

(2023) 09 OHC CK 0156
In the Orissa High Court
Case No : RVWPET No. 83 Of 2022

Santosh Chanduka

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 21-09-2023

Acts Referred:

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 — Section 11, 19

Citation : (2023) 09 OHC CK 0156

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

Bench : Division Bench

Advocate : Amit Prasad Bose, Debakanta Mohanty

Final Decision : Disposed Of

Judgement

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Amit Prasad Bose, learned counsel appearing for the review Petitioner and Mr. Debakanta Mohanty, learned Additional Government Advocate (AGA) for the Opposite Parties-State.
3. This review petition is directed against the order dated 6th December, 2021 passed by this Court in W.P.(C) No.1330 of 2016.
4. Mr. A.P. Bose, learned counsel has submitted that the challenge was against the notification issued under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and to stop the demolition of the structures in absence of the notification under Section 19 of the said Act.
5. It has been further urged that wherever the shops have been demolished, that should be rebuilt, so that the Petitioner can carry on the business. Another relief, which has been sought is that the purchase deed (Annexure-9 to the writ petition) has to be declared illegal in view of the instrument at Annexure-8.

Thereafter, the Petitioner has asked this Court for payment of compensation to the extent of Rs.5 Lakhs for illegal demolitions, carried out by the State authorities as there was no rehabilitation exercise before the acquisition.

6. In the course of the hearing, Mr. Bose, learned counsel has submitted that now the Petitioner is not inclined to press the relief/s as made in the writ petition if the equitable compensation is paid to the Petitioner in tune with the Office Order No.266 dated 19th February, 2020 inasmuch as the land that has been acquired from the Petitioner falls in the same class and same area. Hence, there should not be any difference in making the compensation.

7. As the reliefs in the writ petition are not pressed in view of the subsequent events and the completion of construction, we do not find any merit in the review petition. However, we find sufficient force in the submission of Mr. Bose, learned counsel that if the Petitioner is similarly situated so far the class and position of the land are concerned, compared to the beneficiary, namely, Sri Surendra Prusty whose name is appearing in the Office Order No.266 dated 19th February, 2020. A copy of the said order dated 19th February, 2020 is taken on record for purpose of future reference.

8. We direct the Collector and District Magistrate, Puri to consider the representation of the Petitioner which the Petitioner may file having reference to the order dated 19th February, 2020 within a period of six weeks from the date of receipt of the representation. The Petitioner shall file the representation along with a copy of this order within a fortnight from today.

9. Mr. Debakanta Mohanty, learned AGA has submitted that the equitable treatment cannot be made unless all the parameters of value are identical. We have not made any comment on the merits of the case.

10. Accordingly, the review petition is disposed of by modifying the impugned order to the extent as indicated above. No orders as to costs.

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