

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.765 OF 2022**

Sri Lura Darlong,

S/o late Neidinga Darlong,
Vill- Kathal Chara, Old Darlong Basti,
P.O. & P.S. Nepal Tilla,
District, Dhalai Tripura.

..... **Petitioner(s).**

Vs.

1. The State of Tripura,

Represented by the Principal Secretary,
Department of Education, Govt. of Tripura,
New Secretariat Building, P.S.- NCC,
P.O.- Secretariat, Agartala, West Tripura,
Pin-799010.

2. The Director, Education Department,
Govt. of Tripura, Agartala, District- West Tripura,
Pin-799001.

3. The Headmaster,
Kathalchara, T.M.C. High School,
Nepal Tilla under Chhailengta Inspectorate of School,
P.S. Nepal Tilla, District- Dhalai Tripura.

4. The Superintendent of Police,
Dhalai Tripura, Ambassa, through Director General of Police,
Police Headquarter, Agartala, West Tripura, PIN-799001.

5. The Officer-in-charge,
Nepal Tilla Police Station,
District- Dhalai Tripura through,
Director General of Police, Police Headquarter,
Agartala, West Tripura, PIN-799001.

6. The Sub-Divisional Magistrate,
Ambassa, Dhalai Tripura.

.....**Respondent(s)**

For the Petitioner(s) : None.

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

Date of hearing and delivery of
Judgment & Order : 10.02.2023.

Whether fit for reporting : YES/NO.

HON'BLE THE CHIEF JUSTICE(ACTING)
JUDGMENT AND ORDER(ORAL)

When the case is called, there is no representation on behalf of the petitioner. Heard Mr. Kohinoor N. Bhattacharjee, learned counsel appearing for the respondents. Earlier also, it is seen from the record that Mr. P.K. Ghosh, learned counsel for the petitioner has not appeared and this Court draws an inference that the petitioner is not interested to proceed with the matter. However, having heard Mr. Kohinoor N. Bhattacharjee, learned counsel for the respondents, and after going through the record, the present order is passed as under.

2. It is the case of the petitioner that his younger sister who was a Graduate Teacher serving under the Education Department has been missing for the last 20(twenty) years. According to the petitioner, said missing lady i.e. T.N. Martha Darlong has been abducted by the extremist, and her whereabouts are not known. Since it is a prolonged period, the

petitioner reasonably presumes that the abducted lady i.e., T.N. Martha Darlong might have died. Accordingly, he is entitled to all benefits under the scheme for payment of compensation under the extremist violence scheme and also providing service benefits to her near and dear as per the procedure.

3. Accordingly, legal notice has also been issued on behalf of the petitioner to the Superintendent of Police, Dhalai. Way back in the year 2018, the respondents specifically replied to the petitioner to approach the competent Court of law and to file a suit for declaration of death certificate of the said abducted lady and on strength of the same, to proceed with the claim of further compensation.

4. During the course of the argument, Mr. Kohinoor N. Bhattacharjee, learned counsel appearing for the respondents upon instruction submits that the said abducted girl has joined the extremist group in Bangladesh and she is settled there by marrying one of her associates in the extremist group.

5. In view of the disputed question of facts with regard to the survival of the said lady and whether the petitioner has any legally enforceable right upon the benefit of the lady who has been abducted, it is not for this Court to

enter into the same under Article 226 of the Constitution of India. Accordingly, this instant writ petition is disposed of giving liberty to the petitioner to avail remedies under the law.

6. As a sequel, pending application(s), if any, also stands closed.

CHIEF JUSTICE (ACTING)

suhanjit

