

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36862 of 2023

Jayanti Sa & Others

Petitioners

Mr.Biswajit Nayak,
Advocate

-versus-

***Additional District
Magistrate-cum-Competent
Authority, Sundargarh &
Others***

....

Opposite Parties

CORAM:

MR. JUSTICE D.DASH

MR. JUSTICE G. SATAPATHY

ORDER

08.12.2023

Order No.

02.

1. This matter is taken up through hybrid arrangement (virtual/physical) mode.

2. The Petitioners have filed this writ petition invoking the jurisdiction of this Court under Article-226 and 227 of the Constitution of India in impeaching an order dated 17.07.2023 passed by the learned District Judge, Sundargarh in NHLA Case No.07 of 2018.

The Petitioners having filed an application under Order-1 Rule-10 of the Code of Civil Procedure (for short, 'the Code') in the said case, the same has been rejected by order dated 17.07.2023.

Mr. Biswajit Nayak, learned counsel for the Petitioners inviting our attention to the impugned order places as to how the same is the outcome of total non-application of mind that the court has referred to the provisions of Land Acquisition Act when it was a reference under the provisions of the National Highway Act, 1956. He further submits that when the reference is in relation to

the apportionment of compensation, the conclusion in the petition under Order-1 Rule 10 of the Code is wholly untenable.

3. Taking into account the submissions made, we have perused the record. We are inclined to issue notice to the Opposite Parties.

4. Let notice be issued to the Opposite Parties by registered post with A.D. Steps be taken by Tuesday (12.12.2023). In that event, notice be issued fixing short returnable date.

5. List this matter in the week commencing 29th January, 2024.

*(D. Dash),
Judge*

*(G. Satapathy)
Judge*

ORDER
08.12.2023
I.A. No.17814 of 2023

Order No.

03.

1. Heard.
2. Issue notice as above. Accept one set of process fee.
3. As an interim, it is directed that further proceeding in NHLA Case No.07 of 2018 pending in the court of the District Judge, Sundargarh shall remain stayed until further orders.

Issue urgent certified copy as per rules.

*(D. Dash),
Judge*

*(G. Satapathy)
Judge*