

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C). No.372 of 2025

Sri Kalipada Deb and 2 Others

.....Petitioners

_V_E_R_S_U_S_

The State of Tripura & Another

.....Respondents

For Petitioner(s) : Mr. B. Debnath, Advocate.
Mr. E. Debbarma, Advocate.
For Respondent(s) : Mr. D. Sarma, Addl. G.A.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

11.07.2025

[1] Heard Mr. B. Debnath, learned counsel appearing for the petitioner and Mr. D. Sarma, learned Addl. G.A. appearing for the respondents.

[2] The present petition has been filed under Article-226 of the Constitution of India for a direction to the respondents to provide reasonable and fair compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [for short, RFCTLARR 2013 Act] as per current market rates along with interest and solatium and any other relief(s). Further, to consider the case of the petitioners in the light of the demand cum legal notice served to the respondents on 11.09.2024 and a follow up demand cum legal notice served on 28.04.2025.

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

a. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to forthwith initiate acquisition proceedings under the provisions of the relevant laws and provide compensation under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and to pay appropriate compensation at prevailing market rates, together with applicable interest and solatium, for the land illegally occupied.

b. Direct the respondents to pay mesne profits for the unauthorized occupation and use of the petitioners' land for the preceding 12 years, as per law."

[4] The facts in brief are that the petitioner No.2 is the son of the petitioner No.1 and the petitioner No.3 is the wife of the petitioner No.2. The petitioner No.1 is the absolute owner and lawful title holder of the parcel of land situated under Mouja: Paschim Singichara, Sub-division: Khowai, Tehsil: Singichara, Revenue Circle: Khowai, recorded under khatian No.343/1, comprising

Dag Nos.: Sabek 3342, 3314, 3331, 3617/4277 and Hal Dag Nos.: 4631, 4633, 4642, 4644, measuring a total of 2.76 acres (approx.). The said land was lawfully acquired by the petitioner No. 1 through a registered Gift Deed executed by his father, Late Kamini Kumar Deb, registered in the Office of the Sub-Registrar, Khowai, recorded as Book No. 1, Volume No. 24, Pages 178 to 181, Being Deed No. 2775 of the Year 1979. The petitioner has been in peaceful possession and enjoyment of the said land ever since. Subsequently, a sub-division of the parent holding was effected, due to personal family issues, resulting in the selling out of a portion of the land effecting new Record of Rights (ROR) bearing Khatian No. 343/2, in the name of petitioner No. 1, in respect of a portion of land measuring 0.33 acres approximately, from within the said parent plot recorded under Khatian No. 343/1.

[5] The respondents herein, acting without any authority of law, have illegally encroached upon and occupied a portion of land from the land measuring 0.33 acres, as comprised within the said Khatian No. 343/2, bearing Dag No.: Sabek 3331 and Hal Dag Nos.: 4642 without serving any notice, initiating any acquisition proceedings under law, or paying any compensation whatsoever. In the year 2012, the respondents acting without any lawful authority and in blatant contravention of the established legal and statutory procedures, illegally encroached upon and occupied portions of the land belonging to the petitioners.

[6] The petitioners issued a demand-cum-legal notice dated 10.09.2024 addressed to the respondent Nos.1 & 2. The said notice was dispatched via speed post on 11.09.2024. In the said notice, the petitioners specifically called for a fair, transparent and time-bound investigation into the illegal occupation of their lands and further demanded proper and adequate compensation, along with interest to be calculated from the date of the actual dispossession by the respondents. Consequently, another demand-cum-legal notice dated 28.04.2025 was served upon the answering respondents but nothing has been done.

[7] The rule which says that the Court may not enquire into belated and stale claim is not a rule of law but a rule of practice based on sound and proper exercise of discretion. The principle on which the relief to the party on the grounds of laches is denied is that the rights which have accrued to others by reason of the delay in filing the petition should not be allowed to be disturbed unless there is a reasonable explanation for the delay. The real test to determine delay in such

cases is that the petitioners should come to the writ court before a parallel right is created and that the lapse of time is not attributable to any laches or negligence. Laches is a relevant factor for a court of law to determine the question as to whether the claim made by the petitioners deserves consideration.

[8] In view of above and having heard the learned counsel appearing for the parties, this Court is of the opinion that in the year 2012 the land in question was occupied and from 2012 for a prolonged period the petitioner have not taken any appropriate steps for their grievance. Thus, on the ground of delay and laches the case has not been made out by the petitioners and more particularly, the petitioners have not taken any steps from 2012 on words seeking appropriate relief before the concerned Civil Court seeking injunction or declaration of title and it is not open for the petitioners to invoke writ jurisdiction at this juncture.

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

DR. T. AMARNATH GOUD, J

A. Ghosh

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