

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 61/2026**

1. Sri Sukumar Chakraborty, son of late Chintaharan Chakraborty, resident of West Pratapgarh, Kabirajtila, P.O.+ PS-A.D. Nagar, Pin-799003, District- West Tripura.

2. Sri Subhash Chakraborty, son of late Chintaharan Chakraborty, resident of West Pratapgarh, Kabirajtila, P.O.+ PS-A.D. Nagar, Pin-799003, District- West Tripura.

3. Sri Sukhen Chakraborty, son of late Chintaharan Chakraborty, resident of Uttar Chandrapur, P.O. South Chandrapur PS- Radhakishorepur, District- Gomati, Tripura.

..... Petitioners

Versus

1. The Land Acquisition Collector, District-Gomati Tripura, Udaipur, PO Radhakishorepur-799120.

2. The Deputy Chief Engineer, Construction-1, NF Railway, Agartala-799003, Tripura.

---Respondent(s)

For Petitioner(s) : Mr. DK Das Chawdhury, Advocate

For Respondent(s) : Mr. B. Majumder, Deputy SGI
Mr. P. Gautam, Sr. GA

Date of hearing & delivery of judgment : **05.02.2026**

Whether fit for reporting : **Yes**

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
Judgment & Order (Oral)**

05/02/2026

Heard Mr. DK Das Chawdhury, learned counsel appearing for the petitioner. Also heard Mr. B. Majumder, learned Deputy SGI, appearing for respondent No.2 as well as Mr. P. Gautam, learned Senior GA appearing for the State-respondent.

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

- “(i) Admit this petition;
(ii) Issue notice upon the Respondents;
(iii) Call for relevant documents from possession of the respondent-1 if considered necessary;
(iv) Issue writ of Certiorari asking the respondent-1 to show cause as to why his decision dated 22.05.2025 passed in case No. 23/2021 U/S 28A of the L A Act, 1894 shall not be quashed;
(v) Issue writ of mandamus asking the respondent-1 to show cause as to why he shall not refer the case of the petitioner to Learned L A Judge, District Gomati for redetermination of compensation of the acquired land of the petitioner taking into consideration the award dated award dated 23.08.2019 passed by Hon'ble High Court of Tripura in case No. LA Appeal 63/2017;
(vi) After hearing the parties Hon'ble High Court be pleased to make the rules absolute in terms of items (iv) and (v) above.”*

3. The facts of the case, lies in a narrow compass, is that the an area of 0.50 acre land within plot no. 861 recorded in Khatian No. 166 of Mouza-Uttar Chandrapur belonging to the petitioners was acquired vide notification No. 09(2)/REV/ACQ/IX/2010 dated 28.01.2010 under section 17(4) of the LA Act, and vide notification No. REV/ACQ/IX/2010 dated 06.02.2010 under section 6 of the LA Act for construction of Railway line from Agartala to Sabroom by the Government. The respondent-1 awarded compensation determining the price of land @ Rs. 90,000/- only per kani in LA Case No. 23/2021. The petitioner received the compensation with objection. Learned LA Judge, Gomati, Tripura in case No. Misc. (LA) 85 of 2014 under same notification enhanced compensation by his award dated 30.07.2016 determining the price of land @ Rs. 8,00,000/- per Kani for the acquired land. The respondent 2 challenged the said award dated 30.07.2016 by filing an appeal before this Hon'ble

High Court which was registered as L.A. Appeal No. 63/2017 and this Hon'ble High Court modified the award passed by learned LA Judge and re-determined the price of land @ Rs.6,00,000/- per Kani vide Order dated 23.08.2019, to be paid to the petitioners within three months from the date of passing of the order. After the statutory period, the petitioners on 14.10.2019 submitted an application to the respondent-1 for enhancement of compensation for their acquired land in pursuance of the Order dated 23.08.2019 passed by this Hon'ble High Court. Vide Order dated 22.05.2025, the respondent-1 rejected the prayer for enhancement of compensation. Subsequently, the petitioners submitted an application on 30.06.2025 to the respondent-1 requesting him to refer the case to Ld. L A Judge, Gomati, as per provisions of section 28A of the LA Act, 1894, but till date the respondent-1 did not refer the case to the learned LA Judge, Gomati. Since the matter is pending with the respondents, the petitioners are before this Court.

4. The only contention of Mr. Das Chawdhury, learned counsel appearing for the petitioners is that the by application dated 30.06.2025, the petitioners raised their grievances to the respondents, but till date the same has not been addressed to.

5. Learned counsel for the respondents has in all fairness submitted to pass appropriate order.

6. This court has perused the record and also has gone through the correspondences made therein. It is not indicated anywhere in the proceedings in which manner the petitioners are

owners of the said property and title deeds are also not placed on record. It is also not known as to how the petitioners have satisfied the respondents in respect of the title deeds for getting the award. That apart, in respect of the compensation i.e. the award, this court expressed its opinion that in any manner wherever a genuine lawful owner has given his land for acquisition purpose for public utility is entitled for better compensation and may be generous compensation, but in the event if the claimant is not the owner, and only on the strength of any revenue records or khatians, cannot be treated as a owner and such persons needs to be treated as an unauthorized occupant and is not entitled for a single rupee. This court has expressed its opinion in several judgments pertaining to Land Acquisition compensation matters.

However, without entering into the merits of the writ petition with the observations made here-in-above, this Court directs the respondents to consider the case of the petitioners in respect of their application dated 30.06.2025, provided the same in accordance with Section 28-A of the LA Act, and in the event, if the application is not in terms of Section 28-A of the LA Act, the same be indicated to the petitioners in order to again represent, if they are entitled to. Any such decision be taken within a period of 2 (two) months from the date of passing of this order. This court hopes and trusts that the respondents shall definitely dispose the application of the petitioners with a reasoned order in the light of the observations made above.

The instant writ petition is disposed of in the aforesaid manner.

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

JUDGE



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