

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.630 OF 2023**

Sri Bhupendra Malakar
Vs.
The State of Tripura and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. P.K. Pal, Advocate.

For the Respondent(s) : Mr. Kohinoor N. Bhattacharjee, Advocate.

17.11.2023

Order

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

"i. Admit the petition.

ii. Issue notice calling upon the respondents to show cause as to why a writ of mandamus directing them should not be issued to make payment of the compensation amount as demanded together with interest @ 8% per annum thereon against the respondents.

iii. After hearing the parties be pleased to make the rules absolute.

AND

iv. To pass any other relief/reliefs may be granted as this Hon'ble High Court may deem fit and proper."

It is seen from the record that the petitioner first submitted a representation dated 03.11.2022 to respondent No.2 ventilating his grievance, but, no action had been taken from the end of the respondents. As such, the petitioner served a demand notice dated 30.03.2023 apprising all the material facts upon the respondents No.2 and 3 through his counsel and requested the respondents to take necessary action. After receipt of such demand notice, the Land Acquisition Collector, Unakoti District, Kailasahar appraised the Sub-Divisional Magistrate, Kumarghat, Unakoti District, dated 13.04.2023

with a request to enquire into the matter in the light of the enclosed demand notice and to submit the factual report. Thereafter, the petitioner by serving another demand notice towards the State respondents apprised that the inquiry was conducted on 26.04.2023 by a Tehsildar, and the said report has been submitted to the appropriate authority. But no action has been taken by the NHIDCL to remove the dumped earth from the housing complex of the petitioner and also no payment has been arranged towards the petitioner for his aforestated damages. As such, the petitioner again served another demand notice dated 19.06.2023 through his learned Advocate and requested the respondents to take urgent necessary actions toward his demand. Thereafter, the Addl. District Magistrate and Collector vide letter dated 01.06.2023 forwarded his recommendation to the petitioner-counsel. After waiting for 2(two) months from the date of the last demand notice, dated 19.06.2023, as the respondent remained silent, the petitioner again served another notice dated 24.07.2023, upon the Deputy General Manager(P) NHIDCL, P & U, Kumarghat, Unakoti District i.e., the respondent No.3 to consider his request. But till date, there has been no response on behalf of the respondents and as such the petitioner has filed this present writ petition

In view of the above circumstance, without expressing any opinion on its merits, this present writ petition is disposed of with a direction upon the respondents to consider the representation(s)/demand notice(s) made by the petitioner, particularly in the light of the recommendation dated 01.06.2023 forwarded by the Revenue Authority i.e., Addl. District Magistrate and Collector, Unakoti District, Kailashahar. This exercise shall be

completed by the respondents within a period of 2(two) months from the date of receipt of the copy of this order. It is needless to say the said decision of the respondents shall be communicated to all the concerned parties.

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

suhanjit

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SUHANJIT
SINGHA

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SUHANJIT SINGHA
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