

**HIGH COURT OF TRIPURA
AGARTALA
W.P.(C) 72/2026**

Smt. Malabika Pal (Majumder), wife of Sri Pranab Majumder, resident of East Shibnagar, P.O.-College Post Office, presently residing at Dhaleswar Road No.18, West Tripura District, Tripura-799007.

----**Petitioner(s)**

Versus

1. Union of India, represented by the Secretary, Ministry of Road Transport and Highways, Transport Bhavan, 1, Parliament Street, New Delhi-110001;

2. The District Magistrate & Collector, West Tripura District, Agartala;

3. The Competent Authority (Land Acquisition), NH-08, Office of the District Magistrate & Collector, West Tripura District, Agartala;

4. The Sub Divisional Magistrate, Jirania, West Tripura District;

5. The Project Director, national Highways Authority of India (NHAI), Tripura Project Implementation Unit, Agartala;

6. Bharat Petroleum Corporation Limited, represented by its Territory Manager (Retail), Guwahati Regional Office, Guwahati, Assam;

----**Respondent(s)**

For Petitioner(s)	:	Mr. TK Majumder, Sr. Advocate Ms. B. Kaipeng, Advocate
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For Respondent(s)	:	Mr. M. Debbarma, Addl. GA Mr. B. Majumder, Deputy SGI
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Date of hearing & delivery of judgment	:	12.03.2026
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Whether fit for reporting :	No
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**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
Judgment & Order (ORAL)**

Heard Mr. TD Majumder, learned senior counsel assisted by Ms. B. Kaipeng, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Additional GA appearing for the State-respondents, and Mr. B. Majumder, learned Deputy SGI appearing for the respondent-Union of India.

2. By means of filing this writ petition, the petitioners have prayed for the following reliefs:

“(A) Issue a Rule calling upon the Respondents to show cause as to why:

1. A Writ in the nature of Certiorari or any other appropriate writ, order or direction should not be issued quashing/setting aside:

a) The Memo No. 2596/F.DM/W/LA/JRN/NH-08/02/2022 dated 24.12.2025 issued by the Respondent No.3, insofar as it relates to the Petitioner's land.

b) The Notification No. 1321/DM/WEST/LA/NH-08/01/2023 dated 12.03.2024 (under Section 3D of the NH Act), to the extent it includes the Petitioner's land (Khatian No. 580, Mauja Joynagar), being violative of Section 3C and principles of natural justice.

2. A Writ in the nature of Mandamus or any other appropriate writ, order or direction should not be issued:
a) Commanding the Respondent No. 2 (Competent Authority) to the Petitioner's reconsider objection/representation dated 09.02.2024 afresh, in accordance with the true spirit of Section 3C of the National Highways Act, 1956, and the order of this Court dated 05.09.2024, by objectively examining the feasibility of exempting the Petitioner's land, and to pass a reasoned order after granting the Petitioner a personal hearing.

b) Directing the Respondents to produce the entire records relating to the acquisition of the Petitioner's land.

3. A Writ in the nature of Prohibition or any other appropriate writ, order or direction should not be issued, prohibiting the Respondents from taking any coercive steps-including dispossession, demolition, or interference with the Petitioner's peaceful possession and operation of Maa Santoshi Petroleum Agency pursuant to the impugned notifications and memo, during the pendency of the present petition and/or until the statutory objection is lawfully decided.

(B) And/Or pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

3. Facts of the case, in a narrow compass, is that the petitioner, is the sole proprietor of 'Maa Santoshi Petroleum Agency' a fully operational BPCL retail outlet with CNG facilities located on National Highway-44 of which land the petitioner is the absolute owner by purchase. By a preliminary notification under Section 3A of NH Act, the land of the petitioner was proposed to be acquired for widening of NH-44. Within statutory period, the petitioner filed detailed representation on 09.02.2024 for exemption of her land from such acquisition showing bonafide reasons. The competent authority without disposing the objection of the petitioner issued declaration under Section 3D of the Act which includes the land of the petitioner. Thereafter, the petitioner filed WP(C) 580 of 2025 and vide Order dated 05.09.2024 this court directed the competent authority to

