

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.12 of 2026

1. Sri Durga Sankar Majumder, Son of Late Dwijendra Lal Majumder, of Amla Para, PO and PS - Belonia, South Tripura, PIN-799155
2. Sri Shib Sankar Majumder, Son of Late Dwijendra Lal Majumder, of Amla Para, PO and PS - Belonia, South Tripura, PIN-799155
3. Smt Uma Majumder @ Uma Majumder Saha, D/o Lt. Dwijendra Lal Majumder, W/o Sri Suku Saha, Resident of Shaltila, Belonia, PO and PS - Belonia, District - South Tripura, PIN-799155
4. Smt Gouri Majumder, D/o Lt. Dwijendra Lal Majumder, W/o Sri Biplab Majumder, Resident of 1 No. Tilla, Belonia, PO and PS - Belonia, District - South Tripura, PIN-799155

.....Petitioner(s);

Versus

1. Land Acquisition Collector, South Tripura, D.M's Office, PO and PS - Belonia, Dist - South Tripura, PIN-799155
2. The Director, Department of Industries & Commerce, Khejur Bagan, PO and PS - N.C.C, Agartala, Dist - West Tripura, PIN-799010

.....Respondent(s)

For Petitioner(s) : Mr. Suman Bhattacharjee, Advocate.

For Respondent(s) : Mr. P. Gautam, Sr. G.A.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO

Order

27/03/2026

In this Revision, petitioners question order dt.28.03.2023 of the learned LA Judge, South Tripura, Belonia in CM (LA) 03 of 2022.

2. The mother of the petitioners, by name Smt. Manju Saha, was the owner in possession of land measuring 2.09 acres situated in South Tripura District, Sub-Division- Belonia, Mouja- Sarasima, pertaining to R.S. Khatian No.1282, Hal Plot No.1554.

3. She had purchased the same through a registered sale deed dt.25.09.1978, and her name was also mutated in the Record of Rights.

4. This land came to be acquired under the Land Acquisition Act, 1894 (for short 'the Act') by the State Government for setting up of Industrial Infrastructure Development Centre at Mouja- Sarasima under Belonia sub-division.

5. Notice in Form No.9 of the Act was issued to Smt. Manju Saha by name Sri Hari Bhushan Saha and another Sri Nani Gopal Mallik, but no notice was issued to the mother of the petitioners, or to the petitioners.

6. The said notice was handed over by Sri Hari Bhushan Saha to Smt. Manju Saha asking her to take steps to receive the awarded money before the LA Collector.

7. Smt. Manju Saha filed an application on 29.07.2009 with the LA Collector, South Tripura, Udaipur mentioning that the said land was purchased by her, but the Record of Rights was in the name of her vendor and that one Nani Gopal Mallik, who was an employee of the Revenue Department had illegally got entered his name in the Record of Rights, and she requested the LA Collector, South Tripura, Udaipur to award the entire awarded money for the acquired land to her.

8. Thereafter the headquarters of the South Tripura District shifted to Belonia, as erstwhile South Tripura District was divided into two districts, namely South Tripura District and Gomati District, and Udaipur was declared as the District town of Gomati District.

9. Then Smt. Manju Saha again made an application on 04.03.2014 for release of the awarded amount to her.

10. But by then on 24.08.2009 itself, award of Rs.8,26,116/- was passed by the LA Collector, South Tripura in favour of Hari Bhushan Saha,

the vendor of Smt. Manju Saha, and the forcible occupier Sri Nani Gopal Mallik, but no notice under Section 12(2) of the Act had been issued by the LA Collector, South Tripura to Smt. Manju Saha in spite of her representing on 29.07.2009 and making a claim for compensation to herself exclusively.

11. Thereafter a reference under Section 30 of the Act was made by the LA Collector as to whether Hari Bhushan Saha or Nani Gopal Mallik is to be paid compensation. This was disposed of on 03.10.2018 in LA (Ref.) 40/2015 by the LA Judge, South Tripura, Belonia, and the entire amount of compensation was awarded to the forcible occupier Sri Nani Gopal Mallik.

12. Thereafter the petitioners preferred an appeal before this Court being LA App. No.35/2019 contending that as successors of their late mother Smt. Manju Saha, they should get the compensation and not either Hari Bhushan Saha or Nani Gopal Mallik.

13. This appeal was decided on 16.04.2021 by this Court stating that the awarded compensation should be apportioned among Sri Hari Bhushan Saha, the petitioners and Sri Nani Gopal Mallik in equal shares.

14. Thereafter Sri Nani Gopal Mallik filed a review petition being Review Petition No.34/2021 to review the judgment in LA App. No.35/2019, which was disposed of on 06.01.2022, directing that the apportionment should be made only between the petitioners and other respondent excluding Sri Hari Bhushan Saha.

15. Only thereafter notice was issued to the petitioners by the LA Collector for payment of the said amount, and payment of Rs.4,13,058/- was made to them on 17.02.2022.

