

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.16 of 2026

1. Manik Miah, son of Suraj Miah @ Dudu Miah, resident of South Ramnagar (West of veterinary hospital), Agartala, P.S. West Agartala, Tripura (W), Pin-799001.

.....Petitioner

_V_E_R_S_U_S_

1. The State of Tripura, represented by the Secretary, Revenue, Government of Tripura, Secretariat, New Capital Complex, Agartala, West Tripura, PIN-799006.
2. The D. M. & Collector, West Tripura, Agartala, PIN-799001.
3. The ADM & Collector (Competent authority for NH), West Tripura, Agartala, PIN-799001.
4. The SDM, Sadar, West Tripura, Agartala, PIN-799001.
5. The General Manager (P), National Highway & Infrastructure Development Corporation Ltd. (NHIDCL), PMU-Khowai, Tripura, PIN-799202.
6. The Executive Director, National Highway & Infrastructure Development Corporation Ltd. (NHIDCL), Regional Office-Agartala, 3rd Floor, UD Bhawan, near Rabindra Satabarshiki Bhawan, Sakuntala Road, West Tripura, Agartala, PIN-799001.

.....Respondents

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. D. Paul, Advocate.
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharjee, G.A.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

15.01.2026

Heard.

[2] The present petition has been filed under Article-226 of the Constitution of India directing the respondents to refer the matter to the Arbitrator in terms of Section-3G(5) of the National Highways Act, 1956 for determining fair compensation against acquired land in accordance with the prescription laid down in Section-3G(7) of the National Highways Act, 1956.

[3] The petitioner has prayed for the following reliefs:

“i. Call for records.

ii. Issue Rule upon the respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of the like nature shall not be issued directing the respondents to refer the matter to the Arbitrator in terms of Section-3G(5) of the National Highways Act, 1956 to determine fair compensation against acquired land in accordance with the prescription laid down in Section-3G (7) of the National Highways Act, 1956.

iii. Upon hearing the parties, make the rules absolute.”

[4] The facts in brief are that the A.D.M & Collector, West Tripura, for the purpose of construction of Western Bye Pass Road connecting to NH -8 to NH-108B, as competent authority, acquired the land measuring 0.020 acre of the petitioner under the 'National Highway Act, 1956', and awarded compensation of an amount Rs.34,00,924/- (Rupees Thirty Four Lakhs Nine Hundred and Twenty Fore) only, which is in short of just and proper. Hence, the petitioner, without waiving his right to higher compensation, received the awarded amount with objection. He also made request to the authority to refer the case to Arbitrator. As the authority was sitting idle to do the needful, the petitioner, through his counsel served legal notice to refer the matter to the Arbitrator to determine fair compensation against the acquired land, but no response.

[5] Hence, the instant writ petition is filed seeking directing upon the respondents to refer the matter to the Arbitrator in terms of Section-3G (5) of the National Highways Act, 1956 to determine fair compensation against acquired land in accordance with the prescription laid down in Section 3G (7) of the National Highways Act, 1956.

[6] This Court has come across recently in many instances of land acquisition matters in the State of Tripura where even without examining the title deeds, compensation has been awarded. On the strength of the revenue record (i.e. the khatian), it cannot be said that the persons in possession and claiming the compensation are the real owners having alienable right. Unless there is a specific document to prove the alienable right, title and interest upon the said land, it cannot be construed that the claimants are the lawful owners of the property and are entitled for compensation.

[7] In view of the above observation, this Court is of the opinion that ends of justice would be met if the present matter is remitted back to the competent authority for fresh adjudication and accordingly, the same is ordered. The competent authority shall bear in mind with regard to the title and on due satisfaction that the petitioner is the lawful owner with alienable rights and on verification of the required title deeds they shall take a decision. It is needless to observe that Khatian being the only revenue record do not hold position of the title

deed and Khatian cannot be considered as the title deed. However, the claimants are at liberty to adduce any other relevant documents in support of their claim.

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

DR.T. AMARNATH GOUD, J

A. Ghosh

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