IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.9988 of 2025

1. ***Sridhar Swain***
2. ***Manas Beura***
3. ***Hadibandhu Beura*** …. ***Petitioners***

Mr. Samarendra Beura, Advocate

-versus-

State of Odisha and others …. ***Opp. Parties***

Mr. Gyanalok Mohanty, Standing Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. SAHOO

THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER

12.05.2025

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This writ petition has been filed by the petitioners, inter alia, with a prayer for payment of compensation under the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Signature Not Verified
Digitally Signed
Signed by: RAJESH KUMAR BADHEI
Designation: Junior Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 14-May-2025 10:44:47

When the matter was taken up 21.04.2025, learned counsel for the petitioners drew the attention of this Court to paragraph no.8 of the writ petition, wherein the detail particulars of khata, plot, kisam and area of land of the respective petitioners have been mentioned, which are stated to have been utilized for construction of river embankment and it is the further case of the petitioners that they have

not been paid any compensation amount for such land.

We asked learned counsel for the State to obtain instruction in that respect.

Today, learned counsel for the State has produced the letter dated 28.04.2025 of Tahasildar, Damapada, wherein it is stated as follows:

> "1. That, in connection with the claim for compensation by certain farmers of Nistipur village under Damapada Tahasil regarding the construction of Mahanadi River Right Embankment and Rana River Right Embankment, it is submitted that as per the report given by the Superintendent Engineer, Khordha Irrigation Division, the said embankments are the existing structures prior to the year 1982.
>
> 2. That, as per the report given by the Superintendent Engineer, Khordha Irrigation Division, the restoration works were confined to the existing embankments without any fresh encroachment over private land, and were carried out with the willingness and consent of the landowners. (Annexure-I)
>
> 3. That, upon the direction of this Hon'ble High Court seeking necessary instructions from the Tahasildar, Damapada, it is humbly submitted that in accordance to the inquiry report provided by Revenue Supervisor, Damapada wherein it has been found that the primary objective behind the construction and restoration of the embankment was to preserve the soil and prevent sandcasting

on farmland during floods. The embankment serve a public purpose and are not intended for any commercial or private gain. Further, it has been observed that the areas adjoining the Rana River in Nistipur village are under active cultivation with various seasonal crops. Undertaking demarcation work at present would result in damage to standing crops, causing hardship to the farmers. Consequently, it is difficult at this stage to precisely determine the extent of the area occupied by the embankments and the riverbed. It is therefore submitted that the field verification and detailed demarcation may need to be deferred till the harvesting of the current crop season. (Annexure-II)

4. That, in order to verify and ascertain whether there has been any encroachment upon private lands during the restoration work, it is necessary to undertake a detailed demarcation of the area in question.

5. That, however, the Tahasil office, Damapada, currently has only one Amin available for carrying out demarcation work. Due to limited manpower and the requirement to concurrently manage regular office functions along with the proposed detailed demarcation work, the process is expected to be time-consuming and cumbersome.

6. Therefore, it is most respectfully prayed that this Hon'ble Court may kindly grant a reasonable time period for carrying out the necessary demarcation work. Alternatively, it is also prayed that direction may be issued to deploy staff to

assist in the demarcation process to enable timely completion and proper reporting to this Hon'ble High Court.

7. The Tahasil office assures this Hon'ble High Court of its full cooperation and commitment to conducting the demarcation and submitting an accurate report upon completion of the necessary formalities".

The letter dated 28.04.2025 of Tahasildar, Damapada is taken on record.

The letter of the Superintendent Engineer, Khordha Irrigation Division, Khordha is also attached to the letter of the Tahasildar, Damapada so also the report of the Amin, which are also taken on record.

Thus, on a perusal of the report submitted before this Court, we find that the areas adjoining the Rana River in Nistipur village are now cultivated with various seasonal crops and if at this juncture, the demarcation work is carried out, it would cause damage to the standing crops, which would lead to the hardship of the farmers and therefore, at this point of time, it would not be possible to determine the extent of the area occupied by the riverbed and embankment and therefore, it is requested that the field verification and detailed demarcation are required to be deferred till the current crop is harvested.

Since, without the field verification and detailed demarcation work, it would not be possible to

ascertain the correctness of the averments taken in the writ petition in paragraph no.8 relating to the construction of the river embankment on the lands of the petitioners, it would be proper that after the current standing crops are removed from the field, the field verification and detailed demarcation works are carried out.

Accordingly, we dispose of the writ petition with observation that after removal of the standing crops, immediate steps shall be taken for field verification and a detailed demarcation by the authority concerned with prior written notice to the petitioners to remain present at that time and a copy of the report in that respect shall also be provided to each of the petitioners. After preparation of the report, if the authority finds that any land of the petitioners as has been mentioned in paragraph no.8 has been utilized for construction of river embankment etc. for which no compensation has been paid, steps shall be taken in that respect. After receiving the report, the petitioners are also at liberty to take appropriate steps in accordance with law.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

Rajesh