

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C)No.555 of 2023

Smt. Sikha Rani Das (Sarkar) and 3 Others

.....Petitioners

_V_E_R_S_U_S_

The State of Tripura and 2 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 and 2.

The present petition has been filed under Article-226 of the Constitution of India for issuing writ of mandamus directing the learned DM & Collector, Sadar to refer the matter relating to the acquisition of land for the construction of Agartala Akhaura New Railway Line Project under Sadar Sub-Division, West Tripura to the learned Land Acquisition and Rehabilitation Authority, Agartala for proper determination of market value of the acquired land of the petitioners.

The petitioners have prayed for the following reliefs:

“i. Admit this matter.

ii. Issue notice upon the respondents.

iii. Direct the respondent No.2 to refer the matter vide Serial Apportionment No.19, 25, 10 to Ld. Land Acquisition, Rehabilitation and Resettlement Authority for proper adjudication of law.”

The case of the petitioners is that the respondents have acquired the land of the petitioners for the extension of Nischintapur Station yard in connection with Agartala - Akhaura New Railway line project by 2 notifications from 3 (three) separate plots. Regarding the said acquisitions notices were issued in the name of the father of the petitioners, i.e. Mani Bhusan Das and in the names of other brother and sisters of Mani Bhusan Das as the land which were acquired were the joint property and consequently, separate notices were issued in the names of all

the joint owners along with award notices which was unknown to the petitioners. After the death of Mani Bhusan Das, separate record of rights was not created and as such all the notices which were issued in his name were received by the other joint owners.

When this fact came in the knowledge of the petitioner No. 1, she immediately, filed 2 applications for the acquired lands for each plots, i.e. total 6 applications, one is for correction of record by substituting the names of petitioners and another for referring the matter U/S 64 of RFCTLAR & R Act, 2013 to the Ld. LAR & R Authority. The respondents as per application have corrected the records but have not referred the matter for 2 years for which the petitioners consulted with their engaged counsel and have sent a legal notice to the respondents but neither they have responded to the petitioners nor they have referred the matter and hence this petition is sought for.

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, without going into the merits of the case, the present petition stands disposed of directing the respondents to consider the case of the petitioners in the light of the applications filed by the petitioners on 21.12.2020 which are pending before the respondent in accordance with law also in the light of the proceedings issued by the concerned officer in modifying the revenue records for granting the award within a period of two months from the date of receipt of the copy of this order.

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

JUDGE

A. Ghosh

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