

THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 32422 OF 2021

Arakshita Meher

....

Petitioner

Mr. Trilochan Nanda, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Prasnnajit Mohapatra,
Additional Standing Counsel

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE K.R.MOHAPATRA

ORDER

12.01.2022

Order No.

04. This matter is taken up through Video Conferencing Mode.
2. Heard Mr. Nanda, learned counsel for the Petitioner and Mr. Mohapatra, learned ASC.
3. According to Mr. Nanda, present writ petition has been filed on account of inaction of Opposite Parties in paying him compensation amount in connection with Plot No.1316, Holding No.161 covering an area of Ac.0.01 decimal situated in Mouza-Chudapali in the district of Bolangir. His case is that the above noted Plot was recorded in the name of Mena Meher in the current settlement Record of Rights. Said Mena Meher died in the year 1980 leaving behind three sons, namely, Binod, Hrushi and Pitambar. After the death of Mena Meher, there was an amicable family arrangement and the land in question fell into the share of Hrushi Meher. Hrushi Meher sold the land to the petitioner on 16th March, 1981 and gave delivery of possession. Accordingly, the petitioner got the land mutated in his favour vide Plot No.16, Holding No.229/188 of Mouza-Chudapali in the district of Bolangir. On 12th August, 2012, Binod, Hrushi and

Pitambar created disturbance in the peaceful possession of the Petitioner over the land for which the Petitioner was constrained to file Civil Suit No.57 of 2012 in the Court of learned Civil Judge (Junior Division), Bolangir for declaration of his right, title and interest over the suit land. Ultimately the said suit was decreed on contest vide judgment dated 15th September, 2012 and copies of such judgment and decree have been annexed to the writ petition as Annexures-1 and 2 respectively. Thereafter, mutation ROR was prepared by Tahasildar, Bolangir in favour of the Petitioner under Annexure-3. In the meantime, land acquisition for lower Suktel Irrigation Project has commenced from 2004 and acquisition of the aforesaid plot was wrongly carried out by the Opposite Parties accepting Binod, Hrushi and Pitambar as the rightful owners of the suit land and ultimately compensation amount was disbursed to them.

3.1 After the Civil Suit was decreed in his name, the Petitioner filed detailed representation dated 1st July, 2021 before the Special Land Acquisition Officer, Lower Suktel Irrigation Project, Bolangir-Opposite Party No.3) under Annexure-4 praying for disbursement of the awarded amount in respect of Holding 229/188 (which was earlier Holding No.161) in his favour. When nothing was done the present writ petition has been filed.

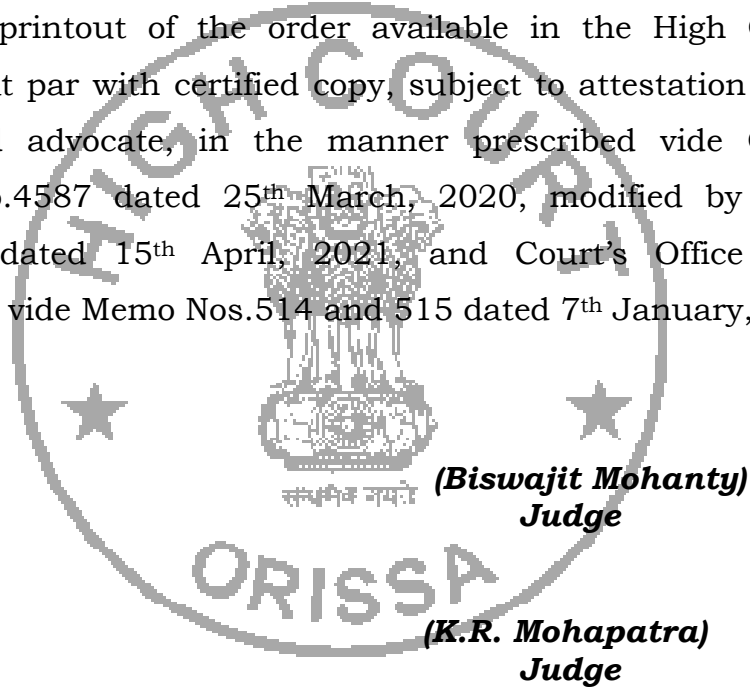
4. Counter affidavit has been filed by Opposite Party Nos. 2 and 3 taking the following stand:-

“5. That it is submitted that on the date of acquisition of the land though the petitioner was possessing the land but because of non-inclusion of his name in the ROR and nonpayment of compensation calculated thereof, the petitioner filed a suit vide Civil Suit No.57/2012, which came to be decreed vide order dated 15.09.2012 in favour of the petitioner and accordingly ROR was corrected by the Tahasildar, Bolangir in Mutation Case No.8/31/16 and on 2.6.2017 the ROR was issued in favour of the petitioner. Since by virtue of the aforesaid ROR, the petitioner became the owner of the land, the compensation/award which was paid to the successors of interest of late Meena Meher, steps have been taken to recover the same from them and to pay the same to the petitioner. It is pertinent to

mention here that every possible steps have been taken to pay the compensation to the petitioner in lieu of the land acquired for the project after observing official process which would take a reasonable period of two months, hence the allegations and averments made in different paragraphs of the writ petition are not correct and hereby denied.”

5. In view of the stand taken by Opposite Party Nos. 2 and 3 in the counter affidavit as quoted above, this Court disposes of the present writ petition directing the opposite party nos.2 & 3 to disburse the compensation amount in favour of the Petitioner within a period of three months hence.

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.



s.s.satapathy