
(2023) 04 OHC CK 0150
In the Orissa High Court
Case No : Writ Petition (C) No.9664 Of 2023

Buddhadev Sahu & Anr

APPELLANT

Vs

State Of Odisha & Ors

RESPONDENT

Date of Decision : 12-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0150

Hon'ble Judges : Dr B.R. Sarangi, J;M.S.Raman, J

Bench : Division Bench

Advocate : Laxmi Sharma, S. Nayak

Final Decision : Dismissed

Judgement

1. This matter is taken up through hybrid mode.
2. Heard Ms. Laxmi Sharma, learned counsel appearing for the petitioners and Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-opposite parties.
3. The petitioners have filed this writ petition seeking to quash the order dated 04.02.2023 under Annexure-7 series, by which opposite party no.2-Collector-cum-District Magistrate, Bargarh has rejected the grievance of the petitioners in compliance of the order dated 29.11.2022 passed by this Court in W.P.(C) No.29744 of 2022.
4. Ms. Laxmi Sharma, learned counsel appearing for the petitioners contended that though the land of the petitioners was acquired by the opposite party authorities, but they have not been paid compensation. They had approached this Court by filing W.P.(C) No. 29744 of 2022 and this Court, vide order dated 29.11.2022, disposed of the said writ petition directing the authority to consider the representation. In compliance of the said order, opposite party no.2, vide order dated 04.02.2023 under Annexure-7 series, rejected their grievance stating that since the petitioners have not submitted any proof regarding

construction work done over their land and the report of the Tahasildar, Bijepur and Assistant Executive Engineer, Rural Works Sub-Division, Bijepur revealed that no construction work has been taken up over the plots claimed by the petitioners, no course of action arises at this level. It is further contended that the statement made in the said order is wrong, in view of the fact that the land was acquired by the opposite party authorities for the purpose of work to be undertaken.

5. Considering the contentions raised by learned counsel for the petitioners and on perusal of the impugned order dated 04.02.2023, this Court finds that disputed question of facts is involved in this case, as because the petitioners contend that their lands have been acquired by the opposite party authorities and construction work has been taken up over the said lands, whereas opposite party no.2, who passed the impugned order dated 04.02.2023 on the basis of the report of the Tahasildar, Bijepur and Assistant Executive Engineer, Rural Works Sub-Division, Bijepur, has stated that no construction work has been taken up over the plots claimed by the petitioners.

6. Since disputed question of facts is involved, this Court is not inclined to entertain this writ petition. Accordingly, the writ petition merits no consideration and the same is dismissed.

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