

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.54 of 2024

Sri Badal Sarkar and another

.....Petitioner(s);

Versus

The State of Tripura & others

.....Respondent(s)

For Petitioner(s) : Mr. Debjyoti Debnath, Advocate.

For Respondent(s) : Mr. Karnajit De, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

05/07/2024

Heard learned counsel for the parties.

Reference made under Section 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 for enhancement of the award by the claimants/petitioners was registered as L.A. No.55 of 2017 before the Court of learned LA Judge, Agartala, West Tripura. Petitioners did not take any steps over a period of two years and not even filed a claim statement despite indulgence granted. As a result, the proceedings were closed on 31.01.2019. Now, petitioners have approached this Court for revival of the land acquisition case through the instant civil revision petition filed on 01.07.2024 i.e. after more than five and a half years. The impugned order reads as such:

“Ld. Advocate for OP (LAC) & (NF Railway) are present.

No step filed for claimants though today is fixed for filing claim statement by O.P.S.

Perused the case record and find that after receiving notices the O.P.S have appeared before this Authority through their counsel on **27/09/2018** and on that day petition filed by them seeking time to file claim statement.

Accordingly time allowed fixing next date on **26/11/2018** but on that day similar petition filed and time allowed fixing next date on **28/12/2018** for filing claim statement. But the claimants have taken no step on that day instead of that another dated fixed today allowing claimant to file claim statement.

Today the claimants are absent without any step. So in such above situation I am of the opinion that the claimants are not interested to proceed with their claim.

So the procedure is hereby disposed off.”

The lack of diligence on the part of the claimants who themselves sought reference for enhancement of the award by not even filing a claim statement over a period of two years is writ large on the face of the record.

Learned counsel for the petitioners submits that petitioners were ignorant about the progress of the proceedings since learned counsel did not pursue the matter diligently. It is not their fault. Petitioners became aware of the close of the proceedings only after they came to know from the adjacent raiyyat that the reference court has enhanced the award in their cases. Therefore, they have approached this Court. The delay, if any, in seeking revival of the LA case is properly explained.

Learned Additional Government Advocate for the respondents-State has strongly opposed the prayer. He submits that the pleading of the impugned order itself indicates that there has been complete lack of interest on the part of the claimants in prosecuting the reference case. There is also no worthwhile explanation for approaching this Court after five and a half years of close of the proceedings on 31.01.2019 by the LA Court. As such, no interference may be made in exercise of the power under Article 227 of the Constitution of India.

I have considered the submission of learned counsel for the parties and the relevant pleadings from record. After going through the impugned order, this Court is not persuaded to interfere in the exercise of jurisdiction under Article 227 of the Constitution of India. Petitioners are responsible for complete lack of interest in prosecuting the LA case without any proper

explanation. Therefore, such a lack of diligence should not be condoned. It may encourage frivolous litigation. As such, this Court is not inclined to interfere with the impugned order.

The instant revision petition is accordingly dismissed.

(APARESH KUMAR SINGH), CJ



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