

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A
WP(C) No.01 of 2023

Shri Priyatosh Debnath

.....Petitioner(s)

V E R S U S

The State of Tripura and others

..... Respondent(s)

For Petitioner(s) : Mr. A. Sengupta, Advocate.

For Respondent(s) : Mr. Bidyut Majumder, D.S.G.I.,
Mr. Debalay Bhattacharya, G.A.,
Mr. S. Saha, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

O_R_D_E_R

04.01.2023

Heard Mr. A. Sengupta, learned counsel appearing for the petitioner and also heard Mr. Bidyut Majumder, learned Deputy Solicitor General appearing for the Union of India as well as Mr. D. Bhattacharya, learned Government Advocate appearing for the State-respondents.

[2] The present petition has been filed by the petitioner under Section 226 of the Constitution of India directing the respondents and each of them to refer the land acquisition dispute to the Arbitrator as per Section 3G(5) of the National Highways Act, 1956.

[3] Brief facts are as under :

The petitioner was the owner and possessor of a jote land as rayati. The respondents had acquired some land of the petitioner under NH Act, 1956 for upgradation of 2 land National Highway from Agartala to Khowai road of Mouja-Taranagar sheet No.4, Mohanpur Sub-Division. The respondent No.2 took possession of the said land after giving proper notice and also awarded meager compensation to the petitioner although the acquired land of the petitioner is of high potential value having many sale instances not less than Rs.80 lakh per kani. The petitioner received meager compensation under protest and served an application upon respondent No.2 under Section 3G(5) of the NH Act, 1956 for referring his case to the Arbitrator appointed by Central Government but the respondent No.2 did not refer the matter to the Arbitrator for a long period. Hence, this writ petition.

[4] The petitioner has prayed for the following relief :

- “(i) Admit the instant writ petition;
- (ii) Call for the records relevant from the custody of the respondents;
- (iii) Issue Rule calling upon the respondent to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued directing/mandating/commanding the respondents and each of them to refer the land acquisition dispute to the Arbitrator as per Section 3G(5) of the National Highways Act, 1956

AND

(iv) After hearing the parties be pleased to make the Rule absolute, issuing direction to the respondents.”

[5] The petitioner moved an application dated 12.09.2022 to the competent authority (Addl. D.M & Collector), West Tripura, Agartala citing his grievances that with a meager amount his land was acquired in order to upgrade 2 lane paved shoulder of National Highway from Agartala to Khowai road at Mouja-Taranagar sheet No.4, Mohanpur Sub-Division. In his application, he further stated that in connection with the above project, a meager amount of Rs.29,63,128 was awarded in his favour and the present value of the said property is approximately 80 lakhs per kani. Subsequently, for determination of proper compensation, he prayed for appointment of an Arbitrator.

[6] Mr. A. Sengupta, learned counsel appearing for the petitioner submits that the amount of compensation awarded in his favour to the acquired land is very less as the present value of the said property is approximately 80 lakhs per kani. Counsel for the respondents raised no objection to that effect.

[7] After hearing the learned counsel for the respective parties, the present writ petition is disposed of directing the respondents to consider the application of the petitioner dated 12.09.2022 within a period of 3(three) months from the date of receipt of copy of this order.

[8] The writ petition is disposed of. Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

HIGH COURT OF TRIPURA



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