

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WA No.93 of 2024

Smt. Bimala Debbarma, wife of Sri Binod Debbarma, resident of Pushkarbari, P.O. + P.S. Bishramganj, District- Sepahijala Tripura, aged about 49 years, Pin-799103.

..... Appellant(s)

V E R S U S

1. The Law Secretary, Government of Tripura, New Secretariat Building, Kunjaban, P.S. New Capital Complex, Agartala, West Tripura, Pin-799010.
2. The Secretary, Revenue Department, Government of Tripura, New Secretariat Building, Kunjaban, P.S. New Capital Complex, Agartala, West Tripura, Pin-799010.
3. The District Magistrate & Collector, Sepahijala District, O/O the D.M. & Collector, Sepahijala District, Bishramganj, Tripura.
4. The Land Acquisition Collector (Addl. District Magistrate & Collector), Sepahijala District, O/O the D.M. & Collector, Sepahijala District, Bishramganj, Tripura.

..... Respondent(s)

For Appellant(s) : Mr. Somik Deb, Sr. Advocate,
Mr. Ankan Tilak Paul, Advocate.

For Respondent(s) : Mr. Karnajit De, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA

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01/04/2025

Heard Mr. Somik Deb, learned senior counsel appearing for the appellant and also heard Mr. Karnajit De, learned Additional Government Advocate appearing for the respondents-State.

The Department of Law, Government of Tripura obtained the views of the Revenue Department and communicated the stand of the State of Tripura through letter dated 15.02.2024 (Annexure-9) to the effect that there is no provision in the allotment rules to provide any compensation to

the un-authorized occupier of Government land and also it was informed that Finance Department has not given any concurrence to the proposal of compensation to the un-authorized occupier of government land. Learned Writ Court refused to interfere in the matter and dismissed the writ petition.

Being aggrieved, the writ petitioner has preferred this appeal. However, after some arguments, Mr. Somik Deb, learned senior counsel for the appellant seeks permission to withdraw the writ petition in order to approach the competent Civil Court in respect of such claim.

Mr. Karnajit De, learned Additional Government Advocate submits that the claim of the petitioner for compensation for felling of trees on the basis of being an un-authorized occupant of Government khas land is not tenable in law and on facts. He has objected to withdrawal of the writ petition for availment of the remedy before the competent Civil Court.

Having regard to the prayer made by learned senior counsel for the appellant, this Court allows liberty to the petitioner to approach the competent court of civil jurisdiction to establish his rightful claim for compensation in lieu of the trees felled for construction of a public project on a khas piece of land.

The instant writ appeal is dismissed as withdrawn. In case such a suit is referred, it shall be subject to all just permissible grounds including limitation. However, the learned competent Court of civil jurisdiction will

not be influenced by any observations made by the learned Writ Court in the impugned judgment.

Pending application(s), if any, also stands disposed of.

(S.D. PURKAYASTHA) J

(APARESH KUMAR SINGH) CJ

DIPESH DEB

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