

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.29882 2022

Baikuntha Majhi

.....

Petitioner

Mr. M.K. Mohapatro, Advocate

Vs.

State of Orissa & Ors.

.....

Opposite Parties

Mr.P.K.Muduli, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

16.11.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. M.K. Mohapatro, learned counsel appearing for the petitioner and Mr. P.K. Muduli, learned Additional Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to sanction and disburse the compensation amount in favour of the petitioner in connection with L.A. Misc. Case No.46 of 2015 arising out of LAC No.19 of 2010 within a stipulated period.

4. Mr. M.K. Mohapatro, learned counsel appearing for the petitioner contended that earlier the petitioner had approached this Court by filing W.P.(C) No.34847 of 2021, which was disposed of, vide order dated 20.01.2022 with a direction to the petitioner to pursue his remedy under Section 28-A of the Land Acquisition Act, 1894. In compliance of the said order, the petitioner made his grievance, which was considered by the authority vide order dated 10.05.2022 under Annexure-5. It is contended that till date compensation has not been paid to the petitioner, for which he is facing hardship.

5. Mr. P.K. Muduli, learned Additional Government Advocate appearing for the State-opposite parties contended that in compliance of the order dated 20.01.2022 passed by this Court in W.P.(C) No. 34847

of 2021, since the Spl. Land Acquisition Officer, UIIP, Kusumkhunti has already disposed of the application of the petitioner under Section 28-A of the Land Acquisition Act, 1894, namely, L.A Misc. Case No.46 of 2015, vide order dated 10.05.2022 under Annexure-5 by submitting all the documents before the Government for sanction of the amount, the writ petition may be disposed with a direction to opposite party no.2 to consider the same and pass appropriate order.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court is of the considered view that since the application of the petitioner under Section 28-A of the Land Acquisition Act, 1894, namely, L.A Misc. Case No. 46 of 2015 has been disposed of, vide order dated 10.05.2022, in compliance of the order dated 20.01.2022 passed by this Court in W.P.(C) No.34847 of 2021, the petitioner is entitled to get compensation. Accordingly, this Court directs opposite party no.2 to take a decision and disburse the amount admissible to the petitioner, in compliance of the order dated 10.05.2022 under Annexure-5, as expeditiously as possible preferably within a period of two months from the date of production/communication of the certified copy of this order.

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

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Subrat