IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36830 OF 2025

(An application under Articles 226 and 227 of the Constitution of India)

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Manoranjan Mishra ..... ***Petitioner***

-Versus-

1. ***State of Odisha,*** *represented through Additional Chief Secretary, Revenue and Disaster Management Department, Bhubaneswar*
2. ***Collector-cum-Member Secretary,*** *RPDAC, Angul*
3. ***Mahanadi Coalfields Ltd.,*** *Chief General Manager, Lingaraj Area, Angul*

..... ***Opp. Parties***

Advocates appeared:

For Petitioner : Mr. Prabin Das, Advocate

For Opp. Parties : Mr. Swayambhu Mishra, Additional Standing Counsel

CORAM :

MR. JUSTICE K.R. MOHAPATRA
& MR. JUSTICE SANJAY KUMAR MISHRA

Heard and disposed of on 08.04.2026

JUDGMENT

By the Bench;

1. This matter is taken up through hybrid mode.

2. Petitioner, in this writ petition, prays for a direction to set aside order dated 9th July, 2025 (Annexure-8), passed by the General Manager, Lingaraj Area, Mahanadi Coalfields Limited, Angul, whereby, his claim for resettlement and rehabilitation under the provisions of Odisha Resettlement and Rehabilitation Policy, 2006 (For brevity, 'R&R Policy, 2006') has been rejected.

3. Mr. Das, learned counsel for the Petitioner submits that the Petitioner's land pertaining to plot No.119/1024 of Khata No.115/412 of Mauza-Balugaon Khamar under Talcher Tahasil in the district of Angul was acquired. The Petitioner was residing over the said plot by constructing his residential house. Thus, the Petitioner was considered to be a land displaced person under the category 'A'. In addition to the compensation of Rs.18,748/- (rupees eighteen thousand seven hundred forty-eight only) for land acquisition and structure standing thereon, the Petitioner was also provided job in MCL under the R&R Policy, 2006 and continued in his service from 13th January, 2009 to 31st May, 2022. The Petitioner received the compensation. However, the Petitioner was not provided with alternative land or compensation in lieu thereof as per the provisions of R&R

Policy, 2006. He made several representations to the MCL Authority, but to no effect.

3.1. Ultimately, the Petitioner moved before this Court in W.P.(C) No.6071 of 2025, which was disposed of vide order dated 6th March, 2025 with a direction to the General Manager, Lingaraj Area, Mahanadi Coalfields Limited, Angul to take decision on the representation filed by the Petitioner for resettlement benefit under R&R Policy, 2006. Accordingly, the General Manager, Lingaraj Area, Mahanadi Coalfields Limited, Angul took up his representation for consideration and rejected the same vide his order dated 9th July, 2025 (Annexure-8), which is under challenge in this writ petition.

4. Mr. Das, learned counsel for the Petitioner further submits that the representation of the Petitioner was rejected on the ground that the Petitioner is not a member of displaced family. It was also observed in the impugned order that he was not residing in the project area on the cut-off date, i.e., on 28th February, 2004. It is his submission that for acquisition of his land and structure (house) standing over the land acquired, the Petitioner was awarded compensation. Thus, it is apparent that the Petitioner had a house on his land, which was acquired. He, further, submits that the Voter List prepared on 31st January, 2004 (Annexure-10), clearly shows that the Petitioner was a voter of Balugaon Khamar, namely the project area.

4.1. Mr. Das, learned counsel for the Petitioner, however, could not give satisfactory reply to the query of this Court as to why he made an inordinate delay in raising his grievance for resettlement benefit under the R&R Policy, 2006. It is his submission that pursuant to the direction of this Court his representation was considered. Since, the Petitioner was held to be a displaced person under category "A" and was provided with a job by the Mahanadi Coalfields Limited, he should have been provided with the resettlement benefit under the R&R Policy, 2006 by providing alternative land or compensation in lieu thereof. It is his submission that delay should not stand on the way to get the legitimate claim of the Petitioner for acquisition of his land. In support of his submission Mr. Das, learned counsel for the Petitioner relies upon the case of ***Suresh Kumar Vrs. State of Haryana and others*** in *SLP(C) No.670 of 2020*, disposed of on 23rd April, 2025, wherein, the Hon'ble Supreme Court after discussing several case laws, held as under:

