

IN THE HIGH COURT OF ORISSA AT CUTTACK

LAA No.62 of 2015

Angul Sukinda Railway Ltd.

Appellant

Mr. P Das, Adv

Vs.

Bauribandhu Dehury & others.

Respondents

Mr. G. Rout, ASC

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

01.05.2023

Misc. Case No.238 of 2015

Order No.

02.

The 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 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.
5. Accordingly, the Misc. Case stands disposed of.

(S.K. MISHRA)
JUDGE

Order No.
03.

L.A.A. No.62 of 2015

1. In view of the Order passed today in Misc. Case No.238 of 2015, defect No. 6(a), as pointed out by the Office, be ignored.
2. Learned Counsel for the Petitioner undertakes to remove the defect No.9, as pointed out by the Office within two weeks.
3. Matter be listed in the week commencing from 26.06.2023.

padma

