

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 537 of 2023

Sri Jahar Chandra Paul

---Petitioner(s)

Versus

The State of Tripura and Another

---Respondent(s)

For Petitioner(s)	:	Mr. A. De, Advocate.
For Respondent(s)	:	Mr. Kohinoor N Bhattacharjee, GA. Ms. K. Reang, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

05.04.2024

This is a petitioner under Article 226 of the Constitution of India for seeking following relief(s):

- (i) *Admit this petition;*
- (ii) *After hearing this petition your Lordship would be pleased to Issue writ and/or order directing the respondents as to why the order dated 19.04.2023 passed by this Hon'ble High Court in connection with WP(C)242 of 2023 may not be consider to reference of the case being LA Case No.01/D of 2008, serial no.18 to the Ld. LA Judge Dharmanagar, North Tripura and also after hearing both side a direction be given to the Respondent no.2 to refer the case to the Ld. LA Judge Dharmanagar, North Tripura with the specific period as your Lordship deemed fit and proper.*
- (iii) *To pass any other order/orders or directing the respondents as Your Lordship deem fit and proper having regards to the facts and circumstances of the case.*

[2] It is the case of the petitioner that a land acquired for the purpose of construction of extension of Churaibari check post under North Tripura District. Being aggrieved and dissatisfied with the award passed by LA Collector Dharmanagar, the petitioner filed an objection petition to refer the case to the Ld. LA Judge but did not refer. The petitioner thereafter filed a writ petition bearing no WP(C)242 of 2023. After hearing both the sides, this Court by an order dated 19.04.2023 directed the LA, Collector to consider the prayer of the petitioner for referring the case to the LA, Judge for determining fair compensation. The LA Collector did not consider the order passed on 19.04.2023 by this Court.

[3] By an order dated 05.07.2023 the LA Collector, Dharmanagar rejected the petition of the petitioner and did not consider the order dated 19.04.2023 passed by Hon'ble High Court. The LA Collector opined that though the petitioner had filed a petition on 14.03.2008 prior declaration of the award dated 27.03.2008 so the petitioner prayer cannot be considered.

[4] The petitioner stated that the petitioner filed the petition prior 12 days of the declaration of award. The petitioner came to know at the time of hearing expressed the quantum of amount of compensation. Being aggrieved after knowing the said quantum the petitioner filed this objection petition for referring the case to the Ld.LA Judge,

[5] On the contrary, Mr. Kohinoor N Bhattacharjee, learned GA appearing for the state-respondents by way of counter affidavit has contended that as per judgment dated 19.04.2023 passed in case No. WP(C)242 of 2023 by this Court, it was directed that the petition of the petitioner may be considered in accordance with law. But as per LA Act, 1894 in accordance with law, the petition of the petitioner is not maintainable due to non-submission of the petition within the stipulated period i.e. 42 days (Six weeks) from the announcement of award dated 27.03.2008. He further contended that the respondents already paid compensation to the claimants of the property long back and petitioner is making unlawful demand. Hence he prayed to dismiss the petition.

[6] After perusal of the record and having considered the submission as advanced by the learned counsel for the parties, it appears to this court that the petitioner has already received the compensation without raising any protest way back in the year 2008. The petitioner has after long years woken up from slumber urging this Court to direct the respondents to give him just and proper compensation. By this time, a long time has already been elapsed. By considering the submissions made by Government Advocate, it appears that the petitioner has not approached this Court with clean hands

and he has failed to make out his case. Therefore, the instant writ petition is liable to be dismissed.

[7] In view of the above discussion, the instant writ petition stands dismissed. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE



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