HIGH COURT OF TRIPURA
AGARTALA

WP(C) NO.373 OF 2023

MD. Ali Mia
Vs.
Union of India and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. A. Nandi, Advocate.

For the Respondent(s) : Mr. B. Majumder, Deputy SGI.
Mr. D. Bhattacharjee, learned G.A.
Ms. N.C. Saha, Advocate.

21.06.2023

Order

This present writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

" i) Issue Rule calling upon the Respondents and each one of them, to show cause as to why a writ of certiorari and/or in the nature thereof for directing the respondents to transmit the records, appertaining to the writ petition, lying with them, for rendering substantive and consignable justice to the petitioner.

ii) Issue rule asking the respondents to show cause as to why the respondent No.2 should not be directed to make fresh survey of the land for determination of the quantum of land belong to the petitioner was utilized for construction of said IBB Road at Mouja-Birampur and then initiate the proceedings for determining of compensation under Section 28 of the RFCTLARR Act, 2013 for payment of due compensation to the land owner/petitioner.

iii) After hearing the parties and being satisfied make the rule in terms of (ii) absolute.

iv) Issue Rule asking the respondents to show cause as to why the respondents NO.2 and 5 shall not be directed to conduct a joint survey to determine the actual measurement of land belonging to the petitioner was taken over for the construction of IBB Road within the periphery of Birampur Mouja.

v) Issue, rule, asking the respondents to show cause as to why the Respondent No.2 should not be directed to pay time bound and adequate compensation as per provision of RFCTLARR Act, 2013 in the letter and spirit of Case No.WP(C)148 of 2021 for ends of justice.

vi) After hearing the parties, being satisfied, make the rule in terms of (iv) and (v) absolute.

vii) Pass any other order/orders, writ/writs as may deem fit and proper for ends of justice. "

Heard Mr. A. Nandi, learned counsel appearing for the petitioner as well as Mr. B. Majumder, learned Deputy SGI appearing for the Union-respondent as well as Mr. D. Bhattacharjee, learned G.A. assisted by Ms. N.C. Saha, learned counsel appearing for the State-respondent.

It is seen from the record that the petitioner herein has served a representation/demand notice dated 16.04.2023 upon the respondents agitating his grievance but the same is still pending. In view of such, without expressing any opinion of the merits, this present writ petition is disposed of with a direction upon the concerned respondents to consider the representation/request made by the petitioner in accordance with law within a period of 3(three) months from the date of receipt of the copy of this order by the respondents. Said decision made by the respondents shall also be communicated to the petitioner herein.

With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay if any stands vacated, pending application(s), if any also stands closed.

JUDGE

suhanjit

HIGH COURT OF TRIPURA
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