

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A

WP(C) No.19 of 2025

Sri Prabir Paul @ Pal

.....Petitioner

_V_E_R_S_U_S_

The State of Tripura and 4 Others

.....Respondents

For Petitioner(s)	:	Mr. P. K. Dhar, Sr. Advocate. Mr. K. Paul, Advocate. Mr. R. G. Chakraborty, Advocate.
For Respondent(s)	:	Mr. P. Gautam, Sr. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_F_I_N_A_L_O_R_D_E_R_

17.01.2025

Heard Mr. P. K. Dhar, learned senior counsel assisted by Mr. K. Paul, learned counsel appearing for the petitioner also heard Mr. P. Gautam, learned senior G.A. appearing for the respondents.

This is a petition filed under Article-226 of the Constitution of India for setting aside the order dated 30.11.2024 passed by the respondent No.5 in the proceeding under the Tripura Public Premises (Eviction of Unauthorized Occupants) Act, 1983 and directing the respondent No.5 to provide opportunity of being heard to the petitioner afresh. Further, prohibiting from implementing the order dated 30.11.2024 passed in the proceeding under the Tripura Public Premises (Eviction of Unauthorized Occupants) Act, 1983 also for taking necessary efforts for demarcating the boundary of land in question classified as bagan (tilla) before implementing the order of eviction and to make compensation in favour of the petitioner for his rubber plantation situated over the land in question wherefrom the eviction order is passed by the respondent No.5 without providing opportunity of being heard.

The petitioner has prayed for the following reliefs:

- “i. Issue appropriate writ in the nature of prohibition or in the like nature prohibiting the respondent No.5 from implementing/enforcing the said order dated 30.11.2024 passed under the Tripura Public Premises (Eviction of Unauthorized Occupants) Act, 1983;
- ii. Issue appropriate writ directing the respondent No.5 to initiate fresh proceeding against the petition providing him an opportunity of being heard in terms of law;
- iii. Issue appropriate writ directing the respondents and each of them and also directing specially the respondent No.5 to demarcate the land in question and to

make assessment about the rubber plantation of the petitioner and compensate the petitioner for his losses etc;

iv. Issue appropriate writ/order upon the respondent No.5 directing him to demarcate the landed property in question and to provide opportunity of being heard to the petitioner as per law;

v. Issue appropriate writ/order quashing and cancelling the order dated 30.11.2024 issued by the respondent No.5 in the proceeding under the Tripura Public Premises (Eviction of Unauthorized Occupants) Act, 1983;

vi. Issue appropriate writ cancelling/quashing the notice dated 30.11.2024 issued by the respondent No.5 and consequent thereof be pleased to quash the order dated 30.11.2024 passed by the respondent No.5.

vii. Issue appropriate order/direction as may be deemed fit and proper to render proper justice to the petitioner;

viii. In the interim, Your Lordship may be pleased to pass further order directing the respondent No.5 and other respondents also to pass order in terms of law and restraining them from giving effect of the said order dated 30.11.2024 pending this writ application.”

The facts in brief are that a Government land is situated at within District West Tripura and Sub-Division and Sub Registry Sadar, Mouja Dukli, T.K. Dukli, the land appertaining to Khatian No.1/137, R.S. Plot No.15545, classified as bagan (tilla), area 2.30 acre which is under occupation of Petitioner since 1979 and for more than 30 years and the Revenue department requested the petitioner to produce documents for getting allotment which was not accepted and the government did not taken the step thereafter and the petitioner acquire right of Adverse possession their on by planting valuable rubber trees and without demarcating the land and the respondent No. 5 a estate officer issued notice dated 20.11.2024 to appear on 30.11.2024 without complying the provision of law and the petitioner prayed for time and the estate officer passed the final order of evection on 30.11.2024 wrongly and illegally violating the mandatory provision of law and without demarcation of the said land and without assigning losses of the petitioner and the order and action of the estate officer is not found transparent and such order had infringe legal right of the petition and even the petitioner was not provided the opportunity of being hard and thus the principal of natural justice is clearly violation, thus this writ application is field *bonafidely*.

During the course of argument, learned senior counsel appearing for the petitioner has placed on record consequential proceeding dated 13.01.2025 though it is not under challenged.

Heard both sides.

It is the case of the petitioner that the petitioner is in possession of subject land for the last several years and the respondent No. 5 issued a notice dated 20.11.2024 under Section-5 of Tripura Public Premises (Eviction of Unauthorized Occupants) Act, 1983 calling for appearance on 30.11.2024 and the petitioner submitted request in writing to grant some time to represent his matter. But the respondent No.5 by order dated 30.11.2024 decided the case against the petitioner and ordered for eviction and consequential proceeding are issued on 13.01.2025 to handover the vacant possession/land by 17.01.2025. Admittedly, the impugned order dated 30.11.2024 is against the principle of natural justice. The respondent having allowed the petitioner to occupy the land for all these years could have waited and give a reasonable opportunity of personal hearing. Therefore, the impugned order dated 30.11.2024 is contrary to the doctrine of *audi alteram partem* and on this ground alone it is liable to be set aside and accordingly, it is set aside.

This Court takes cognizance of the same and since the impugned proceeding dated 20th November, 2024 itself is set aside for violation of principle of natural justice, this being the consequential proceeding, this Court clarifies that proceeding dated 13.01.2025 will have no effect. Learned senior counsel appearing for the petitioner submits before this Court that if an opportunity is given, he would appear before the concerned officer and would explain in his defence. Request considered.

As agreed by both sides, the petitioner will present himself along with any evidence in his favour on 22.01.2025 by 11.00am before the officer concerned. It is needless to observe that no further extension of time or adjournment will be given in favour of the petitioner.

In that view of the matter, the present petition stands allowed by setting aside the impugned proceeding dated 20th November, 2024. As a sequel, miscellaneous application pending, if any, shall stand closed. A copy of this order be communicated to the learned counsel appearing for the parties during the course of the day.

T. AMARNATH GOUD, J