

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 270 of 2024

Sri Bhupendra Malakar

---Petitioner(s)

Versus

The State of Tripura and 2 Ors.

---Respondent(s)

For Petitioner(s)	:	Ms. Maitri Majumder, Advocate.
For Respondent(s)	:	Mr. K. De, Addl. PP. Mr. Ratan Datta, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

08.07.2024

Heard learned counsel for the parties.

[2] This is a petition under Article 226 of the Constitution of India for seeking the following reliefs:

- (i) *Admit this petition.*
- (ii) *Issue notice calling upon the respondents to show cause as to why a writ of mandamus directing them should not be issued to make payment of the compensation amount as demanded together with interest @8% per annum thereon against the respondents considering the demand notice(s) representation(s) made by the petitioner, particularly in the light of the recommendation dated 01.6.2023 forwarded by the Revenue Authority i.e. Addl. District Magistrate and Collector, Unakoti District, Kailashahar, i.e. the respondent No.3 by setting aside the letter dated 19.0.2024 issued by the Respondent NO.3 which is contrary to the recommendation dated, 01.06.2023*
- (iii) *After hearing the parties be pleased to make the rules absolute.*
- (iv) *To pass any other relief/reliefs may be granted as this Hon'ble High Court may deem fit and proper.*

[3] The case of the petitioner is that the petitioner by profession is a daily labourer, who has been residing at Industry Para, Ambednagar Gram Panchayat, Kumarghat, District- Unakoti, peacefully along with his family members by building tin-shedded, bricks-wall dwelling house along with verandah, just 3 metres away from the National Highway, which run through Kailasahar to Kumarghat. In the year 2022, for the purpose of building, maintenance and development of National Highway bearing no. 208

stretch from Kailasahar to Kumarghat without consent and instead of petitioner's objection, the authority dumped huge quantity of soil in front of the dwelling house touching its wall at window height level, and obstructing the entry and exit to the dwelling house which cause damage to his property as well his health condition. Not only that, due to such huge quantity of soil being accumulated around the stump of the fruit-bearing trees, those trees became completely damaged and reached about to die. For that purpose the petitioner visited pillar to post for having adequate compensation but yielded no result. As such the petitioner was compelled to prefer a writ petition under No. W.P.(C) 630 of 2023. On 17.11.2023 this Court having heard the case, passed a judgement & order, directing the respondents to consider the demand notice(s)/representation(s) made by the petitioner, particularly in the light of the recommendation dated 01.06.2023 forwarded by the Revenue Authority i.e., Addl. District Magistrate and Collector, Unakoti District, Kailashahar within a period of 2 (two) months from the date of receipt of the copy of this order. But the respondents did not consider the case as per direction of this Court. Hence this instant Writ petition.

[4] Mr. R. Datta, learned counsel appearing for the National Highway-respondent has contended before this court that the allegation as raised by the petitioner is not valid and prayed to dismiss the writ petition. Mr. K. De, learned Addl. GA appearing for the state-respondent adopted the submission as advanced by Mr. R. Datta, learned counsel.

[5] Having gone through the record and to ascertain the facts in ground, this court by its order dated 26.06.2024 assigned one Advocate Commissioner to visit the place in question and submit a report. The report has been submitted. On perusal of the report submitted by the learned Advocate Commissioner, this court finds that there is no debris as alleged by the petitioner. To support of this statement, photographs have also

been enclosed along with the report. On perusing the photographs, this court feels that nothing survives for adjudication and hence the writ petition is liable to be dismissed.

[6] Accordingly, the writ petition stands dismissed. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

HIGH COURT OF TRIPURA



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