



IN THE HIGH COURT OF ORISSA AT CUTTACK

L.A.A. No.13 of 2021

Gyanaranjan Tripathy & Appellants
others

Mr. M.B. Rao,
Advocate

-versus-

Land Acquisition Officer- Respondent
cum-Zone Officer, L.A.
Officer, Zone-III, Rengali
Right Canal Systems,
Dhenkanal

Mr. B. Panigrahi,
Additional Standing Counsel

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

18.07.2024

Order No.

09.

This matter is taken up through hybrid mode.

2. The present Appeal has been preferred challenging the judgment dated 12.12.2016 passed in L.A. Misc. Case No.145 of 2007 for further enhancement of the compensation for acquiring the land of the present Appellants on the ground that they should have been paid compensation at a higher rate, as was held by the referral Court vide Judgment dated 30.10.2019 passed in L.A. Misc. Case No.146 of 2007. The same being one of the grounds in the Appeal, the coordinate Bench passed an order on 15.12.2021, which is extracted below for ready reference.



"Order dated 15.12.2021

1. Learned Counsel for the State prays for grant of time to take instruction as to if the judgment/award passed in L.A. Misc. Case No.146 of 2007 in respect of the compensation has been paid to the claimants or an Appeal has been filed.

2. Prayer being allowed; it is directed that the matter be listed on 13th January, 2022."

3. Being so directed, pursuant to order dated 21.03.2024 & 16.04.2024, learned State Counsel has filed instruction received from the Special Land Acquisition Officer, Rengali Right Canal System, Dhenkanal before this Court on 09.05.2024, the contents of the letter dated 22.04.2024 are extracted below:

"To

Sri Debendra Kumar Behera, Addl. Standing Counsel
O/o the Advocate General, Odisha, Cuttack

Sub: Regarding **Execution Case No.03/2024 arising out of L.A. Case No.146 of 2007 filed by Gyanaranjan Tripathy & others -Vrs- State of Odisha** represented through the Spl. LAO, Collector-cum-Zone Officer, Zone-III, RRCS, Dhenkanal.

Ref: Letter No.24304 dtd. 19/18.04.2024 of the ASC, O/o the Advocate General, Odisha, Cuttack.

Sir,

With reference to the letter on the subject cited above, I am to bring to your kind notice that, as per the judgment dtd. 30.10.2019 of the Hon'ble Civil Court (Sr. Divn.), Dhenkanal, the up-to-date calculation sheet along with all relevant documents has been submitted to the Govt. in DoWR for sanction of decretal dues. **Accordingly an amount of Rs.46,25,273/- has been sanctioned vide Letter No.30839/WR dtd. 04.11.2023 of the Govt. in DoWR. After receipt of the fund, the concerned Zone Office, Zone-III, RRCS, Dhenkanal has issued Notice to the petitioners vided Pr. No.37 dtd.20.01.2024 to receive the decretal amount. But, they didn't turn up to receive the decretal amount. In the meantime on 30.01.2024, a written objection has been received from Amiyabala Tripathy, D/o Late Hrudananda Tripathy demanding disbursement of 50% of the decretal amount and other petitioners namely Gyanaranjan Tripathy also submitted with objection dtd. 04.01.2024 for disbursement of 1/3rd share. So the dispute arises for the apportionment of decretal amount among the awardees**



concerned. The same also has been intimated to the GP, Dhenkanal vide this office Letter No.137/WE dtd. 04.04.2024 to appraise the matter before the Learned Civil Judge (Sr. Divn.), Dhenkanal to allow for deposit of the decretal amount in the Civil Court.

This is submitted for favour of kind information.

Yours faithfully,

*Sd/-
Spl. Land Acquisition Officer
Rengali Right Canal System,
Dhenkanal"*

(*Emphasis supplied*)

4. A query being made by this Court, Mr. Panigrahi, learned Additional Standing Counsel for the State-Respondent fairly concedes before this Court that the suit land, which is the subject matter vide the impugned judgment dated 12.12.2016 passed in L.A. Misc. Case No.145 of 2007 belongs to same Mouza of same kisam and was acquired for the same purpose, as of L.A. Misc. Case No.146 of 2007, the judgment of which has already been implemented.

5. In view of the said submissions made by the learned Counsel for the parties, the impugned judgment dated 12.12.2016 passed in L.A. Misc. Case No.145 of 2007 is modified in terms of the judgment dated 30.10.2019 passed in L.A. Misc. Case No.146 of 2007. Operative portion of the said judgment is extracted below enabling the authority concerned to do the needful as observed vide the said judgment dated 30.10.2019 passed in L.A. Misc. Case No.146 of 2007.

"The market price of the acquired land is determined at Rs.4,00,000/- per acre as on the date of notification. The Petitioner is entitled to the compensation for the acquired land in the above rate.

The market value of kendu tree cannot be less

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than Rs.4000/- per each tree. The market value of neem tree is not less than Rs.1000/- per each tree. The market value of sida tree is not less than Rs.1000/- per each tree. The market value of Khakada tree is not less than Rs.500/- per each tree. Similarly, the fruit bearing cashew tree cannot be less than Rs.1000/- per each tree. The market value of a sandle tree not less than Rs.5000/- per each tree. The market value of khaira tree not less than Rs.500/- per each tree. The market value of a sala tree is not less than Rs.5000/- per each tree.

The Land Acquisition Collector-cum-Zone Officer Zone-III R.R.C.S., Dhenkanal is directed to re-assess the compensation on such rate of the acquired land to pay the same to the petitioners after deducting Rs.2,50,137.64 paise which have already been paid to them.

The Petitioners are also entitled to all the statutory benefits on such enhanced compensation as admissible under the L.A. Act including cost U/s.27 of the L.A. Act."

(Emphasis supplied)

6. The State Respondent is directed to re-assess the compensation as per the rate, as highlighted above and release the said amount with statutory benefits on such enhanced compensation as admissible under the L.A. Act, including cost U/s.27 of the L.A. Act within a period of three months from the date of production of the certified copy of this order after deducting the amount, if any, paid to the Appellants-Petitioners in the meantime.

7. With the aforesaid observation and direction, the Appeal stands allowed and disposed of.

8. Urgent certified copy of this order be granted on proper application as per rules.

Prasant

**(S. K. Mishra)
Judge**