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Location: High Court of Orissa, Cuttack
Date: 14-Aug-2025 15:54:25

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20687 OF 2025

Tapasoini Mohanty .... ***Petitioner***

Mr. H.S. Deo, Advocate

-versus-

State of Odisha and others .... ***Opp. Parties***

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA
JUSTICE SAVITRI RATHO

ORDER

Order No. **12.08.2025**

2. 1. This matter is taken up through hybrid mode.

2. This writ petition has been filed for a direction to pay compensation to the Petitioner in respect of acquisition of his land in terms of the direction in LAA No.143 of 2010 filed before this Court under Section 54 of the Land Acquisition Act, 1894 (for brevity 'the Act').

3. The Petitioner also prays for a direction to consider his case for grant of compensation in terms of the order passed in W.P.(C) No.2804 of 2023.

4. Mr. Deo, learned counsel submits that the land of the Petitioner was acquired for establishment of a sugar industry. Accordingly, LA Case was initiated. The Petitioner initially received compensation for acquisition of his land in Plot No.225 to an extent of Ac.0.12 under Khata No.78 of Mouza-Pahimahura. Being aggrieved, the Petitioner filed an application for enhancement of compensation. Accordingly, reference was made

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under Section 18 of the Act, which was registered as LA Misc. Case No.334 of 1996. Learned Civil Judge (Senior Division), Bhadrak vide judgment dated 16th May, 1998, enhanced the market value of the acquired land to Rs.45,000/- per acre. In the meantime, this Court in LAA No.143 of 2010, awarded a higher compensation in respect of similar nature of land. Subsequently, in W.P.(C) No.2804 of 2023, this Court vide order dated 7th February, 2023 directed the Collector, Bhadrak to consider the representation of the Petitioner in the said writ petition and considering such representation, the Petitioner therein was awarded higher compensation. The Petitioner has also filed representation before the Collector, Bhadrak to consider his case for higher compensation. However, the representation was not entertained, as there was no direction from this Court to consider it.

5. It is submitted by Mr. Deo, learned counsel for the Petitioner that in the event a direction is made for consideration of representation of the Petitioner for higher compensation, there is every possibility of the Petitioner getting a higher compensation.

6. Mr. Mishra, learned Additional Standing Counsel vehemently objects to the submission made by Mr. Deo, learned counsel for the Petitioner. He submits that the case of the Petitioner should not be considered in terms of the judgment passed in LAA No.143 of 2010, as the acquisition of land involved in the said appeal was under a different notification. The Petitioner had also never filed any application for enhancement of compensation after receipt of award pursuant to the judgment

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passed by learned Civil Judge (Senior Division), Bhadrak in LA Misc. Case No.334 of 1996. Thus, the Petitioner has no cause of action to file the present writ petition and no direction may be issued after a long lapse of time for consideration of the case of the Petitioner for higher compensation.

7. Taking note of the submissions made by learned counsel for the parties, this Court finds that the judgment in LAA No.143 of 2010 passed by this Court under Section 54 of the Act is not at all applicable to the case of the Petitioner, as the Appellant therein had preferred an Appeal under Section 54 of the Act for higher compensation before this Court. Admittedly, the Petitioner had never availed such statutory remedy. Further, the order passed in W.P.(C) No.2804 of 2023 cannot be treated as a precedent and the Petitioner has not made out any case to issue such a direction. Moreover, direction for consideration of the representation of the Petitioner in absence of any statutory provision will be a travesty of law. Hence, we find no merit in the case of the Petitioner.

8. Accordingly, the writ petition stands dismissed.

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

(K.R. Mohapatra)
Judge

(Savitri Ratho)
Judge

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