

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 27649 of 2022

Bhgyadhar Pradhan and others

Petitioners

Mr. S.P. Das, Advocate

Vs.

*Land Acquisition Officer and
Competent Authority, Cuttack
and another.*

Opposite Parties

Mr. A. Das, Advocate (O.P.2)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

08.12.2022

Order No.
01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.P. Das, learned counsel for the petitioners and Mr. A. Das, learned counsel for opposite party no.2.

3. The petitioners have filed this writ petition seeking direction to opposite party no.1 to release the compensation determined under Annexure-3 in favour of the petitioners keeping in view the affidavit under Annexure-5 series. The petitioners have further prayed for a direction to the effect that pendency of proceeding before the learned District Judge with regard to apportionment shall not be a bar for the Land Acquisition Officer to release the compensation amount.

4. Learned counsel for the petitioners contended that the petitioners and the co-sharers have gone for an amicable settlement by executing affidavit under Annexure-5 series. Therefore, taking into consideration of the said amicable settlement, the amount of compensation should have been released in favour of the petitioners.

5. Mr. A. Das, learned counsel appearing for opposite party no.2 by

filing a counter affidavit contended that the matter is pending before the learned District Judge, Cuttack in NHLA (REF) Case No. 02/2022 under Section 3H(4) of the N.H. Act, 1956. Therefore, if the petitioners are claiming for the apportionment of the compensation amount and release of the same in their favour on the basis of the amicable settlement, they may approach the said forum, so that the matter can be disposed of in accordance with law.

6. Having heard learned counsel for the parties and after going through the records, since the parties have arrived at an amicable settlement and the petitioners claims the apportionment of the compensation amount and release of the same in their favour on the basis of the amicable settlement, it is open to the petitioners to approach the learned District Judge, Cuttack in NHLA (REF) Case No. 02/2022 under Section 3H(4) of the N.H. Act, 1956, so that learned District Judge can pass appropriate order in accordance with law.

7. With the above observation, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE

Arun