

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 309/2025

- 1. Smt. Gita Datta**, wife of late Lal Mohan Datta, resident of Karoilog, P.S. Teliamura, District- Khowai, Tripura, Pin-799205;
- 2. Sri Utpal Datta**, son of late Lal Mohan Datta, resident of Karoilog, P.S. Teliamura, District- Khowai, Tripura, Pin-799205;
- 3. Sri Tapas Datta**, son of late Lal Mohan Datta, resident of Karoilog, P.S. Teliamura, District- Khowai, Tripura, Pin-799205;
- 4. Smt. Shilpi Datta Debbarma**, son of late Lal Mohan Datta, wife of Rajesh Debbarma, resident of Karoilog, P.S. Teliamura, District- Khowai, Tripura, Pin-799205;

..... PETITIONERS

Versus

- 1. The State of Tripura**, represented by Principal Secretary, Revenue Department, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, Pin-799010;
- 2. The competent Authority for Land Acquisition**(Additional District Magistrate & Collector), Khowai District, Tripura;
- 3. Pradip Das**, S/o It. Sukumar Das, resident of Icharbil, P.O. Karilong, P.S. Teliamura, Tripura;
- 4. Gopal Debnath**, S/o It. Hemendra Debnath, resident of Icharbil, P.O. Karilong, P.S. Teliamura, Tripura;
- 5. Rajesh Das**, S/o It. Motilal Das, resident of Icharbil, P.O. Karilong, P.S. Teliamura, Tripura;
- 6. Narayan Ghosh**, S/o Sankar Ghosh, resident of Karoilog, P.O. Karilong, Teliamura, Tripura;
- 7. Subinoy Debnath**, S/o Prafulla Chandra Debnath, resident of Trishabari, P.O. Moharchara, P.S. Teliamura;
- 8. Partha Das @ Deepak Das**, S/o Paresh chandra Das, resident of Icharbil, P.O. Karilong, P.S. Teliamura, Tripura;
- 9. Ratan Chandra Shil**, S/o It. Gouranga Shil, resident of Santipara, Karilong, Teliamura, Tripura;

---Respondent(s)

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Ms. S. Debbarman, Advocate
For Respondent(s)	:	Mr. P. Gautam, Sr. GA Mr. S. Das, Advocate
Date of hearing & delivery of judgment	:	23.03.2026
Whether fit for reporting	:	Yes

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

Heard Mr. P. Roy Barman, learned senior counsel assisted by Ms. S. Debbarma, learned appearing for the petitioners as well as Mr. P. Gautam, learned senior GA appearing for the State-respondents, and Mr. Samar Das, learned counsel for private-respondents.

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

“(i) 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 like nature shall not be issued whereby directing the Respondents to release the award of compensation for the structures over the acquired land being the original owners of those structures.

(ii) Issue Rule upon the Respondents to show cause as to why writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued to refer the matter to an arbitrator for determining the actual value of the acquired land and structures thereon.

(iii) Issue Rule upon the Respondents to show cause as to why writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued commanding the Respondents to treat the Petitioners as owners of the structure and also entitled to compensation of the structures instead of Respondents Nos. 4 to 10 who are the tenants of the Petitioners.

(iv) Issue Rule upon the Respondents to show cause as to why writ in the nature of Mandamus and/or order/ orders and/or direction/ directions of like nature shall not be issued directing the Respondents to cause reference to the Arbitrator to decide the actual market value of the acquired land as well as the structures standing thereon.

(v) Make the rules absolute.

(vi) Call for records.

(vii) Pass any further order/orders as this Hon'ble High Court considered fit and proper.”

3. The facts of the case, in brief, is that the predecessor of the petitioners, Lal Mohan Bramachari @ Lal Mohan Datta was the owner and possessor of the plot of land under acquisition. Under notification dated 02.11.2017, the land of the predecessor

of the petitioners was acquired for improvement/widening of two laning with paved shoulder NH-208 under Section 3a of the National Highways Act, 1956. Accordingly, compensation for the acquired land was passed in favour of the original owner of the land. Thereafter, the petitioners by their representation dated 26.02.2024 sought for compensation for the structures standing thereon the acquired land, to which they are also entitled to, wherein the private respondents are running their business as tenants. It is further case of the petitioners that the tenants i.e. the private respondents herein also have approached the competent authority claiming compensation for the structures standing on the acquired land to which according to the petitioners the tenants are not entitled to receive any compensation. It is further case of the petitioners that inquiry was conducted by the Tehsilder, but the Tehsilder submitted a sham inquiry report to deprive the petitioners from receiving the compensation for the structures standing on the acquired land. It is further case of the petitioners that they have served legal notice upon the official-respondents for paying the compensation towards the structure, but the official respondent basing on the perfunctory report of the Tehsilder awarded compensation for the structures in favour of three tenants i.e. private respondent Nos. 3, 4 and 5. It is further case of the petitioners that the competent authority ought to have referred the matter for arbitration before an Arbitrator for determining the apportionment of compensation. Since the competent authority

sat idle on the matter, the petitioners by filing a writ petition [W.P.(C) 711 of 2024] approached this Court with a prayer for releasing the awarded amount and also to pass award for the structure in favour of the owner of the structure. Thereafter this Court by its order dated 27.11.2024 allowed the writ petition directing the respondents to consider the case of the petitioners after proper verification of the documents produced by them, but the official respondents failed to make any award for the structures in favour of the petitioners. Being aggrieved by the conduct of the respondents, the petitioners approached this court for a mandamus.

