

IN THE HIGH COURT OF ORISSA AT CUTTACK

L.A.A. No. 63 of 2015

***Angul Sukinda Railway
Limited***

....

Appellant

Mr. Sukanta Kumar Das, Advocate

-versus-

***Gangadhar Dehury and
another***

....

Respondents

Mr. G. Rout, ASC
(O.P. No. 2)

CORAM:

JUSTICE SANJAY KUMAR MISHRA

ORDER

19.09.2022

Order No.

Misc. Case No. 240 of 2015

- 04.** 1. This matter is taken up through hybrid mode.
2. This application has been filed under Section 50(2) read with Section 54 of the Land Acquisition Act, 1894 seeking leave of this Court to present the Appeal on the ground that the Appellant, is a Company registered under the Companies Act, 1956. The Government of Odisha issued Notification under Section 4(1) of the Land Acquisition Act, 1894 seeking acquisition of land for setting up the Angul-Dubri-Sukinda Rail Project, categorically expressing the necessity of land acquisition in the District of Dhenkanal and other Districts and the Appellant-Company was entrusted with the burden to pay or satisfy the Award for

the purpose of the said land in question. It has further been stated in the Misc. Case that the Award in this Appeal is bad and a nullity since the same was passed without making the Appellant-Company a party to the reference for whose behalf the land was acquired.

3. In view of the averment made in the Misc. Case, so also Judgment of this Court, in the case of ***Angul Sukinda Railway Ltd. Vs. Pitambar Sahoo*** (in Misc. Case No. 244 of 2015, arising out of L.A.A. No. 47 of 2015 dated 29.04.2016), the present Misc. Case stands allowed.

4. The leave, as prayed for, is granted to the Appellant-Company.

4. Accordingly, the I.A. stands disposed of.

(S. K. MISHRA)
JUDGE

Order No.

L.A.A. No. 63 of 2015

05. **1.** In view of the Order passed today in Misc. Case No. 240 of 2015, defect No. 6(a) as pointed out by the Office, be ignored.

(S. K. MISHRA)
JUDGE

Order No.

Misc. Case No. 241 of 2015

06.

1. Issue notice to the Respondent No. 1 by Registered Post with A.D., fixing a short returnable date.

2. Requisites for issuance of notice on the question of limitation be filed within a week.

3. One extra copy of the delay condonation application be served on learned Counsel for the State- Opposite Party No. 2 by tomorrow.

4. On filing such requisites, Office is directed to issue Notice to the Respondent No. 1 by Registered Post with AD fixing a short returnable date.

5. Office is further directed to place on record the 'Postal Tracking Report' before the next date of listing.

6. List the matter immediately after service of Notice on Respondent No. 1 under the heading "Orders".

(S. K. MISHRA)
JUDGE

AKPradhan