

Orissa High Court

WP(C)/7193/2019 on 4 February, 2020

W.P.(C) No. 7193 of 2019

07. 04.02.2020

Heard learned counsel for the petitioners and learned Addl. Government Advocate.

Petitioners in this writ petition challenging the inaction of the State Authorities in taking needful measures to provide basic amenities and other welfare measures under different Government schemes thereby illogically denying the same in the guise of acquisition of land for the Lower Suktel Irrigation Project in the district of Bolangir.

On 9.1.2020 the learned Addl. Government Advocate has received instruction from Special Land Acquisition Officer, Lower Suktel irrigation Project, Bolangir that the villages Duguripali and Banchhorpalli of Loisingha Block are coming under the sub-merged area of Lower Suktel Irrigation Project, Balangir. On that date a further direction was given to learned Addl. Government Advocate to obtain instruction what is the stage of construction of the project and within what time the project is likely to be

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completed. Pursuant to the aforesaid direction the learned Addl. Government Advocate obtained further instruction from the Special Land Acquisition officer, Lower Suktel Irrigation Project, Bolangir on 28.1.2020 which reveals that the project is likely to be completed by 2023-2024. It was also stated in the said instruction that out of 29 numbers of villages land acquisition proceeding has been completed in respect of 15 numbers of villages under the Land Acquisition Act, 1894 and 14 numbers of villages are coming under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

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Learned counsel for the petitioners submitted that though the project was started more than two decades they are deprived of the benefit and their lands are being sub-merged and they are suffering for a long period.

Considering the above, we dispose of the writ petition with a direction to opposite party No. 1 as well as opposite party Nos. 2 and 4 to initiate land acquisition proceeding under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as early as possible and complete the said proceeding within the statutory period after giving opportunity of hearing to the petitioners and determine the

compensation of the said land which are sub-merged under the Lower Suktel Irrigation Project.

A free copy of the order be handed over to learned Addl. Government Advocate for compliance.

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S. Panda, Acting Chief Justice S.K.Sahoo, J