

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.350 of 2023

Smt. Lipika Datta (Deb), wife of Sri Samir Deb, son of Late Sukumar Deb, resident of Village & PO- Manik Bhandar, Sub-Division & PS- Kamalpur, District- Dhalai Tripura, PIN-799287, aged about 39 years

.....Petitioner(s)

Versus

1. The State of Tripura, represented by the Commissioner & Secretary, Revenue Department, Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, PO- Agartala Secretariat, PS- N.C.C., Sub-Division- Agartala, District- West Tripura, Pin-799010

2. The Commissioner & Secretary, Revenue Department, Government of Tripura having his office at New Secretariat Complex, Gorkhabasti, Agartala, PO- Agartala Secretariat, PS- N.C.C., Sub-Division- Agartala, District- West Tripura, Pin-799010

3. The District Magistrate & Collector, Dhalai District, Ambassa, Pin-799287

4. The Competent Authority for Land Acquisition, having his office at Jawaharnagar, Ambassa, District- Dhalai Tripura, Pin-799287

5. The General Manager, National Highways & Infrastructure Development Corporation Limited, PMU, Kumarghat, District- North Tripura, PIN-799264.

सत्यमेव जयते

.....Respondent(s).

For Petitioner(s)	: Mr. Kousik Roy, Advocate, Mr. U.S. Singha, Advocate, Mrs. Riya Chakraborty, Advocate, Mr. R. Chakraborty, Advocate.
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For Respondent(s)	: Mr. Karnajit De, Addl. G.A., Mr. N. Majumder, Advocate.
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HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

02/06/2023

Writ petitioner is the wife of the land looser, Sri Samir Deb who has approached this Court for enhancement of compensation in lieu of the acquisition of the land measuring 0.03 acres situated at Mouja-Manikbhandar, Sub-Division- Kamalpur, Tehsil- Manikbhandar, Khatian No.1799, Touji No.266, 267/P, Revenue Circle- Kamalpur, Sabek-P.B.117 78/4145, Hal-94/5483(P), Dag No.95, Nature of land-Bastu(Nal), and a house situated on the said land.

2. By the award dated 15th July, 2022, the competent authority/Additional District Magistrate & Collector, Dhalai District, Ambassa, Jawaharnagar, assessed the compensation at Rs.1,82,846/- (Rupees One lakh eighty two thousand eight hundred and forty six) only for the value of land and by another award dated 30th August, 2022, Rs.21,13,752/- (Rupees Twenty one lakhs thirteen thousand seven hundred and fifty two) only has been assessed for compensation for the value of asset attached to the land. According to the petitioner, the market value of the acquired land is much more as per the prevalent market rate and the sale deeds of adjoining lands.

3. Petitioner had represented before the competent authority for land acquisition vide Annexure-8 received on 26th April, 2023 for enhancement of the compensation under Section 3G & 3H of the National Highways Act, 1956 (NH Act, *for short*). However, since no action was being taken, she has been compelled to approach this Court.

4. Mr. N. Majumder, learned counsel for the respondent No.5-National Highways authority, on instructions, submits that by Gazette Notification dated 27.11.2020, the District Magistrate & Collector, Dhalai District has been conferred the power of competent authority in terms of Section 3G(5) of the NH Act. As such, petitioner may be directed to appear before the competent authority and stake his claim.

5. Mr. Kousik Roy, learned counsel for the petitioner, submits that petitioner is in receipt of a notice dated 31.05.2023 bearing No.684-86 asking her to appear on 17th June, 2023 at 11.00 AM in the chamber of District Magistrate, Dhalai District with relevant documents in support of his/her claims. Learned counsel for the petitioner also submits that petitioner shall appear and cooperate in the proceedings. Therefore, writ petition may be disposed of with suitable observations.

6. In the light of the chronology of facts noted above and the developments that has taken place during pendency of the writ petition, since the competent authority constituted under Section 3G(5) of the NH Act has already noticed the petitioner for staking her claim for enhancement of compensation, and the statutory forum for consideration of such a claim has been activated, this Court is not required to examine the claim on merits at this stage under writ jurisdiction.

7. Needless to say, petitioner should appear before the competent authority on the date fixed and press her claim with all supporting documents which shall be considered in accordance with law within a reasonable time.

8. Writ petition stands disposed of. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