IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.33760 of 2025

Dhirendra Kumar Swain .... ***Petitioner***
Mr.Amit Prasad Bose, Advocate

-versus-

State of Odisha and others .... ***Opposite Parties***
Mr.Manmaya Kumar Dash, Addl. Standing Counsel

CORAM:
JUSTICE K.R.MOHAPATRA
JUSTICE MURAHARI SRI RAMAN

ORDER
29.11.2025

Order No.

01. This matter is taken up through hybrid mode.

2. Petitioner in this writ application prays for a direction to the Authorised Officer-cum-L.A.O., Haridaspur-Paradeep Line Project-cum-Tahasildar, Dharmasala (Opposite Party No.2) to consider his grievance under Annexures-6 and 7 to the writ application before disbursal of the compensation in favour of Opposite Party Nos.3 to 7.

3. Mr.Bose, learned counsel for the Petitioner submits that the land stood recorded in the name of Sukadev Swain, father of the Petitioner. The property in question was self- acquired property of said Sukadev Swain. During his life time, said Sukadev Swain executed a plain paper Will in favour of the Petitioner. After death of said Sukadev Swain, the Petitioner has filed Test Case No.5 of 2025 which is pending before the District Judge, Jajpur for probate of the Will.

4. When the matter stood thus, the land in question was acquired for construction of Haridaspur-Paradeep Line Project.

5. Thus, the Petitioner filed an application/representation before the Authorised Officer-cum-L.A.O., Haridaspur-Paradeep Line Project-cum-Tahasildar, Dharmasala (Opposite Party No.2) to consider his case for disbursal of the compensation amount for acquisition of the land. The Opposite Party No.2 without considering such application/representation, passed an award and vide notice dated 26.11.2025 directed the Petitioner as well as Opposite Party No.3 to 7 to furnish bank details for disbursal of the compensation.

6. It is the submission of Mr.Bose, learned counsel for the Petitioner that in view of the Will executed by Sukadev Swain, the Opposite Party Nos.3 to 7 have no semblance of right over the land in question. A Probate proceeding is also pending consideration before the learned District Judge, Jajpur.

7. At this juncture, if the compensation is released in favour of the Opposite Party Nos.3 to 7, the Petitioner will be very highly prejudiced.

8. In course of hearing, Mr.Bose, learned counsel for the Petitioner, however, submits that the Petitioner has a remedy under Section 64 of the Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity 'the Act") to file an application before the Collector, Jajpur to refer the matter to the Authority for adjudication. He, therefore, submits that interest of justice would be best served if the Petitioner files an application under Section 64 of the Act, 2013 at an early date.

9. Mr.Dash, learned Addl. Standing Counsel submits that the writ application is pre-matured as the Petitioner has not yet availed remedy under Section 64 of the Act.

10. In view of the above, the writ application is disposed of with an observation that in the event if the Petitioner files an application under Section 64 of the Act within a period of two weeks hence, the same shall be considered in accordance with law and if found in order, the same shall be referred to the Authority at once.

(K.R.Mohapatra)
Judge

(M.S. Raman)
Judge

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Signed by: BICHITRANANDA SAHOO
Designation: Secretary
Reason: Authentication
Location: Orissa High Court
Date: 29-Nov-2025 15:40:15