

HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 718 of 2024
***Sri Pijush Debbarma & Another* Petitioner(s)**
Versus
***The State of Tripura & Ors.* Respondent(s)**

For Petitioner(s)	:	Mr. B. Debbarma, Advocate. Mr. R. Nama, Advocate.
For Respondent(s)	:	Mr. M. Debbarma, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

25.11.2024

Heard Mr. B. Debbarma, learned counsel along with Mr. R. Nama, learned counsel appearing for the petitioners. Also heard Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents-State.

[2] This petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

"i. Issue rule asking the respondents to show cause as to why the respondent No.2 should not be directed to make a fresh award under the right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for payment of due compensation to the land owner petitioner.

ii. To set aside the order dated 29/12/2022 of the Chief Executive Officer, Ambassa Municipal Council, Ambassa Dhalai Tripura and direct the respondents to make an award as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013, ensuring that the petitioners are not deprived of their constitutional right to fair compensation.

iii. Call for the records appertaining to this petition.

iv. Issue rule directing the opposite parties, namely the District Magistrate (D.M) and Collector, Dhalai Tripura, to make an award in accordance with the provisions of THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION REHABILITATION AND

RESETTLEMENT ACT, 2013, ensuring that the land holders/petitioners are not deprived of their legitimate rights.

v. That the Hon'ble Court may be pleased to direct the respondents to conduct a fair and transparent assessment of the compensation due to the petitioners in accordance with the said Act, taking into consideration all relevant factors including market value, interest, solatium, rehabilitation, and resettlement entitlements."

[3] The case of the petitioners in brief is that they are the rayati of land measuring 0.17 acres of land under Khatian No.797 of Mouja Kanchanpur under Dulubari Tehsil of Ambassa Revenue Circle. A portion of land measuring 2 meters X 42 meters was unauthorizedly utilized by the respondents for construction of brick soling road connecting the police station road to the Manindra Biswas house of Ward No.5 of Ambassa Municipal Council without observing any acquisition proceedings or without any prior consent of the petitioners.

[4] Heard and perused the evidence on record.

[5] After perusal of the record, it has been seen that the petitioners have submitted representation dated 18.07.2024 and a reminder letter dated 12.08.2024 upon the respondents seeking adequate redress. But till date the petitioners herein got no response.

[6] In view of such circumstances, without expressing any opinion on the merits of the case, this writ petition is disposed of, directing the respondents to enquire into the matter with regard to the title /sale deeds of the petitioners relating to the subject land and further if the petitioners are entitled, the respondents shall consider the case of the petitioners in accordance with law. However, it is made clear that entries in Khatian are only a revenue records and they do not confer any title as decided by this Court in number of cases and further it is also made clear that, in the event, if the petitioners fails to prove their

alienable title over the subject land, the respondents authorities are at liberty to recover the amounts of compensation, if any already paid.

[7] With the above observation and direction, this present writ petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE

Paritosh

