

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 583 of 2024

Shri Jagannath Pal

---Petitioner(s)

Versus

Union of India and 4 Others.

---Respondent(s)

For Petitioner (s)	:	Mr. E. Debbarma, Advocate. Mr. DJ Saha, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI. Mr. P. Gautam, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

07.09.2024

Heard learned counsel for the parties.

[2] This is a writ petition under Article 226 of the Constitution of India for seeking the following relief(s)

- a) Issue a writ of Mandamus or any other appropriate writ, order, or direction directing the Respondents to compensate the Petitioner for the additional 0.14 acres (approx.) of land that has been acquired, in accordance with the provisions of the National Highways Act, 1956, and any other applicable laws;
- b) Declare that the actions of the Respondents in negligently transferring the compensation/award money for the additional 0.14 acres (approx.) of land to one Shri Usha Ranjan Bhowmik, the previous owner of the Petitioner's land, are illegal, arbitrary, and violative of the Petitioner's constitutional rights under Article 300A of the Constitution of India;
- c) Direct the Respondents to take immediate corrective measures to ensure that the compensation / award money for the additional 0.14 acres (approx.) of land is promptly and rightfully paid to the Petitioner;

AND

Pass such other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice.

AND

As to why such other order/orders shall not be passed so as to give full relief(s) to the Petitioner and upon causes shown to make the rule absolute.

AND

In case the respondents show cause or not, make the rule absolute in terms of prayer (a) (b) (c) (d) as above.

[3] It is the case of the petitioner that he is the lawful owner and has absolute interest in 0.40 acres of land classified as Nal under Khatian No. 3433, C.S. Plot No. pb-815/5028 Ang, R.S. Plot No. 5384/8958, Mouja- Mohanpur, Tehsil Mohanpur,

Touzi No.- 860 Ang, Revenue Circle- Mohanpur. At the very outset, the Central Government published a preliminary gazette notification under sub-section (1) of Section 3A of the National Highways Act, 1956 (in short the 'Act') signaling the intent to acquire certain lands for the construction of National Highway 108B connecting Agartala with Khowai. This aforesaid notification was also published in two local newspapers, including "Dainik Sambad." Upon noticing in the said newspaper, the petitioner found that the brief description of his land was not explicitly mentioned in the aforesaid preliminary gazette notification. Thereafter, the petitioner submitted a written application to the District Magistrate & Collector, West Tripura i.e. respondent No. 2 highlighting the omission and praying for the insertion of his land in the acquisition process to get government facilities / benefits such as compensation / award money etc.

[4] In response to the petitioner's application, and after hearing the petitioner's concerns, the Competent Authority, NH-108B ie. respondent No. 3 issued a notice under Section 3E of the Act, announcing the acquisition of 0.14 acres of the petitioner's land. Consequently, the petitioner was duly compensated with Rs. 10,65,656/- (Rupees Ten Lakhs Sixty-Five Thousand Six Hundred & Fifty-Six Only) for this acquisition. Subsequent to the acceptance of the award/compensation money, the petitioner found out that the officials of Competent Authority, NH-108B i.e. respondent No. 3 has planted stone pillars beyond the acquired land and consequently, the petitioner conducted a survey of the remaining land in his possession and discovered that approximately 0.28 acres of his land had actually been acquired by the respondents, instead of the 0.14 acres initially stated in Section 3E notice. Upon discovering this discrepancy, the petitioner erected a bamboo fence around the remaining portion of his land to demarcate the boundary. However, the Sub- Divisional Magistrate (SDM), Mohanpur, informed the Petitioner that the additional 0.14 acres

(approx.) of land had also been acquired for the construction of National Highway 108B. The SDM, Mohanpur assured the petitioner that he would be compensated for the additional 0.14 acres (approx.) of land acquired. Thereafter, the Competent Authority, NH-108B issued notices to the petitioner for claiming the award money for the additional 0.14 acres (approx.) of land. However, upon appearing before the office of the Competent Authority, 108-B with the relevant land documents, the petitioner discovered that the compensation / award money for the additional land had been negligently transferred to one Shri Usha Ranjan Bhowmik, the previous owner of the land in question. The respondents' inaction in rectifying this error and their failure to compensate the petitioner for the additional 0.14 acres (approx.) of land acquired violates the petitioner's constitutional rights under Article 300A of the Constitution of India, as well as statutory prescriptions under the Act and other applicable laws for the time being in force. The petitioner's right to fair and just compensation has been unjustly denied. Aggrieved by the respondents' actions and inactions, the Petitioner has knocked the door of this Court. Hence, this Writ Petition.

[5] In view of said submission, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to consider the case of the petitioner in the light of the legal notice/demand notice dated 22.07.2024 in accordance with law within a period of two months from the date of receipt of copy of this order. The petitioner, meanwhile, is to approach the respondents along with the sale deed/documents showing the extent of land which he owns and he is entitled to for compensation.

[6] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

Dipak