



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.149 of 2024

Sunita Goenka

....

Petitioner

Mr. U.K. Samal, Advocate

-versus-

***Mahanadi Coalfields Limited, Jagruti
Vihar, Burla, Dist.-Sambalpur and
others***

....

Opposite Parties

Mr. S. Das, Senior Advocate along with
Mr. D. Mohanty, Advocate for the Opposite Parties

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

21.07.2025

Order No.

11.

1. Heard Mr. U.K. Samal, learned counsel for the Petitioner and Mr. S. Das, learned Senior Advocate along with Mr. D. Mohanty, learned counsel for Opposite Parties 1 to 5.

2. Present writ petition is directed against the impugned order dated 7.12.2023 of learned District Judge-cum-Presiding Officer of Coal Bearing Tribunal, Jharsuguda in T.C. No.1 of 2022, wherein the prayer for production of survey report in respect of Plot Nos.157 (P) and 168 (P) has been rejected with certain observations.

3. Mr. Samal, learned counsel for the Petitioner submits that, while dealing with said petition of the Petitioner, the learned Tribunal has exceeded his jurisdiction in giving such observations affecting merits of main case pending before it. As such, the same need to be set aside.

Signature Not Verified

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Signed by: BASANTA KUMAR BARIK
Designation: Secretary
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 22-Jul-2025 14:01:50





4. The case before the Tribunal as filed by the Petitioner is to get compensation in respect of acquisition of her land along with fixtures including plant, machinery etc. This is denied by the Opposite Parties on the ground that the Petitioner is not entitled to any compensation for having acquired the same after statutory notification. Admittedly, the dispute with regard to entitlement of the Petitioner to get compensation is a matter of adjudication to be decided by learned Tribunal in the main proceeding. Pending such proceeding, when the petition with prayer to produce survey reports in respect of the plots in question was filed by the Petitioner, the same was denied by the Opposite Parties (MCL) on the ground that no such survey report in respect of the land in question is available with them. It is also the case of the Opposite Parties that, no survey has been conducted in respect of Plot No.168(P) of mouza-Karlajuri. But the prayer of Petitioner goes to the extent to conduct a survey if no survey has been done in respect of said plots. This being so, the prayer of the Petitioner to get survey report in respect of such plots would have been rejected simply observing non-availability of the survey report or the Tribunal in his discretion could have directed for fresh survey. But no necessity arose then on the part of learned Tribunal to give observations touching merits of the main case pending before it for adjudication.

5. The Petitioner, as per her claim, has lost her land by way of acquisition. She has made the prayer for survey of the land in question in order to substantiate her contention for enhanced compensation. If it is the opinion of the Opposite Parties that no survey has been conducted in respect of such plots relating to the





claim of the Petitioner then there would be no harm in conducting the survey of the land in question irrespective of the entitlement of the claimant in respect of the property. So there is no necessity on the part of the learned Tribunal to get into the merit of the main case touching to the entitlement of the Petitioner.

6. As such, this Court is inclined to strike down all such observation made in the impugned order touching the merit of the main case, i.e. T.C. No.1 of 2022. It is directed that, no such observation made by learned Tribunal in the impugned order dated 7.12.2023 shall affect or influence the merits of main case pending before learned Tribunal.

7. Further, in the circumstances, the matter is remitted back to learned Tribunal to consider the prayer of the Petitioner dated 05.07.2023 afresh and pass necessary orders as per law.

8. With the aforesaid observation and direction, the writ petition is disposed of.

9. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

B.K. Barik