



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1967 of 2025

Kamalini Sahoo

.... ***Petitioner***

Mr. K.K. Rout, Advocate

-versus-

Land Acquisition Officer, Kendrapara

.... ***Opposite Party***

Mr. S.K. Rout, ASC

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
10.12.2025

Order No.

01. 1. Heard Mr. K.K. Rout, learned counsel for the petitioner and Mr. S.K. Rout, learned ASC for the opposite party.
2. Present CMP is directed against order dated 9th October, 2025 (later part) of learned Additional Civil Judge (Senior Division), Kendrapara passed in Execution Case No.7 of 2022, wherein the executing court has directed the DHR to file appeal against the amount given to him. For better appreciation, the impugned order is reproduced below:-

“The JDR also issued a notice to receive the amount of Rs.25,103/- but the DHR refused to receive the said amount and claims for higher amount. In the said context, the DHR is directed to file appeal against the said amount. Call on 18.10.2025 for appeal before the higher forum.”



3. Admittedly present petitioner, who is the DHr, is entitled to the decretal amount as per decree dated 31st August 2019, confirmed by the 1st Appellate Court vide order dated 11th July 2022. In the execution proceeding, i.e. Execution Case No.7 of 2022, the JDr, who is the Land Acquisition Officer (present opposite party), contended that certain amount was offered to the DHr which he refused to accept claiming higher amount.

In such circumstance the learned executing court directed the DHr to file appeal against the amount offered by the JDr.

4. Such a direction on the part of the executing court is unwarranted. It needs to be stated here that if the amount offered by the JDr is not accepted by the DHr with the claim that he is entitled for a higher amount in terms of the decree, it is the duty of the executing court to determine the exact amount entitled by the DHr in terms of the decree. Thus the impugned order dated 9th October, 2025 (later part) of the executing court is set aside and the learned Executing Court is directed to proceed in accordance with law to determine the actual amount in terms of the decree dated 31st August, 2019, entitled by the DHr.



5. With aforesaid observation and direction the CMP is disposed of.

(B.P. Routray)
Judge

M.K.Panda