



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 312 OF 2026

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

1. **Bholeswar Sahu**
2. **Gagan Bihari Sahu**
3. **Ghanashyam Sahu**
4. **Kishore Chandra Sahu**
5. **Muralidhar Sahu** **Petitioners**

-Versus-

1. **State of Odisha**, represented through
Its Commissioner-cum-Secretary,
Revenue & Disaster Management Department,
At-LoksevaBhawan, Bhubaneswar
 2. **Tahsildar-Cum-Competent Authority**,
Land Acquisition Officer, CALA, Deogarh,
National Highway Authority
 3. **National Highway Authority of India**,
Represented through its Project Director, Project
Implementation Unit, Keonjhar, NH-06(49)
 4. **Debananda Pradhan**, aged about-70 years,
S/o-Late Mochiram Pradhan,
At/Po-Purunagarh, P.s/Dist-Deogarh
 5. **Khirodini Swain**, aged about 65 years,
W/o-Debendra Swain, D/o-Late Mochiram Pradhan,
At-Kakharumal, Po-Maleipada,
Ps-Reamal, Dist-Deogarh
- **Opp. Parties**

Advocates appeared:

For Petitioners : Mr. Akshaya Kumar Sahoo,
Advocate



For Opp. Parties : Mr. Bibekananda Nayak,
(Additional Government Advocate)
Mr. Akash Acharya, Advocate
(For Opposite Party No.3-NHAI)
Mr. Swapnil Ray, Advocate
(For Opposite Party Nos. 4 and 5)

CORAM :

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

Heard and disposed of on 16.03.2026

JUDGMENT

By the Bench;

1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition pray for a direction to set aside order dated 02.12.2025 passed by a Competent Authority for Land Acquisition (CALA)-cum-Tahasildar, Deogarh. They further pray for a direction to the Tahasildar, Deogarh, to consider their application (Annexure-2) to refer the matter to the learned Principal Civil Court-cum-District Judge, Deogarh, under Section 3 (H) (4) of the National Highways Act, 1956 (for brevity, 'the Act').
3. Mr. Sahoo, learned Counsel for the Petitioners, submits that a land acquisition proceeding in LA Case No.12 of 2021 was initiated by the CALA, Deogarh, for land acquisition of land for expansion of NH 6 (49). An award under Section 3(G) was also passed.
4. Since there was a dispute regarding the apportionment of the land acquisition compensation awarded under Section 3(G)



of the Act, the Opposite Party Nos.4 & 5 filed an application before the CALA, Deogarh for referring the matter to the competent Principal Civil Court for adjudication. Accordingly, the matter was referred to the learned Principal Civil Court-cum-District Judge, Deogarh for apportionment of the compensation. The LA reference was registered as LA Reference Case No.5 of 2022 on his file.

5. Instead of deciding the matter on merit, the reference was allowed to be withdrawn on the basis of a memo stated to have been filed by the CALA, Deogarh. A copy of the said memo was not served on the parties, including the Petitioners and Opposite Party Nos.4 & 5. When the Petitioners and Opposite Party Nos. 4 and 5 came to know about withdrawal of the reference, they filed an objection before the CALA, Deogarh for referring the matter afresh to the learned Principal Civil Court for apportionment of the compensation. The said application was not considered.

6. Hence, the Opposite Party Nos.4 and 5 approached this Court in W.P.(C) No.21485 of 2024. The said writ petition was disposed of by this Court, vide order dated 05.09.2024, with a direction to the CALA-cum-Tahasildar, Deogarh to consider the joint objection filed by the Petitioners and Opposite Party Nos.4 and 5 in accordance with law within a period of three months from the date of production of a certified copy of the said order.

7. Pursuant to such direction, the impugned order dated 02.12.2025, has been passed by the CALA-cum-Tahasildar, Deogarh - Opposite Party No.2, wherein it was directed to the



parties to produce a stay order relating to the land in question within 30 days, failing which the compensation would be disbursed in equal five shares to the legal heirs of the recorded tenants as per Column No.2 of the ROR. Thus, being aggrieved, the Petitioners have filed the present writ petition.

8. It is further submitted by Mr. Sahoo, learned counsel for the Petitioners, that the CALA-cum-Tahasildar, Deogarh (Opposite Party No.2), could not have withdrawn the reference. Once a matter is referred to the learned Principal Civil Court, it should have been adjudicated on its merits, providing opportunity of hearing to the parties concerned. The learned District Judge also miserably failed to exercise the jurisdiction vested in him. He most illegally allowed the prayer for withdrawal of the reference, which is *per se* illegal and not sustainable. Due to such illegal action of the District Judge, Deogarh, the parties are facing immense difficulties and approaching several Courts for redressal of their grievances. Hence, this writ petition has been filed for the aforesaid relief.

9. Mr. Ray, learned Counsel for Opposite Party Nos.4 and 5, also acknowledges the submission made by Mr. Sahoo, learned Counsel for the Petitioners. It is his submission that once a matter is referred to the learned Principal Civil Court -cum-District Judge, Deogarh and registered as a L.A. Reference Case No.5 of 2022, the same should have been adjudicated on its merits, providing opportunity of hearing to the parties concerned. The learned District Judge, by allowing the withdrawal of the reference, miserably failed to exercise the jurisdiction vested in him. Hence, he also prays for setting aside



the order dated 17.05.2023 passed by the learned District Judge-cum-Principal, Civil Court, Deogarh in L.A. Reference Case No.5 of 2022 (Annexure-5), so also the order dated 02.12.2025 passed by the CALA-cum-Tahasildar, Deogarh in L.A. Case No.12 of 2021 and for referring the matter to the learned Principal Civil Court for adjudication of the reference.

10. Mr. Acharya, learned counsel for the National Highways Authority submits that he has not received any instruction in the matter as yet.

11. Taking note of the submissions made by the learned counsel for the parties, this Court is surprised to note that the learned District Judge-cum-Principal Civil Court, Deogarh on the basis of a memo filed by the learned counsel appearing for CALA-cum-Tahasildar, Deogarh allowed withdrawal of the L.A. Reference Case No.5 of 2022.

12. Once a matter is referred under Section 3-H(4) of the Act to the learned Principal Civil Court for answering a reference, the same has to be adjudicated on merit. The same could not have been allowed to be withdrawn by the learned District Judge-cum-Principal Civil Court, Deogarh. It is submitted by Mr. Sahoo, learned counsel for the Petitioners that although the Petitioners sought for certified copy of the so called Memo filed by the CALA, their application was not allowed.

13. As such, the order dated 17.05.2023 passed by the learned District Judge-cum-Principal Civil Court, Deogarh in L.A. Reference Case No.5 of 2022 (Annexure 5) is *per se* illegal



and is accordingly set aside. Any action taken/order passed, either by the CALA-cum-Tahasildar, Deogarh or any authority, including the order dated 02.12.2025, passed by the CALA-cum-Tahasildar, Deogarh in L.A. Case No.12 of 2021 under Annexure-2 are illegal and are set aside accordingly.

14. Learned District Judge-cum-Principal Civil Court, Deogarh is directed to restore L.A. Reference Case No.5 of 2022 to its file and adjudicate the same on its own merits, giving opportunity of hearing to the parties concerned.

15. The learned District Judge-cum-Principal Civil Court, Deogarh shall act upon production of certified copy of this order.

16. With the aforesaid observation and direction, the writ petition is disposed of. In the facts and circumstances of the case there shall be no order as to costs.

Urgent certified copy shall be granted as per Rules.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

*Orissa High Court, Cuttack,
Dated 16th March, 2026/Mona*