

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.7639 of 2021

Gajadei Majhi

.... Petitioner

Mr. Bhaskar Samantaray, Advocate

-versus-

***Rajendra Kumar Pattnaik,
Director (R&R)-cum-
Joint/Addl. Secretary to
Govt. of Odisha, Water
Resources Department,
Odisha***

***.... Contemnor/
Opp. Party***

Mr. L. Samantaray, AGA

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO**

**ORDER (Oral)
01.11.2022**

Order No.

06.

This matter is taken up through hybrid arrangement.

1. The present Contempt Petition has been filed for the alleged violation of the order dated 9th November, 2020, whereby the authorities were directed to decide the application filed by the petitioner-land loser under Section 28(A) of the old Land Acquisition Act, 1894 for redetermination of enhanced compensation based on the award dated 3rd July, 2018 passed by the Reference Court in LAR No.5 of 2013.

2. Upon notice, Mr. L. Samantaray states that a compliance affidavit of Sri Alok Kumar Kar, Director (R&R), Water Resources Department has been filed in the Registry on 31st October, 2022, the same however is not available on record.

Mr. L. Samantaray served an advance copy of the affidavit on Mr. Bhaskar Samantaray, learned counsel for the petitioner in Court today.

Mr. L. Samantaray further states that the application dated 9th August, 2018 filed u/S. 28(A) was within time, however, the same has been rejected in view of the claim for enhanced compensation not being at the rate awarded in the order dated 3rd July, 2018 passed in LAR No.5 of 2013 by the Reference Court. He further submits that the petitioner is free to make a fresh application with correct particulars in continuation of his previous application dated 9th August, 2018, which shall be decided in accordance with law.

3. In view of the aforesaid stand, learned counsel for the petitioner prays for permission to withdraw the present Contempt Petition so as to enable the petitioner to file a fresh application, as aforesaid.

Accordingly, the present Contempt Petition stands dismissed as withdrawn with the aforesaid liberty.

It is hoped that the application filed by the petitioner shall be decided within three weeks of the date of application.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge