

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23869 of 2022

Dibakar Hati

....

Petitioner

*Mr. A.K. Mohanty,
Advocate*

-versus-

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

....

Opp. Parties

*Mr. U.C. Mohanty, Advocate
(For opposite party Nos.1 & 2)
Mr. S.S. Pradhan
Additional Government Advocate
Ms. P. Naidu, Advocate
(For opposite party No.4)*

**CORAM:
JUSTICE BISWAJIT MOHANTY
JUSTICE SAVITRI RATHO**

ORDER

10.10.2022

Order No.

- 01.
1. Heard Mr. A.K. Mohanty, learned counsel for the petitioner, Mr. S.K. Swain, learned counsel on behalf of Mr. U.C. Mohanty, learned counsel, who usually represents 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. 264 covering an area of Ac.0.100 dec. having his 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.7,83,067/- has been awarded, however the same has been transferred to the account of Commissioner of Endowment, Odisha (Opposite Party No.4). According to him, the above property initially stood in the name of a private deity Shree Jageswari Thakurani marfat Malati Panda later on the petitioner purchased a piece of above noted land vide Registered Sale Deed bearing Nos. 2706 & 2707 dated 09.07.1999 and since then, the petitioner is in possession of the same till the said land was acquired. Accordingly, the petitioner is entitled to get the compensation as awarded in L.A. Case No.2(45)/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