

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 748 of 2024

Smt. Anju Rani Sukla Das

---Petitioner(s)

Versus

**The Project Director,
National Highways Authority of India and 7 Ors.**

---Respondent(s)

For Petitioner(s)	:	Mr. Biplab Debnath, Advocate.
For Respondent(s)	:	Mr. SM Chakraborty, Advocate General Mr. P. Gautuam. Sr. Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

09.12.2024

Heard learned counsel for the parties.

[2] This is an application under Article 226 of the Constitution of India for seeking the following relief(s):

- (i) *Issue Rule NISI calling upon the respondents and each of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof shall not be issued, for calling upon the records pertaining to the instant matter;*
- (ii) *Issue Rule NISI calling upon the respondents to show cause as to why a writ in the nature of Mandamus shall not be issued mandating/directing the Respondents to conduct an enquiry with regard to the applications dated 11.11.2024 (Annexure 7 supra) and .11.2024 (Annexure 8 supra) of the petitioner for releasing the compensation amount in favour of the petitioner under the National Highways Act, 1956 for acquisition of the land measuring 0.0404694 hectors under Hal Dag No. 4708 within Khatian No. 1438/1 and to rectify the error in the record of right, within a time frame;*
- (iii) *Issue Rule NISI calling upon the respondents to show cause as to why a writ in the nature of Prohibition shall not be issued prohibiting/restraining the Respondents from releasing the award of the land to any other person except the petitioner who is the physical and forceful possessor of the land;*

AND

- (iv) *After hearing the parties be pleased to make the Rule absolute, issuing direction to the respondent;*

AND

- (v) *Pass any order or orders as Lordship may fit and proper in favour of the petitioner.*

[3] It is the case of the petitioner that the father of the petitioner alongwith 2 others owner of lands under khatian no. 1438/1 and 1438/2. The father of the

petitioner was recorded as owner of 37.500 portion of land situated within Hal Dag Nos. 4708 and 4713 vide Khatian no. 1438/1 since 1970 AD. Since purchase, the respondents no. 7 and 8 were residing over the said plot i.e. over Hal Dag No. 4708 after obtaining permission from the father of the petitioner and they in connivance with some of the officials of the concerned Tehsil has reflected their name as permissive occupier in Khatian no. 4708. Subsequently, vide Gazettee notification SO No. 3511E the land of the petitioner was acquired by the respondent no. 1 for development work. By a communication, the respondent no. 4 intimated the petitioner to submit all requisite documents in relation to the acquired land which the petitioner has submitted. Subsequently, compensation in regard to land situated within Hal Dag No. 4713 was released in favour of the petitioner but since the name of respondent nos. 7 and 8 is shown as permissive possessor in Hal Dag No. 4708, so the awarded compensation has not been released. The petitioner submitted application to the respondent no. 4 for releasing the awarded amount and also submitted application for rectification of the record of right, but the officials respondents most deliberately sat over the applications of the petitioner and till date neither the payment has been released in favour of the petitioner nor the record of right has been corrected. Hence this writ petition.

[4] It is contended by the counsel for the petitioner that despite making repeated requests before the respondents for making the necessary entry in the ROR and furnish the copy thereafter, the respondents have not considered the case till today. On perusal of the record, it is seen the latest request was made on 30.11.2024 which is still lying pending before the respondents.

[5] Mr. SM Chakraborty, learned Advocate General has represented before this court that the petitioner has not approached before the respondents as per the procedure and sufficient documents have also to be before the concerned

respondents for taking appropriate decision. It is further prayed that the present writ petition be dismissed since the prayer made by the petitioner is not recognized under the statute. It is further submitted that no consequential benefits be extended to the petitioner.

[6] Prima facie, it appears to this court that there is a grievance from the side of the petitioner seeking to carry on certain necessary entries in the Record of Right on the strength of his request. On perusing the record, it surfaces that the petitioner has not approached before the respondents in accordance with law and he has not followed the procedure. This court draws conclusion that the petitioner is not well versed with the procedure.

[7] Apart from the above plea, the petitioner has also drawn the attention of this court to the letter dated 11.11.2024 made by the petitioner addressed to the respondents. It is represented by the counsel for the petitioner the said letter has also not been acted upon as yet. On perusing such letter, this court is not inclined to grant any such direction upon the respondents to consider payment of compensation to the petitioner since it requires amount of exercises to be done by the respondents in examining the title deed and entitlement as an owner and accordingly based upon which the compensation would be disbursed. In view of the same, the said plea made by the petitioner to get the payment of compensation stands rejected.

[8] In view of the above discussion, the writ petition is disposed of without expressing any opinion merit directing the respondents to communicate and advise to the letter dated 30.11.2024 received by them made by the petitioner. The respondents shall inform the petitioner the manner in which the petitioner requires to make his application to consider his request. It is needless to say that the said communication or advice shall be made within two months within two months from the date or receipt of copy of this order.

[9] 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