4. Mr. Roy Barman, learned senior counsel appearing for the petitioners contended that the petitioners have submitted all documents relating to their possession upon the acquired land. It was further submitted that the petitioners by spending money from their own have constructed the shops on the acquired land and have given those shops on rent to the private respondents for carrying their business in return to which the private respondents are also paying monthly rent to the petitioners. Learned senior counsel further argued that since the petitioners are owners of the shop which were constructed by the petitioners themselves on their own land, so, they are also entitled to receive the compensation for the structures therein and the private respondents, being tenants, under the petitioner cannot claim any compensation towards such acquisition as they have no legitimate rights upon the structures. It was also argued that

the tenants i.e. private respondents could not produce any document or agreement to establish their ownership over the shop premises. Learned senior counsel has further submitted that due to the deliberate act of the official respondents, the legal and constitutional rights of the petitioners have been infringed. In fine, learned senior counsel has prayed for a direction upon the official respondents to pass award in favour of the petitioners for the structures.

5. Mr. Gautam, learned senior GA appearing for the official-respondents on the strength of counter affidavit submits that the matter has already been referred to the Arbitrator and the same is pending with regard to payment of compensation in so far as the structure is concerned and the issue is before the Arbitrator for disposal.

6. Mr. Das, learned counsel appearing for the private-respondents has submitted that the respondent Nos. 3 to 9 are the tenants and are claiming the compensation for the structure. Learned counsel has further submitted that the respondent Nos. 3 to 9 themselves constructed the structure on the land and continued as tenant. He has further argued that the petitioners being owners, did not construct any structure and, therefore, they are not entitled to any compensation.

However, learned counsel for the parties conjointly have expressed their opinion that the matter be remanded back to the Arbitrator for deciding the same.

7. This court has perused the record and also has gone through the correspondences made therein. The court is to be governed by the principle of justice, equity and good conscious. The Khatian vide No. 576 reflects the name of predecessor of the petitioners, Lal Mohan Brahmachari and from the Order of dated 01.04.2023, it is revealed that the land of the predecessor of the petitioners has been acquired. Needless to say, the private respondents did not file any counter affidavit to establish that they have constructed the structure on the acquired land, however, from clause (1) of the Tenancy Agreement it is seen that *the first party i.e. tenant, will prepare/construct shop at his own cost.* The report of the Tehsilder also reveals that the structures were constructed by the tenants at their own cost upon the acquired land, though the said report according to the petitioners is a perfunctory report.

8. In so far as the compensation of land is concerned, the official respondents have already accorded and the petitioners have no grievance, but in so far as the compensation for the structure is concerned, since the petitioners have made a request and since the same was not considered, the petitioners earlier approached this court by way of filing writ petition. The said writ petition was disposed of directing the official respondents to consider the case of the petitioner in accordance with law. The respondents considered the request of the petitioners and by order dated 16.01.2025, the same was rejected.

9. Considering the oral analysis and also considering several judgments rendered by this Court on the issue of land affected under acquisition and compensation wherever needs be paid, this Court has directed the competent authority as well as the LA Collector and LA courts to act with diligence while dealing with public money and land. No doubt, the owners of the land are entitled for compensation and, if proved, any structure are being affected, the compensation needs be paid for the structure also, but the point which falls for consideration in the case in hand is who is the owner and whether the ownership has been proved by producing valid title deeds, and who is the person who has raised the structure and whether he is having any valid authorization or permission to make any structure, from the Government or its local bodies. This court in many matters held that revenue record i.e. Khatian, cannot be treated as legally enforceable title document and on the strength of khatian no compensation needs to be paid. In the event if a person is making any unauthorized construction in any unauthorized land without having any valid right and title, if a person stepping into the land amounts to 'trespass'. If the person who is in possession of the land makes a self claim as an owner, it does not empower him to alienate the land in favour of third party i.e. tenants. Only a lawful owner can alienate or create a third party interest upon the property by way of lease/rent.

It is needless to say that a genuine lawful owner, if proved, is entitled for a generous compensation as he is losing

the land and in the event if a person making claim on property on the ground of ownership without there being any valid document, a single rupee from public exchequer cannot be paid to him as the said person is an unauthorized person to the property.

10. With the above observation, the matter stands remanded to the Arbitrator who shall examine the case in its entirety including the point of eligibility for receiving the compensation, and pass order in accordance with law.

11. The instant writ petition is disposed of in the aforesaid manner. As a sequel, pending application(s), if any, also stands disposed.

JUDGE

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