dispose of the objection/representation of the petitioner expeditiously and to maintain *status quo*, but the respondents blatantly showing disregard to the courts order demolished the structure compelling the petitioner to initiate contempt proceeding vide case No. Cont.Cas. No. 80 of 2025. While dealing with the contempt proceeding, this court vide its order dated 05.01.2026 took note of the Memo dated 24.12.2025 issued by respondent no.3, and directed the respondents to dispose of the representations of the petitioner within statutory period and till then to maintain *status quo*, but the respondents proceeded with the acquisition proceeding.

4. The contention of Mr. Datta Majumder, learned senior counsel appearing for the petitioner is that the respondents without considering the representations dated 09.02.2024, 23.08.2024, 27.10.2025, 10.11.2025 submitted by the petitioner, and violating the courts order, proceeded to act upon the Memo dated 24.12.2025. It has further been contended that the petitioner is not interested to receive any compensation money arising out of such acquisition rather she wants exemption of her land from such acquisition. Learned senior counsel has further contended that no hearing had taken place in presence of the petitioner.

5. *Per contra*, Mr. Debbarma, learned Additional GA appearing for the State-respondents has submitted that the order passed by the competent authority is well considered and passed by a reasoned order. Mr. Debbarma, learned Additional GA has submitted that the Memo dated 24.12.2025 is not the final order

whereas order dated 26.11.2025 is the final order. To say less about the proceeding dated 26.11.2025, it is only continuity of proceeding but not final order and according to this court final order was passed on 24.12.2025, which was supposed to be a reasoned order in terms of the orders passed by this court, as said earlier, and the objections raised by the petitioner all through.

6. This court has perused the record and also has gone through the correspondences made therein. The preliminary notification was issued on 01.02.2024 by the LA Collector for acquisition of some lands under NH Act, inviting the land owners/claimants to submit their claim and objection in respect of such acquisition. The petitioner, being absolute owner and possessor of the land fallen under acquisition, submitted her objection/representation on 09.02.2024, wherein she has prayed for exemption of her land from acquisition. The representation dated 09.02.2024 reads as follows:

"To

The L.A Collector,
Additional District Magistrate and Collector,
West Tripura, Agartala,

Sub:- Objection with reference to the notification issued under No.DM/LA/N.H-08/2020/567 dated 01.02.2024 published in Dainik Sambad, Agartala, in its issue dated 02.02.2024 (Friday at Page -5.)

Sir,

May I invite a reference to the notification cited above in which you have give the description of the lands to be acquired for widening/repairing/maintenance of NH-08 from Champaknagar to Khayerpur (242.500 K.M to 261.610 K.M)

In that notification it also mentioned that any person having any interest over the land reflected in that notification can submit objection within a period of 21 days from the date of publication of that Notification.

I have carefully gone through the descriptions of the land contained in that Notification and found that part of my jote land covered by Khatian No.580 of Mouja-Joynagar, T.K-East Barjala.R.S and Sub-Division-East Jirania, comprising 2386(part) measuring 0.560 acre and Plot No.2395 land measuring 0.060 acres have been sought to be acquired for the purpose as aforesaid

The acquisition of the said land being highly injurious and prejudicial to my interest. I am submitting this objection on the ground that in that particular land I have an existing business of Petroleum Products and CNG filling under BPCL, which I have been running from the year 2016 and earning my livelihood from the said business. The part of the land so mentioned in the notification passes through the center portion of my said land where the outlet machineries are installed, including the underground Tank and CNG filling unit, resulting which my entire business will be totally ruined where about 15 persons are directly and indirectly employed. Besides me the said employees of my Petrol pump and CNG filling unit will also face the same destiny like me. The situation has turned so unfavorable for me, following the issuance of your aforesaid notification, I am left with no option but to request you to desist from acquiring my said land covered by your notification for the sake of justice and equity.

