
(2023) 05 OHC CK 0262
In the Orissa High Court
Case No : Writ Petition (C) No. 14895 Of 2023

Netrananda Mahara

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 18-05-2023

Acts Referred:

Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 — Section 11(1)

Citation : (2023) 05 OHC CK 0262

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

Bench : Division Bench

Advocate : S.D. Das, M. M. Swain, P.K. Muduli

Final Decision : Disposed Of

Judgement

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.D. Das, learned Senior Advocate for the petitioner and Mr. P.K. Muduli, learned Additional Government Advocate for the State.
3. The petitioner has filed this writ petition seeking direction to the opposite parties to pay the compensation of the land and building in respect of the land appertaining to Khata No. 16/21, Plot No. 148, Ac.
0. 020 dec, Kissam-Gharabari, Mouza- Bhaurinpathara, Tahasil-Harabhanga to the petitioner within a stipulated time and to declare the date of Preliminary Notification under Section 11(1) of RFCTLA R&R Act, 2013 as 12.06.2020 is contrary to the provision of Sec 11 (1) of the said Act. The petitioner also seeks direction to the opposite party/State Government to consider the date of Preliminary Notification under Section 11 (1) of the RFCTLA R&R Act, 2013 as 27.02.2022, i.e. the date on which the Land Acquisition notification was made in the daily news paper in Regional Language.
4. Mr. S.D. Das, learned Senior Advocate appearing for the petitioner contended

that the petitioner's land and building were there for acquisition when the initial notification was issued on 12.06.2020. Now a fresh notification is issued on 27.02.2022. According to him which notification is valid in accordance with law, that has to be taken into consideration.

5. Mr. P.K. Muduli, learned Additional Government Advocate contended that if the petitioner's land and building are acquired pursuant to the notification, then he is entitled to get the compensation. Instead of waiting for the same and approaching the authority, the petitioner has approached this Court questioning the validity of the notifications. Which notification is valid that has to be considered by the authority. Therefore, the writ petition is not maintainable.

6. In course of hearing, learned Senior Advocate appearing for the petitioner contended that the petitioner may be permitted to file a comprehensive representation before the opposite party no.5 and the said authority may be directed to consider and dispose of the same.

7. In view of the above, this writ petition stands disposed of giving liberty to the petitioner to approach the opposite party no.5 by filing a comprehensive representation and in such event, the authority shall do well to consider and dispose of the same in accordance with law.

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