

(2021) 12 OHC CK 0117

In the Orissa High Court

Case No : Writ Petition (C) No. 4729 Of 2016

Deepak Toppo And Others

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 16-12-2021

Acts Referred:

Citation : (2021) 12 OHC CK 0117

Hon'ble Judges : Dr. S. Muralidhar, CJ;A. K. Mohapatra, J

Bench : Division Bench

Advocate : Pabitra Kumar Nayak, P.K.Muduli, S.D. Das, Ashok Mishra, S.C. Rath

Final Decision : Disposed Of

Judgement

1. The present petition has been filed for a direction to the Opposite Parties not to evict the Petitioners from the land occupied by them without hearing.
2. The case of the Petitioners is that they belong to Mouza Bankia (Rourkela Town, Unit No.2, P.S. Raghunathpalli) in Sundargarh District. The details of the land in question have been set out in para 3 of the petition. It was stated that the said land was going to be acquired under the Land Acquisition Act, 1894 (LA Act) for the Rourkela Steel Plant (RSP) without paying any compensation to the Petitioners. It was further averred that an earmarked area of land was going to be used for the construction of a Second Krushi Vigyan Kendra (KVK) at Rourkela by the Odisha University of Agriculture and Technology (OUAT). The Petitioners claimed to have made a representation to the Secretary, Revenue and Disaster Management Department on 22nd January, 2016. They asserted that the land in question is in their possession and that at no point in time the RSP has taken possession from them.
3. In this petition, while directing notice to be issued on 19th April, 2016 this Court directed that status quo will be maintained in respect of the construction of the 2nd KVK at Rourkela.

4. In response to the notice, a counter affidavit has been filed by the OUAT (Opposite Party No.7) on 16th July, 2016 in which inter alia it is stated that a memorandum of understanding (MoU) for the establishment of the 2nd KVK at Rourkela was signed between Indian Council of Agriculture and Research (ICAR) and the OUAT. It is pointed out that the Government of Odisha had handed over 50 Acres of land for the purpose which was taken over by OUAT on 20th March, 2012.

5. Soon thereafter, the OUAT initiated construction of boundary wall and other infrastructure. 90% of the construction of boundary wall has been completed. It had to be stopped as a result of the interim order of this Court. It is pointed out that the KVK was established to cater to the interests of the farming community and the development of agricultural research and extension activities. The construction of the boundary wall and infrastructure activities have been started with an investment of Rs.1.58 crores.

6. A separate counter affidavit has been filed by the State Government on 16th January, 2017 pointing out that the acquisition of land was completed under the LA Act in 1955 with compensation being paid to the land owners. Some area of land in village Bankia including the land in question measuring Ac 79.74 decimals was surrendered by then Hindustan Steel Ltd. (HSL) authorities to the State Government and possession was taken over by the Tahasildar, Panpose on 25th July, 1977 itself. Of this, 50 acres of land have been alienated in favour of the OUAT on 13th March, 2012. It is further stated as under:

"Against the claim of the petitioner that there is note of possession existing in favour of their names against the land under question i.e. Plot No.118/404, 118/408, 118/415, 118/507, 118/543, 226/682, 118/448, 118/579, 226/596, 226/603, 226/705, 118/411, 1189/572 (correct plot No.118/572), 226/594, 226/605, 226/791, 226/711, 226/714, 226/769, 118/435 and 118/509 it is humbly submitted that, plot No.118/404, 118/448 and 226/769 are not leased out for Krishi Vigyan Kendra, Rourkela and there is no note of possession existing in respect of the other plots which is evident from Annexure-5 of the writ petition itself which was filed by the petitioner in support of their claim. It is to be further submitted that Plot No.118/404 is recorded in the name of Rourkela Steel Plant in ROR No.20 of the village RTU No.2 with kissam Karakhana Jami".

7. It, therefore, appears the Court that there was no factual basis for the claim of the Petitioners that either the land belonging to them have been taken over for the purposes of 2nd KVK or that they are in possession of such land.

8. The Court is satisfied after perusing the aforementioned counter affidavits that no case is made out by the Petitioners for interference. The writ petition is accordingly dismissed. The interim order passed in this case earlier stands vacated.

.....