



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1959 of 2025

Gourahari Pradhan

....

Petitioner

Mr. Manoj Ojha, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Partha Sarathi Nayak, AGA

CORAM:

HON'BLE MR. JUSTICE S.K. SAHOO

HON'BLE MR. JUSTICE S. S. MISHRA

ORDER

29.04.2025

Order No.

01.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard.

This writ petition has been filed by the petitioner with the following prayer:-

"It is, therefore prayed that this Hon'ble Court may graciously be pleased enough to admit this Writ Petition, issue notice to Opp. Parties and after hearing from both parties, issue a Writ in the nature of certiorari/mandamus or any other suitable form of writ and this Hon'ble Court may kindly consider the case of the petitioner on sympathetic ground and may kindly direct to the opp. parties to consider the representation of the petitioner under Annexure-4 and further may kindly direct to the Land Acquisition Authority,



Collector, S.I.P., Bahalda Zone opp. party No.2 to enhance the compensation amount in L.A. Case No. 14/2020 under Annexure-3 for the interest of Justice."

Learned counsel for the petitioner submitted that a representation in that connection has been made by the petitioners under Annexure-4, which is dated 15.10.2024 before the Collector, Mayurbhanj, opp. party no.2 but the matter has not been referred to the authority.

Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereafter, "2013 Act") reads as follows:-

"(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:



Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso."

Admittedly, the petitioner has not submitted any written application in terms of the provision under section 64



of the 2013 Act.

Learned counsel for the petitioner seeks permission of this Court to withdraw this writ petition to file a proper application before the appropriate authority.

In view of such submission, the writ petition stands disposed of as withdrawn granting liberty to the petitioner to file such application before the appropriate authority.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

PKSahoo

Signature Not Verified

Digitally Signed
Signed by: PRAMOD KUMAR SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 30-Apr-2025 15:48:37

