

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 455 of 2025**

Sri Alak Mitra
S/O Late Bharat Chandra Mitra
Dhaleswar Road no. 6, P.O. Dhaleswar
P.S. East Agartala, District -West Tripura
Pin-799007,
.....Petitioner

Versus

- 1.The State of Tripura,*
Represented by the Chief Secretary, Government of Tripura,
New Capital Complex, Kunjaban, Agartala, P.S.
NCC,District- West Tripura, Pin-799010
- 2. The Secretary*
Department of Revenue, Government of Tripura,
New Capital Complex, Kunjaban Agartala, P.S. N.C.C.
District-West Tripura, Pin-799010
- 3.The District Magistrate & Collector,*
South Tripura District, Belonia, Tripura, Pin-799155
- 4. The Block Development Officer,*
Jolaibari, South Tripura, Pin-799141.

.....Respondents.

For the Petitioner(s)	:	Mr. A. De, Advocate. Mr. A. Das, Advocate.
For the Respondent(s)	:	Mr. P. Gautam, Sr. G.A. Mr. K. De, Addl.G.A.
Date of hearing	:	14.08.2025.
Date of delivery of Judgment & Order	:	14/08/2025.
Whether fit for reporting	:	YES.

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)

[1] Heard Mr. A. De, learned counsel appearing for the petitioner. Also heard Mr. K. De, learned Addl. G.A appearing for the respondents-State.

[2] This present petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

(i) Admit this writ petition;

(ii) Issue notice upon the respondents;

(iii) Call for the case records from the respondents;

AND

(iv) After hearing of both sides Your Lordship would be kind enough to issue a Rule calling upon the respondents and each one of them to show cause as to why a Writ of Mandamus in the nature thereof shall not be issued for of them for directing/mandating each one removal/dismantling the north side of boundary wall and toilets of Jolaibari Community Hall which was constructed illegally by the respondents in the land of the petitioner;

(v) The petitioner also prayed before this Hon'ble High Court to pay the rent for the period of illegal occupancy the land of the petitioner since from the year 2005 till the date of vacating the land.

(vi) The petitioner also prayed before this Hon'ble High Court for removing the illegal construction upon the land of the petitioner otherwise to direct the respondents to acquire the land of the petitioner as per procedure of law by giving appropriate compensation..

(vi) To pass any other order/orders as Your Lordship deems fit and proper."

And for this act of kindness your petitioner as in duty bound, shall ever pray".

[3] Brief facts leading to this case, is that , the petitioner is the absolute owner and possessor of the land within South Tripura District, Mouja- Jolaibari, Sub-Division-Santirbazar, Tehasil & Revenue Circle- Jolaibari . Touji No. 995,1940/p, khatian no. 3087, Hal dag no. 8633 adjacent to the North side of the Jolaibari Community Hall. According to the petitioner, respondents constructed the boundary wall and Toilets of the Jolaibari

Community Hall within the land of petitioner and a measurement was taken by the Revenue Inspector, Jolaibari Revenue Circle, wherein it is mentioned that, 20 sahasrangsha (i.e. 1 ganda) land of the petitioner has been forcefully & illegally occupied and the same is fallen within the boundary wall of the Jolaibari Community Hall and this was constructed by the respondent no. 4. Petitioner served several letters dated 10/02/2020, 24/09/2021 and 07/12/2023 to the respondent no. 4 for removal/dismantling of North side of boundary wall and toilets of Jolaibari Community Hall and also for vacating the aforesaid land which was occupied by the respondents and also to pay the rent for the period of occupancy land of the petitioner from the year 2005 till the date of vacating the land. But the respondent no. 4 did not give reply nor paid any rent or compensation to the petitioner. Finding no other alternative, the petitioner served a legal notice on 16/11/2024 to the respondents for removal/dismantling boundary wall and toilets of Jolaibari Community Hall. The respondents did not response to that legal notice within the time framed by the petitioner. Hence, the petitioner filed this writ petition.

[4] Mr. A. De, learned counsel submits before this Court that the petitioner herein is the owner of the land and some portion of the land of the petitioner has been acquired by the respondents without following the due procedure of law. Thereafter, the petitioner herein sent a letter to the concerned respondent and the same was enquired by the Revenue Inspector, Jolaibari Revenue Circle, Santirbazar, wherein it has been stated that 20 Sahasrangsha lands is being occupied by the Jolaibari community hall in which they built toilet and boundary wall.

[5] During the course of arguments, he placed reliance on the Judgment of Hon'ble Apex Court titled as ***Vidya Devi Vs. The***

State of Himachal Pradesh & Ors. Civil Appeal Nos. 6061 of 2020
(arising out of **SLP (Civil) Nos. 467468/2020 @ D.. No. 36919/2018**). He, therefore, prays to allow his petition by removing or providing appropriate compensation as per law.

[6] Mr. K. De, learned Counsel for the respondents-State submitted that the petitioner has remedy before the appropriate Civil Court and at this juncture, he cannot claim any relief in this Hon'ble Court and prayed to dismiss the case.

[7] It is not disputed that toilets have been constructed by the respondents and a boundary wall has also been raised. It can be reasonably construed that no construction shall take place over night. The petitioner had sufficient opportunity to stall any such construction, if aggrieved, by seeking stay of construction / injunction before the appropriate Civil Court, placing title deeds and marking the boundaries.

[8] It is also seen from the record that the petitioner herein has not produced any proof of title deed and Khatian cannot be a basis for deciding the ownership and making any payment as compensation.

[9] However, whether the petitioner is an authorized possessor and, accordingly, occupying the said property with valid title, right and interest is the issue which has to be examined. Without there being any such adjudication or proving the matter by concerned Court or authority, it is not open for this Court to decide the same and to pass an order for demolishing the constructions which have already been made.

[10] Further, it is observed that the land was occupied and constructions were made much prior to 16.07.2015 when an enquiry was conducted by the Revenue Inspector, Jolaibari

Revenue Circle, Santirbazar and the records also shows that the petitioner not invoked any legal remedies by approaching the competent Court of law and filing the present writ petition seeking to demolish the constructions already made (toilets) is hit on the ground of *laches*.

[11] Since, the disputed question of facts are involved with regard to the title deed and right, it is not open for this Court to grant any orders for demolition or to grant compensation as decided by this Court in a numerous writs and land acquisition appeals, khatians cannot be treated as title deed while deciding the compensation.

[12] However, it is always open for the petitioner to approach the concerned Civil Court. Possessor or the occupants of the property has their limited right but claiming ownership of the property and compensation requires proper adjudication on the strength of title deeds.

[13] In the event, if the title is by way of any inheritance, it does not mean that the petitioner is not having any title. The link documents and the flow of title needs to be explained and necessary documents needs to be placed on record before the concerned Court of law or authority . In the absence of which it cannot be construed that the petitioner is entitled for the relief sought i.e for the demolition of the constructions (toilet and boundary wall) which is constructed by the respondents for public purpose. At this juncture, the judgment cited (*supra*) by the counsel for the petitioner is not applicable to the facts of this case.

[14] The petitioner is at liberty to avail remedies before the appropriate Civil Court or to concern authority by placing proper title deeds in support of his claim.

[15] With the above observation, the writ petition is devoid of merit and the same is liable to be dismissed. Accordingly, the same is dismissed.

As a sequel, miscellaneous application(s), pending if any, shall stand closed

DR. T. AMARNATH GOUD, J

HIGH COURT OF TRIPURA



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