

IN THE HIGH COURT OF ORISSA AT CUTTACK

L.A.A. No.32 of 2023

Ganesh Ram Naik

....

Appellants

*Mr. S. Pattanaik,
Advocate*

-versus-

**Special Land Acquisition
Officer, Sundargarh &
others**

....

Respondents

*Mr.J. Katikia,
Additional Government Advocate
Mr. S.K. Mohapatra, Advocate
(for Respondent Nos.4(a) & 4(b)
(Mr. B. Mohanty, Advocate
(For Respondent Nos.5 & 6)*

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

06.03.2024

I.A. No.84 of 2024

Order No.

01.

This matter is taken up through hybrid mode.

2. This application has been filed to waive the defect as pointed out by the S.R., vide which it has been shown that there is a delay of 38 days in filing the Appeal.

3. It has been stated in the I.A. that the impugned judgment was passed on 22.08.2023 and the Memorandum of Appeal was presented on 21.11.2023 under Section 54 of the Land Acquisition Act, 1894. The limitation being 90 days under the Act, 1894, because of wrong Stamp Reporting it has been indicated that there is delay of 38 days in presenting the Memorandum of Appeal.

4. In view of such submission made, the prayer to waive

the defect regarding limitation as pointed out by the S.R. is allowed.

5. Accordingly, the I.A. stands disposed of.

(S. K. Mishra)
Judge

I.A. No.150 of 2023

- 02.** 1. The Appellant-Petitioner claims for exemption from payment of Court fee on the ground that the Appellant-Petitioner is an indigent persons and his annual income is Rs.65,000/-. In terms of Clause (vii) of the Government of Orissa Notification No.670 dated 07.06.1994, he is to be exempted from payment of Court Fees. To substantiate the said prayer made in the I.A., an income certificate issued by the Office of the concerned Revenue Officer has been annexed to the Interlocutory Application as Annexure-3.
4. In view of the submissions made by the learned Counsel for the Appellant-Petitioner so also the averments made in this I.A., the prayer for exempting the Appellant-Petitioner from paying the Court Fee is allowed and he is exempted from paying the Court Fee.
5. Accordingly, the I.A. stands disposed of.

(S. K. Mishra)
Judge

L.A.A. No.32 of 2023

- 03.** This matter is taken up through hybrid mode.
2. Heard Mr. Mohanty, learned Counsel for the Appellants.

3. Admit.
4. Since Mr. J. Katikia, learned Additional Government Advocate accepts notice on behalf of Respondent Nos.1 & 2 and admits to have received copy of the Memorandum of Appeal, no notice be issued to the said Respondents.
5. Similarly, Mr. S.K. Mahapatra, learned Counsel who appears from Virtual High Court, Sundargarh submits, he has appeared on caveat for Respondent Nos.4(a) & 4(b). Hence, no notice be issued to the said Respondents also.
6. Mr. Mohanty, learned Counsel for the Petitioner undertakes to serve copy of the Memorandum of Appeal on Mr. Mohapatra through e-mail by day after tomorrow (08.03.2024).
7. Since scanned/digitized copy of the L.C.R. has already been called for in L.A.A. No.30 of 2023, no order need be passed with regard to L.C.R.
8. Matter be listed in the week commencing from 1st April, 2024.



I.A. No.149 of 2023

- 04.**
1. This I.A. has been filed to direct the Land Acquisition Officer not to disburse the awarded amount in favour of the Respondent Nos.4(a) & 4(b) till disposal of the Appeal.
 2. Mr. S.K. Mohapatra, learned Counsel the Respondent Nos.4(a) & 4(b) submits, pursuant to the judgment dated 22nd August, 2023 passed in L.A. No.320 of 2013, after expiry of the period of limitation to prefer the Appeal, the

money deposited before the Court below has already been disbursed in favour of his clients and this I.A. has become infructuous.

3. In view of the submissions made by Mr. Mohapatra, learned Counsel for the Respondents Nos.4(a) & 4(b), Mr. Mohanty, learned Counsel for the Appellants prays for withdrawal of this application with liberty to file better application.

4. Accordingly, the I.A. stands dismissed as withdrawn.

Prasant



Signature Not Verified

Digitally Signed
Signed by: PRASANT KUMAR PRADHAN
Designation: Secretary
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 07-Mar-2024 11:38:10