16. Just prior thereto, on 28.01.2022, the petitioners had filed a petition under Section 18 of the Land Acquisition Act, 1894 for enhancement of compensation to the LA Collector, South Tripura.

17. The said reference proposal was referred to the LA Judge, South Tripura, Belonia on 28.04.2022 under Section 18 of the Act. This was numbered as CM (LA) 03 of 2022.

18. The other claimant Nani Gopal Mallik also filed a petition under Section 18 of the Act on 16.07.2022 for enhancement of compensation.

19. It appears that when the case was called before the LA Judge, South Tripura, Belonia on 28.03.2023, the Government Pleader appearing for the LA Collector, informed the Court that the LA Collector had addressed a letter dt.24.08.2022 asking the Court to return the reference, as the reference was made at the instance of the petitioners by oversight; and that according to the State Government, the petition submitted before the LA Collector for reference under Section 18 by the petitioners was beyond the limitation period.

20. Though the counsel for the petitioners objected to the same, the Court below, by the impugned order dt.28.03.2023 in CM (LA) 03 of 2022, accepted the request of the LA Collector, and returned the reference stating that in its opinion, the request of the LA Collector was proper.

21. Assailing the same, this Revision is filed.

22. Counsel for the petitioners contends that the petitioners herein had never been given notice under Section 12(2) of the Act by the LA Collector, and only Sri Hari Bhushan Saha and Sri Nani Gopal Mallik, had been given notice at the time of passing of the award.

23. He therefore contends that the limitation for seeking a Section 18 reference provided for in the proviso to Section 18(2) of the Act does not commence as against the petitioners till the Section 30 reference was decided, and the LA Collector was therefore not correct in stating that the application seeking reference under Section 18 made by the petitioners, was time barred and beyond limitation.

24. Reliance was also placed on a judgment of the Supreme Court in *Madan and Another v. State of Maharashtra*¹.

25. The learned Senior Government Advocate for the respondents does not dispute that no notice under Section 12(2) of the Act had been served on the mother of the petitioners, or on the petitioners at any point of time.

26. So the petitioners had no knowledge of the award dt.24.08.2009 passed by the LA Collector, South Tripura.

27. The reference under Section 30 i.e. LA (Ref.) 40/2015 came to be decided on 03.10.2018, but there was a challenge to it in LA App. No.35/2019, which came to be decided only on 16.04.2021.

28. Even thereafter there was an application to review it, being Review Petition No.34/2021, which was finalized on 06.01.2022.

29. The request for reference under Section 18 was sought by the petitioners on 28.01.2022.

30. In *Madan and Another (1 supra)*, like in the instant case, there was no apportionment of compensation made by the Collector and he made reference under Section 30 of the Act to the Civil Court and it was decided on 04.09.1991. Later the appellants sought reference under Section 18 of the Act

¹ (2014) 2 SCC 720

which was decided by the Second Additional District Judge, Beed on dt.29.10.1993. In the order dt.29.10.1993 passed by the said Court, it was recorded that the appellants before the Supreme Court had no knowledge of the award of the Collector till the order dt.04.09.1991 came to be passed in the reference under Section 30 of the Act. But the High Court held that the reference under Section 18 was time barred, and it set aside the order of the Second Additional District Judge, Beed.

The Supreme Court disagreed with the High Court and held that the words "*from the date of the Collector's award*" used in the proviso to Section 18, cannot be interpreted in a literal or mechanical way.

It held that for the first time on 04.09.1991 (the date of the order under Section 30 of the Act), the appellants in that case had come to know that they were entitled to compensation and the quantum thereof, and since the reference under Section 18 was sought within six weeks from the said date, it is not barred by limitation. It therefore set aside the judgment of the High Court.

31. Since Review Petition No.34/2021 was finalized on 06.01.2022 and the request for reference under Section 18 was sought by the petitioners on 28.01.2022, it cannot be said to be barred by limitation. This is because it was within the period of six weeks from the final decision in the Section 30 application, which had been rendered on 06.01.2022 and was well within the six weeks time in proviso to sub-section (2) of Section 18 of the Act.

32. Consequently, the LA Collector could not have sought for return of the reference through his letter dt.24.08.2022, and the said request could not have been accepted by the LA Judge, South Tripura, Belonia on 28.03.2023

stating that the reference had been sought by the petitioners beyond the period of limitation prescribed under proviso to Section 18(2) of the Act.

33. Therefore, the order dt.28.03.2023 in CM (LA) 03 of 2022 of the learned LA Judge, South Tripura, Belonia, is set aside, and the LA Collector, South Tripura, Belonia is directed to re-submit the reference to the said Court, and the said Court shall proceed to decide the same in accordance with law.

34. Since the case is an old case, the entire exercise shall be completed by the Court below within six months from the date of receipt of copy of this Order. No costs.

(M.S. RAMACHANDRA RAO, CJ)

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PIJUSH KANTI NAG

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