

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.80 of 2025

Samsul Haque Bhuiya and 4 Others

.....Petitioners

_V_E_R_S_U_S_

The Land Acquisition Collector and Another

.....Respondents

For Petitioner(s) : Mr. A. De, Advocate.

For Respondent(s) : None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

15.02.2025

Heard.

[2] The present petition has been filed under Article-226 of the Constitution of India directing the respondents to refer the case under Section-18 of the L.A. Act, 1894 to the L.A. Judge, Sonamura, Sepahijala Tripura being L.A. Case No. 04 / SNM / 2008 under Sl. No.03 and 04, file number DM / W / LA / SNM/21/07 for adjudication of the case.

[3] The petitioners have prayed for the following reliefs:

i. Admit this petition.

ii. Call for records and after hearing the parties;

iii. Issue writ and/or order directing the respondents to make reference of the case being L.A. Case No. 04 / SNM / 2008 under Sl. No.03 and 04, file number DM / W / LA / SNM/21/07 more particularly mentioned schedule above of the petition regarding te disputes on the proper assessment of compensation of the acquired land and damage of the property to the Ld. L.A. Judge, Sonamura, Sepahijala Tripura under Section-18 of the Land Acquisition Act, 1894.

AND

IV. To pass any other order/orders or directing the respondents as Your Lordship deem fit and proper having regards to the facts and circumstances of the case.”

[4] It is a case of the petitioners that the petitioners are the legal heirs of the deceased person in interest and the subject land has been acquired in 2009 and compensation was given by the L.A. Collector and not being satisfied by the same, the petitioners filed an application before the learned L.A. Collector seeking reliefs under Section-18 of the L.A. Act and the same stood pending. During 2022 legal notice in the form of reminder has been sent since nothing has happened, the present petition has been filed before this Court.

[5] In view of above, since the application is pending before the respondent, the respondent shall consider the aspect of limitation and the requirements made therein i.e. whether the application is in proper form as contemplated under Section-18 of the L.A. Act, whether the application is made within the limitation period and whether he is the owner of the land and entitled for enhancement. For the purpose of ready reference, Section-18 of the L.A. Act may be reproduced hereunder:

“18. Reference to Court: (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the ground on which objection to the award is taken:

Provided that every such application shall be made-

(a) If the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award.

(b) In other cases, within six weeks of the receipt of the notice from the Collector under Section-12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.”

[6] Further, it becomes immense necessary that while dealing with the disbursing of compensation which is nothing but public fund, ascertainment of the title and ownership of the property is necessary accordingly, the concerned authority while taking a decision shall record reasons in the reference order and forward the same to the concerned L.A. Judge. It is needless to observe that a genuine owner having his title deed/flow of title/sale deed is entitled for compensation but a person who is unauthorized cannot claim even a rupee as compensation upon the land to which he is not the owner. This Court in several land acquisition appeals has opined on the above lines. Therefore, while deciding the matter, the learned L.A. Collector and the learned L.A. Judge shall consider the same in the event if they are proceeding with the matter.

[7] With the above observations and directions, the present petition stands disposed of directing the respondents to consider the case of the petitioners as per above observations and in accordance with law within a period of two

months from the receipt of the copy of this order. As a sequel, miscellaneous application, pending if any, shall stands closed.

T. AMARNATH GOUD, J

A. Ghosh

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