



IN THE HIGH COURT OF ORISSA AT CUTTACK
LAA No.73 of 2022

Gairun Bibi and others* *Appellants

Mr. Sudhir Chandra Mohanty, Advocate

-versus-

Special Land Acquisition* *Respondent
Officer, Mahanadi
Chitrotpala Island
Irrigation Project, Cuttack

Mr. P.K. Mohanty, ASC

CORAM:

JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

18.03.2026

(Hybrid Mode)

Order No.

07.

1. The matter has been listed under the heading of “For referral to the Special Mediation Drive 2.0-Mediation for the Nation”.

2. After acceptance of the deficit court fee as directed by order dated 19.04.2023, the appeal was admitted.

Thereafter, it has been listed under the heading of “For referral to the Special Mediation Drive 2.0-Mediation for the Nation”.

3. Learned counsel for the appellants was heard at some length.

4. The project proponent i.e. the Department of Water Resource has not been made a party nor was a party before the learned Senior Civil Judge, Kendrapara in the proceeding arising of the reference under section 18 of the Land Acquisition Act, 1894.



5. In view of the judgment of the Hon'ble the Supreme Court rendered by the Constitution Bench in ***U.P. Awas Evam Vikash Parishad v. Gyan Devi: AIR 1995 SC 724: (1995) 2 SCC 326***, which has been followed by this Court in ***Pitambar Sahoo v. Angul-Sukinda Railway Limited: 2016 (II) ILR-CUT-212: 2016 (II) OLR 27*** and ***Ramesh Chandra Patra and others v. Special L.A.O., Angul-Duburi- Sukinda Road, New Broad Gauge Rail Link Project: 2025 (II) ILR-CUT-476***, the requisitioning authority/project proponent for whom the land has been acquired is required to be heard for enhancement of compensation which has to be paid by the project proponent.

6. Learned counsel for the appellants was asked whether the project proponent i.e. Department of Water Resources was made a party in the proceeding before the Referral Court or in the appeal; it is submitted by the learned counsel for the appellants that the Land Acquisition Officer receives the money from the project proponent, he does the statutory work and allocates the distributes the compensation amount to the land losers, therefore, making the Land Acquisition Officer is enough to represent the project proponent.

7. In considered opinion of this Court after the authoritative pronouncement by the Hon'ble Apex Court in ***U.P. Awas Evam Vikash Parishad*** (*supra*) which has also been followed by this Court in ***Pitambar Sahoo v. Angul-Sukinda Railway***



Limited: 2016 (II) ILR-CUT-212: 2016 (II) OLR 27 and **Ramesh Chandra Patra and others v. Special L.A.O., Angul-Duburi- Sukinda Road, New Broad Gauge Rail Link Project: 2025 (II) ILR-CUT-476**, the contention raised by the learned counsel for the appellants is not correct and has to be rejected.

8. On being asked, learned counsel also fairly concedes that the Executive Engineer, Mahanadi Chitrotpala Island Irrigation Project had deposited the money before the Special Land Acquisition Officer.

9. As per the statutory scheme of the Land Acquisition Act, the Special Land Acquisition Officer does not pay the compensation amount nor he is authorized to deposit any money rather he is a statutory authority as defined in the statute for determination and disbursement of the compensation deposited by the project proponent/ requisitioning authority.

10. Learned counsel for the appellants has adjournment to address the above legal propositions.

11. The matter shall be listed under the same heading in the week commencing 06.04.2026.

(Mruganka Sekhar Sahoo)
Judge

Signature Not Verified

Digitally Signed *Rajesh*
Signed by: RAJESH KUMAR BADHE
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