

HIGH COURT OF TRIPURA

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WP(C)No.554 of 2023

Sri Chitta Ranjan Sarkar and Another

.....Petitioners

_V_E_R_S_U_S_

The State of Tripura and 3 Others

.....Respondents

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

For Respondent(s) : Mr. T. K. Choudhury, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

05/09/2023

Heard Mr. D. Debnath, learned counsel appearing for the petitioners also heard Mr. T. K. Choudhury, learned counsel appearing for the respondents No. 1, 2 and 3.

The present petition has been filed under Article-226 of the Constitution of India for issuing writ of mandamus directing the respondent Nos.2 and 3 to release the amount of compensation awarded regarding the acquisition of land for the purpose of construction of 400 K.V. Sub-Station and also provide a chance to the petitioners to refer the matter to the Court of learned Land Acquisition Judge, Agartala, West Tripura for proper adjudication.

The brief facts of the case are that the respondents have acquired the land of the petitioners for the purpose of "Construction of 400 KV Sub Station. The mid acquisition notice was in the name of one "Rayati - Khudiram Bhowmik" and the name of the petitioners were recorded as permissible occupiers and as such the compensation amount of Rs. 10.29.265 was awarded in the name of the Khudiran Bhowmik and the petitioners as permissible occupiers. The Rayati-Khudiram Bhowmik have never possessed the said acquired land and infact the name of Khudiram Bhowmik was erroneously recorded in the Khatian i.e. record of right, instead of the name of the petitioners which was not in the knowledge of the petitioners until the land was acquired.

The petitioners then have filed for cancellation of the allotment of the Rayati- Khudiram Bhowmik before the Court of Sub-Divisional Magistrate, Bishalgarh for the cancellation of allotment of land and as such the allotment was cancelled after getting the order in the favor of the petitioners, they have applied

again before the Sub-Divisional Magistrate Bishalgarh, West Tripura for allotment of the said acquired land in the name of the petitioners but till then it was very late because the land was already mutated in the name of the Pro-forma respondent because of the acquisition. The petitioners for several years was praying for getting the compensation amount from the office of the respondents but the respondent no. 2 & 3 were always reluctant to release the amount in the name of the petitioners.

Hence, the present petition has been filed by the petitioners before this Court for redress.

In view of above and having heard the learned counsel appearing for the parties, this Court is of the view that it is only a chance litigation. The petitioners having slept over the issue for several years and has not chosen to contest the matter before the concerned authority seeking their rights and since, this Court has granted some compensation on some identical situation, the petitioners have approached before this Court after 12 long years and insisting that, similar order needs to be passed in favour of the petitioners.

Prima facie, the issue which needs to be resolved that whether the petitioners have any right title and interest in claiming such compensation under the award. Since several issues are needs to be answered under proper evidence, it is not for this Court to decide such issue under Article-226 of the Constitution of India and to look into such disputed questions of facts and also to entertain the present petition on the ground of laches.

Accordingly, the present petition stands dismissed. As a sequel, miscellaneous application pending, if any, shall stand closed.

JUDGE

A. Ghosh

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