

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 26700 of 2022

Praphulla Kumar Sahu ***Petitioner***

Mr. Jyotirmaya Sahoo, Advocate

-versus-

Collector, Kalahandi and another ***Opp. Parties***

Mr. Baibaswata Panigrahi,
Additional Standing Counsel
(For Opposite Party No.1)

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
24.11.2022**

Order No.

- 02.
1. This matter is taken up through Hybrid mode.
 2. Petitioner in this writ petition seeks to assail the order dated 15th July, 2022 (Annexure-2) passed by Collector and District Magistrate, Kalahandi in Misc. Case No.12 of 2022.
 3. Mr. Sahoo, learned counsel for the Petitioner submits that in spite of availability of vacant government land, Opposite Party No.2-General Manager (Construction), Odisha Power Thermal Corporation Ltd., Southern Division, Berhampur is contemplating to draw EHT line of 230/130 KV line over Plot Nos.288 and 289 recorded in the name of the father of the Petitioner. Due to such action of Opposite Party No.2, land of the Petitioner is being damaged and he will be deprived of his livelihood. Assailing said action of the authority the Petitioner had approached this Court in W.P.(C) No.13370 of 2022, which was disposed of vide order dated 27th May, 2022 with an observation that if any application is made to the Collector and District Magistrate, Kalahandi he shall take a lawful decision on

the same by giving a personal hearing to the Petitioner within a period of one month. Accordingly, application of the Petitioner was taken up for consideration by the Collector-Opposite Party No.1 in Misc. Case No.12 of 2022. After giving personal hearing to the Petitioner, the said application was rejected on 15th July, 2022 under Annexure-2. Assailing the same, this writ petition has been filed.

4. Mr. Sahoo, learned counsel for the Petitioner further submits that the grounds taken in the representation/application of the Petitioner is not dealt with in detail by the Collector. As such, the impugned order is cryptic and non-speaking. Hence, the same is liable to be quashed/set aside.

5. Considering the submission of learned counsel for the Petitioner and on perusal of the impugned order, it appears that EHT line is proposed to be drawn in public interest. Hence, the Petitioner is entitled to appropriate compensation under the provisions of Indian Telegraph Act, 1885.

6. In that view of the matter, the writ petition is disposed of with an observation that in the event the Petitioner moves the appropriate authority for compensation the same shall be considered in accordance with law.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge