

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 31400 of 2022

Govind Chandra Pani and others

.....

Petitioners

Mr. S.K. Dash, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

29.11.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Dash, learned counsel appearing for the petitioners and Mr. H.M. Dhal, learned Addl. Government Advocate appearing for the State-opposite parties.

3. The petitioners have filed this writ petition seeking direction to the opposite parties to take all such measures, as may be permissible under the Land Acquisition, Rehabilitation and Resettlement Act, 2013, as well as the Rules framed thereunder, and the Rehabilitation and Resettlement Policy, 2006, and to provide alternative site for construction of residential house.

4. Mr. S.K. Dash, learned counsel appearing for the petitioners contended that petitioners are the Sebayats of the deity “Maa Biraja Bije Jajpur”, for which homestead land was provided to them, over which they had been residing since the time of their fore-fathers by constructing residential building. But for the development of the deity, the land which was provided to them, has been withdrawn. It is contended that for the building, which was constructed over the said land, the petitioners have already compensated. But their claim is that if their residential buildings have been demolished, they

should have been provided alternative site for construction of residential house, so that they can survive, as they have become homeless because of acquisition of land by the authority concerned. It is further contended that similarly situated persons have been allotted with alternative site for construction of their residential house. If such steps have already been taken by the authority, the case of the petitioners should have been considered in accordance with law.

5. Mr. H.M. Dhal, learned Addl. Government Advocate appearing for the State-opposite parties contended that since the land belonged to the deity and for development of the deity, the land has been acquired, the petitioners have no right to claim that they should have been extended with the benefits under R&R Policy. It is contended that the petitioners have already been paid with the compensation for the construction raised by them over the said land. Therefore, once the benefit has been extended, now the petitioners cannot claim that they should have been provided with alternative site. It is further contended that if on any occasion it is decided to settle the Sebayats of the deity in any alternative site, then in that case, the petitioners will have a right to claim such benefit.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the land in question, where the petitioners had constructed their buildings long since, has been acquired by the Government for development of the deity and, as a consequence thereof, the petitioners have deprived of their residential accommodation. As such, the buildings, which are constructed over the said land, have been demolished, for which the petitioners have already been compensated long since. But fact

remains, since the residential houses of the petitioners are already demolished, if any decision is taken by the authority to provide alternative site to the Sebayats of the deity, in that case, the case of the petitioners shall be considered by the authority and the benefit of alternative site shall be provided to them, as their constructed houses over the existing land have already been acquired by the Government for the purpose of development of the deity.

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

Issue urgent certified copy as per rules.

Ashok



(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE