

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36106 of 2021

Sarojini Pattnaik

....

Petitioner

*Mr. J.N. Panda,
Advocate*

-versus-

**Commissioner of
Endowment, Odisha,
Bhubaneswar & another**

....

Opp. Parties

*Ms. P. Naidu, Advocate
(For opposite party No.1)*

*Mr. A.K. Nanda,
Additional Government Advocate*

**CORAM:
JUSTICE BISWAJIT MOHANTY
JUSTICE SAVITRI RATHO**

ORDER

28.07.2022

Order No.

- 10.
1. Heard Mr. J.N. Panda, learned counsel for the petitioner, Ms. P. Naidu, learned counsel for opposite party No.1 and Mr. A.K. Nanda, learned Additional Government Advocate.
 2. In this case, the petitioner has prayed for quashing of the impugned order dated 22.10.2021 passed by the Commissioner of Endowments, Odisha under Annexure-4 with a further prayer for a direction to opposite party No.1 to release the compensation amount in her favour as her Plot No.1144/4319 under Khata No.1057/603 in mouza-Kunjabanagada falling in the district of Nayagarh has been acquired by the authorities for the purpose of construction of Khurda-Bolangir Railway Line. Though the petitioner has prayed for quashing of Annexure-4, however, on perusal of the same, we do not find any decision

having been taken by the Commissioner of Endowments, Odisha by passing any final order because of the confusion involving the plot which has been acquired. Rather on account of the earlier direction of the Court fixing the time frame for disposal of the representation, the same has been simply disposed of. In such background, quashing of the same would serve no purpose.

3. When queried, Mr. A.K. Nanda, learned Additional Government Advocate relying upon the affidavit dated 13.07.2022 filed by the Land Acquisition Zone Officer, Khurda Road-Bolangir New B.G. Rail Link Project (opposite party No.2) submits that the Plot No.1144/4319 under Khata No.1057/603 in Mouza-Kunjabanagarh covering an area of Ac.0.500 decimals stands recorded in the name of the petitioner and out of the above noted area, an area of Ac.0.060 decimals was acquired for the KRB New B.G. Rail Link Project. However as the acquired land was initially recorded in the name of deity, which was later on purchased by the petitioner, the compensation amount has been deposited with opposite party No.1.

4. After hearing the submissions, we are of the opinion that since it is clear that acquired land belongs to the petitioner, the Land Acquisition Officer, Khurda Road-Bolangir New B.G. Rail Link Project (opposite party No.2) should have disbursed the compensation amount to her instead of sending the same to the Commissioner of Endowments, Odisha. Since the compensation amount is now available with the Commissioner of Endowments, Odisha, we direct the Commissioner of Endowments, Odisha to return the appropriate amount of compensation along with interest, if any, within a period of four weeks to opposite party No.2, who in turn is directed to disburse the same to the petitioner forthwith.

5. Accordingly, this writ petition is disposed of.

6. Urgent certified copy of this order be granted on proper application.

7. Free copy of this order be handed over to Ms. P.Naidu,

learned counsel for opposite party No.1 and Mr. A.K. Nanda,
learned Additional Government Advocate for onward
transmission and compliance.

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge

Prasant

