IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1855 of 2026
CNR No. ODHC010823432026

Biswa Bihari Bhoi ***.....*** ***Petitioner***

Represented by Adv. -
Maheswar Mohanty

-versus-

L.A. COLLECTOR, BALASORE ***.....*** ***Opposite Parties and others***

Represented by Adv. –
Mr. D.K. Sahoo, AGA

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
04.11.2026

Order No.

04. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the petitioners as well as learned Additional Government Advocate appearing on behalf of Opposite Party-State. Perused the CMP application as well as the prayer made therein.

3. By filing the present application under Article 227 of the Constitution of India, the decree holder No.6 in Execution Case No.01/05 of 2019 pending in the Court of Civil Judge (SD), Balasore has approached this Court by challenging the order dated 20.06.2026.

4. By virtue of the impugned order dated 20.06.2026 at Annexure-7, the learned Civil Judge (SD), Balasore has rejected the prayer of the

decree holder No.6 to disburse the compensation amount separately to them. Although separate applications were filed on behalf of the decree holder Nos. 1 and 7 as well as decree holder No.6, both the application were taken up together and disposed of vide a common order dated 20.06.2026, which is impugned in the present CMP application.

5. Learned counsel for the petitioners at the outset contended that the issue regarding quantum of compensation has attained finality after disposal of the 1st Appeal preferred by the claimants, before this Court, which was registered as F. A. No.259 of 1996 by virtue of the order dated 06.09.2014, whereby the awarded compensation amount of Rs.3,00,000/- per acre has been enhanced to Rs.4,50,000/- per acre. He further submitted that such order has not been challenged any further and the same has attained finality in the meantime.

6. After disposal of the 1st Appeal, the pending Execution Case proceeded further and the present petitioners, as decree holders, moved an application to disburse the compensation amount separately to them as per the share carved out by the Court. Such application having been rejected by the learned Trial Court on the ground that the earlier similar application was rejected and by applying the principles of res judicata, the petitioners have approached this Court by filing the present CMP application.

7. Mr. Sahoo, learned AGA, on the other hand, supported the order dated 20.06.2026 at Annexure-7 passed by the learned Executing Court and he further submitted that learned Trial Court has not committed any illegality in passing the impugned order at Annexure-7, inasmuch as earlier a similar application was rejected by the learned Trial Court. He very fairly conceded that the principles of res judicata will not apply to the given facts of the case. However, he insisted that

successive application at the instance of the parties will not applicable. In such view of the matter, learned AGA for the State supported the order dated 20.06.2026.

8. On a careful analysis of the submissions made by the learned counsel appearing for the respective parties, on a close scrutiny of impugned order dated 20.06.2026, at Annexure-7, and further taking note of the factual background of the present case, this Court found that by virtue of the impugned order, the learned Executing Court has rejected the prayer of the decree holders for disbursement of the compensation amount separately on the ground that earlier a similar application filed on 20.11.2023 was rejected vide order dated 08.04.2024.

9. Taking into consideration the entirety of the factual scenario involved in the present case, this Court is of the considered view that the order dated 20.06.2026 is unsustainable in law. Accordingly, the order dated 20.06.2026, at Annexure-7, as well as the earlier order dated 08.04.2024, at Annexure-5, are hereby set aside. Further, the matter is remanded back to the learned Executing Court to reconsider the application afresh after providing opportunity of hearing to both sides.

10. Let the Petitioners approach the learned Executing Court within two weeks from today along with a copy of the today's order. In such eventuality, the learned Executing Court shall do well to pass necessary orders on the application of the decree holders within a period of eight weeks from the date of presentation of a copy of today's order. Such application of the decree holders shall be considered strictly in accordance with law and the provisions of the CPC.

11. With the aforesaid observation and direction, the CMP application stands disposed of.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified
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Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 06-Nov-2026 11:02:38