HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 132 of 2024

Narayan Debnath & Ors. ***.....Petitioner(s)***

Versus

The State of Tripura & Ors. ***.....Respondent(s)***

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. K. Nath, Advocate. Dr. M L Roy, Advocate.
For Respondent(s)	:	Mr. Kohinoor Narayan Bhattacharjee, GA. Mr. A K Pal, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

03.07.2024

Heard Mr. P. Roy Barman, learned Senior counsel assisted by Mr. K. Nath, learned counsel appearing for the petitioners. Also heard Mr. Kohinoor Narayan Bhattacharjee, learned Government Advocate and Mr. A K Pal, learned counsel appearing for the respondent-State.

[2] This petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

> "i. Issue rule upon the respondents to show cause as to why awrit in the nature of Mandamus and/or order/orders and/or direction/directions of the like nature shall not be issued whereby directing the respondents either to acquire /purchase the land or vacate the land immediately.
> ii. Issue rule upon the respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of the like nature shall not be issued whereby directing the respondents to make payment of the value of the land at present market rate if they acquire/purchase the land and till re-determination of rate at present market rate to release the value determinate by themselves with interest.
> iii. issue rule upon the respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of the like nature shall not be issued whereby directing the respondents to pay compensation for their possession of the land since 2014 without acquiring /purchasing.
> iv. Issue rule upon the respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of the like nature shall not be issued directing the respondents to pay compensation against damage caused in the land by changing its nature and caused loss of the income of the petitioners for agricultural produce as used to earn by them before possession by the respondents.
> v. Make the rules absolute.
> vi. Call for records.

[3] It is the case of the petitioners that they are the land lords in respect of the subject land and accordingly the land has been taken for possession for road widening and with a promise that the respondents would pay compensation. Way back in 2014, the land has been affected under acquisition proceeding and the then possession of the subject land has been taken without initiating any acquisition proceeding as contemplated under the Act. The correspondences which are taken on record dated 14.02.2014, 28.05.2018 and 08.03.2017 clearly indicates that the name of the predecessor of the petitioners herein i.e., Lt. Ramani Mohan Debnath has been reflected against the plot numbers and the extent. In pursuance thereof, the petitioners have also served a legal notice through their engaged counsel dated 26.11.2022 and a reminder dated 05.10.2023 upon the respondents which are still pending with the respondents unattended. In view of the same, the present writ petition is filed.

[4] Heard both sides and perused the evidence on record.

[5] In view of such circumstances, without expressing any opinion on merits of the case, this writ petition is disposed of, directing the respondents to consider the case of the petitioners provided that the petitioners are having their legally entitled right, title and interest upon the subject property and if the concerned department, is accordingly, satisfied they shall be paid a fair Compensation in terms of the Act and law. The respondents shall take the said decision within a period of 2(two) months from the date of receipt of the copy of this order.

[6] With the above observation and direction, this present writ petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE

Paritosh

SABYASACHI GHOSH

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