

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.153 OF 2023**

Md. Golam Mustafa

..... **Petitioner(s)**

Vs.

The State of Tripura and ors.

..... **Respondent (s)**

For the Petitioner(s) : Mr. D.C. Roy, Advocate.

For the Respondent(s) : Mr. N. Majumder, Advocate.
Mr. Rajkumar P Singh, Advocate.
Mr. D.C. Saha, Advocate.

Date of hearing and delivery of
Judgment & Order : 09.08.2023.

Whether fit for reporting : NO.

**HON'BLE MR JUSTICE T. AMARNATH GOUD
JUDGMENT AND ORDER(ORAL)**

The brief fact of this present writ petition filed under Article 226 of the Constitution of India is that the petitioner is the owner & possessor of land under Khatian No.1005, 752 & 484 of District Sepahijala, Mouja-Kulubari, Tehasil Matinagar, Revenue Circle & Sub-Division-Sonamura.

2. The State respondents without issuing any notice beyond the knowledge used and occupied a vast quantity of land of the petitioner, his mother, and wife for the purpose of the extension of 132kv Electric Line.

3. The petitioner raised objection but the State respondents & Power Grid did not hear the petitioner. The petitioner through his lawyer issued notice on 22.06.2022. The Power Grid on 01.07.2022 replied to the said lawyer's notice. Being dissatisfied, the petitioner has filed this petition seeking the following reliefs:-

*" a) Admit the petition;
b) Issue Notice upon the respondents;
c) Call for the records;
AND
d) After hearing be pleased to direct the respondents No.1 to 8 to shift the 132 kv Electric line from the Jote land of the petitioner.
AND
To pay Cost/Compensation of Rs.1,00,00,000/- (One Crore) to the petitioner for illegal possession and use of land of the petitioner."*

4. Heard Mr. D.C. Roy, learned counsel appearing for the petitioner as well as Mr. N. Majumder, learned counsel appearing for respondents-TSECL, Mr. Rajkumar P. Singh, learned counsel appearing for respondents Power Grid and Mr. D.C. Roy, learned counsel appearing for respondent No.10.

5. Mr. Rajkumar P. Singh, learned counsel appearing for the respondents-Power Grid submits that as per the survey report of the Revenue official and the sale deed, they have paid the compensation amount to respondent No-10 herein. The said sale deed has been executed by the sister of the petitioner in favour of respondent No.10.

6. Mr. N. Majumder, learned counsel appearing for respondents-TSECL submits that they have adopted the reply submitted by respondents No.3, 4, 5 & 7.

7. Mr. D.C. Roy, learned counsel appearing for the petitioner submits that the sister of the petitioner is a co-sharer and without the consent of the petitioner, the sale deed of the undivided share was executed.

8. Heard both sides and perused the evidence on record.

9. In view of the disputed question of facts submitted by both sides, this Court is of the opinion that it is not for this Court to decide in regard to the sale deed alleged to have been executed by the co-sharer, i.e., the sister of the petitioner in favour of the unofficial respondent No.10 and with regard to the compensation amount that has been disbursed and released in favour of the respondent No.10 on the strength of sale deed.

10. Since checkered history and right & title of the individual needs to be ascertained, hence, this cannot be adjudicated in this writ petition under Article 226 of the Constitution of India and the same is to be adjudicated before the concerned competent Civil Court.

11. Accordingly in view of the above observation and direction, this present writ petition stands dismissed. The petitioner is at liberty to take steps in accordance with the law by

approaching the Civil Court for redressal against the concerned persons.

12. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit

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SUHANJIT
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