

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.30655 of 2021
(Through hybrid mode)**

Chandradhwaja Bhatara

....

Petitioner

Mr. Niranjana Maharana, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. A.K. Sharma, AGA

CORAM: JUSTICE ARINDAM SINHA

**ORDER
24.09.2022**

**Order
No.**

10.

1. Mr. Maharana, learned advocate appears on behalf of petitioner. He submits, his client's cultivable land was flooded consequent to the National Highway Division constructing culvert.
2. It appears the writ petition was called for hearing on several occasions and State. had relied upon joint verification report, regarding which Court in order dated 29th June, 2022 said as follows.

“3. It appears, the joint field verification report was on verification made in absence of petitioner since, record of persons present does not mention him. Nevertheless, the verification as reported says in effect that the culvert caused, as a consequence of its construction, land owner downstream to petitioner constructing mud ridge. It does appear from the report that prior to construction of the mud ridge, water used to drain through petitioner and the

downstream owner's land, into the natural canal. By narrowing the passage of water flow, the volume and force of flow appears to have increased. The downstream owner constructed a ridge, which appears to have caused petitioner's land to be flooded. This is Court's appreciation of the report.

2. Today Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and hands up, inter alia, copy of letter dated 23rd August, 2022, of instructions issued by the National Highway Division. Text of the letter is reproduced below.

"In inviting a kind reference to the subject cited above, the BDO, Borigumma has agreed to start the work once rainy season is over.

This is for favour of kind information and necessary action"

3. Mr. Maharana submits, there also be direction for payment of compensation on crop loss since year 1993. He submits, though there is omission to mention same in the prayers, in the cause title itself his client had sought payment of compensation. Description of the writ petition from the cause title is extracted below.

"An application seeking a direction from the Hon'ble Court to the Opp. Parties to shot out the matter and pay the appropriate compensation due to Crop Loss since 25 years."

4. State is directed to cause execution of the project mentioned in letter dated 23rd August, 2022 by 31st December, 2022. Petitioner has not prayed for compensation in the writ petition. He may approach the appropriate authority regarding his claim.
5. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks

