

**HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_**

WP(C) No.107 of 2025

Abdul Rahaman

.....Petitioner

_V_E_R_S_U_S_

The State of Tripura and 5 Others

.....Respondents

For Petitioner(s) : Mr. D. Paul, 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_

03.03.2025

Heard.

[2] The present petition has been filed under Article-226 of the Constitution of India directing the respondents to refer the matter to the Arbitrator to determine fair compensation in lieu of acquired land in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RECTLARR) Act, 2013 to decide the fair compensation. Further, award No.17/NH/WBP/SDR/2023 under apportionment Sl. No.56 in reference to file No.DM/W/LA/WBP/SDR/09/2023/6170-6190 dated 18.10.2024 in L.A. Case No.11/SDR/2023 under National Highway Act, 1956 from the competent authority for National Highway (ADM & Collector), West Tripura.

[3] The petitioner has prayed for the following reliefs:

i. Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued commanding the respondents to refer the matter to the Arbitrator to determine fair compensation in lieu of acquired land in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RECTLARR) Act, 2013.

ii. Upon hearing the parties, make the rules absolute.

iii. Call for records.”

[4] The facts in brief are that a land measuring 0.040 acre of the petitioner has been acquired under the 'National Highway Act, 1956', by the A.D.M & Collector, West Tripura, Agartala, on behalf of by Government of India, as the competent authority for the purpose of construction of Western Bye Pass Road connecting to NH-8 to NH-108B. But, as the award is far and short of just and proper, the petitioner with objection on the compensation value, receipt the same

without waiving his right to higher compensation. Thereafter, served legal notice, dated 07-11-2024 through his counsel to refer the matter to the Arbitrator to determine fair compensation in lieu of acquired land in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RECTLARR) Act, 2013. But, till date no response has been given by the respondents.

[5] Being aggrieved by and dissatisfied with the same, the present petition has been preferred by the petitioner before this Court for redress.

[6] In view of above and having heard the learned counsel appearing for the parties, without expressing any opinion on merits, this Court is of the view that ends of justice would be met if the matter is disposed of by directing the respondents to consider the case of the petitioner as per legal notice filed by the petitioner, in accordance with law, facts and rights be decided as expeditiously as possible preferably within a period of three months from the date of the receipt of the copy of this order. Accordingly, the same is ordered. Further, it is made clear that whatever the decision is taken by the concerned respondents, the same may be communicated to the petitioner.

[7] As such, the present petition stands disposed of. As a sequel, miscellaneous application, pending if any, shall stands closed.

T. AMARNATH GOUD, J

A. Ghosh

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