

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.110 of 2024

1. Sri Prabir Chandra Roy,

2. Sri Priyatosh Roy

Both are sons of Lt. Nalini Ranjan Roy, Residents of Manubazar, P.O.-
Manubazar, Sub-Division- Sabroom, Distt.- South Tripura

.....Appellant(s);

Versus

1. The State of Tripura represented by the Secretary, Revenue Dept.,
Government of Tripura.

2. The L. A. Collector (the D.M. & Collector), South Tripura, Belonia.

3. The Sub-Divisional Magistrate, Sabroom, South Tripura.

4. Union of India represented by the Ministry of Railways, Rail Bhavan 1,
Raisina Road, New Delhi-110001.

5. The General Manager, N.F. Railway, 5P53+HRX, Maligaon Shuttle Gate
Road, East Maligaon, Maligaon, Guwahati, Assam-781011.

.....Respondent(s).

For Appellant(s) : Mr. S.S. Debnath, Advocate.

For Respondent(s) : Mr. Bidyut Majumder, Deputy SGI,
Mr. Kohinoor N. Bhattacharyya, G.A.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Order

05/12/2024

Heard Mr. S.S. Debnath, learned counsel for the appellants, Mr.
Bidyut Majumder, learned Deputy SGI for the respondents-Railway and Mr.
Kohinoor N. Bhattacharyya, learned Government Advocate for the
respondents-State.

2. In course of construction of railway line from Agartala to
Sabroom, petitioners/appellants herein contend that their rubber plantation on
the acquired land within Manubazar Tehsil under South Tripura District had
been damaged. Petitioners enjoyed the position of occupiers. Therefore,
petitioners were served with two notices – one dated 01.07.2014 and the other

dated 24.11.2014 [Annexure-1 & 2 respectively] in L.A. Case No.05/SBM/2013 by the Land Acquisition Collector, South Tripura, Belonia under Section 11 of the Land Acquisition Act of 1894 [“Act of 1894”, *for short*]. The notices indicate the Apportionment Sl. No.93 (AQ) and Sl. No.93 (AU) respectively. As per notice dated 01.07.2014, one of the petitioners has been treated as interested party authorized to receive Rs.1,94,880/- through himself or his lawful authorized representative. The notice dated 24.11.2014 states that in respect of the same acquisition under Apportionment Sl. No.93 (AU), the other petitioner was treated as interested party authorized to receive Rs.29,400/-. However both the notices indicate that in case of non-receiving the said amount on the fixed date, no interest would be paid from that date. Petitioners contend that on being approached, the concerned clerk of the office of respondents No.2 & 3 conveyed that some excess payment has been made to their mother. Therefore, hearing on this issue is required before the competent authority. However, petitioners did not receive any response. Therefore, they approached before the learned Writ Court in the year 2024 in WP(C) No.561/2024 which has been dismissed on grounds of delay and laches of ten years. Therefore, petitioners are in appeal.

3. Mr. S.S. Debnath, learned counsel for the appellants, submits that as per the notices, the awarded amount must be lying in the Treasury Office since the same has not been disbursed in favour of the appellants. The disbursement of the said amount on any purported ground is not tenable in law once such notices have been issued upon them. Though appellants may not be entitled to interest thereupon, but the legally due amount on account of damage

to their rubber plantation on the acquired land should be paid to them; otherwise it would amount to unjust deprivation despite acquisition under the Act of 1894.

4. Mr. Kohinoor N. Bhattacharyya, learned Government Advocate and Mr. Bidyut Majumder, learned Deputy SGI both submit that the matter has been taken up for the first time. It is further submitted that learned Writ Court has rightly refused to interfere in the matter since petitioners approached after a long delay of ten years from the issuance of the two notices in the year 2014.

5. We have considered the submission of learned counsel for the appellants, learned Deputy SGI appearing for the respondents-Railways and learned Government Advocate representing the State.

The writ petition was apparently dismissed on grounds of delay and laches in approaching the Court after ten years. The veracity of the statement made by the petitioners as regards the notices at Annexures 1 & 2 dated 01.07.2014 and 24.11.2014 respectively and deposit of any such amount on non-receipt by the petitioners at the relevant point of time cannot be ascertained at this stage as the learned counsel for the respondent-LAC or learned Deputy SGI appearing for the Railways do not have instructions. In those circumstances, no definite view can be expressed as to whether the contentions of the petitioners/appellants herein are right or not. However, in case the averments made in the writ petition supported by two notices dated 01.07.2014 and 24.11.2014 issued in the name of the petitioners for receiving compensation in respect of acquisition made in L.A. Case No.05/SBM/2013 by

the LA Collector are correct, the amount may be lying deposited in the Treasury Office, if not disbursed to the petitioners or any other lawful claimant. In such circumstances, though petitioners may not be entitled to interest thereupon, in case the Land Acquisition Collector finds that the amount awarded under the said acquisition lies in the Treasury unclaimed, he would consider the representation of the petitioners/appellants herein in accordance with law after proper identification and verification of the records within a reasonable time.

6. With these observations, the instant appeal is disposed of. Pending application(s), if any, shall also stand disposed of.

(BISWAJIT PALIT), J

(APARESH KUMAR SINGH), CJ

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