determined. It appears that the alleged structures existing on the acquired land of the Petitioners were not valued for the purpose of compensation. Although the Petitioners had a remedy under Section 64 of the new Act, 2013, the writ petition bearing W.P.(C) No.1877 of 2016 was filed before this Court, which was disposed of vide order dated 1st September, 2016 with the direction to the authorities concerned to assess the value of structures and trees after giving notice to the Petitioners and in their presence. The said exercise was to be completed within a period of

four weeks from the date of production of certified copy of the said order.

3. The instant contempt has been filed for the alleged violation of the aforesaid order dated 1st September, 2016.

4. Upon notice, Mr. L. Samantaray, Additional Government Advocate states that the Petitioners had an efficacious alternative remedy of appeal under the new Act, 2013, which is a complete Code. However, in the light of the direction dated 1st September, 2016 passed by this Court, the present contempt has been filed on 5th August, 2022, which is after expiry of limitation period of one year provided under Section 20 of the Contempt of Courts Act, 1971. He further states that by no such stretch of imagination, the non-determination, if any, could be taken as the continuing cause of action.

5. After hearing counsel for the parties, we find that the present contempt has been filed around five years from the date of order passed in writ petition which is much beyond the period of limitation provided under Section 20 and hence, the remedy, if any, lies elsewhere to be availed in accordance with law.

6. Accordingly, the contempt petition is disposed of.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge