

(2022) 12 OHC CK 0041
In the Orissa High Court
Case No : Writ Petition (C) No. 659 Of 2021

Kedarnath Samartha

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 05-12-2022

Acts Referred:

Citation : (2022) 12 OHC CK 0041

Hon'ble Judges : Arindam Sinha, J;S.K. Mishra, J

Bench : Division Bench

Advocate : A. Dash, G.N. Rout, S.K. Sahoo

Final Decision : Disposed Of

Judgement

I.A. No.16083 of 2022 and W.P.(C) No.659 of 2021

1. Mr. Dash, learned advocate appears on behalf of applicants and submits, his clients seek to be substituted in place of petitioner, who died on 10th July, 2022. His clients are the widow, son, grandsons and daughters of the deceased. Consolidated cause title has been filed with the application.

2.Mr. Rout, learned advocate, Additional Standing Counsel appears on behalf of State and opposite party no.4. Mr. Sahoo, learned advocate appears on behalf of opposite party nos.2 and 3.

3. The substitution application is allowed. Applicants will serve consolidated cause title on Mr. Rout and Mr. Sahoo.

4. The I.A. is disposed of.

5. Mr. Rout submits, this Bench does not have assignment over the writ petition since it relates to compensation, to be assessed under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Mr. Dash responds, this is a policy for purchase with the assessment of consideration in terms of the provisions in the Act of 2013. That

does not make it an acquisition case for this Bench to say it does not have assignment.

6. Mr. Rout prays for listing after two weeks.

7. List on 19th December, 2022.

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