



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 4445 of 2026

Kokil Chinda

...

Petitioner

Mr. Bhaskar Samantaray, Advocate

-versus-

State of Odisha and another

... ***Opposite Parties***

Mr. Swayambhu Mishra
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA
JUSTICE SANJAY KUMAR MISHRA

Order No.

ORDER
07.05.2026

3. 1. This matter is taken up through hybrid mode.
2. Grievance of the Petitioner in this writ petition is with regard to inaction of the Special Land Acquisition and R.R.O., Lower Indra Irrigation Project, Khariar in disposing of the application filed under Section 28-A of the Land Acquisition Act, 1894 (for brevity 'the Act'). The said application has been filed pursuant to the judgment and award dated 14th September, 2023 passed in LAR No.8 of 2017 by learned Civil Judge (Senior Division), Nuapada in a reference under Section 18 of the Act.
3. Taking note of the grievance of the Petitioner, learned State Counsel was directed to take instruction in the matter. Mr. Mishra, learned ASC places on record the written instruction imparted by the Special Land Acquisition and R.R.O., Lower Indra Irrigation Project, Khariar vide his letter No.928 dated 2nd May, 2026, wherein, it is indicated as under:-

***"Sub: WP(C) No.4445 of 2026 filed by Kokila Chinda-
Vrs.-State of Odisha and Others.***



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Sir,

In inviting a reference to the subject cited above, I am to say that Sri Kokila Chinda S/o-Late Karansingh Chinda of village Kalimati has filed WP(C) No.4445 of 2026 for higher determination of land measuring an area of Ac.5.95 under Khata No.38 of mouza Kalimati basing on the referred LAR No.08/2017. As per Annexure-3 of this writ petition, Nirmala Chinda W/o-Peta Chinda is an applicant for the above purpose. As the petitioner is legal heir of Nirmala Chinda but he has not submitted death and legal heir certificate of Nirmala Chinda. The petitioner has been requested to submit death and legal heir certificate of Nirmala Chinda vide this office letter No.731 Dated 06.04.2026 (copy enclosed). The petitioner did not appear in this office with required documents etc. on the schedule date. However, the 2nd notice has been issued in favour of the petitioner vide this office letter No.927 Dated 02.05.2026 (copy enclosed). After receipt of the same, the petition will be taken up at this level for disposal on the merit."

The copy of the notices issued to the Petitioner are also enclosed to the said letter.

4. Mr. Mishra, learned ASC, therefore, submits that if the Petitioner submits death and legal heir certificates of the land owner, namely, Nirmala Chinda through whom the Petitioner claims compensation, her case may be considered. As yet, no death certificate so also the legal heir certificate of Nirmala Chinda, land owner has been filed by the Petitioner. Hence, the application filed by the Petitioner under Section 28-A of the could not be disposed.

5. Mr. Samantaray, learned counsel for the Petitioner submits that he shall instruct the Petitioner to cooperate with the Special Land Acquisition and R.R.O., Lower Indra Irrigation Project, Khariar and file the required documents.

6. Taking note of the submissions of learned counsel for the parties, this Court, without expressing any opinion on the merit of the



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case of the Petitioner under Section 28-A of the Act, disposes of the Writ Petition with the direction that in the event the Petitioner files required documents, i.e., death as well as legal heir certificate of the land owner-Smt. Nirmala Chinda within a period of three weeks hence, her case may be considered and Special Land Acquisition and R.R.O., Lower Indra Irrigation Project, Khariar shall take steps to dispose of the application filed under Section 28-A of the Act in accordance with law, as expeditiously as possible preferably within a period of four weeks thereafter and communicate the decision thereof to the Petitioner.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

s.s.satapathy

(S.K. Mishra)
Judge