

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.5397 of 2022

Subaraj Sai

....

Petitioner

Mr. Dharendra Kumar Mohapatra, Advocate

-versus-

**Dr. Gavali Parag Harshad,
Collector & District Magistrate,
Sundargarh**

....

Opp.Party

Mr. M.K.Khuntia, AGA

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO**

**ORDER
7.12.2022**

Hybrid Mode

Order No.

02.

1. By filing the present petition, the petitioner alleges non-compliance of the order passed by this Court dated 21.02.2022 disposing of W.P.(C) No.23745 of 2021 and further prays the Court to proceed against the opposite party as per the provisions of the Contempt of Courts Act, 1971.

2. Learned Additional Government Advocate submits that compliance affidavit dated 06.12.2022 has been e-filed on 06.12.2022 and also copy has been served on the learned counsel appearing for the petitioner, as per the said affidavit dated 06.12.2022, order dated 21.02.2022 disposing of W.P.(C) No.23745 of 2021 has been complied with.

3. Regarding the steps taken in compliance of this Court's order 21.02.2022 passed in W.P.(C) No.23745 of 2021, following has been stated by the opposite party in the compliance report :

"4. That it is humbly submitted that as per the order of this Hon'ble Court, the petitioner submitted a copy of the

order in the office of the opposite party on 8.3.2022. On receipt of copy of the order of this Hon'ble Court, the Addl. District Magistrate, Sundargarh vide letter dated 28.4.2022 requested the Block Development Officer, Balisankara, District : Sundargarh to submit the fact finding report in respect of the case of the petitioner for compliance of the order of the Hon'ble High Court. The Addl. District Magistrate also forwarded a copy of the letter dated 28.4.2022 to the Tahasildar, Balisankara for verifying the concerned ROR and field status of the alleged land and to submit a report in this regard.

5. That pursuant to the letter dated 28.4.2022, the Tahasildar, Balisankara submitted a report to the Addl. District Magistrate, Sundargarh on 27.05.2022. Thereafter the A.D.M., Sundargarh vide letter dated 5.9.2022 requested the concerned officers as well as the petitioner to attend the hearing on 8.9.2022 in compliance of the order of the Hon'ble High Court.

6. That the hearing was conducted on 8.9.2022 and after perusing the report submitted by the concerned officers and hearing the petitioner, the A.D.M., Sundargarh passed an order holding that so far as claim for payment of compensation is concerned for the land encroached for construction of PMGSY Road, it is not admissible in view of the instruction/guidelines as enumerated in para-4.3.5 of Operation Manual of National Rural Roads Development Agency (NRRDA). Since there is no provision for land acquisition and payment of compensation in respect of PMGSY road, it is not possible to make payment and the Asst. Engineer (RD), Sundargarh has agreed to vacate the encroached land. Accordingly the A.D.M. has instructed the Executive Engineer (R&B) to vacate the encroached portion of the road immediately after lifting of standing crops. A copy of the said proceeding dated 8.9.2022 was communicated to the petitioner vide Memo dated 02.11.2022. A copy of the proceeding dated 8.9.2022 is annexed herewith as Annexure-A/1."

4. In considered opinion of this Court, the order passed by this Court dated 21.02.2022 disposing of W.P.(C) No.23745 of 2021 has been complied with rendering the present contempt petition infructuous.

Accordingly, the contempt petition is dismissed.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

7th December, 2022
Cuttack

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