

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.70 of 2023

1. Sri Ajit Kumar Debnath, Age-57 years, S/O- Lt. Ananda Mohan Debnath, R/O- Nath Para, Kam Thana Road, Purathal Rajnagar, Arabinda Nagar, District- Sepahijala, Tripura, PIN-799100

2. Sri Tapas Debnath, Age-53 years, S/O- Lt. Ananda Mohan Debnath, R/O- Nath Para, Kam Thana Road, Purathal Rajnagar, Arabinda Nagar, District- Sepahijala, Tripura, PIN-799100

.....Petitioner(s)

Versus

1. The State of Tripura, to be represented by the Secretary, Public Works Department, Govt. of Tripura, New Secretariat Building, New Capital Complex, Agartala, West Tripura, Pin-799010

2. The District Magistrate & Collector, Bishramganj, Sepahijala, Tripura

3. The BDO, Bishalgarh RD Block, Sepahijala District, PIN-799102

4. The Pradhan, Arabindanagar Panchayat, District- Sepahijala, Tripura, PIN-799100

5. The Secretary, Arabindanagar Panchayat, District- Sepahijala, Tripura, PIN-799100

6. Ruman Debnath, S/O- Lt. Birendra Debnath, R/O- Nath Para, Kam Thana Road, Purathal Rajnagar, Arabinda Nagar, District- Sepahijala, Tripura, PIN-799100

.....Respondent(s).

For Petitioner(s)	: Mr. P. Roy Barman, Sr. Advocate, Mr. Kawsik Nath, Advocate, Mr. D. Paul, Advocate.
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For Respondent(s)	: Mr. D. Sarma, Addl. G.A., Mr. Rajib Saha, Advocate.
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HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

06/07/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. Kawsik Nath, learned counsel for the petitioners and Mr. D. Sarma, learned Additional Government Advocate, for the respondents-State. Also heard Mr. Rajib Saha, learned counsel for the respondent No.6.

2. Writ petitioners have approached this Court for a direction upon the respondents either to vacate the land measuring 2 ganda out of 3 acre 66 satak recorded under Khatian No.42/1, Old Plot No.6031, New Plat No.4984, Mouja- Purathal Rajnagar, Tehsil- Madhupur, Revenue Circle- Bishalgarh, Sub-Division- Bishalgarh, Touji No.717 said to be belonging to the petitioners or to appoint the petitioner No.2 as Pump Operator in view of the assurance given by the respondents.

3. The respondents No.1, 2 and 3, who are the State and its officials, have filed a Counter Affidavit taking a categorical stand that the claim of the petitioners is disputed. No such verbal assurance can be given to the petitioner regarding his appointment or of his legal heirs by the DWS Division, Bishalgarh. The appointment of any Pump Operator for operation of any DTW scheme is accomplished by the notification on "*Guidelines for handing over maintenance and operation of Rural Water Supply Schemes to the Panchayat Raj and Autonomous District Council area Bodies*" [Annexure-R/1]. As per the guidelines, selecting persons for operation of any DTW scheme is the responsibility of the concerned Panchayat. No such provision exists for the appointment of any person or his family members under the Jal Jeevan Mission project by the DWS Department. In addition, it is stated that Ruman Debnath, S/o Lt. Birendra Ch. Debnath was appointed as Pump Operator by the Executive Officer (BDO) Bishalgarh Panchayat Samiti, Bishalgarh RD Block and was communicated vide office letter dated 03.08.2022.

4. However, Mr. D. Sarma, learned Additional Government Advocate for the respondents-State, submits that the entire dispute raised by the petitioners is of civil nature and writ petition cannot be maintained against the State when the scheme does not provide for appointment in lieu of land. Even otherwise, respondents-State and its officials deny taking over the land of the petitioners.

5. Respondent No.6 has also filed a Counter Affidavit and contested this case of the writ petitioners.

6. Learned counsel for the petitioners has referred to the statement made at Para 12 of the writ petition and submitted that taking away of the land without due compensation is in teeth of Article 300A of the Constitution of India. Petitioners and their family members have been deprived of a portion of the land measuring 3 acre 66 satak.

7. However, on being specifically asked, learned counsel for the petitioners has not been able to show from the guidelines at Annexure-R/1 that any such provision exists for granting appointment as a Pump Operator in lieu of land acquired or taken of any such raiyat or petitioner. The grievance of the petitioners though directed against the respondents-State, but since the scheme at Annexure-R/1 does not contain any provision for appointment in lieu of land, a legal right to claim appointment thereupon cannot be made. On the other hand, the respondents-State and its officials have completely denied taking over the land of the petitioners in lieu of any assurance to give him appointment. As such, Mr. D. Sarma, learned Additional Government Advocate for the respondents-State, is right in

contending that the matter may be a civil dispute between the petitioners and the person who may have assured them of appointment; but no relief can be sought for and granted against the respondents-State and its officials.

8. Having regard to the aforesaid facts and circumstances and the observations made hereinabove, this Court is satisfied that writ petitioners have not been able to make out any legal right or any infringement of constitutional right *vis-à-vis* State-respondents for issuance of any writ under Article 226 of the Constitution of India. Petitioners may have liberty to raise their grievances in a civil proceeding against a private body in respect of the land in question.

9. With the aforesaid observations, Writ Petition stands dismissed. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