

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 494 of 2023

Sri Ananta Debnath And 2 Others

---Petitioner(s)

Versus

The State of Tripura And 4 Others.

---Respondent(s)

For Petitioner(s)	: Mr. A. Acharjee, Advocate. Ms. Sreya Sarkar, Advocate.
For Respondent(s)	: Mr. D. Sharma, Addl. GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

08.08.2023

This is a petition under Article 226 of the Constitution of India for enforcement of the Constitutional rights of the petitioners as guaranteed under Articles 14, 16, 21, 300-A & 311 of the Constitution of India.

The case of the petitioner is that in the year, 2020 the Competent Authority, Land Acquisition along with the Respondent No.4 has acquired the suit land under National High Way Act, 1956 and after acquiring the land the respondent No.5 has given notice to the petitioners and the petitioners appeared before the competent authority and has submitted all relevant papers and documents. The respondent No.4 after verification of the document and hearing passed an order dated 11.12.2020 in favour of the petitioners as the legal heirs of late Bipin Debnath (the father of the petitioners) for receiving compensation of Rs.9,95,020/- (Rupees nine lacks ninety five thousand twenty). The order passed by the respondent No.4 has clearly mentioned that on receipt of the competent authority by Survey NO.3548/P, late Bipin Debnath is the owner and actual possessor of the land and he entitled to receive the amount of Rs.9,95,020/- as compensation against his land. But till today

the respondents has not paid any amount to the petitioners. Having no other alternatives, the petitioner has approached this court for 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, shall not be issued for paying compensation of Rs.995020/- (Rupees nine lacks ninety five thousand twenty) as the respondents after verification of the documents and hearing passed an order dated 11.12.2020 in favour of the petitioners.*
- (ii) *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, shall not be issued, for directing the respondents to transmit the record, relevant to the subject matter of the writ petition for rendering substantial and conscionable justice to the petitioners as per report of the competent authority by Survey No.3548/P, late Bipin Debnath (father of the petitioners) is the owner and actual possessor of the land and for violation of the principles of natural justice.*
- (iii) *Issue notice upon the respondents And Call for the records appertaining to the writ petitioner.*

Mr. A. Acharjee, learned counsel appearing for the petitioners has submitted before this court that the subject land of the petitioners has been acquired by the respondents way back and despite determination of the compensation, it has not been released. Aggrieved thereby the present writ petition has been filed.

On the strength of the instruction, Mr. D. Sharma, learned Addl. GA appearing for the state submits before this court that since there is a civil dispute pending, it is a hurdle for the government to release the amount in question because once the same is released, it becomes difficult to recover the amount, in the event if the petitioner is not entitled for such compensation. Moreso, the right and title of the petitioner with regard to the subject land is to be established.

Without expressing any opinion on the merit of the case, this writ petition is disposed of directing the respondents to consider the request of the petitioner on the strength of the relevant documents that would be placed before them. At the time of considering the same, the respondents shall also consider the aspects whether (i) whether the petitioners are the owner of the property (ii) whether the respondents have determined the compensation in favour of the petitioners.

It is needless to observe that the respondents shall put on notice to all relevant persons having claim or counter-claim of the compensation.

The respondents shall also give opportunity to the petitioners for personal hearing before taking a decision. At the time of hearing, the petitioners are at liberty to submit all relevant documents to the satisfaction of the respondents. This exercise shall be completed within a period of three months from the date of receipt of the copy of this order. It goes without saying that while deciding the matter, respondents shall also consider the order dated 11.12.2020.

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

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