

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 373/2024**

Smt. Bharati Debbarma

----Petitioner(s)

Versus

The State of Tripura and 3 others

----Respondent(s)

For Petitioner(s) : Mr. D. Biswas, Advocate

For Respondent(s) : Mr. Kohinoor N. Bhattacharya, GA

**HON'BLE MR. JUSTICE ARINDAM LODH
Order**

30/05/2024

By means of filing the present writ petition, the petitioner has prayed for following reliefs:

i) 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, appertaining to this writ petition, lying with them, for rendering substantive and conscionable justice to the petitioner, thereby considering any claim in her favour regarding the land as she was the original owner of the land by dint of registered Sale Deed dated 06.03.1992 (Annexure-1 supra);

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 consider any claim in her favour regarding the land as she was the original owner of the land by dint of registered Sale Deed dated 06.03.1992 (Annexure-1 supra);

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

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

v) Costs of and incidental to this proceeding:

vi) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper".

2. Heard Mr. D. Biswas, learned counsel appearing for the petitioner.

Also heard Mr. Kohinoor N. Bhattacharya, learned GA appearing for the respondents-State.

3. Having perused the records and the documents annexed with the writ petition, I find that the petitioner has purchased the land from Sunil Debbarma, who was the owner and possessor of the land in question by dint of a registered Sale Deed being no. I-1090, dated 06.03.1992, and thereafter, possession was also handed over to him by said Sunil Debbarma. After his purchase, Government of Tripura had acquired the said land under notification dated 16.12.2020, but the notice was issued upon Sri Sunil Debbarma, who was the previous owner of the land.

4. True it is that the petitioner could not record his name with the Revenue Department, and as such, no separate Record of Right has been created till today in the name of the petitioner. In the Khatian, name of one Pramendra Kishore Debbarma still appears because of the fact that said Pramendra Kishore Debbarma sold the land in question to Sunil Debbarma, and thereafter, said Sunil Debbarma had sold the said land to the present petitioner.

5. Mr. Biswas, learned counsel for the petitioner has submitted that after notification of acquisition, the petitioner approached the concerned DM & Collector, West Tripura, and placed all the proofs i.e. the Sale Deed, to substantiate that he purchased the land and he is the present owner and possessor of the land in question. So, he has prayed for granting compensation amount out of the acquisition of the said land in his favour, but it is denied by the DM & Collector despite receipt of demand notice sent by the petitioner through his engaged counsel.

6. On perusal of the Sale Deed, I find that the present petitioner has purchased the land from Sunil Debbarma, who was the purchaser of the land in question from the original owner late Pramendra Kishore Debbarma. Since these facts are admitted and apparent on the face of the record, I am not inclined to send the matter to be decided by the LA Officer.

7. Since till today the DM & Collector, West Tripura has not applied his mind to the demand notice sent by the petitioner, I direct the DM & Collector, West Tripura, to grant the compensation out of the acquisition in favour of the petitioner, namely, Smt. Bharati Debbarma, within a period of 2 (two) months from today.

8. With the aforesaid direction, the instant writ petition stands allowed in the manner as indicated here-in-above.

Pending application(s), if any, also stands disposed.

JUDGE