

**THE HIGH COURT OF TRIPURA
AGARTALA**

CRP No.110 of 2012

Sri Santi Ranjan Das,
son of late Surendra Ch. Das,
of Malaynagar, P.O. Jogendranagar,
PS – East Agartala,
District – West Tripura

.....Claimant-Petitioner

– Vs –

1. The Deputy Chief Engineer (Construction), N. F. Railway,
Gurkhabasti, Agartala, West Tripura
2. The Land Acquisition Collector,
West Tripura, Agartala

.....Opp. Party-Respondents

**B E F O R E
THE HON'BLE MR. JUSTICE S. TALAPATRA**

For the petitioner	: Mr. R. Datta, Advocate
For the respondent No.1	: Mr. A. Lodh, Advocate
For the respondent No.2	: None
Date of hearing and delivery of Judgment and order	: 26.03.2015
Whether fit for reporting	: NO

Judgment and Order (Oral)

Heard Mr. R. Datta, learned counsel appearing for the petitioner and Mr. A. Lodh, learned counsel appearing for the respondent No.1. None appears for the respondent No.2 when the matter is repeatedly called out for hearing.

02. This is a petition filed under Article 227 of the Constitution of India seeking intervention in the order dated 09.02.2012 delivered in Misc. (LA) No.160 of 2009 by the Land

Acquisition Judge, West Tripura, Agartala, Court No.3 on deciding the reference ex parte and without granting any enhancement at all.

Para-7 of the impugned order dated 09.02.2012 reads as under:

"It reveals from the record that the case was fixed for adducing evidence by the referring claimant for the first time on 27.8.2011 but no evidence is adduced and prayed for time. Thereafter from 27.8.2011 to 24.1.2012 as many as two dates including one last chance were allowed for adducing evidence but the referring claimant did not adduce evidence. Lastly on 24.1.2012 the case was fixed on 09.2.2012 for disposal on merit. Today also the referring claimant did not file any step. As such, it is held that the referring claimant Shri Shanti Ranjan Das (permissive occupier) has failed to prove that he is entitled to get compensation at enhanced rate @ Rs.10,00,000 per kani for the acquired lands."

03. Mr. R. Datta, learned counsel appearing for the referring claimant has submitted that the learned advocate engaged by the referring claimant did not inform them the day for adducing evidence and as a result their reference failed for 'laches to perform his duties'.

04. Be that as it may, no name of any counsel has surfaced from the petition. It appears that the claimants were not at all vigilant to pursue their case. However, as exception to the rule, one last chance will be granted by this Court to the referring claimants subject to payment of Rs.2,000/- (Rupees two thousand) as cost to the respondent No.2 in particular. The petitioner shall pay the cost in the Court of the Land Acquisition Judge, West Tripura, Agartala, Court No.3 before the date fixed. If such cost is not paid the order dated 09.02.2012 shall stand restored and this petition shall stand dismissed without any further reference to this Court.

05. Accordingly, this petition stands allowed. The impugned order dated 09.02.2012 delivered in Misc. (LA) No.160 of 2009 by the Land Acquisition Judge, West Tripura, Agartala, Court No.3 is set aside, subject to the observation as made above.

06. It is further observed and directed that the referring claimant shall adduce his evidence on 08.06.2015. In the event of failure, the order dated 09.02.2012 shall automatically be restored dismissing the reference for not adducing the evidence in support of the claim. It is made clear that after the referring claimant adduced his evidence, the respondents herein shall be at liberty to lead their evidence, on the day which will be fixed by the Land Acquisition Judge, if they intend to rebut. Thereafter, the Land Acquisition Judge shall decide the reference in accordance with law.

LCRs be sent down forthwith.

JUDGE

MB