

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.24935 of 2022

Bhagirathi Dwibedy

.....

Petitioner

Mr. K.A. Guru, Advocate

Vs.

*National Highway Authorities
of India, Sambalpur & Ors.*

.....

Opposite Parties

Mr. Amitav Das, Advocate

(O.P.1)

Addl. Government Advocate

(O.Ps.2 & 3)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

28.11.2022

Order No.

4

This matter is taken up through hybrid mode.

2. Heard Mr. K.A. Guru, learned counsel appearing for the petitioner and Mr. A. Das, learned counsel appearing for opposite party no.1-National Highway Authorities of India.

3. The petitioner has filed this writ petition seeking to quash the order dated 24.08.2022, by which learned District Judge, Deogarh has returned L.A. Ref. Case No.02 of 2021 to CALA-cum-Tahasildar, Deogarh due to non-compliance of the Court's order.

4. Mr. K.A. Guru, learned counsel appearing for the petitioner contended that at the instance of the third party pursuant to order dated 07.09.2016 passed by this Court in W.P.(C) No.14441 of 2016, the matter was referred to the learned District Judge, Deogarh for consideration. But, while considering the same,

learned District Judge, Deogarh has not given opportunity of hearing to the petitioner, though as a co-sharer he has a right to claim the benefit in accordance with law.

5. Mr. A. Das, learned counsel appearing for opposite party no.1-National Highway Authorities of India contended that on the basis of third party interest, direction was given to approach the learned District Judge, Deogarh for determination of the compensation. But instead of entertaining the L.A. Ref Case No.02 of 2021, he returned the same to CALA-cum-Tahasildar, Deogarh due to non-compliance of the Court's order, which itself is arbitrary, unreasonable and contrary to the provisions of law.

6. Having heard learned counsel appearing for the parties and with their consent, the order dated 24.08.2022 passed by the learned District Judge, Deogarh in L.A. Ref. Case No.02 of 2021 is quashed and the matter is remitted to the said authority for due adjudication in accordance with law by giving opportunity of hearing to all the parties. While deciding the matter, learned District Judge, Deogarh shall take into consideration the award passed in favour of the petitioner in accordance with law.

7. With the above observation and direction, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE

Alok