

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 182 of 2024

Sri Abdul Gani and 4 Others

---Petitioner(s)

Versus

The Union of India and 3 Others

---Respondent(s)

For Petitioner (s)	:	Mr. A. De, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI Mr. A.K Pal, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

08.11.2024

This is a petition under Article 226 of the Constitution of India for seeking the following relief(s):

- (i) *Issue rule asking the respondents to show cause as to why the respondents should not be directed to made fresh survey of the lands, possession of which was actually taken over for the construction of the Indo-Bangladesh border within the periphery of Birampur Mouja and then initiate proceeding for acquisition under the Right to Fair compensation and transparency in Land acquisition, Rehabilitation and resettlement Act, 2013 for payment of due compensation to the land owners.*
 - (ii) *After hearing the parties and being satisfied make the rule in terms of (i) above absolute.*
 - (iii) *Pass any other order/ orders, Writ as may be deemed fit and proper having regards to the facts and circumstances of the petition.*
- AND
- (iv) *Any other relief/reliefs as your Lordship deem fit and proper having regards to the facts and circumstances of the case.*

[2] It is the case of the petitioners that the land acquired for the purpose of construction of Indo- Bangladesh Border Road. The land was forcibly acquired by the respondents without giving any notice or award for the acquisition. Being aggrieved by and dissatisfied the petitioner submitted an application for direction be made to publish fresh notification under the new Act, i.e. Right to Fair compensation and transparency in land acquisition, rehabilitation and resettlement Act, 2013 and after publishing the notification and declaration under new Act, the award may be passed and a direction be made under the new Act for proper determination of quantum of compensation.

[4] Today when the case is called for consideration none appears for the petitioner. However, Mr. B. Majumder, learned Deputy SGI and Mr. AK Pal appears for the Union of India-respondent and LA Collector-respondent, respectively.

[5] It is seen from the record that on 22.04.2024 when the case was called, Mr. A. Dey learned counsel for the petitioners was called absent. On perusal of the record, it seems that it is the case of the petitioners that their land have been acquired and compensation has not been paid to the satisfaction of the petitioners and hence the petitioners are before this court by way of filing this writ petition.

[6] Heard.

[7] It is contended by the counsel for the respondents that the petitioners are before this court by way of a chance litigation and they are not entitled for any compensation. They have also not approached before this court with clean hands. The acquisition took place in the year 1993 and the petitioners have come before this court by way of filing this writ petition in the year 2024. Therefore, learned counsel for the respondents prayed to dismiss the writ petition on the ground of laches.

[8] It appears from the record that the petitioners have not placed any document to show and claim that they are the lawful owners of the land in question. They have also not placed any title deed issued in their favour. Prima facie in the absence of any preliminary document and for the reasons stated above, the petitioners have failed to make out any case before this court and hence the instant writ petition is a fit case to be dismissed.

[9] Accordingly, for the reasons stated above, the instant writ petition stands dismissed being devoid of merit. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

Dipak