However, as an alternative proposal, I intend to inform you that to the southern end of my jote land there is sufficient vacant land of one Subal Das (Allotted land) and if that land is acquired for the purpose as stated the purpose of acquisition can be comfortably met up without disturbing my livelihood and the livelihood of my employees.

You are, therefore, requested to spare my land as stated from acquisition and can utilize the vacant land lying to the adjacent southern side of my said land followed by issuance of appropriate notification showing such withdrawal of my land at your earliest convince and oblige."

7. Without considering the representation dated 09.02.2024, the competent authority issued Notification dated 12.03.2024, wherein it was intimated that for public interest, the specified lands including the land of the petitioner is vested upon Central Government. Situated thus, the petitioner filed a writ petition before this court being WP(C) 580 of 2025 which was disposed of on 05.09.2024. The relevant portion of the order dated 05.09.2024, is as under:

"[4] After perusal of the record, it has been seen that the petitioner herein raised objections through her letters dated 09.02.2024 and 23.08.2024 addressed to the concerned respondents, ventilating her grievances but the same stood unattended till now.

[5] In view of such circumstances, without expressing any opinion on the merits of the case, this writ petition is disposed of, directing the concerned-respondents to decide the case of the petitioner in light of the above letters of objection in accordance with law as expeditiously as possible preferably in 04(four) weeks from today. Till then, status-quo to be maintained."

8. Despite this court directed the respondents to maintain *status quo*, but the respondents showing disregard to the order dated 05.09.2024 issued the impugned Memo dated 24.12.2025 thereby inviting the petitioner to receive the compensation and also decided to proceed for acquisition of the land in question. On to that, contempt proceeding was initiated and this court vide its order dated 05.01.2026 closed the proceeding giving liberty to the petitioner to approach this court if circumstance warrants. The impugned Memo dated 24.12.2025 reads as under:

"Whereas, this proceeding has been drawn up in view of the verdict of the Hon'ble High Court of Tripura de Case No. -Cont Case (C) 80 of 2025 in W.P.(C) 580 of 2024 of the Hon'ble High Court of Tripura;

AND

Whereas, with a view to comply the direction of the Hon'ble High Court of Tripura vide Case No. 580 of 2024, hearing notice was issued on 04/10/2024 to all the interested parties including the petitioner Srnti. Malabika Pal (Majumder), W/O Pranab Majumder of Shibnagar in favour of Maa Santoshi Petroleum Agency, Joynagar, West Tripura;

AND

Whereas, accordingly hearing was conducted on 19/10/2024;

AND

Whereas, in course of hearing, Sri Niloy Kundu, Manager NHIDCL stated that the alignment of project cannot be changed from its present nature due to technical reason and as such there is no scope to save the land of the said petroleum Agency.

AND

Whereas, it may be placed here that on 21/07/2025, the undersigned has joined in the post of Additional District Magistrate & Collector, West Tripura along with the charge of Competent Authority for Land Acquisition (NH), West Tripura.

AND

Whereas, as soon as the direction of the Hon'ble High Court came to the notice of the undersigned, the matter has again been taken up to comply the Hon'ble Court's order and further hearing was conducted on 26/11/2025 in presence of the following parties:-

- i) Smti. Malabika Pal (Majumder), W/O Pranab Majumder of Shibnagar in favour of Maa Santoshi Petroleum Agency, Joynagar, West Tripura.
- ii) The General Manager, NHIDCL
- iii) The Executive Engineer, PWD, Jirania Division,
- iv) The Sub-Divisional Magistrate, Jirania, West Tripura

AND

Whereas, on the date of hearing i.e. on 26/11/2025, the contents of the prayers of Smti. Malabika Pal (Majumder) dated 09/02/2024, dated 23/08/2024, dated 27/10/2025 and dated 10/11/2025 were discussed at length with the petitioner and other agencies where after prolonged discussions the following decisions were taken:-

- a) The L.A. Section of this Court will make reference of the claim of the petitioner to the appropriate forum for enhancement of land compensation after receipt of the prayer from the petitioner for reference.
- b) The Executive Engineer, PWD, Jirania Division & SDM, Jirania and the representative of the NHIDCL will inspect the alignment carefully once again to explore the probability to exempt her land from the acquisition.
- c) The Executive Engineer, PWD, Jirania, SDM, Jirania and the representative of the Requiring Agency (NHIDCL) will take necessary initiative for re-assessment Structure in presence of Smti. Malabika Pal (Majumder)
- d) The Sub-Divisional Magistrate, Jirania will take necessary action for removal of star marks against the plots maintaining all statutory formalities.

