

**HIGH COURT OF TRIPURA
AGARTALA**

Review Petition 59/2022

For Petitioner(s)	:	Mr. BN Majumder, Sr. Advocate Mr. B. Paul, Advocate
For Respondent(s)	:	Mr. D. Bhattacharjee, Sr. Advocate Ms. N. Chakma, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH
Order

31/03/2023

Heard Mr. BN Majumder, learned senior counsel assisted by Mr. B. Paul, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharjee, learned senior counsel assisted by Ms. N. Chakma, learned counsel appearing for the respondents.

Having heard learned counsel appearing for the parties, in my opinion, the present review petition is necessary to be re-examined. As such, I have proceeded to hear learned counsel for the parties.

It appears that the disputes arose regarding the claim of the petitioner that the BSF authority has been possessing the following lands:

Khatian No.	Dag No.	Total Area	Occupied Area
817/45	8993	8.41 acres	7.71 acres
817/45	8994	13.41 acres	8.31 acres
817/45	8995	11.29 acres	4.27 acres
817/46	9020	16.00 acres	7.84 acres
817/45	9130	12.00 acres	7.50 acres
817/47	9043	16.37 acres	8.86 acres
		77.98 acres	44.49 acres

The Government of Tripura had made a correspondence on 29th August, 1997 with the Additional District Magistrate and Collector, West Tripura District directing him to inquire into the matter and submit detailed report. The said correspondence is reproduced here-in-below in extenso:

**"No. F.9(29)-ACQ/REV/IV/84
GOVERNMENT OF TRIPURA
REVENUE DEPARTMENT**

Dated, Agartala, the 29th Aug'97

**To
The Addl. District Magistrate & Collector
West Tripura District
Agartala**

**Subject: Acquisition of land measuring 123.24 acres of Mouja Fatikcherra for
Head Quarter 98 BN, BSF**

Sir,

I am directed to refer to letter dated 28.7.97 addressed to the Rev. Commissioner (copy enclosed) by Sri Supriya Chakraborty, Advocate, Tripura Bar Association, Agartala, Tripura on the subject mentioned above and to request you to kindly enquire into the matter and submit detailed report in the matter.

Encl: As stated

Yours faithfully

Sd/Illigible

29.8.97

(Mrs. C. Debbarma)

Under Secretary to the Govt. of Tripura

**Copy to: Shri Supriya Chakraborty, Advocate, Tripura Bar Association, Agartala
for information."**

Ultimately, through some writ petitions and writ appeals, it was finally directed that the District Magistrate and Collector, West Tripura shall inquire into the matter and measure the land to ascertain as to whether the BSF authority has been possessing the land in excess of 123.24 acres.

In pursuance of this direction, the District Magistrate and Collector had surveyed the land in presence of a representative of the Tea-Estate i.e. the petitioner herein.

From the report submitted by the District Magistrate and Collector, it transpires that the BSF authority is possessing the land measuring 123.49 acres, which is the land under acquisition. However, from the said report, it is not clear as to whether this 123.24 acres of land attracted or comprised the plots numbers as mentioned in the above extracted table.

This particular aspect has escaped the notice of the Court while passing the order dated 25.08.2022 in Cont. (Cas) (C) 65 of 2022.

In view of this, I direct the District Magistrate and Collector, West Tripura District to re-survey and measure the land in presence of a representative of the petitioner to find out whether this 123.24 acres of land attracts the land under plot nos. 8993, 8994, 8995, 9020, 9130 and 904 which was mentioned in detail in a tabular form above, and submit report accordingly.

The entire exercise shall be completed within a period of six weeks from today.

The instant review petition stands allowed with the above terms.

JUDGE

Saikat