

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 237 of 2025

Sankar Bhowmik

---Petitioner(s)

Versus

The State of Tripura and 2 Ors.

---Respondent(s)

For Petitioner(s)	:	Mr. Dibyendu Sarkar, Advocate.
For Respondent(s)	:	Mr. P. Gautam, Sr. GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

15.05.2025

This is a petition under Article 226 of the Constitution of India.

[2] By way of filing this writ petition the petitioner seeks a Writ of Mandamus or any other appropriate writ directing the respondents not to encroach or evict the petitioner from his cultivable Jote Land in the pretext of construction of Muhuri Right Bank Canal at Mouja Charakbai under Santirbazar, Sub-Division, South Tripura without following the due process of law and without providing any compensation to the land owner. The petitioner states that on 03-06-2024 the petitioner served one legal notice for to settle the dispute regarding the acquisition. That legal notice was served to all the respondents including the Chief Secretary. But the respondents did not settle the dispute till date for unknown reason. The respondent forcefully started filling the acquire land with mud using high power machines with their men and agents. The petitioner approached to them with folded hand and inform them he did not receive any amount for acquisition but the representative of the respondent did not hear the request of the petitioner and forcefully damage some part of land belong to the petitioner by filling mud. Thereafter finding to other alternative the petitioner again made a representation on 10/03/2025 to the respondent no.2 & 3 but no action has been taken by the respondents till date for unknown reasons.

The petitioner further states that on 26-04-2025, 27-04-2025 the respondent by their men and agents again forcefully and arbitrarily again started filling muds, cutting tense by using machineries. The petitioner approached to the respondents but they replied without any Courts order they will not stop the acquisition work. Finding no other alternative the petitioner approached this Court.

[3] Heard and perused the record.

[4] This court has come across recently in many instances of Land Acquisition matters in the state of Tripura where even without examining the title deeds and also on the strength of the LA Collector's report, compensation has been awarded. It is strange to learn that there is no finding, any report or any document to place before this Court or before the LA Collector to show that the LA Collector has examined the title deeds with regard to the ownership and also the possession of the claimant. On the strength of the revenue record (i.e. khatian), it cannot be said that the persons in possession and claiming the compensation are the real owners having alienable right. Unless there is a specific document to prove the alienable right, title and interest upon the said land, it cannot be construed that the claimants are the lawful owners of the property and are entitled for compensation.

[5] With the above observation, this present writ petition stands dismissed. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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