

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 1326 of 2022

Arati Pattanaik & others **Appellants**

Mr. Samvit Mohanty, Advocate

-versus-

State of Odisha & others **Respondents**

Mr. L. Samantaray, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M. S. SAHOO

ORDER (Oral)

15.11.2022

Hybrid Mode

Order No.

- 02.** 1. The present intra court appeal is directed against the order dated 22.09.2022 passed by the learned Single Judge in W.P.(C) No.24626 of 2022, which for ready reference is reproduced herein:-

“2. Learned counsel for the petitioners contended that since the house, which is situated over the land appertaining to Khata No.45, Plot No.587, Area Ac.0.122 dec. Mouza-Bhubaneswar, Unit No.29, Tahasil-Bhubaneswar in the district of Khurda and which the petitioners are in occupation, has been demarcated by the authority for acquisition, the petitioners are entitled to compensation for the land to be acquired by the authority.

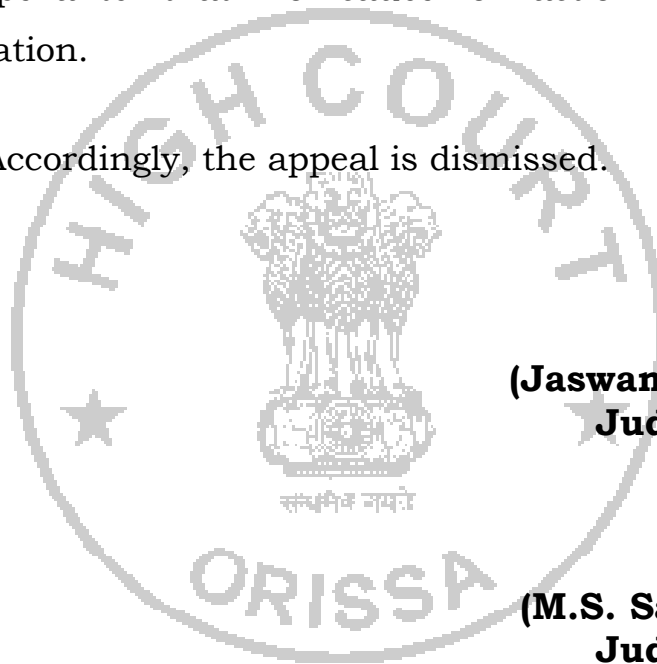
3. At the outset, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioners to pursue their remedy before the appropriate forum in accordance with law, if they are so advised.

4. With the aforesaid liberty, the writ petition stands disposed of.”

2. Mr. Samantaray, learned Addl. Govt. Advocate upon instructions from the authorities concerned states that in case, any land which is owned by the appellants is required for expansion of road, the same shall be acquired in accordance with law upon payment of due compensation with the caveat that they shall not be entitled to any compensation on account of unauthorized occupation of Govt. land.

3. In view of the aforesaid, it is conceded by the counsel for the appellants that no cause of action survives for adjudication.

Accordingly, the appeal is dismissed.



(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

November 15th 2022
Cuttack