

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A

WP(C) No.123 of 2025

Sri Satya Ranjan Debnath and 2 Others

.....Petitioners

_V_E_R_S_U_S_

The State of Tripura & 8 ors.

.....Respondents

For Petitioner(s)	:	Mr. D. Deb, Advocate. Mr. S. Sarkar, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI. Mr. P. Gautam, Sr. G.A. Mr. K. Debbarma, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

06.03.2025

Heard.

[2] The present petition has been filed under Article-226 of the Constitution of India directing the respondents for providing compensation to the petitioners and proforma respondents for the illegal occupation, damage and causing obstruction in using the rest of the land of the petitioners and pro-forma respondents beyond acquisition since the period of acquisition of the part of the said land in the year 1999 for the purpose of construction of RCC Bridge over the river Howrah and approached road at Khayerpur, Agartala, connecting the Assam-Agartala Road with by-pass road in consideration of the protection of the fundamental rights of the petitioners under Articles-14, 16, 19 and 21 of the Constitution of India

[3] The facts in brief are that, The respondent No.4, the L.A. Collector, West Tripura, Agartala on 09.03.1999 acquired the land of the petitioners measuring 0.25 acres out of the total land measuring 0.67 acres under Hal Plot Nos. 615 & 616 of Khatian No.983 at Mouja Briddhanagar for approach road of the RCC Bridge over river Howrah connecting bypass road. The petitioner No.6 made the representation on 15.06.2010 to the respondent No.4 demanding compensation for damaging the rest land measuring 42 acres under Hal Plot No.615(P) for construction of the said RCC Bridge over river Howrah & approached road. The petitioner No.6 made another representation dated 11.10.2010 to respondent No.4 with the prayer for awarding compensation or to return back the possession of the land measuring 0.36 acres of the Petitioners under unauthorized occupation of the

respondents beyond the acquired land. The L.A. Collector, West Tripura, Agartala, by the letter dated 23.11.2010 instructed the petitioner No.6 to approach before the Executive Engineer, PWD, Jirania Division, the respondent No.5 with her legitimate Claim.

[4] Having no other alternative after several persuasions with the Respondent no.5, the Petitioners preferred Writ Petition before this Hon'ble High Court of Tripura out of which case no. WR(C) 431/2016 was registered. The Hon'ble High Court passed the Judgment & Order dated 06.04.2017 directing the respondent No.4, the L.A. Collector West Tripura, Agartala to ascertain as to whether the land of the petitioners were given damage for segregation of the land measuring 0.36 acres has been come in assessable for use. Some of the petitioners made further representation on 17.07.2018 to the respondent Nos. 3 & 4 for making a field enquiry as per the order passed in WP(C) 431/2016. The field enquiry report dated 29.08.2018 was submitted to the respondent No.4 where the land measuring 0.36 acres out of 0.42 acres of land plot no. 615 of Khatian No. 983 is under occupation of PWD, 0.035 acres has been broken & drawn by Howrah River and the rest 0.025 acres is lying vacant under occupation of the Petitioner. The Respondent no.4, the L.A. Collector issued memorandum dated 12-06-2019 for further Field enquiry. The field enquiry report dated 06-08-2019 submitted by the Surveyors jointly. Despite of several reports the respondent No.4 neither acquired nor vacated the land of the petitioners. Having no other alternative on 13.04.2023 the petitioners have filed the writ petition out of which the case no. WP(C) 343/2022 was registered.

[5] On 21.06.2023 this Court disposed off the case vide No. WP(C) 343/2022 as the learned senior counsel appearing for the State respondents submitted before the Court that some part payment has already been made and some disputed amounts in view of the measurement of the land are yet to be paid and directed the District Collector to look into the matter personally and to resolve the issue within a period of 2 months. The respondent No.5 on 07.11.2022 issued the letter along with the calculation sheet for making the payment of Rs. 7,20,684/- for the land measuring 0.035 acres only. The petitioners & the pro-forma respondent No.6 on 10.11.2022 submitted the beneficiary details & subsequently payment of Rs. 7,20,684/- was made. Thereafter the petitioners preferred writ petition being WP(C) No. 552/2023 and the Court by the judgment & order dated

01.09.2023 directed the petitioners to file a detailed representation before the respondents regarding their claim. Accordingly the petitioners through their advocate on 29.1.2024 made detailed representation to the respondents where the respondent No.5 through the GP, West Tripura by the reply dated 02.04.2024 denied the claim of the petitioners.

[6] Being aggrieved by and dissatisfied with the same, the petitioners have filed the present petition before this Court for redress.

[7] 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 in accordance with law by applying the mind and pass a reasoned order, as expeditiously as possible preferably within a period of two months from the date of the receipt of the copy of this order and accordingly, the same is ordered. It is further more clear that at the time of passing an appropriate order with regard to the right title and interest and the ownership, relevant documents have to be placed on record as khatian cannot be treated as title. However, it is made clear that whatever the decision is taken by the concerned respondents, the same may be communicated to the petitioners.

[8] In that view of the matter, the present petition stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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