

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.60 OF 2024**

Sri Kripamoy Debnath

.....**Appellant(s)**

Versus

The State of Tripura and ors.

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

For the Petitioner(s) : Mr. K. Roy, Advocate.
Mr. R. Chakraborty, Advocate.
Mr. U.S. Singha, Advocate.

For the Respondent(s) : Mr. P. Gautam, Advocate.
Ms. K. Reang, Advocate.

Date of hearing and delivery of
Judgment & Order : 26.06.2024

Whether fit for reporting : YES/NO.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
J U D G M E N T & O R D E R(ORAL)**

Heard Mr. K. Roy, leaned counsel assisted by Mr. R. Chakraborty, learned counsel, and Mr. U.S. Singha, learned counsel appearing for the petitioner as well as Mr. P. Gautam, learned counsel and Ms. K. Reang, learned counsel appearing for the respondents.

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

"(1) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued for directing them, to transmit the records, relevant to the subject matter of this writ petition for rendering substantive and conscionable justice to the petitioner;

(ii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the

nature thereof, shall not be issued for mandating/directing them, to forthwith grant the compensation, which has not been paid in favour of the petitioner, as per the Judgment & order dated 10.06.2009 (Annexure-3 supra) passed in the WP(C) No.283 of 1999, passed by the Hon'ble Gauhati High Court, as per the prevailing market price, alongwith the interest, accrued therein;

(iii) Call for the records appertaining to this petition;

iv. After hearing the parties, be pleased to make the Rule Absolute in terms of i. & ii. above;

(v) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper;

3. The Government of Tripura vide notification dated 21.06.1980 declared the lands belonging to the petitioner and others were needed for the public purpose and as such award was prepared in respect of the petitioner and others being the possessor of the said land. The petitioner and others were unsatisfied with the said award. The matter was referred under Section 18 of the Land Acquisition Act for determining the market value of the acquired land. The petitioner along with others had filed a writ petition marked as WP(C) No.283 of 1999 before the Hon'ble Gauhati High Court, *inter alia* praying for directing the respondents to re-determine the market value of the acquired land. Vide Judgment and Order dated 10.06.2009, thereby a direction was given to the Land Acquisition Collector, North Tripura, Dharmanagar to proceed to re-determine the amount of compensation on the said applications to be completed within 3(three) months from the date of receipt of the copy of that order. Thereafter, in pursuance of the above order, the petitioner preferred

application with enclosed documents in view of the order dated 10.06.2009 and also made reminders. The Land Acquisition Collector, North Tripura, Dharmanagar had issued various notices to the petitioner and others. On 09.03.2017 the petitioner and others were notified to appear before L.A. Collector along with valid documents on 28.03.2017 and thereby again a further notice was issued on 13.04.2018 to appear with valid documents on 07.05.2018 to substantiate their claims. The petitioner along with others appeared and the hearing was conducted, but till date, the petitioner had got no relief in the said matter. Thereafter, the L.A. Collector, Unakoti District, Kailashahar issued a letter dated 22.09.2023 noting that since the jurisdiction of the existed North Tripura District has been divided into two Districts i.e. one Unakoti District and North Tripura District, all the file under the jurisdiction of North Tripura District has been handed over to the District Magistrate, North Tripura, Dharmangar and as such to submit the claims before the District Magistrate and Collector, North Tripura, District Dharmanagar. In furtherance thereof, on 21.11.2023, the petitioner submitted a legal notice to the District Magistrate and Collector, North Tripura District, Dharmanagar and the L.A. Collector, North Tripura, Dharmanagar, through his engaged counsel requesting to make the payment of the outstanding

dues with interest but till date no response has been made thereto.

4. Since the matter is pending before the respondent-Land Acquisition Collector, North Tripura, Dharmanagar, this Court without expressing any opinion on the merit of this case directs the respondent- L.A. Collector, North Tripura, Dharmanagar to consider the demand made the petitioner in accordance with law within a period of 3(three) months from the date of receipt of copy of this Order and the same be communicated to the petitioner.

5. 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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