

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C).No.29370 of 2020

Harsh Kumar Primus Lakra

....

Petitioner(s)

Mr.B.K.Mishra, Advocate

-versus-

Land Allotment Committee & Ors.

....

Opposite Party(s)

Mr.S.Ghose, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

07.03.2022

Order No.

12.

1. Heard learned counsel appearing for the parties.
2. This writ petition involves the following prayer:

“In the circumstances stated above it is therefore most humbly submitted that your Lordships may be graciously pleased to direct the Opp.parties to pay adequate and suitable compensation to the petitioner as provided under the provisions of settled laws of Apex Court for depriving him from the landed property including the demolition of the houses and shops well etc. without authority of law and without issuing any notice during pendency of the proceeding and petitioner having perfected his right under Section 8-A of OPLE Act as an admitted fact by the Opp.parties basing on their report under Annexure-5 and as per appellate Court’s order vide Annexure-9 and as per Tahasildar report vide Annexure-10 which infringes the fundamental, constitutional and human rights of the petitioner as guaranteed under the Constitution of India under Article 14, 21 and 300-A of the Constitution of India or your Lordships may be pleased to direct the Opp.parties either to restore the suit land to the petitioner with all damages caused due to demolition of houses etc, or to make adequate and suitable compensation as per market price of the land;

AND

Further be pleased to pass order for payment of compensation within a stipulated period as would fix by your Lordships as the petitioner has become old and since the year 1991 till date

the petitioner is running after the case sincerely only with intent to record the suit land in his favour;

AND

Pass such other order or orders as this Hon'ble Court deems fit and proper;

AND

And for this act of kindness, the petitioner shall as in duty bound ever pray."

3. It appears, petitioner based on the appellate order and the order of the Tahasildar attempted to get an order from this Court in the matter of settlement as well as compensation. Filing the counter affidavit in January, 2021, the competent authority has brought to the notice of this Court that there has been already filing of a revision at the instance of the State Authority against the appeal order involved herein registered as Revision Case No.2 of 2020. There is no denial of pendency of a revision. It is at this stage of the matter, Mr.Mishra, learned counsel for the petitioner advancing his submission challenged the maintainability of the revision before the revisional authority by virtue of a decision of this Court. Undisputedly, the revision is already entertained. Since the revision has been entertained, nothing prevents the petitioner here to advance such submission before the revisional authority. Once a revision is already entertained, the same has to be disposed of lawfully and there is no doubt that the revisional authority can very well consider the maintainability of revision aspect.

4. In this view of the matter, this Court finds the writ petition is presently premature and not entertainable. Consequently, the writ petition stands dismissed.

(Biswanath Rath)
Judge