
(2000) 07 OHC CK 0052

In the Orissa High Court

Case No : Original Jurisdiction Case No. 8790 of 1994

Jogindra Bhoi alias Ganda and Others

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 15-07-2000

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2000) 2 OLR 294

Hon'ble Judges : P.K. Mishra, J

Bench : Single Bench

Advocate : Basudev Pujari, S. Khan and A.K. Jena, for the Appellant; A.G.A., for the Respondent

Final Decision : Allowed

Judgement

P.K. Misra, J.—This writ application at the instance of some of the affected persons whose lands became submerged because of the Minor Irrigation Project at Bhaludarho under Patnagarh Police Station of Bolangir district only reflects the callous attitude of the authorities in dealing with the citizens that too of a backward district like Bolangir. There is no dispute that a considerable extent of land belonging to the petitioners became submerged because of the construction of Minor Irrigation Project at Bhaludarho. It appears that though fifty years have elapsed in the meantime, compensation is not being paid to the petitioners who are running from pillar to post. From the materials on record, it appears that at some stage suggestion had been given for settling some lands with the petitioners in lieu of the lands affected because of the irrigation project and even though the Revenue Divisional Commissioner had recommended for such settlement, nothing has happened thereafter and the matter has remained in cold storage. Finding no other alternative, the petitioners have filed this writ application for appropriate direction regarding payment of compensation.

2. In paragraph-8 of the counter affidavit filed by the opposite parties, it has been, inter alia, indicated :

"..... L.A. proceeding is being initiated for payment of compensation to the land actually affected as per provision of L.A.Act."

This affidavit was filed in this Court on 28.4.1995 and in normal course, one would have expected that within period of more than five years, compensation would have been paid to the affected persons. But, it is evident that in spite of such statement in the counter affidavit, nothing has progressed which is not unexpected in a system riddled by red tapism and the petitioners have not received any compensation. To compound the misery of the petitioners, the writ application itself has remained pending in the High Court for more than six years. Be that as it may, keeping in view the undisputed fact that the land of the petitioners became submerged only because of the Minor Irrigation Project, the opposite parties are liable to pay compensation in accordance with the provisions of the Land Acquisition Act. Opposite party No. 3 is directed to initiate an appropriate proposal for acquisition of land within a period of one month from the date of receipt of this order and such proposal must be finalised by opposite parties 1 and 2 or any other appropriate subordinate authority within a period of three months from the date of receipt of such proposal from opposite party No. 3 and compensation should be paid within a period of six months from the date of communication of the present order.

3. It appears that there is some dispute relating to the extent of land actually affected. Necessary decision regarding the land for which compensation is to be paid to be taken by the appropriate land acquisition authority keeping in view the relevant materials available on record and if thereafter the petitioners are aggrieved, appropriate application u/s 18 of the Land Acquisition Act can be filed before the Collector for making a reference to the Civil Court. Similarly, to goes without saying that in case the petitioners feel aggrieved by the amount of compensation fixed, they can file appropriate application u/s 18 for making a reference to the Civil Court.

4. The writ application is allowed. Opposite parties are directed to pay cost of Rs. 500/- to each of the petitioners. Such cost should be paid by opposite party No. 1 within a period of two months from the date of communication of this order. This order shall be communicated to opposite parties 1, 2 and 3.