IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4311 OF 2026

(An application under Articles 226 and 227 of the Constitution of India)

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1. Charubala Debata
2. Prasanna Kumar Nanda
3. Parsuram Nanda
4. Chakradhar Nanda
5. Kumudini Sarangi …… ***Petitioners***

-Versus-

State of Odisha & others,
…... ***Opp. Parties***

Advocates appeared:

For Petitioners : Mr. Kousik Ananda Guru, Advocate

For Opp. Parties : Mr. Swayambhu Mishra
Additional Standing Counsel

CORAM :
MR. JUSTICE K.R. MOHAPATRA
MR. JUSTICE SANJAY KUMAR MISHRA

Heard and disposed of on 29.04.2026

JUDGMENT

By the Bench;

1. This matter is taken up through hybrid mode.

2. Mr. Mishra, learned Additional Standing Counsel places on record a copy of the letter No.12455/WR dated 29th April, 2026 issued by the Director, R & R and Ex-Officio Special Secretary to Government in the Department of Water Resources. He also produces the copy of the letter No.358

dated 29th April, 2026 issued by the Zone Officer, L.A. & R.R. Zone, Deogarh. Both the documents are taken on record.

3. This writ petition has been filed for a direction to the Opposite Parties to release the enhanced compensation in favour of the Petitioners in terms of order dated 13.04.2015 passed by the Zone Officer, L.A. & R.R. Zone, Deogarh in a proceeding under Section 28-A of the Land Acquisition Act, 1894 (for brevity 'the Act').

4. Mr. Guru, learned Counsel for the Petitioners submits that the Petitioners being the land losers had filed an application under Section 28-A of the Act in terms of the order dated 07.08.1999 passed by the learned Civil Judge (Sr. Division), Deogarh in L.A. Misc. Case No.19 of 1997 in a reference under Section 18 of the Act. The said application was disposed of vide order dated 13.04.2015 (Annexure-2). Since the land of the Petitioners have been acquired under the same notification, instead of filing an application to refer the matter under Section 18 of the Act, filed an application under Section 28-A of the Act for enhancement of compensation in terms of the aforesaid judgment. Although the Zone Officer, L.A. & R.R. Zone, Deogarh passed the order on 13.04.2015 enhancing the compensation and submitted the documents to the Department of Water Resources for sanction of the amount but till date no sanction has been received, for which disbursal of the enhanced compensation could not be made to the Petitioners. Thus being aggrieved they have filed the present writ petition.

5. Taking into consideration the submissions made by the learned Counsel for the parties, this Court vide order dated 27.02.2026 directed the learned State Counsel to take instruction with regard to status and release of compensation, if any, in favour of the Petitioners. The matter was listed on 15th April, 2026. Learned State Counsel on that date submitted that he has not received complete instruction in the matter and prayed for further adjournment. Today, i.e. on 29.04.2026, the aforesaid two letters were produced before the Court wherein the Director, R & R and Ex-Officio Special Secretary to Government sought for three months' time to sanction the amount. This Court takes an exception to the same. The land of the Petitioners was acquired vide notification dated 15.02.1979. Till date, the Petitioners are yet to receive compensation. Although the Zone Officer, L.A. & R.R. Zone, Deogarh has passed an order enhancing the compensation vide order dated 13.04.2015 but the Petitioners are yet to receive the differential amount of compensation.

6. It further appears that the Zone Officer, L.A. & R.R. Zone, Baghaubaol, Talcher after a lapse of 6 (six) years vide his letter No.21 dated 31.01.2023 submitted all records to the Water Resources Department for necessary sanction to release the compensation in favour of the Petitioners but it is still pending with the Government.

7. Taking note of the predicaments of the Petitioners and laxity on the part of the Zone Officer, L.A. & R.R. Zone, Deogarh as well as Director, R & R and Ex-Officio Special

Secretary to Government in the Department of Water Resources, Government of Odisha, this Court directs that necessary sanction for release of compensation in favour of the Petitioners shall be made as expeditiously as possible preferably by 24th June, 2026, if there is no legal impediment and the differential amount of compensation along with statutory dues and interest shall be released in favour of the Petitioners on proper verification of their entitlement and due acknowledgement by end of July, 2026 positively.

8. Downloaded copy of this order from the website of this Court shall be communicated to the Zone Officer, L.A. & R.R. Zone, Deogarh as well as Director, R & R and Ex-Officio Special Secretary to Government in the Department of Water Resources, Government of Odisha, by Mr. Mishra, learned Additional Standing Counsel forthwith.

9. The writ petition is disposed of accordingly.

Urgent certified copy of this judgment be granted on proper application.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

Orissa High Court, Cuttack,
Dated 29th April, 2026/Banita

Signature Not Verified
Digitally Signed
Signed by: BANITA PRIYADARSHINI PALEI
Designation: SR. STENOGRAPHER
Reason: AUTHENTICATION
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 30-Apr-2026 16:09:24