

ITEM NO.79

COURT NO.1

SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 404 OF 2008

ARCHBISHOP RAPHAEL CHEENATH S.V.D.

Petitioner(s)

VERSUS

STATE OF ORISSA & ANR.

Respondent(s)

(With appln(s) for directions, intervention, impleadment and office report)

WITH SLP(C) NO. 5724 of 2009

(With appln.(s) for permission to place addl.documents on record and with prayer for interim relief and office report)

W.P(C) NO. 76 of 2009

(With appln.(s) for interim directions and office report)

Date: 11/05/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE P. SATHASIVAM

HON'BLE DR. JUSTICE B.S.CHAUHAN

For Petitioner(s) Mr.Colin Gonsalves, Sr.Adv.

Mr.jai Singh, Adv.

Ms.Lansinglu Rongmei, Adv.

Ms.Jyoti Mendiratta, Adv.

Petitioner-In-Person

For Respondent(s)/
applicant(s)

Mr.Mukul Rohatgi, Sr.Adv.

Mr.Krishnan Venugopal, Sr.Adv.

Mr.P.S.Narasimha, Sr.Adv.

Mr.Debasis Panda, Adv.

Mr.Vikramjit Banjernee, Adv.

Mr.D.Bharat Kumar, Adv.

Mr.Merusagar Samantaray, Adv.

Mr.P.Ramesh Kumar, Adv.

for Ms. Aparna Bhat, Adv.

Mr.Soli J.Sorabjee, Sr.Adv.

Mr. Romy Chacko, Adv.

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Mr.Mary Scaria, Adv.

Mr.Abraham P., Adv.

Mr.K.K.Venugopal, Sr.Adv.

Mr. Janaranjan Das, Adv.

Mr.Swetaketu Mishra, Adv.

Mr.P.P.Nayak, Adv.

Mr.Gopal Sankarayanarayan, Adv.

Mr.A.Sharan, ASG

Mr.P.K.Dey, Adv.

For Mr.B.K.Prasad, Adv.
Ms. Sushma Suri ,Adv(NP)

Mr.Radhkanta Tripathy,
Applicant in person

UPON hearing counsel the Court made the following
ORDER

Heard learned senior counsel for the petitioner and also learned
counsel for the State.

It is pointed out by learned counsel for the petitioners that in some of
the cases where the houses have been destroyed and damaged, full
compensation has not been paid. It is also submitted that all the dependents of
the deceased persons have not received compensation.

On the other hand, learned senior counsel appearing for the State of
Orissa submitted that it has been assessed that about 4,588 houses spread over
in 8 blocks suffered damage and steps are being taken to pay compensation. It
is pointed out that in these 8 blocks one I.A.S. Officer each has been deputed to
look after the rehabilitation measures and it is also stated that in some of the
cases first installment has been paid and in some cases second installment has
been paid and in some other cases third installment has also been paid. It is

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pointed out by learned counsel for the petitioners that in the case of 917 families,
first installment has

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not been paid but it is disputed by learned counsel for the State. The State may
pursue the disbursement of compensation to these families.

It is submitted by counsel for the State that in the case of 42 deaths
which have taken place, dependents/legal heirs of the deceased have been paid
compensation by the State of upto Rs.2 lacs and Rs.3 lacs has to be paid by the
Union of India and the list has already been sent by the State but learned
Additional Solicitor General submits that only 33 cases have been recommended
by the State and out of them 30 have been paid compensation and the rest of
the three have been rejected. As regards the rest, the State may send its
recommendations to the Central Government and as soon as the same are
received by the Central Government, it may take appropriate action and the
compensation shall be disbursed at the earliest.

List after eight weeks.

I.A.Nos.1 & 2 :

Issue notice.

(G.V.Ramana)
Court Master

(Veera Verma)
Court Master