

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.40715 of 2021

Rabinarayan Behera & Ors.

....

Petitioner(s)

Mr. N. Panda (1),
Advocate

-versus-

The Collector, Dhenkanal & Ors.

....

Opposite Party(s)

Mr. R.P. Mohapatra,
Advocate

CORAM:
JUSTICE BISWANATH RATH
ORDER
10.01.2022

Order No.

2.

1. This matter is taken up by video conferencing mode.
2. Undisputedly, even though there is acquisition of 12 decimals of land of the Petitioners, for the action of the competent authority in encroaching the land beyond 12 decimals, this Court is of the opinion that nothing prevented the Petitioners to go for suit for injunction. It is, keeping this in view Mr. Panda, learned counsel for Petitioners vide order dated 7.01.2022 was directed to find-out, if the Petitioners are debarred from agitating under any other law.
3. During course of hearing of the proceeding on the above question today Mr. Panda, learned counsel for the Petitioners adverting to the provisions contained in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013 attempted to answer the Court that there is clear bar for institution of a suit. For the undisputed fact that present dispute relates to the land beyond the acquisition area, this Court is of the clear

opinion that for the involvement of the dispute involving the land beyond the acquisition, there is no bar for institution of a suit.

4. With the aforesaid direction the writ petition stands disposed of.

5. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

