IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). NO.9587 OF 2025

Pitabash Nial .... ***Petitioner***

Mr. Bijaya Kumar Behera (1), Advocate

-versus-

State of Odisha and others .... ***Opp. Parties***

Mr. Sabita Ranjan Pattnaik,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA
JUSTICE SAVITRI RATHO

ORDER

Order No. **19.06.2025**

03. 1. This matter is taken up through hybrid mode.

2. Petitioner in this writ petition prays for the following relief:

> *"Under the afore stated circumstance more fully narrated here in above the petitioners most humbly prays that, this Hon'ble Court may graciously be pleased to admit this writ application, issue Rule of NISI calling upon the Opp. parties to show cause.*
> *A. As to why the letter dated 26.04.2024 rejecting the application filed by the petitioner under Section 28(A) of LA Act, 1894 by the present Special LAO opp. Party no. 3, under Annexure-5 shall not be quashed, and*
> *B. As to why the opposite parties more particularly opposite party no. 3 the Special LAO, Lower Indra Irrigation Project, Khariar, shall not be directed to dispose of the application dated 27.02.2023 U/s. 28-A of L.A. Act. under Annexure-1, afresh for re-determination of the amount of compensation on the basis of the award/judgment of the court dated 10.02.2023 in respect of the L.A.R. Case no. 183/2010 in village Konabira in the district of Nuapada, as per the sanction order dated 20.03.2025 under Annexure-6, due to acquisition of his land for construction of Lower Indra Irrigation Project, Khariar, and,*
> *C. And as to pass such other order or orders as this Hon'ble Court deem fit and proper.*
> *And on their failure to show cause or showing in sufficient cause, this Hon'ble Court be pleased to make the said RULE absolute by way of issuing appropriate writ or writs, order or orders in the facts and circumstances of the present case.*
> *And for this act of your lordships kindness the petitioner as in duty bound shall ever pray."*

3. In course of hearing, Mr. Behera, learned counsel for the Petitioner submits that an application for early disposal of the

proceeding under Section 28-A of the Land Acquisition Act, 1894 (for brevity 'the Act') was rejected by the Special Land Acquisition Officer-cum-RRO, Lower Indra Irrigation Project, Khariar-Opposite Party No.3.

4. It is further submitted by Mr. Behera, learned counsel for the Petitioner that petition for early disposal of the proceeding under Section 28-A of the Act was rejected only on the ground that although the estimate in LAR Case No.183 of 2010 filed by one Puten Majhi under Section 18 of the Land Acquisition Act, 1894 (for brevity 'the Act') was submitted for sanction of the Department of Water Resources vide officer letter No.7683 dated 20th March, 2025, but the same was not sanctioned by that date. At present, the amount as directed in LAR Case No.183 of 2010 has already been sanctioned by Government of Odisha. As such, there is no difficulty in disposing of the proceeding under Section 28-A of the Act.

5. He, therefore, prays for withdrawal of writ petition to pursue the authority, namely, Special Land Acquisition Officer-cum-RRO, Lower Indra Irrigation Project, Khariar-Opposite Party No.3 for disposal of the aforesaid proceeding.

6. In view of the above, this writ petition is disposed of as withdrawn.

(K.R. Mohapatra)
Judge

(Savitri Ratho)
Judge

Rojalin