

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.39129 of 2023

*Angul Sukinda Railway
Limited, BBSR*

Petitioner

Mr.S.K. Dash, Advocate

-versus-

State of Odisha & Others

Opposite Parties

Mr. G.N. Rout, ASC

CORAM:

MR. JUSTICE D.DASH

MR. JUSTICE G. SATAPATHY

ORDER

08.01.2024

Order No.

01.

1. This matter is taken up through hybrid arrangement (virtual/physical) mode.

2. The Petitioner-Company, by filing this writ petition, has called in question the judgment dated 09.10.2023 passed by the learned Senior Civil Judge, Kamakhyanagar, Dhenkanal in L.A. Misc. Case No.117 of 2021.

3. Learned counsel for the Petitioner-Company submits that the land being acquired for the purpose of laying the railway lines, the Petitioner-Company has been bearing the liability as to payment of compensation. He further submits that in a reference being made under Section 18 of the Land Acquisition Act, 1894 at the instance of the two land losers, the Petitioner being not made a party in the said reference, an award has been made by the Referral Court enhancing the quantum of compensation and, therefore, the Petitioner-Company who has to bear the liability of payment of the enhanced compensation has been deprived of questioning the claim of the land losers (claimants therein) which right they have.

4. Considering the submissions made and on going through the averments taken in the petition as well as the documents annexed thereto, we have perused the record.

We direct that notice be issued to the Opposite Party Nos.4 and 5 by registered post with A.D. Steps be taken by 12th January, 2024. In that event, notice be issued fixing short returnable date.

5. List this matter in the week commencing 19th February, 2024.

**(D. Dash),
Judge**

**(G. Satapathy)
Judge**

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