

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22431 of 2022

Mala Roy and others

.....

Petitioners

Mr. P.R. Patro, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. D. Nayak, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

Mr. JUSTICE G. SATAPATHY

ORDER

05.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Mr. Devadatt Kamat, learned Senior Counsel enters appearance for the petitioners by filing memo of appearance through Mr. P. Ramakrishna Patro, learned counsel for the petitioner. The same be kept on record.

3. Mr. Devadatt Kamat, learned Senior Counsel appearing for the petitioners contended that this is the second journey of the petitioners to this Court. Because of demand raised by the authority, earlier the petitioners had approached this Court by filing W.P.(C) No.9576 of 2019 and during pendency of the said writ petition, the petitioner had deposited the demanded amount of Rs.223,57,04,276/-. Therefore, on the contentions of the learned counsel for the petitioners, the said writ petition was disposed of granting liberty to approach the appropriate forum in accordance with law, if any cause of action still survives. In compliance of the same, the petitioners moved opposite party no.1 by filing

their grievance petition under Annexure-1 dated 22.04.2022 contending that the petitioners are not liable to pay interest on the compensation awarded against them. Therefore, the interest so calculated should be deducted from the total amount and the same should be refunded to them. Due to inaction of opposite party no.1, they filed another grievance petition under Annexure-2 dated 22.07.2022, which is pending for consideration.

4. Mr. D. Nayak, learned Additional Government Advocate contended that the order was passed on 07.07.2022 and the petitioners moved the authority by filing representation under Annexure-2 dated 22.07.2022 alleging inaction of the authority.

5. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that pursuant to the order passed by the apex Court, the compensation amount has been determined, which the petitioners are liable to pay and as such, they have deposited the said amount. But it appears that demand raised by the authority includes interest. Therefore, it is contended by learned Senior Counsel appearing for the petitioners that the petitioners are not liable to pay interest. As a consequence thereof, in compliance of the order dated 07.07.2022 passed in W.P.(C) No.9576 of 2019, the petitioners approached opposite party no.1 by filing representation under Annexure-2 dated 22.07.2022, which is pending for consideration.

6. In that view of the matter, this Court disposes of the writ petition directing opposite party no.1 to consider the representations filed by the petitioners vide Annexures-1 & 2 and pass appropriate order in accordance with law, as expeditiously as possible, preferably within a period of one

month, as undertaken by learned Additional Government Advocate, from the date of production of certified copy this order.

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Alok/Subhasmita

