

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.800 of 2023

Sri Gautam Chakma and 9 Ors.

....Petitioner(s)

Versus

**The Secretary, Revenue Department,
Government of Tripura and 5 Ors.**

....Respondent(s)

For the Petitioner(s)	:	Mr. D.C. Roy, Advocate
For the Respondent(s)	:	Mr. D. Sarma, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH
Order

03/01/2024

Heard Mr. D.C. Roy, learned counsel appearing for the petitioners. Also heard Mr. D. Sarma, learned Addl. GA appearing for respondents no.1 to 4.

It is the case of the petitioner that he is the grandson of late Dhanyaram Chakma alias Daniram Chakma and the said Dhanyaram Chakma(now deceased) was the original owner of the land mentioned in the Khatian No.22/1 and 22/3 of Mouja-Makarcherra, Tehsil-Chawamanu, Revenue Circle-Chawamanu, Sub-Division-Longtharai Valley.

According to the petitioner, the said land is being illegally and unauthorizedly occupied by the respondents beyond the knowledge and permission of late Dhanyaram Chakma and therefore the petitioner has prayed for proper compensation for illegal and unauthorized use of the land or in alternative to purchase the land as per present market value.

It is the further case of the petitioner that he collected the information through RTI Act, 2015 and found that the name of Dhanyaram Chakma is shown as owner, possessor of land as rayati right holder. The petitioner issued a legal notice, but the respondents had not responded to the same. Having no other alternative, the petitioner has approached this Court by way of filing the present writ petition.

Mr. Roy, learned counsel for the petitioner has submitted that since the respondents had forcibly occupied the land of the grandfather of the petitioner, he is entitled to compensation.

On the other hand, Mr. Sarma, learned Addl. GA has submitted that it is a Government Khas land and belongs to forest area. Learned Addl. GA has further submitted that the grandfather of the petitioner was never found to be in possession of the land in question and the land is all along under possession of the respondents i.e. respondents nos.1, 2, 3 and 4.

From the contents of the writ petition as well as the submissions advanced by learned counsel appearing for the parties it is manifestly clear that the present writ petition involves serious disputed question of facts. The appropriate remedy of the petitioner lies elsewhere.

The writ court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot enter into the disputed questions of facts involved in the present writ petition.

Accordingly, I do not find any merit to exercise the discretionary and extraordinary power conferred upon this Court under Article 226 of the Constitution of India.

However, I direct the petitioner to approach the revenue authority or the appropriate court of law with the grievances and reliefs prayed for in the present writ petition.

In view of the above, the instant writ petition stands disposed.

JUDGE

Snigdha

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