

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 6357 OF 2011  
(Arising out of SLP(C) No. 16378/2010)

C.K.S.SANGHA KANDAREI PANCHAYAT & ORS

Appellant(s)

VERSUS

STATE OF ORISSA & ORS.

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated 23.03.2010 passed by the Orissa High Court dismissing the writ petition of the Appellant(s) herein as having no merit.

We have heard the learned counsel appearing for the parties who have taken us through some of the relevant documents contained in the records. The writ petition was filed challenging the legality of the Notification dated 8.12.2008 issued by the Government of Orissa, concerning Land Reforms Act. The prayer of the Appellant(s) therein was for a direction to the Revenue authorities for disposal of the proceedings initiated under the provisions of the

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Orissa Land Reforms Act. The land for which the Notification dated 8.12.2008 was issued, however, has no relation with that of the land which was notified by the State Government for acquisition under the provisions of the Land Acquisition Act. The High Court under a wrong notion held that the grievance of the Appellant(s) herein in the writ petition is also in respect of the proceedings under the Land Acquisition Act and the land covered thereby.

It

was held that since the Appellant(s) would be getting an opportunity to file objections under Section 5A of the Land Acquisition Act, therefore, the interest of the Appellant(s) is fully protected. Hence, it was held that no interference is called for in the writ petition filed by the Appellant(s).

The aforesaid conclusions arrived at by the High Court appears to be incorrect as the land covered by the Notification dated 8.12.2008 is not the land which is covered by the aforesaid land acquisition proceedings.

Since a challenge has been made with regard to the validity of the Notification issued by the State Government relating to Land Reforms Act, the said issue will have to be gone into indepth and a decision shall have to be rendered on the aforesaid challenge. In any case, so far the land held by

the respondent no.7 is concerned, a part of the land was

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acquired through the process of Land Acquisition Act and the remaining land was purchased by the company.

So far the

land purchased by the respondent company directly from the

owners is concerned, the said land already stands transferred and possession has already been taken. We are

also informed that construction of the power plant is going on, on the said land acquired by the company both through the process of acquisition and also purchased directly from the owners of the respective land.

In that view of the matter, we are of the considered opinion that so far the land owned and possessed by the company is concerned and in which the power plant is under construction, the same would not be the subject matter of the writ petition as possession of the entire land is taken. This order is also passed in view of the statement made by the counsel appearing for the respondent no. 7 that they do

not intend to purchase any further land as of now.

Since, however, a challenge is made to the validity of the Notification dated 8.12.2008 issued by the Government of Orissa, which was the subject matter of the writ petition, the same will be decided in accordance with law. The decision of the High Court, in any case, will be prospective in nature.

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The parties hereto also submit that the said writ petition be disposed of at an early date. Let the parties appear before the High Court on 29.8.2011 when the parties shall be given time to complete the pleadings and the writ petition shall be disposed of as early as possible, preferably within a period of three months from the date of receipt of the records.

Having held thus, this appeal is disposed of with the aforesaid directions.

.....J  
(Dr. MUKUNDAKAM SHARMA)

.....J  
(ANIL R. DAVE)

NEW DELHI,  
AUGUST 5, 2011

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ITEM NO.4

Court No.13

SECTION XIA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)  
No(s).16378/2010

(From the judgement and order dated 23/03/2010 in WP No.  
11738/2009 of The HIGH COURT OF ORISSA AT CUTTACK)

C.K.S.SANGHA KANDAREI PANCHAYAT & ORS

Petitioner(s)

VERSUS

STATE OF ORISSA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and permission to place addl. documents on record and with prayer for interim relief)

Date: 05/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. Bharat Sangal, Adv.  
Ms. Vernika Tomar, Adv.  
Ms. Srijana Lama, Adv.  
Mr. R.R. Kumar, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Sorab Kripal, Adv.  
Mr. Sunil Mathews, Adv.  
Mr. Rajat Singh, Adv.  
Mr. Rajesh Prasad Singh, Adv.

Mr. J.K. Das, Sr. Adv.  
Mr. P.P. Nayak, Adv.  
Mr. Swetaketu Mishra, Adv.  
Mr. Parmanand Gaur, Adv.

Mr. K.V. Viswanathan, Adv.  
Mr. Suresh Chandra Tripathy, Adv.

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UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

Appeal is disposed of in terms of the signed order.

(NAVEEN KUMAR)  
Court Master

(RENU DIWAN)  
Court Master

(Signed order is placed on the file)