

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.201 OF 2024**

1. **Sri Ayatul Islam,**
S/o- Late Ali Akbar.

2. **Sri Narul Islam,**
A/o- Late Ali Akbar.

3. **Smt. Rejiya Khatun,**
W/o Late Ali Akbar

All are the resident of Birampur, Jatrapur, P.O- Jatrapur, P.S.-
Jatrapur, Sub- Division – Sonamura, Sepahijala Tripura.

.....**Petitioner(s)**

Versus

1. **The Union of India,**
Represented by the Secretary,
Ministry of Road Transport and Highway, Central Secretariat, New
Delhi.

2. **The Commander (HQ),**
755BRTF(GREF),
Lichubagan, Agartala
C/o APO, West Tripura.

3. **The State of Tripura,**
Represented by the Secretary,
To the Revenue Department,
Govt. of Tripura, New Secretariat Complex,
Agartala, 799006.

4. **The Land Acquisition Collector,**
Sepahijala District,
Bishramganj, Tripura.

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

For the Petitioner(s) : Mr. A. De, Advocate.

For the Respondent(s) : Mr. B. Majumder, Deputy SGI.
Ms. R. Chakraborty, Advocate.

Date of hearing and delivery of

Judgment & Order : 28.06.2024

Whether fit for reporting : YES.

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

This present writ petition has been filed under Article 226 of the Constitution India for issuing rule against the respondents to show cause as to why the respondents should not be directed to make a fresh survey of the land, possession of which was 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.

2. Heard Mr. A. De, learned counsel appearing for the petitioners as well as Ms. R. Chakraborty, learned counsel appearing for the State respondents as well as Mr. B. Majumder, learned Deputy SGI appearing for the Union respondents.

3. It is the case of the petitioners they were in possession of land measuring 0.10 satak, situated at Mouja Birampur, Tahsil-Dhanpur, vide Plot No.710 to 712, Revenue Circle-Dhanpur under Sepahijala District for a quiet a long period and way back in 1999, the respondents have taken over portion of land by way of acquisition without following the due procedure of law of notifying

the same. The petitioners all through kept silent without claiming any compensation for the same. Vide allotment order dated 25.01.2014, the land was allotted in favour of Mr. Ali Akbar and his wife Smt. Rejiya Khatun who is the third petitioner herein. In pursuance thereof, the petitioners are now seeking compensation in respect of the land which is affected. Further, the petitioners claim that they are entitled to compensation since, Late Ali Akbar who is the father of petitioners No.1 and 2 was under possessory rights prior to 1999.

4. Mr. A. De, learned counsel appearing for the petitioners submits that similarly placed claimants have made claims before the respondents and, accordingly, the compensation were granted to them in pursuance of the orders passed by this Court. The same relief should not be denied to the petitioners herein.

5. Ms. R. Chakraborty, learned Government Pleader upon instruction submits before this Court that the petitioners are not entitled to claim any compensation as the petitioners were not the owner and the allotment was given subsequent to the acquiring of the property in 2014. On the date of the acquisition, the rights, title and interest of the petitioners have not been recognized by the Government. Stating thus, the learned Government pleaded to dismiss the petition.

6. Heard both sides and perused the evidence on record.

7. Admittedly, the land in question had been acquired way back in the year 1999 (*the date and the particulars have not been provided in the affidavit or the documents enclosed*). However, it is seen from the record that the allotment of land had been issued in favour of late Ali Akbar who is the father of petitioners No.1 and 2 and Smt. Rejiya Khatun who is the third petitioner herein in the year 2014 and now upon the strength of the said allotment order, the petitioners are before this Court seeking compensation in respect of the part of the land which has been effected under the land acquisition.

8. The contention the petitioners have made is that the similarly placed persons have been granted compensation and the petitioners should be denied for the same. It is not for this Court to go into the said matter when the records are not placed before this Court to consider. Moreover, the facts in those cases are not ventilated, and thus placing reliance on those orders for the present, this Court feels is of no relevance. Discrimination can only be pleaded after establishing the statutory rights by the petitioners. The petitioners are claiming possessory right upon the land when it was affected by acquisition in the year 1999 but the petitioners have not placed any record before the Court to say that they were

in possession of the said land on the said period and that too were having recognized rights under law.

9. If a land lord is losing his land by way of acquisition, he is certainly entitled for fair compensation. But compensation cannot be bonanza for any unauthorized claimant, who has no *locus standi*.

10. In view of the same, this Court is of the considered opinion that since the petitioners were an unauthorized occupant in the year 1999 and a trespasser of Government land, now, the petitioners in the year 2024 cannot approach this Court seeking compensation in respect of the acquisition made in the year 1999. Since the petitioners have not made out their statutory right to claim compensation and also on the point of delay and laches, this Court considers, that it is not a fit case to entertain and is liable to be dismissed as the petitioners have not approached this Court with clean hands.

11. Accordingly, the present writ petition stands dismissed.

12. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

13. The copy of this order be sent to the Chief Secretary, Government of Tripura to look into such claims.

JUDGE

suhanjit

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SUHANJIT
SINGHA

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SUHANJIT SINGHA
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