

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.121 of 2024

Sri Krishna Chandra Sukla Das, S/o. Late Monmohan Sukla Das, Resident of Village - Dukli, PS-Amtali, Agartala, West Tripura, Pin-799003.

.....Petitioner(s);

Versus

1. The State of Tripura, Govt. of Tripura, represented by Chief Secretary of the State, New Secretariat Complex, PO- Secretariat, Agartala, West Tripura-799010.

2. The Land Acquisition Collector, Office of the DM & Collector, Sadar, Agartala, West Tripura-799001.

3. The Officer-Commanding, 78 RCC (GREF), C/o.99 APO, Shalbagan, REER Ex - SETUK, Kunjaban, Agartala.

.....Respondent(s).

For Petitioner(s) : Mr. D. Debnath, Advocate.

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

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

08/01/2025

Heard Mr. D. Debnath, learned counsel for the petitioner and Mr. Karnajit De, learned Additional Government Advocate for the respondents-State.

2. Proceedings in the reference case being Misc. (L.A.) 19 of 2012 came to be closed by the impugned order dated 08.10.2015 which has been impugned in the present revision petition under Article 227 of the Constitution of India. The present revision petition has been filed in the month of September, 2024; almost 9 years after passing of the impugned order. Reference was made under Section 18 of the Land Acquisition Act, 1894 in connection with acquisition made for "Construction of By-pass Road from Khayerpur to Amtali under Bishalgarh Sub-Division" whereby certain land of the petitioner measuring 0.005 acres of Khatian No.108, Plot No.11856 situated

at Mouja-Dukli was acquired vide notification dated 16.03.2004 and award to the tune of Rs.4,25,000/- per acre along with other statutory benefits were also published in favour of the land looser. However, being dissatisfied with the quantum of compensation, the reference case was instituted in the year 2012 on the request of the petitioner.

3. According to the petitioner, during proceedings of the reference case, issues were framed on 13.02.2015 and it was fixed for evidence. However, it took about 6 to 7 months for the land looser to obtain the certified copy of the sale deeds from Sub-Registry Office, Sadar. Petition for time was filed on 20.04.2015 on grounds of illness of learned counsel which was also allowed. On the next date i.e. 10.07.2015 when it was fixed for evidence, the learned counsel for the claimant fell ill and sought further time. On 08.09.2015, learned counsel for the claimant was present before the learned Court, but could not submit evidence of any comparable sale deed as certified copies of the sale deeds were not obtained at that time. That is why the learned LA Court disposed of the miscellaneous case after recording that no evidence has been produced of any comparable sale deed regarding transfer of any land in the vicinity of the acquired land to justify claim for enhanced compensation.

4. From perusal of the records and upon hearing learned counsel for the parties, it is apparent that petitioner had failed to produce any comparable sale deed regarding transfer of land of the vicinity of the acquired land to justify his claim for enhanced compensation though sufficient opportunity was given to him. The learned LA Court also found that the LA Collector had considered the six sale deeds within the vicinity of the acquired land and thereafter

assessed the value of the acquired land and awarded compensation in his favour. In absence of any other comparable sale deeds apart from the deeds which were consulted by the LA Collector, the LA Court did not find any just and reasonable basis to enhance compensation. That is why the miscellaneous case was closed.

5. Mr. D. Debnath, learned counsel for the petitioner has submitted that only after coming to know of the enhanced compensation awarded to the persons adjacent to his own land, finding no other alternative, he has approached this Court through the instant revision petition under Article 227 of the Constitution of India to assail the impugned order and revive the reference case. He submits that the delay if any in such circumstances may be condoned. Learned counsel for the petitioner has placed reliance on a decision of the Apex Court in the case of *Vidya Devi v. State of Himachal Pradesh & Others* reported in (2020) 2 SCC 569 in support of his submission that in matters of acquisition of property, delay and laches cannot be raised as it is a case of continuing cause of action since there is no period of limitation for the Court to exercise constitutional jurisdiction to do substantial justice.

6. However on perusal of the decision in the case of *Vidya Devi* (supra), it is apparent that the appellant was an illiterate widow from rural area whereas her private property was forcibly expropriated without following any lawful procedure of compensation. In those circumstances, the Apex Court held in exercise of extraordinary jurisdiction under Article 136 and 142 of the Constitution that the State should pay compensation to the appellant based on compensation paid in acquisition of adjoining land along with all statutory

benefits including solatium, interest, etc. within a period of 8 weeks, treating it as a case of deemed acquisition.