AND

Whereas, according to the instruction passed by the undersigned on 26/11/2025, the Requiring Agency, the General Manager (P) NHIDCL by means of a letter vide No.NHIDCL/PMU-Khw/C-K/40(2)/2024 2025/Vol-1/1346-48 dated 01/12/2025 has informed that joint inspection has been carried out on 29/11/2025 by representatives of PWD, Jirania Division, SDM, Jirania and NHIDCL to examine the feasibility of exempting the land in question from acquisition.

AND

Whereas, it has been reported by the NHIDCL that the land acquisition process for the said portion has already been completed following the due procedure of the National Highways Act 1956 and exemption of the land in question from acquisition is not feasible as the present alignment cannot be changed at this stage.

AND

Whereas, it has also been depicted from the report of the Executive Engineer, PWD, Jirania Division by dint of a letter vide correspondence No.F. 10-251/EE/JRN/PWD(R&B)/2025/7149-51 dated 04/12/2025 that it may not be possible to re-align the stretch in order to exempt the land of the petitioner;

AND

Whereas, according to the report of the Sub-Divisional Magistrate, Jirania vide No. F.7(50)/SDM/JRN/LA/V-11/2025/3075(a) dated 05/12/2025, it is revealed that few structures found missing in course of assessment in the earlier survey and compensation of the missing structures will be provided in due course of time.

AND

Whereas, the petitioner does not submit any papers at the disposal of the undersigned to accept the awarded compensation;

AND

Whereas, all the relevant benefits will be provided to the petitioner / rightful owner as per norms following all the statutory formalities on receipt of requisite papers from the petitioner.

Now therefore, the undersigned being an acquisition agency of the Government has no other option left but to proceed ahead for acquisition of the land in question."

9. Under the National Highways Act, 1956, the Competent Authority must pass a reasoned, written order determining compensation or resolving objections before finalizing land acquisition. Under Section 3C of the National Highways Act, 1956, the competent authority is mandatorily

required to consider objections/ representations of the objector/claimant/land owners and pass a reasoned order. This requires addressing the merits of the landowner's concerns rather than just rejecting them, which is essential to comply with principles of natural justice and ensuring the legality of the acquisition.

10. This court is governed by the principle of justice, equity and good conscious. Needless to say, the petitioner approached the respondents by several representations, which have not been disposed of with reasoned order, and thus, this had caused serious prejudice to a rightful owner-petitioner. Further, this court vide its orders directed the respondents to dispose of the representations of the petitioner prior to acquisition and till then to maintain *status quo*, but the respondents deliberately sat idle on the orders passed by this court in addition to the objections/ representations of the petitioner, on the contrary issued the impugned Memo dated 24.12.2025, which implies non-application of mind on the part of the respondents. From the record, it is aptly clear that the respondents decided to acquire the land of the petitioner without following due process of law. According to this court, the impugned Memo dated 24.12.2025 is unreasoned, and the respondents ought to have acted more diligently when property of a citizen is going to be acquired for purpose of road widening and in respect of acquisition of land due procedure shall have to be followed. This court is not appreciating the manner in which

the impugned Memo dated 24.12.2025 is passed, and accordingly, the impugned Memo dated 24.12.2025 is hereby set-aside as the same is manifestly illegal.

11. Accordingly, this writ petition stands allowed. Resultantly, the impugned Memo dated 24.12.2025 (Annexure 16 to the writ petition) is hereby set-aside.

With the above observations, the writ petition stands allowed and thus disposed of. Pending application(s), if any, also stands disposed.

JUDGE

SAIKAT KAR Digitally signed by
SAIKAT KAR
Date: 2026.03.18
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