

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23001 of 2022

Smt. Banalata Dei

....

Petitioner

Mr. Ajit Kumar Mohanty, Advocate

-versus-

**National Highways, Ministry
of Road Transport and
Highways & others**

.... **Opp. Parties**

Mr. U.C. Mohanty, Advocate
(National Highway Authorities)
Ms. P. Naidu, Advocate
(Commissioner of Endowment)

CORAM:

**JUSTICE BISWAJIT MOHANTY
JUSTICE SAVITRI RATHO
ORDER**

13.09.2022

**Order
No.**

2. 1. Heard Mr. A.K. Mohanty, learned counsel for the petitioner, Mr. U.C. Mohanty, learned counsel representing National Highway Authorities (Opposite Party Nos.1 & 2) and Ms. P. Naidu, learned counsel representing Commissioner of Endowment (Opposite Party No.4).
2. According to Mr. Mohanty, the petitioner is the owner in possession of a homestead land appertaining to Mouza: Puri Town, Unit No.32, Kumutipatana, Khata No. 159, Plot No. 263 covering an area of Ac.0.017.50 dec. having her pucca two storied residential building on the said land and according to him, the land along with the said building has been acquired by National Highway Authorities for constructing Matiapada Rail Over Bridge. Though a total compensation of Rs.24,69,674/- has been awarded, however the same has been transferred to the account of Commissioner of Endowment, Odisha (Opposite Party No.4). According to him, though

the above property initially stood in the name of a purely private deity Shree Jageswari Thakurani marfat Malati Panda, however the petitioner purchased a piece of above noted land from said Malati Panda vide Registered Sale Deed bearing No. 4309 dated 26.11.1984 and since the petitioner is in possession of the same since the date of purchase and till acquisition of land, the petitioner is entitled to get the compensation as awarded in L.A. Case No. 2 (43/1) of 2021.

3. During course of hearing, he submits that liberty may be granted to the petitioner to approach the Commissioner of Endowment, Odisha (Opposite Party No.4) in the matter and prays that a direction be issued to the Opposite Party No.4 to take a decision on such representation within a stipulated time period.

4. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to the petitioner to file a comprehensive representation before the opposite party no.4 along with a certified copy of this order through Registered Post within a period of two weeks. In the event, such an application is received by opposite party no.4, he/she is directed to take a decision on the same in accordance with law within a period of four weeks from the date of receiving of such representation and communicate the result of such exercise to the petitioner.

5. The writ application is accordingly disposed of.

6. Issue urgent certified copy as per rules.

7. A free copy of this order be supplied to Ms. Naidu for communication.

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge