IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3448 of 2019

(CNR No. ODHC010088302019)

Narayan Pal (dead) & others …. **Petitioners**

Mr. S. Roy, Advocate

-Versus-

State of Odisha & others …. **Opposite Parties**

Mr. Bibhu Prasad Nayak, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
09.11.2026

Order No.

12. 1. Heard learned counsel for the respective parties.

2. Instant writ petition is filed by the petitioners challenging the impugned order at Annexure-7 seeking a compensation of Rs.1,40,000/- towards cost of soil lifted from the land in question.

3. This Court by order dated 13th March, 2016 in W.P.(C) No.52114 of 2016 directed opposite party No.2 to dispose of the representation of the petitioner which was followed by Annexure-4. The excavation of land was admitted before by opposite party No.2 and hence, compensation was accordingly determined. The said order was further challenged in W.P.(C) No.14228 of 2016 disposed of on 16th May, 2018 directing opposite party No.2 to conduct a fresh enquiry into the matter and to determine the rate of payment for the earth excavated after providing an opportunity of hearing to both the sides with

a decision within a stipulated period. Subsequent thereto, it has been followed by Annexure-7 fixing the compensation for an amount of Rs.19,418/- (Rs.11,918/- + Rs.7500/-) payable by the contractor and it was deposited in the office account of Tahasildar, Purushottampur, namely, opposite party No.4.

4. The dispute is over the compensation determined and hence, according to the petitioner is more and payable with an amount of Rs.1,40,000/-. Referring to Annexure-8, the further submission of Mr. Roy, learned counsel for the petitioner is that the amount of compensation would have to be more. Recorded the submission of Mr. Nayak, learned AGA for the State, who opposes for a fresh enquiry into the matter as there is due compliance of the order in W.P.(C) No.14228 of 2016. In fact, the counter affidavit is filed by the State with a reply by way of a rejoinder. Further recorded the submission of Mr. Nayak, learned AGA that the enquiry and calculation on the compensation shall have to be arrived at as per Schedule-II of the Odisha Minor Mineral Concession Rules, 2016. Referring to the rejoinder affidavit, it is submitted that the Rules (supra) do not apply to the case at hand as it is in relation to royalty charged for excavation of materials from a Government land.

5. Having regard to the above facts and since dispute is over the rate applicable in the determination of compensation, this Court is inclined to direct opposite party No.2 to re-examine the plea of the petitioner with reference to Annexure-8 upon receiving a calculation sheet from him with all details

therein on the amount payable and thereafter, to take a decision thereon with a detail enquiry held followed by an order at the earliest preferably within a period of eight weeks from the date of receipt of a copy of this order and hence, it is directed.

6. In the result, the writ petition stands with the direction as aforesaid. Such enquiry and determination of compensation shall be held in accordance with the Rules without being influenced by the previous enquiry and report furnished as further directed.

7. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

Tudu

Signature Not Verified
Digitally Signed
Signed by: THAKURDAS TUDU
Designation: Sr. Stenographer
Reason: Authentication
Location: OHC,CTC
Date: 16-Nov-2026 19:48:16