

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No. 2044 of 2019

Sarat Chandra Patra & Others

Petitioners

Mr. Manmaya Kumar Dash,
Advocate

-versus-

Nikunja B. Dhal, I.A.S Secretary,
Revenue & Disaster Management
& Others

Opposite Parties

Mr. L. Samantaray, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
11.05.2022

Order No.

- 04.** 1. This matter is taken up by virtual/physical mode.
2. Vide order dated 22nd July, 2019 passed in W.P. (C) No. 10445 of 2018, this Court considering the submission of the Additional Government Advocate that the Land Acquisition Officer, Nayagarh had already recalculated the amount of compensation which was submitted to the Government for certain clarification, disposed of the writ petition with the following observation:

“Considering the fact that the claim of the petitioners has already been considered, a fresh calculation sheet has been prepared and the matter is pending with the Government for clarification, we dispose of this Writ Petition with a direction to the opposite party No.1 to release the amount as calculated by the Land Acquisition Officer, Nayagarh opposite party No.4 in favour of the petitioners, as expeditiously as possible,

preferably within a period of six weeks from the date of receipt of this order.”

3. Alleging non-compliance of the said order within the time stipulation as made in above order, the Petitioners have filed this contempt petition under Section 12 of the Contempt of Courts Act, 1971.

4. This Court issued notice in the contempt vide order dated 3rd December, 2019. In obedience to said notice the Opposite Party No.4 (Land Acquisition Officer, Nayagarh) has filed show cause. For better appreciation Paragraphs 7 & 8 of the said show cause filed by the Land Acquisition Officer, Nayagarh is extracted herein below.

“7. That the office of the deponent received a letter from the office of the learned Advocate General, Odisha regarding contempt petition filed by the petitioners vide letter dated 4.12.2019 and the deponent was directed to take necessary steps to comply the order and submits a compliance report. On receipt of such letter, the deponent passed an award on 21.12.2019 and served notices to the petitioners on 23.12.2019 to appear before the deponent with relevant documents to receive the compensation amount. Copy of the said notice dated 23.12.2019 is annexed herewith as.

8. That pursuant to the notice dated 23.12.2019, the petitioners appeared before the deponent on 01.01.2020 and after submission of required documents, the compensation amount has already been transferred to their accounts through RTGS on the same day i.e., 01.01.2020. A copy of the letter of confirmation by the Bank dated 01.01.2020 is annexed herewith as.”

5. This Court, thus, finds that the Officer concerned has complied with the order dated 22nd July, 2019 passed by this Court

in W.P. (C) No. 10445 of 2018 and there is no willful disobedience or intentional violation of said order.

6. In view of the above, the contempt proceeding stands dropped and the contempt petition is dismissed. The Petitioner is at liberty to pursue its remedy in accordance with law.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

May 11, 2022 Cuttack

