

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.552 OF 2023**

Sri Satya Ranjan Debnath and ors.

Vs.

The State of Tripura and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

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

For the Respondent(s) : Mr. D. Bhattacharjee, G.A.
Mr. S. Saha, Advocate.

01.09.2023

Order

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

"i. Issue Rule against the Respondents directing each of them as to why the homestead land of the petitioners, the details of which has been mentioned in the paragraph below which is unauthorized & illegal occupation of the respondent No.5, since acquisition of the adjacent land of the petitioner for construction of RCC Bridge over the River Howrah on 09.03.1999 connecting Assam Agartala Road with the by pass road should not be acquired & compensated as per the present market rate to the petitioners being not possible for occupation and utilization by the petitioners for the obstruction created by the respondents for construction of the bridge and the extension of the height of the approached road of the bridge by making bricks wall.

ii. Issue Rule against the Respondents directing each of them as to why the report submitted by the concern staff, the Surveyors of the LA Collectors on various dates after field verification as per the direction & instruction of the Hon'ble High Court in the Judgment & Order dated 06.04.2017 in case No. WP(C) 431/2016(Annexure-IV) should not be considered and rest of the amount of compensation for the rest of the land measuring 0.325 acres should not be paid to the petitioners since the acquisition of the adjacent land of the petitioners dated 09.03.1999 for the purpose of construction of RCC Bridge over the River Howrah @ 14% p.a. on the amount of the market rate of the said land out of measuring 0.42 acres i.e. 1 kani 1 ganda for the unauthorized occupation by the Respondent No.3 & 5 till the date of release or to make suitable for the utilization of the petitioners removing all obstructions if not acquired within specific period with all compensation as per provisions of section 23 of the old L.A. Act read with section 82 Proviso of the new L.A. Act till realization of the rest land causing marketable & usable.

iii. Issue rule or direction upon the respondents or each of them as to why the further Order or Orders or directions should not be passed as your Lordships deem fit & proper in favour of the petitioners for such unauthorized & illegal activities of the Respondents i.e. the illegal & unauthorized occupation of the land of the petitioner measuring 0.42 acres and by creating obstruction causing difficulties for the utilization of the land in any way as homestead or for commercial purpose."

2. Heard Mr. D. Debnath, learned counsel appearing for the petitioner as well as Mr. D. Bhattacharjee, learned G.A. assisted by Mr. S. Saha, learned counsel appearing for the State-respondents.

3. The case of the petitioner is that the PWD Department, Government of Tripura has occupied a major extent of their land, and to some extent, compensation has been paid but there is a small bit of portion which is yet to be paid. Despite they going around the office, the respondents have not paid the entire compensation. Hence the present writ petition is filed.

4. Learned G.A. upon instruction submits before this Court that already an award has been passed and a reminder has been issued indicating them to collect the compensation as per procedure. Further, upon the demand of the petitioners, a supplementary award has also been made and the amounts have been made available. Hence, the writ petition is devoid of merit and prayed to dismiss the same.

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

6. Without expressing any opinion on merits, in view of the disputed question of facts with regard to identifying the portion of property which is under the unauthorized possession of PWD Department without paying any compensation, this Court feels and

accordingly directs the petitioners to file a detailed representation before the respondents regarding their claims, rights and entitlement along with any documentary evidence in support of their claims. On receipt of the same, the respondents shall consider their representation in accordance with law as expeditiously as possible.

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

JUDGE

suhanjit

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SUHANJIT
SINGHA

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SUHANJIT SINGHA
Date: 2023.09.04
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