

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.17865 of 2013

Biswanath Bhoi

.....

Petitioner

Mr. M.K. Mohanty, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

30.11.2022

Order No.

7

This matter is taken up through hybrid mode.

2. Heard Mr. M.K. Mohanty, learned counsel appearing for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to pay Rs.10,70,250/- towards Resettlement and Rehabilitation as per the R & R Policy of the Govt. of Odisha with interest from 31.03.2011.

4. Mr. M.K. Mohanty, learned counsel appearing for the petitioner contended that since the land of the petitioner has been acquired by the opposite parties, he is entitled to get the compensation, which has already been determined. Since the compensation amount was not paid, the petitioner has approached

this Court by filing this writ petition.

5. Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties contended that pursuant to notice issued, opposite parties have filed their counter affidavits. He contended that the land of the petitioner has not been acquired so as to get compensation amount, as claimed in the writ petition.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that opposite party no.4 has filed counter affidavit, paragraph-16 whereof states as follows:

“16. That it is further submitted that the allegation of the petitioner in Para-7 that the homestead land and house has been taken under land acquisition is false. His claim that he became a displaced family as he is to be displaced from the area is also false. The contention of the petitioner that the Opp. Party Company in a meeting with the villagers of Kaliakata held on 26.11.2010, resolved to provide Rs.10,70,000/-(Rupees Ten Lakhs Seventy thousand) towards resettlement and rehabilitation of the displaced families particularly to the petitioner purportedly under Annexure-2 is absolutely false, incorrect, misleading and concocted. It has already been stated earlier that the document under Annexure-2 is fabricated”.

7. From the above pleadings made in paragraph-16 of the counter affidavit filed by opposite party no.4, it is made clear that no land has been acquired from the petitioner so as to get compensation, as claimed in the writ petition. Though opposite party no.4 had filed counter affidavit in 2020 and copy of the same was served on learned counsel for the petitioner on 13.01.2020 and in the meantime three years have passed, no rejoinder affidavit has been filed denying the pleadings made in paragraph-16 of the counter affidavit. Therefore, relief sought in the writ petition may not be permissible to the petitioner.

8. In that view of the matter, this Court is not inclined to entertain this writ petition. However, if any cause of action arises, liberty is granted to the petitioner to pursue his remedy before the appropriate forum in accordance with law.

9. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Alok

(B. P. SATAPATHY)
JUDGE

