IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.39226 of 2023

Kuldip Naik ..... ***Petitioner***

Represented By Adv. -
Siba Prasad Patra

-versus-

1) State Of Odisha ..... ***Opposite Parties***

2) The Collector, Sundargarh
3) M.c.l., By Its Chairman-cum-m.d.
4) The G.m., Mahalaxmi Project, Mcl, Garjanbahal Area

Represented By Adv. –
Mr. S.K.Parhi, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
01.05.2025
I.A. No.5818 of 2025

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner as well as learned A.S.C. for the State-Opp. Parties. Perused the I.A.

3. This Interlocutory Application has been filed by the Petitioner seeking modification of order dated 04.12.2023 passed in W.P.(C) No.39226 of 2023.

4. Learned counsel for the Petitioner at the outset contended that while disposing of the writ application, this Court had granted liberty to the Petitioner to approach the Opposite Party No.2 by filing representation with a corresponding direction to the Opposite Party No.2 to consider and dispose of the representation of the

Petitioner by passing a speaking and reasoned order by taking into consideration the Rehabilitation and Resettlement Policy, 2006 of the Govt. of Odisha. He further contended that pursuant to the aforesaid order dated 04.12.2023, the Petitioner approached the Opposite Party No.2 by filing a representation. However, the Opposite Party No.2, by virtue of order dated 20.02.2024, disposed of the representation of the Petitioner pursuant to the direction of this Court thereby directing the Petitioner to approach the learned Claims Commission in terms of the judgment of the Hon'ble Supreme Court in SLP (C) No.6933 of 2007 for redressal of this grievance. Learned counsel for the Petitioner, further referring to the order of the Hon'ble Supreme Court passed in SLP (C) No.6933 of 2007 on 10.02.2025, under Annexure-6 to the I.A., contended that as per the order of the Hon'ble Supreme Court no further extension has been granted to the Claims Commission. As such, the term of the Claims Commission has expired in the meantime. Thus, learned counsel for the Petitioner submitted that the order passed by the Opposite Party No.2 is an inexecutable one. In such view of the matter, learned counsel for the Petitioner further contended that the Petitioner has become remediless despite the order passed by this Court on 04.12.2023.

5. On a careful analysis of the order dated 10.02.2025 passed by the Hon'ble Supreme Court of India in SLP (C) No.6933 of 2007, it appears that the Hon'ble Supreme Court has directed that the Claims Commission shall be deemed to have been formally closed w.e.f. 03.01.2025. Therefore, no application shall be entertained by the learned Claims Commission after the same is closed pursuant to the order of the Hon'ble Supreme Court. On a

further scrutiny of judgment of the Hon'ble Supreme Court in SLP (C) No.6933 of 2007 dated 03.01.2025 it is revealed that in para-26 of the judgment, the Hon'ble Supreme Court has categorically observed that it shall be open for the applicant/claimants to raise the issues, as may be permissible under the law, before the concerned authorities of the State, in view of the directions given by the Hon'ble Supreme Court in its judgment dated 03.11.2024.

6. Learned counsel for the State on the other hand does not dispute the position and the direction issued by the Hon'ble Supreme Court as has been discussed hereinabove.

7. In view of the aforesaid position and the subsequent development, the Opposite Party No.2 is hereby directed to recall his order dated 20.02.2024 under Annexure-4 to the I.A. It is further directed that the grievance of the Petitioner shall be considered in terms of the judgment dated 03.01.2025 passed by the Hon'ble Supreme Court in M.A. No.2662 of 2023 and M.A. No.231 of 2019 arising out of SLP (C) No.6933 of 2007 under Annexure-5 to the I.A. within a period of three months from the date of communication of a certified copy of this order.

8. Accordingly, the I.A. stands allowed.

9. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

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Signature Not Verified
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Signed by: RUBI BEHERA
Reason: Authentication
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