

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.01 of 2025

Smt. Anju Rani Sukladas, (aged about 54 years), W/o Lt. Rakhal Sukla Das, daughter of late Jatindra Chandra Das, resident of Tablabari at present residing at Mahadevtilla, P.O. Khowai, P.S-Khowai, District-Khowai, Tripura

.....Appellant(s);

Versus

1. The Project Director, National Highways Authority of India, Ministry of Road, Transport & Highways, Government of India, G-5 & 6, Sector 10, Dwarka, New Delhi-110075
2. The Deputy General Manager (P), National Highways Authority of India, PMU Office, Khowai, P.O & P.S. Khowai, District- Khowai, Tripura
3. The Sub-Divisional Magistrate, Khowai District, P.O & P.S- Khowai, Tripura
4. The District Magistrate & Collector, Khowai District, P.O & P.S- Khowai, Tripura
5. The Additional District Magistrate & Collector, Khowai District, P.O & P.S- Khowai, Tripura
6. The Land Acquisition Collector, Khowai District, P.O & P.S- Khowai, Tripura
7. Sri Pyari Mohan Das, S/o- Harendra Ch. Das, resident of village-Mahadeb tilla, P.O & P.S & District- Khowai, Tripura
8. Sri Apan Das, son of late Anil Das, resident of Mahadev Tilla, P.O. Khowai, P.S- Khowai, District- Khowai, Tripura

.....Respondent(s).

For Appellant(s) : Mr. Tapash Datta Majumdar, Sr. Advocate,
Mr. Biplab Debnath, Advocate.

For Respondent(s) : Mr. Mangal Debbarma, Addl. G.A.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA**

Order

28/01/2025

Heard Mr. Tapash Datta Majumdar, learned senior counsel assisted by Mr. Biplab Debnath, learned counsel for the appellant and Mr. Mangal Debbarma, learned Additional Government Advocate upon whom copy of the appeal has been served during course of the day for and on behalf of respondents No.3 to 6 who are the State-authorities.

2. The writ petitioner/appellant herein claiming herself to be the land looser and the recorded raiyat in respect of Khatian No.1438/1 and 1438/2, Hal Dag No.4708, area measuring 0.0404694 of Ganki, Khowai Distirct approached the Writ Court seeking release of compensation in lieu of acquisition of her portion of land for the purposes of construction of national highway vide gazette notification SO No.3511E dated 02.11.2017. However, since respondents No.7 & 8 are shown as permissive possessor in Hal Dag No.4708, the compensation has not been released. Petitioner's application for rectification of the record of rights is pending before the District Magistrate & Collector, Khowai District-respondent No.4. She also prayed for a direction upon the respondent No.4 to take a decision on her application for correction of the record of rights.

3. The learned Writ Court, after hearing learned counsel for the petitioner and learned Advocate General for the State, passed the following order:

“ [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.”

4. Learned senior counsel for the petitioner/appellant herein submits that the learned Writ Court has declined to issue any direction upon the respondents to consider payment of compensation to the petitioner as the issue of ownership is to be determined upon correction of the record of rights. However, the learned Writ Court has issued a direction upon the competent authority to take a decision on her application dated 11.11.2024 within a period of two months. He further submits that the issue of apportionment of compensation under the award passed under Section 3-G of the National Highways Act, 1956 can be referred to for decision before the competent authority under Section 3-H(4) of the Act of 1956. As such, the issue of correction of ROR should not detain the competent authority for making such a reference if the disbursal of the awarded amount is pending on account of rival claims between the petitioner and the respondents No.6 & 7 who are recorded as permissive possessor in the same Hal Dag Number.

5. Upon hearing learned senior counsel for the appellant and learned Additional Government Advocate for the respondents-State, we find reason in the above submission. We are of the opinion that though the learned Writ Court has directed the competent authority to take a decision on the application of the

petitioner for correction of record of rights, in case the dispute is about apportionment of the awarded amount, it is open for the competent authority to make such a reference in accordance with law under the relevant provisions of the NH Act, 1956 i.e. Section 3-H. Therefore, while reiterating the direction so far as the grievance of the appellant for correction of ROR as passed by the learned Writ Court is concerned, it is also observed that the competent authority, after being satisfied that the issue relates to apportionment of the awarded amount between the appellant and other claimants/respondents No.6 & 7, may refer the dispute to the decision of the principal civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated as per Section 3H(4) of the N.H. Act, 1956.

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

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

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