

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.33984 of 2021

Sabitri Bhuyan & another

....

Petitioners

Mr.S.P.Das,
Advocate

-versus-

***Special Land Acquisition
Officer-cum-Competent
Authority, Keonjhar & another***

....

Opposite parties

*Mr.A.Das,
Advocate for O.P. No.1*

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE K.R.MOHAPATRA

ORDER

Order No.

04.02.2022

- 02.
1. This matter is taken up by video conferencing mode.
 2. Heard Mr.S.P.Das, learned counsel for the petitioners and Mr.A.Das, learned counsel representing National Highways Authority of India.
 3. At the outset, on the oral prayer of Mr.Das, learned counsel for the petitioners, he is permitted to implead Regional Director, National Highways Authority of India at 3rd Floor, Pal Heights, Jayadev Vihar, Bhubaneswar as opposite party No.3. Officer is directed to make consequential corrections in the cause title.
 4. According to Mr.Das the petitioners are aggrieved by inaction of the authorities in releasing the compensation amount determined by the competent authority under Section 3-G of the National Highways Act, 1956 in respect of left out structure on Plot No 940 under Khata No. 85 in the village Jarada in the district of Keonjhar within a stipulated period.

5. It is found from the counter affidavit filed on behalf of the Special Land Acquisition Officer-cum-Competent Authority that the case for sanction and placement of funds towards compensation for left-out structure in respect of village Jarada under Ghasipura Tahasil has already been recommended to the Project Director N.H.A.I vide letter dated 1.6.2018 under Annexure-E/1. Mr. A.Das submits that since sanction has not been made by the Regional Director, National Highways Authority of India, Bhubaneswar (opposite party No.3) the amount has not yet been released in favour of the petitioners.

6. During course of hearing, Mr. Das submits that liberty may be granted to the petitioners to file a representation before the Regional Director, National Highways Authority of India, Bhubaneswar (opposite party No.3) in the matter and the said opposite party be directed to take a decision on such motion at an early date.

7. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to the petitioners to file a representation before opposite party No.3 through registered post within a period of two weeks from today. In the event, such a representation is filed along with a copy of this order, the opposite party No.3 would do well to take a decision on the same in accordance with law within a period of three months from the date of receipt of such representation. If it is found that the petitioners are entitled to the compensation as claimed the same shall be released to them forthwith within a period of four weeks from the date of taking such decision.

8. Accordingly, the writ petition is disposed of.

9. 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.

Kishore

(Biswajit Mohanty)
Judge

(K.R.Mohapatra)
Judge

