

THE HIGH COURT OF TRIPURA
AGARTALA

Cont. Cas (C) 05 of 2014

Fortuna Agro Plantations Ltd., a Company
Registered under Companies Act, 1956
Having its registered office at P.O.
Sadhanashram, Kailashahar, North
Tripura (represented by Sri Tripuna Rudra
Paul, son of Sri Rakesh Rudra Paul,
Authorised Representative of the Petitioner
Company.

..... *Petitioner*

- Vs. -

Mr. Sunil Debbarma
The Land Acquisition Collector,
District: Unakoti, Gournagar,
Kailashahar, Tripura – 799277.

..... *Respondent*

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE S.C. DAS

For the Petitioner : Mr. D.K. Biswas, Advocate.

For the respondent : Mr. N.C. Pal, Advocate.

Date of hearing & : 14.01.2015.
delivery of
Judgment & order

Whether fit for : NO
reporting

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, CJ.)

By means of this contempt petition, the petitioner has
prayed that proceedings under the Contempt of Courts Act be
initiated against Sri Sunil Debbarma, Land Acquisition Collector,

Unakoti District for willfully disobeying the orders passed by the Agartala Bench of the Gauhati High Court in Review Petition No. 36 of 2011 (Guwahati)/Review Petition No. 13 of 2009 also renumbered as Review Petition 36 of 2011.

2. It would be pertinent to mention that the claim of the petitioner in the original writ petition was that though some assessment had been made with regard to the value of trees and bamboo which was payable to it, no award had been passed. The petitioner-Company filed a writ petition praying that the State may be directed to pay the value of the trees and the bamboo which was standing on the land at the time of its acquisition. The writ petition was dismissed. Aggrieved by the order passed in the writ petition, the petitioner filed writ appeal which was also rejected. Thereafter, the petitioner-Company filed the review petition and this review petition was disposed of as follows:-

"124. In the result and for the reasons discussed above, this review petition succeeds. The judgment and order, under review, shall accordingly stand set aside and vacated and the appeal stands disposed of with direction to the respondent No.4, namely, Land Acquisition Collector, North Tripura, Kailashahar, to determine the value of the felled trees and bamboos, which have not been returned to the review petitioner and pass award accordingly. Any sum of money, which may have already been paid to the review petitioner as damage under clause 'secondly' of Section 23(1) of the LA Act, shall accordingly be adjusted inasmuch as the review petitioner is not entitled to receive any sum of money under Clause 'secondly' of Section 23(1). It is further directed that the determination of the value, in terms of the direction given herein, shall be completed by the respondent-authority concerned within a period of three months from today."

3. Aggrieved by these directions, the State preferred a Special Leave Petition before the Apex Court. On 30th April, 2012, the Apex Court passed a stay order, which reads as follows:-

"Learned counsel for the respondents is directed to place on record Reference Award made under Section 18 of the Land Acquisition Act and further to state as to whether the respondent no.1 had preferred further appeal under Section 54 of the Land Acquisition Act and if not, may further explain as to whether the writ petition was maintainable for enhancement of compensation. The parties are directed to file additional documents, if so advised.

List the matters for final hearing in the 2nd week of July, 2012.

Till then payment of enhanced amount shall remain stayed."

4. It would be pertinent to mention that the petitioner-Company also moved an application before the Apex Court for vacation of the stay order and copy of this application has been filed pursuant to the orders of this Court. On perusal of the application, we find that a number of issues were raised in the said application.

5. Be that as it may, the Apex Court dismissed the application for vacation of stay on 05.08.2013 and directed that the Stay order issued on 30th April, 2012 is to continue till further order.

6. It is contended by Mr. Biswas, learned counsel that vide the stay order, the only stay granted is that the State is not liable to pay the amount, but other action of assessing the amount must be continued.

7. We are not inclined to accept this submission because what is the interpretation to be given to the order of the Supreme Court is not for us, but for the Apex Court to decide. Furthermore, when we read the order dated 30th April, 2012, it is obvious that the Apex Court wanted the petitioner-Company to satisfy it that the writ petition filed by the petitioner-Company was maintainable before the High Court. Therefore, without going into any other aspect, we are clearly of the view that there is no willful disobedience of the order passed in Review Petition. Hence, contempt petition is rejected.

8. It is made clear that we have rejected the contempt petition because the matter is pending before the Apex Court and therefore, the petitioner is at liberty to approach the Apex Court for clarification of the order of the Apex Court.

JUDGE

CHIEF JUSTICE

sima