7. Mr. Karnajit De, learned Additional Government Advocate for the respondents-State, has strongly opposed the prayer. He submits that the impugned order has been passed after recording satisfaction on contest that there was no comparable evidence of adjacent land adduced by the petitioner at the reference stage before the referral Court to justify claim for enhancement of compensation. He submits that petitioner is trying to become wise as he has lately come to know that some other persons have got enhanced compensation. The present petition has been preferred after 9 years of the passing of the impugned order. Therefore, on grounds of delay and laches the instant petition should be dismissed.

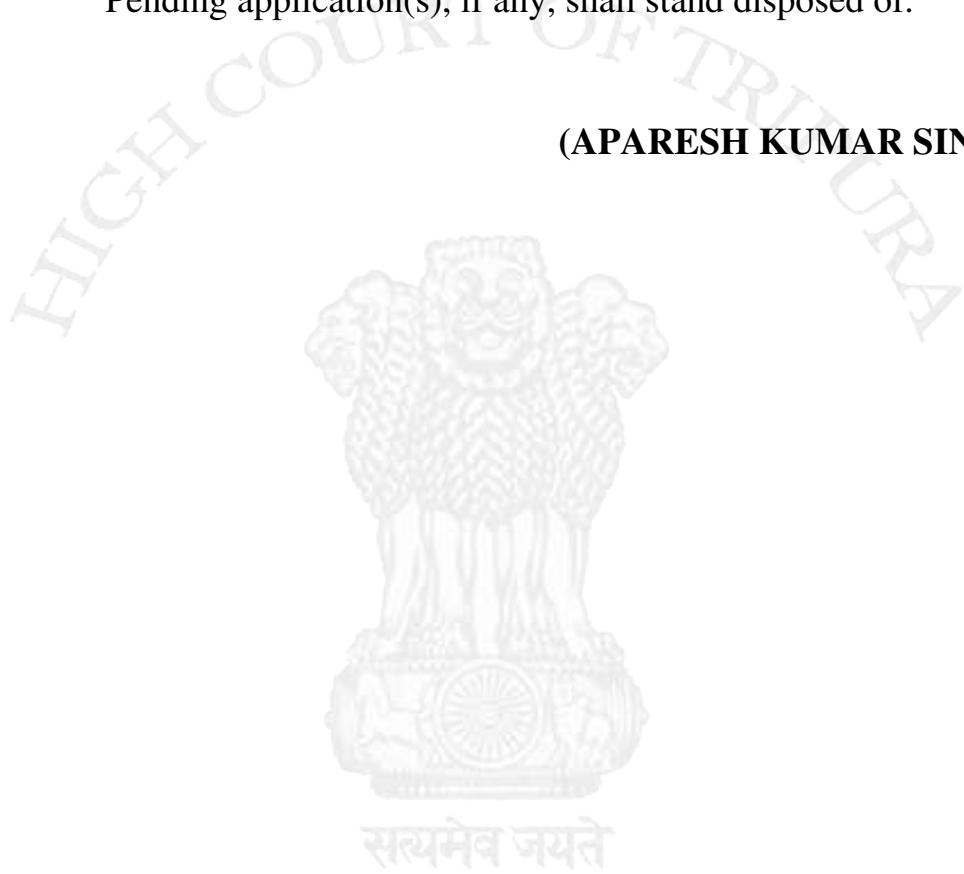
8. I have considered the submission of learned counsel for the parties and taken note of the relevant materials placed from record.

The present revision petition suffers from gross and inordinate delay and laches as well since the proceedings have attained finality way back on 08.10.2015 upon closure of Misc. (L.A.) 19 of 2012. The LA Court was fully satisfied that the compensation awarded by the LA Collector did not require any enhancement since no evidence was produced by the petitioner of any comparable sale deeds of adjoining lands in support for enhancement; whereas the LA Collector had examined six such sale deeds of the land in the vicinity of the acquired land to render an award. Petitioner, on coming to know of enhanced compensation awarded to some other persons in the neighbourhood, has approached this Court after almost 9 years of closure of the

miscellaneous case which cannot be condoned. Therefore, there is no ground for interference in the impugned order. The present petition is accordingly dismissed on the grounds of delay and laches.

9. Pending application(s), if any, shall stand disposed of.

(APARESH KUMAR SINGH), CJ



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