

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 5623 of 2016

Manoj Sahoo and another

.....

Petitioners
Mr. B. Barik, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties
Mr. H.M. Dhal, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

12.12.2022

Order No.

08.

This matter is taken up through hybrid mode.

2. Heard Mr. B. Barik, learned counsel for the petitioners and Mr. H.M. Dhal, learned Addl. Government Advocate appearing for the State-opposite parties.

3. The petitioners have filed this writ petition seeking direction to the opposite parties to include their names in the list of original families of project affected persons under Annexure-3 for getting family package compensation within a stipulated time.

4. Mr. B. Barik, learned counsel for the petitioners contended that the petitioners seek inclusion of their name in the list of original families of project affected persons under Annexure-3. The same having not been done, they have approached this Court by filing the present writ petition.

5. Mr. H.M. Dhal, learned Addl. Government Advocate appearing for the State-opposite parties contended that the relief sought by the petitioners cannot be granted, as because by the time the notification under Section 4(1) of the Land Acquisition Act was made, the petitioners were minor and, as such, they were underaged to get the benefit. Thereby, the petitioners are not entitled to get the benefit

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioners do not come under the category of project affected families. Petitioner no.1-Manoj Sahoo, had earlier applied for his inclusion in the list of project affected

families in the third round of enumeration carried out for enlisting any left out project affected families, but his claim was not accepted on the ground that he was underaged at the time when the notification was made under Section 4(1) of the Land Acquisition Act. Similarly, petitioner no.2-Satyasen Sahoo had applied for inclusion in the list of project affected families in the first round, vide public notice dated 26.05.2010, and third round of enumeration carried out for enlisting any left out project affected families, but his claim was also not accepted on the ground that he was under-aged at the time when the notification was issued under Section 4(1) of the Land Acquisition Act. Even though the petitioners had come under the category of project affected families, but their names were subsequently rejected by the Land Acquisition Officer, Angul, vide public notice dated 18.01.2014 by LAO-cum-PD (R&R), question of payment of R&R benefits to the petitioners does not arise. Furthermore, as per the provision of RR Policy, 2006, a detailed list of original families was prepared by the LAO, JITPL, but the names of the petitioners were not included as the project affected families, as because they were under-aged and, as such, their claims were subsequently rejected by the LAO. More so, respective fathers of the petitioners are the project affected families and are entitled to get their R&R benefits as per R&R Policy, 2006, as applicable to them. The same having been accepted, the relief sought by the petitioners cannot be granted.

6. In the above view of the matter, the writ petition merits no consideration and the same is hereby dismissed.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Ashok