



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 27358 OF 2025

Jayashree Kumar Devi and others ***Petitioners***

Mr. Haripada Mohanty, Advocate

-versus-

Union of India and others ***Opp. Parties***

Mr. Swayambhu Mishra,
Additional Standing Counsel
(For Opposite Party No.4)

Miss Shradhanjali Sahoo, Advocate
(For Opposite Party Nos.1 and 2)

Mr. Pranab Ranjan Chhatoi, Advocate
(For Opposite Party No.5)

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

ORDER
05.03.2026

Order No.

03. 1. This matter is taken up through hybrid mode.
2. Petitioners in this Writ Petition pray for a direction to the Special Land Acquisition Officer (NH)-cum-Competent Authority, Sambalpur for disposal of their representation dated 4th September, 2025 (Annexure-7) and to disburse adequate compensation for acquisition of the land situated nearby NH-42/55.
3. Mr. Mohanty, learned counsel for the Petitioners submits that Plot Nos.3489/4199 and 3404/4200 of Khata No.744 in mouza Rampur under Rairakhola tahasil in the district of Sambalpur (for short, 'the case land') purchased by the Petitioners was acquired for expansion of NH-42/55. Compensation under Section 3-G of the



National Highways Act, 1956 was awarded in favour of Rajeswari Singh – Opposite Party No.5, the recorded tenant. Prior to publication of notification under Section 3-A of the Act, Petitioners had purchased the case land from the father of the Opposite Party No.5. Thus, compensation should have been awarded in their favour. Ventilating their grievance, the Petitioners have filed a representation before the competent Authority under Land Acquisition (NH)-Opposite party No.3 to release the compensation in their favour. The competent Authority, without referring the matter to the principal Civil Court for adjudication under Section 3-H (4) of the Act is sitting over the matter. Hence, this Writ Petition has been filed.

4. Mr. Chhatoi, learned counsel for Opposite Party No.5 submits that Petitioners had never purchased land from father of Opposite Party No.5. The case land was recorded in the name of father of Opposite Party No.5 and after his death, her name was recorded as his legal heir. He, therefore, submits that the compensation has rightly been awarded in favour of Opposite Party No.5.

5. Miss Sahoo, learned counsel for National Highways submits that she has no definite instruction in the matter.

6. Taking into consideration the submissions of learned counsel for the parties, this Court finds that there is a genuine dispute with regard to person in whose favour compensation should be released. Thus, the instant case squarely comes under the provisions of Section 3-H (4) of the Act. Thus, the competent Authority should refer the matter to principal Civil Court under Section 3-H (4) of the Act.



7. In that view of the matter, this Court, without expressing any opinion on merit of the submissions of either of learned counsel for the parties, disposes of the Writ Petition with a direction to the competent Authority, Land Acquisition (NH), Sambalpur-Opposite Party No.3 to refer the matter to competent Civil Court for adjudication of the dispute under Section 3-H (4) of the Act forthwith.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

(S.K Mishra)
Judge

s.s.satpathy