

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 25598 of 2022

Bhupen Kumar Nayak & Others

.....

Petitioners

Mr. B.B. Behera, Adv.

Vs.

Union of India and Others

.....

Opposite Parties

Mr. P.K. Parhi, A.S.G.I.

Mr. S.S. Pradhan, A.G.A.

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE SAVITRI RATHO

ORDER

29.09.2022

Order No.

01.

1. Heard Mr. B.B. Behera, learned counsel for the petitioner, Mr. S.S. Pradhan, learned Additional Government Advocate and Mr. P.K. Parhi, learned Deputy Solicitor General of India for Odisha.
2. At the outset, Mr. Behera is permitted to correct the description of opp. party no.5 in Court today.
3. According to Mr. Behera, the petitioners are aggrieved by low quantum of compensation awarded to them as indicated under Annexure-3 series. According to him petitioners are entitled to much more under law as their residential houses stand over acquired Plot Nos. 41 and 42 covered by Khata No.9 of Mouza Dighi under Talcher Tahasil in the district of Angul.
4. Mr. Pradhan, learned Additional Government Advocate submits that if the petitioners have any grievance with regard the quantum, they should have approached the Collector, Angul-opp. party no.5 under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. Mr. Behera submits that pursuant to the intimation under Annexure-3 series, the petitioners have not yet received the compensation amount and liberty may be granted to the petitioners to approach the Collector, Angul (opp. party no.5) for redressal of their grievances. He further submits that for the interregnum the interest of the petitioners be protected vis-a-vis the residential buildings standing over Plot Nos.41 and 42.

6. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to the petitioners to approach the Collector -cum- District Magistrate, Angul (opposite party no.5) within a week along with a copy of this order, in the event such a motion is made, the opp. party no.5 is directed to take a decision on the same in accordance with law particularly keeping in view Section 64 of the above noted Act, within a period of two weeks from the date of receipt of such petition along with the copy of this order and communicate the result of such exercise to such petitioners. Till the Collector takes such a decision on such motion, no coercive action shall be taken against the petitioners vis-a-vis the above noted two plots.

7. With the aforesaid observations and directions, the writ petition is disposed of.

8. Urgent certified copy of the order be granted on proper application.

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge

Sukanta