

**HIGH COURT OF TRIPURA
AGARTALA**

WA 63 of 2024

Sri Radha Raman Basak

---Appellant(s)

Versus

The State of Tripura and Ors.

---Respondent(s)

For Appellant (s)	:	Mr. Samar Das, Advocate.
For Respondent(s)	:	Mr. M. Debbarma, Addl. GA.
Date of hearing &		
Date of pronouncement	:	25.06.2024
Whether fit for reporting	:	No

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Judgment & Order (Oral)

(T.Amarnath Goud, J)

This is an appeal under Chapter VIII Rule B(A) of the High Court of Tripura Rules against the judgment and order dated 14.05.2024 of the learned Single Judge in WP(C) No.337 of 2024.

[2] The brief fact of the case is that the petitioner-appellant herein is one of the co-sharer of the land situated within the Mouja- pertaining to Khatian No.181/1-3, Plot No. 2870, 2877, 2871, 2918, 2888, 2887, 2916, 2874, 2880, 2882, 2881, classified as Path, Tilla, Nal, Lunga, Pukur, Viti (Lunga), total land measuring 0.794 acres. The said land was acquired by Respondent No.3 for Development of the Integrated Check Post and after assessing the value the Respondent No.3 awarded compensation amounting to Rs. 1,26,84,296/- (One Crore Twenty Six Lakhs Eighty Four Thousand Two Hundred & Ninety Six) only vide L.A. Case No.01/SBM/2021, Apportionment Sl. No.1. Though out of total 18 co-sharers, 16 co-sharers received their respective compensation except the petitioner & one Sri Keshab Lal Basak and now only on the ground of a pending application under section-95 of TLR & LR Act, 1960 submitted by one co- sharer namely

Sri Keshab Lal Basak, Son of Gopinath Basak withheld the compensation of the petitioner which is absolutely arbitrary and ex-facie illegal. Hence, a writ petition was filed before Hon'ble High court vide No W.P.(C) 337 of 2024. The Hon'ble High Court on the very first date dismiss the writ petition stating writ petition is not maintainable. Hence writ appeal.

[3] Being aggrieved by and dissatisfied with the order of the Hon'ble Single Judge, the appellants preferred the present appeal seeking the following reliefs:

- (i) *Admit the appeal*
- (ii) *Call for records, relevant to the subject matter of the case;*
- (iii) *Issue notice upon the respondents;*
- (iv) *After hearing the parties be pleased to set aside the judgment and order dated 14.05.2024 passed by the learned Single Judge in WP(C)337 of 2024 and be pleased to direct the writ petitioner..*

[4] Mr. Samar Das, learned counsel appearing for the appellants has submitted that there are no specific statutory remedy available for the petitioner except the writ petition as the petitioner did not question or dispute the quantum of award, nor question any share of other co-sharer for which the judgment which is required to be interfered with. It is further contended by the counsel for the appellant that there is no procedure to put up any case before the Land Acquisition Tribunal unless and until reference be made or any question arises regarding the quantum of compensation or award is required to be set aside/quashed.

[5] On the other hand, Mr. M. Debbarma, learned Addl. GA appearing for the respondents has contended that the impugned judgment is just and proper and needs no interference by this court and prayed to dismiss the appeal.

[6] Heard learned counsel appearing for the parties.

[7] Having considered the submission as advanced by the counsel for the parties, this Court is of the view that the communication dated 01.02.2024 made by the Office of the DM & Collector, South Tripura District to the Family Members of the Petitioner be decided as expeditiously as possible, preferably within a period of three

months from the date of receipt of copy of this order. Since in the said communication dated 01.02.2024, it was mentioned that on 15.07.2023 the case was fixed for hearing. Therefore, if the matter is not already decided, the respondents shall decide the matter within the stipulated time as indicated above.

[8] In view of the above, the appeal stands disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any, also stands closed.

B.Palit, J

T. Amarnath Goud, J

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