

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 761 of 2024**

Sri Biplab Bikash Ghosh & Ors. Petitioner(s)
Versus
The State of Tripura & Anr. Respondent(s)

For Petitioner(s)	:	Ms. M. Chakraborty, Advocate.
For Respondent(s)	:	Mr. Kohinoor Narayan Bhattacharya, GA

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

08.01.2025

Heard learned counsel appearing for both the parties.

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

i) Admit the petition and issue Rule NISI upon the respondents to Show Cause as to why the Writ of Mandamus shall not be issued commanding upon the respondent No-2 to pass appropriate order disposing of the application filed by the petitioners before him on 31-03-2021 under Section 28 A of the LA Act, 1894 by extending the full benefit of the said section in the light of the award passed by the LD LA Judge on 16-05- 2017 in case No- Civil Misc (LA) 17 of 2012.

AND

ii) As to why a Writ of Certiorari shall not be issued upon the respondent No-2 to place all the records of LA Case No- LA 6/D of 2008 before the Hon'ble Court for passing appropriate order in the petition.

AND

iii) Issue Writ(s) in the light of the prayer made above and make the Rule absolute".

[3] On perusal of the record, this Court pointed out to show documents where the title deeds, on the strength of which the petitioners are claiming their compensation from the respondents and more particularly in the process of fixing and releasing of compensation the petitioner and their co sharer have initiated steps under Section 18 and as well now 28 A of the LA Act,

1894, earlier seeking enhancement and thereafter re-fixation. Since, the petitioners have only placed relevance upon the Khatian, the revenue entries and the amounts earlier fixed by the LA Collector and it is the case of the petitioners, since there was no objection from the LA Collector and they have awarded the compensation and therefore, touching the issue of title at this juncture may not be prudent.

[4] This Court is conscious on the issue of releasing and making the payment of compensation to the genuine landlords who have lost their lands but not to any person who is claiming compensation without there being any proper legal title deed. Since, the petitioners failed to place their title on record before the Trial Court, this Court is of the opinion that they need to place it before the learned Trial Court for any relief.

[5] During the course of arguments, learned counsel appearing for the petitioners now place certified copy of the sale deed and the authenticity of the sale deed needs to be established. Accordingly, without expressing any opinion on the merits of the case, the matter is remanded back to the learned Court below, giving liberty to the petitioners to place all relevant records pertaining to the title deeds in their support and to that effect an issue needs to be framed and accordingly, appropriate orders be passed in accordance with law as per procedure.

With the above observation and direction, this present writ petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE

Paritosh

**SABYASACHI
GHOSH** Digitally signed by
SABYASACHI GHOSH
Date: 2025.01.10 13:39:11
+05'30'