

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

CRP No.100 of 2024

CRP No.101 of 2024

Sri Anil Sarkar

..... *Petitioner(s)*

V E R S U S

State of Tripura and others

..... *Respondent(s)*

For Petitioner(s) : Mr. A. Das, Advocate.

For Respondent(s) : Mr. K. De, Addl. G.A.,
Mr. Rajib Saha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

=O=R=D=E=R=

29/11/2024

Heard Mr. A. Das, learned counsel appearing for the petitioner and also heard Mr. Rajib Saha, learned counsel appearing for the State-respondents as also Mr. K. De, learned Additional Government Advocate appearing for the respondents in the respective matter.

Reference is made to the order dated 13th November, 2024 which reads as under :

“Let CRP No.101/2024 be tagged along with CRP No.100/2024 as they both raise common issues and parties are also same.

Petitioner is aggrieved by impugned orders dated 26.06.2024 passed by the Land Acquisition Collector, West Tripura after the reference made under Section 30 of the Land Acquisition Act, 1894 was returned by the learned LA Court by orders dated 04.09.2023 and 10.09.2021 passed in separate LA cases for rectifying certain defects. As per order dated 04.09.2023 impugned in CRP No.100/2024, the name of the original owner Nagendra Chandra Deb had been reflected in the reference under Section 30 of the LA Act made by the LAC, whereas the said person had died in the year 1978 leaving behind certain survivors.

By the impugned order, the learned L.A. Collector has, on being satisfied with the documents furnished by the survivors and legal heirs of the recorded rayati Nagendra Chandra Deb, directed disbursement of the compensation in their favour in proportionate manner.

Mr. Debalay Bhattacharya, learned senior counsel for the petitioner, submits that petitioner was the occupier whose name is reflected in column 16 of the

record of rights and had filed his petition at the stage of Section 9 in the acquisition proceedings. At the time of disbursement of the award, the L.A. Collector had made a reference under Section 30 of the Act for deciding the question of apportionment of compensation in view of the dispute as to the title amongst the rival claimants. It is submitted that on this occasion the relevant materials including an enquiry report have not been taken into consideration by the L.A. Collector while ordering 100% compensation in favour of the legal heirs of the deceased Nagendra Chandra Deb in the respective LA cases. Therefore, being aggrieved petitioner has approached this Court under Article 227 of the Constitution of India.

However, on being specifically asked learned senior counsel for the petitioner has not been able to show the relevant materials on the basis of which the present petitioner has to substantiate his claim for apportionment of compensation purportedly as an occupier of the land in question. Mr. Bhattacharya, therefore, seeks time to bring on record the relevant materials.

Accordingly, one week's time is allowed. Let both the matters appear on 22.11.2024.

Interlocutory application has been filed by the petitioner to adduce certain documents to substantiate his claim for apportionment of compensation as an occupier of the acquired land in question.

Mr. Rajib Saha, learned counsel for the State has rightly pointed out that the question of apportionment can be decided under Section 30 of the Land Acquisition Act, 1894. In the facts of the present case, in fact, such a reference was made earlier by the LA Collector but the LA Court had by orders dated 4th September, 2023 and 10th September, 2021 in separate LA cases returned the file to the LA Collector for rectifying certain defects in the names of the awardees.

Mr. A. Das, learned counsel for the petitioner submits that instead of disbursing the award in favour of certain persons claiming as the land looser, the issue of apportionment should have been referred to the LA Judge for decision under Section 30 of the LA Act, 1894.

I have considered the submissions of learned counsel for the parties. The limited background facts forming the basis to prefer the revision

petition are duly noticed in the order dated 13th November, 2024. It appears that though the LA Court had returned the reference to the LA Collector for rectifying certain defects, the LA Collector proceeded to disburse the amount to the legal heirs of the original owner Nagendra Chandra Deb. The claim of the petitioner as to apportionment of the award as permissive possessor, therefore, was left undecided. Since the LA Court has the jurisdiction to decide the issue of apportionment under Section 30 of the Act, the LA Collector shall refer the matter to the LA Court for decision on this issue. Needless to say, depending upon the decision of the referral court, the question of apportionment amongst the legal claimants would be decided in accordance with law.

Both the revision petitions are, accordingly, disposed of.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH) CJ

DIPESH DEB

Digitally signed by DIPESH DEB
Date: 2024.12.02 17:39:03 +05'30'