

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.549 of 2023

<i>Sri Debabrata Nayak</i>	<i>Petitioner(s)</i>
<i>Versus</i>	
<i>The State of Tripura & 03 Ors.</i>	<i>Respondent(s)</i>

For Petitioner(s)	:	Mr.R G Chakraborty, Advocate
For Respondent(s)	:	Mr. D. Bhattacharya, Govt. Advocate Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

30.08.2023

This is a petition filed under Article 226 of the Constitution of India seeking the following reliefs:-

- I. ISSUE RULE NISI calling upon the Respondents and each of them to show cause as to why a writ in the nature of mandamus and/or direction/directions and/or order/orders in the like nature shall not be issued compelling and directing the respondent Nos. 1 to 4 and each of them and/or all the respondents and each of them to issue necessary information to the Petitioner regarding acquisition of his land;
- II. ISSUE RULE NISI calling upon the Respondents and each of them to show cause as to why a writ in the nature of mandamus and/or direction/directions and/or order/orders in the like nature shall not be issued compelling and directing the respondents Nos.1 to 4 and each of them and/or all the respondents and each of them to allow the petitioner to know the status of his jote land under possession of the railways and his letter dated 27.06.2023 for appropriate response thereto;
- III. ISSUE RULE NISI calling upon the Respondents and each of them to show cause as to why a writ in the nature of Mandamus and/or direction/directions and/or order/orders in the like nature shall not be issued compelling and directing the respondent nos. 1 to 4 and each of them and/or all the respondents and each of them to produce all relevant papers before this Hon'ble High Court enabling this Hon'ble Court to adjudicate the matter

regarding possession of N.F Railways on the jote property of the petitioner;

- IV. ISSUE RULE NISI calling upon the Respondents and each of them to show cause as to why a writ in the nature of Mandamus and/or direction/ directions and/or order /orders in the like nature shall not be issued compelling and directing the respondent and each of them and/or all the respondents and each of them to acquire the portion of land under the possession of the Indian Railways and/or to acquire the whole landed property of the petitioner adjacent thereto within Khatian No. 847 and to pay appropriate compensation for the acquired lands in both the cases.
- V. After hearing the parties be pleased to make the Rules absolute;
- VI. And be pleased to pass further order/orders, direction/directions as this Hon'ble High Court considered deemed fit and proper.

[2] Heard Mr. R G Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharya, learned Govt. Advocate assisted by Mr. S. Saha, learned counsel appearing for the State-respondents.

[3] Mr. RG Chakraborty, learned counsel for the petitioner submits that a Writ Petition No.92 of 2023 was preferred by the petitioner making the railways as a party. Subsequently, on 13.02.2023 in WP(C) 92 of 2023 an order was passed by this Court to consider the representations dated 25.10.2022 and 01.01.2023 made by the petitioner within a period of 03(three) months. Thereafter, a reply letter dated 04.04.2023 was issued by Sr. Divisional Engineer, N.F. Railway, Lumding indicating the Order dated 13.02.2023 passed by this Court in WP(C) No.92 of 2023 that the petitioner has unauthorizedly occupied a plot of land under Khatian No.847 within Mouja Pabiacherra, Sub-division Kumarghat, District- Unakoti. Meanwhile, a letter dated 16.06.2023 was also issued by the LA. Collector, Unakoti District, Kailashahar addressed to GM. North East Frontier Railway to find out the relevant records of the land for compliance of the Hon'ble Court's Order dated 13.02.2023 passed in WP(C)No. 92 of 2023.

[4] Having gone through the records, this Court is of the view that the petitioner has not approached this Court with clean hands. Moreover, the subject matter of the present case cannot be dealt under Article 226 of the Constitution. The petitioner could have approached this Court by way of filing a Civil Suit for proper adjudication since the issue with regard to disputed

question of facts are involved, involving the acquisition of land or not, the extent or on any other issue and whether the respondents paid compensation or willing to pay and so on.

With the above observation and direction, the present writ petition stands dismissed being devoid of merit. Accordingly, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated.

Pending application(s), if any also stand disposed of.

JUDGE

Paritosh

**SABYASACHI
GHOSH**

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