



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**LAA No.73 of 2022**

***Gairun Bibi and others* .... *Appellants***

Mr. S.C. Mohanty, Advocate  
-versus-

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

Mr. P.K. Mohanty, ASC

**CORAM:  
JUSTICE MRUGANKA SEKHAR SAHOO**

**ORDER  
09.04.2026  
(Hybrid Mode)**

**Order No.  
08.**

**I.A. No.105 of 2026 and LAA No.73 of 2022**

**1.** The I.A. has been filed for impleading the requisitioning authority/project proponent as respondent in the appeal.

**2.** The learned Additional Standing Counsel seeks for another copy of the I.A.

The learned counsel for the appellants submits that he had served copy on State but he shall serve another copy. Copy of the I.A. shall be served on the learned Additional Standing Counsel during course of the day.



3. The matter was heard on 18.03.2026, at paragraphs 4 to 9 of the order, the following observations have been made:

*“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. AngulSukinda 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.”

4. The learned counsel for the appellants submits that appellants seek to implead the requisitioning authority/project proponent as the respondent though they were not made parties before the referral court. As is evident from the copy of cause title available on record in LA No.16 of 1998 that was before the learned Civil Judge (Senior Division), Kendrapara.

5. The prayer for impleation of the party is allowed.

The I.A. is disposed of.

6. The learned counsel for the appellants shall make necessary amendment of the cause title. Amended cause title shall be filed within ten working days. Copy



shall be served on the learned Additional Standing Counsel.

**7.** The matter shall be listed under the same heading in the week commencing 04.05.2026.

**(Mruganka Sekhar Sahoo)**  
**Judge**

*jyostna*

**Signature Not Verified**

Digitally Signed  
Signed by: JYOSTNARANI MAJHEE  
Reason: Authentication  
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