IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31641 of 2026

CNR No. ODHC010691322026

Santosh Kumar Jena & Anr. .... ***Petitioner(s)***

Mr. Saroj Kumar Padhi, Advs.

versus-

State of Odisha & Ors. .... ***Opposite Party(s)***

Mr. Satyabrata Mohanty, AGA

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI
HON'BLE MR. JUSTICE G. SATAPATHY

ORDER

Order No. 01. **12.11.2026**

1. This matter is taken up through hybrid arrangement.

2. Assailing the order dated 14.07.2026 passed by the Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Authority/ Opposite Party No.2 vide Annexure-7, the Petitioner has come up before this Court by invoking the jurisdiction under Articles 226 and 227 of the Constitution of India, and prayed for a direction to the Opposite Party Nos.2 and 3 i.e. Presiding Officer, Land Acquisition Rehabilitation and Resettlement Authority, Kataka and the Land Acquisition Officer-cum-Tahasildar, Dharmasala to reconsider the matter within a stipulated time.

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3. Heard.

4. Learned counsel for the Petitioner submits that the Petitioner has not yet been paid due compensation from the competent authority though his plot in question is only 600 meters away from Chandikhol Chhak under Mouza: Sunguda. In this regard, the Petitioner has made an application to the LAR & R Authority under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, "the Act"), but the concerned authority vide order dated 14.07.2026 under Annexure-7 has not entertained the application of the Petitioner stating that the authority has no jurisdiction to entertain the case in view of Section 105 of the said Act, and as such, returned the application and other documents submitted by the Petitioner stating that the Petitioner could have approached the appropriate Forum for redressal of his grievance(s), as per law.

5. It is contended that as per Section 68 of the aforesaid Act, all proceeding by the authority concerned is to be done in public, and the proceeding, therefore, is to be made in presence of the Petitioner or his legal representative. Furthermore, as per Section 66 of the Act, notice has to be served upon the Petitioner, but in the present case no notice has been issued. Hence, the order impugned

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herein is illegal and *non est* in law as the authority concerned has failed to consider the prevailing market rates and relevant statutory provision.

6. Perused the impugned order dated 14.07.2026 passed by the Opposite Party No.2 vide Annexure-7 to the Writ petition.

7. It is revealed from the impugned order that the approach made by the Petitioner for compensation in respect of the land acquisition for construction of Railway Flyover at Haridaspur to connect Haridaspur-Paradeep Line was not entertained and the Tahasildar has expressed his inability to entertain the case in view of the provision contained under Section 105 of the Act. As the Tahasildar had no jurisdiction to deal with the grievance of the Petitioner, he has only returned the application of the present Petitioner with instruction to approach the appropriate authority. Nonetheless, the Petitioner instead of approaching the appropriate authority has invoked the Writ jurisdiction of the Court, which is *per se* illegal and erroneous in the law.

8. On the other hand, learned counsel for the State submits that the order impugned herein suffers from no illegality and/or infirmity. So the same may not be interfered with at this stage.

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9. Considering the submissions made by the respective parties and after going through the records, this Court does not find any infirmity or illegality with the order impugned in this Writ Petition. The concerned authority has rightly returned the application filed by the Petitioner stating that he has no jurisdiction to entertain the case in view of the provision contained under Section 105 of the Act.

10. It is pointed out by the learned counsel for the State that the Chapter IVA of the Railways Act, 1989 deals with land acquisition for a special railway project and other provisions exist to lay down the process. Be that as it may, liberty is reserved for the Petitioner to approach the Opposite Party No.2, if any cause of action survives, within a period of two weeks hence. In the event, such approach is made, the Tahasildar, Dharmasala/ Opposite Party No.3 shall consider and dispose of the said application within a period of three months in accordance with law and communicate the result thereof to the Petitioner.

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11. With the aforesaid observation(s) and direction, the Writ Petition stands disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

(G. Satapathy)
Judge

Ayaskanta

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