

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.29887 2022

<i>Disambar Majhi & Another</i>	<i>.....</i>	<i>Petitioners</i>
		<i>Mr. M.K. Mohapatro, Advocate</i>
	<i>Vs.</i>	
<i>State of Orissa & Ors.</i>	<i>.....</i>	<i>Opposite Parties</i>
		<i>Mr.P.K.Muduli, AGA</i>

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 petitioners and Mr. P.K. Muduli, learned Additional Government Advocate appearing for the State-opposite parties.

3. The petitioners have filed this writ petition seeking direction to the opposite parties to sanction and disburse the compensation amount in favour of the petitioners in connection with L.A. Misc. Case No.62 of 2015 arising out of LAC No.41 of 2010 within a stipulated period.

4. Mr. M.K. Mohapatro, learned counsel appearing for the petitioners contended that earlier the petitioners had approached this Court by filing W.P.(C) No.36207 of 2021, which was disposed of, vide order dated 21.01.2022 with a direction to the petitioners to pursue their remedy under Section 28-A of the Land Acquisition Act, 1894. In compliance of the said order, the petitioners made their 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 petitioners, for which they are 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 21.01.2022 passed by this Court in W.P.(C) No. 36207

of 2021, since the Spl. Land Acquisition Officer, UIIP, Kusumkhunti has already disposed of the application of the petitioners under Section 28-A of the Land Acquisition Act, 1894, namely, L.A Misc. Case No.62 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 petitioners under Section 28-A of the Land Acquisition Act, 1894, namely, L.A Misc. Case No. 62 of 2015 has been disposed of, vide order dated 10.05.2022, in compliance of the order dated 21.01.2022 passed by this Court in W.P.(C) No.36207 of 2021, the petitioners are entitled to get compensation. Accordingly, this Court directs opposite party no.2 to take a decision and disburse the amount admissible to the petitioners, 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