> *"**9.** Implementing in letter and spirit, the observations made as above, i,e., a liberal approach in condonation of delay, we notice that this Court in quite a few judgments has condoned substantial delay. We may refer to some of them. In **Dhiraj Singh v. State of Haryana & Ors.** The Court observed that even though there was long delay in filing the appeals, it was a case of compulsory acquisition and there had been a difference in the amount of compensation granted to some land losers vis-a-vis others. References were also made to **Market Committee Hodal v. Krishan Murari** wherein delay of 3240 days*

arising from the same acquisition has been condoned. In ***Huchanagouda v. Assistant Commissioner and Land Acquisition Officer & Anr.****, this Court, taking into account the poverty and illiteracy of the land loser, condoned the delay of more than 2000 days. It was observed that equities had to be balanced by ensuring that the determination of market value relates back to the preliminary notification- making sure that there is no prejudice to the acquiring authorities, as also no undue advantage to the land loser. In other words, the appellants who approached the Court with delay, would not be granted interest for such period.*

10. *In* ***Executive Engineer, Nimna Dudhna Project Selu, District Parbhani, Maharashtra v. State of Maharashtra & Ors.****, this Court held that the Body acquiring land cannot be saddled with the liability of paying interest for the period of delay in preferring the appeals. The order of the High Court, which granted interest also for five and half years' delay, was modified to such an extent that interest shall not be payable for delay.*

[See also Ningappa Thotappa Angadi v. Special Land Acquisition Officer & Anr.*]*

11. *In all judgments referred supra, the common thread that can be observed is that delay is not a reason to deny the land losers their compensation, which is just, fair and reasonable for the land they have lost.*

4.2. It is his submission that although, the Petitioner does not have any other material to show that he was a resident of the project area on the date of notification, but, he can produce the same before the Authority of Mahanadi Coalfields Limited for

resettlement benefit under the R&R Policy, 2006, if he is provided with further opportunity.

5. Mr. Mishra, learned Additional Standing Counsel, vehemently, objects to the submission made by Mr. Das, learned counsel for the Petitioner. It is his submission that although he has no say in the matter with regard to the resettlement benefit to be provided by the Mahanadi Coalfields Limited, but the writ petition is thoroughly misconceived. The impugned order under Annexure-8 is self-explanatory. It is his submission that on verification of the documents available before the General Manager, Lingaraj Area, Mahanadi Coalfields Limited, Angul, he came to a finding that the voter list of 2001 clearly stipulates that the Petitioner was not a resident of the project area namely, Balugaon Khamar on the cut-off date, i.e., 28th February, 2004. There is no evidence on record to show that the Petitioner was residing in the house, which was standing over the land acquired by the Mahanadi Coalfields Limited. In addition to the above, there is an inordinate delay in raising claim for resettlement benefit under the R&R Policy, 2006. Hence, he submits that the writ petition should not be entertained at such a belated stage.

6. Taking note of the submissions made by the learned counsel for the parties, this Court finds that the land of the Petitioner was acquired pursuant to the notification under Section 4(1) of the Land Acquisition Act, 1894, published on 28th February, 2004. Section 11 award was passed in the year 2005 and the Petitioner received compensation for land and

structure (house) standing over the land acquired in the project area, but there is no concrete material to show that the Petitioner was residing in the said house. However, it appears that the Petitioner was initially treated to be a land oustee under category 'D'. But, subsequently, on acquisition of his land at village Balugaon Khamar, over which a house was standing, he was upgraded to category 'A' land oustee and was given a job in Mahanadi Coalfields Limited. He served under the Mahanadi Coalfields Limited from 13th January, 2009 to 31st May, 2022. For all these years, he did not raise any claim for resettlement benefit of alternative land or compensation in lieu thereof under the R&R Policy, 2006. It, further, appears from the impugned order under Annexxure-8 that the land and house standing over the land acquired was purchased within three years from the cut-off date. Thus, the Petitioner was not considered to be a member of the displaced family. There is no material on record to show that the Petitioner had in fact produced the Voter List of 2004 at Annexure-10 before the Authority. However, the Voter List of 2001, which was taken into consideration clearly stipulates that he was a resident of Talcher Town, which is reflected in the impugned order itself.

7. Taking into consideration the facts and circumstances of the case, the fact-finding Authority namely, General Manager, Lingaraj Area, Mahanadi Coalfields Limited, Angul came to a conclusion that the Petitioner is not a member of the displaced family and not entitled for land or compensation in lieu thereof. Since, the impugned order was passed on 9th July, 2025, we are

not entering into the issue of delay in raising the claim for resettlement benefit of an alternate land or compensation in lieu thereof under the R&R Policy, 2006.

8. Thus, in the facts and circumstances of the case and the discussions made above, we are not inclined to entertain the writ petition.

9. Accordingly, the writ petition, being devoid of any merit, stands dismissed. In the facts and circumstances of the case there shall be no order as to costs.

Urgent certified copy of this judgment be granted on proper application.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

Orissa High Court, Cuttack,
Dated 8th April, 2026/Kanhu

Signature Not Verified
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