

IN THE HIGH COURT OF TRIPURA
AGARTALA

CONT.CAS(C) NO.11 OF 2015

Smt. Basanti Mahalanabish,
wife of Sri Jagadish Mahalanabish,
resident of South Kanchanghat,
P.O. & P.S. Kailashahar,
District : Unakoti, Tripura – 799277

..... Petitioner

– Vs –

1. Sri Mrinal Kanti Nath,
District Magistrate & Collector,
Unakoti District, Kailashahar, Tripura-799277

2. Sri Ajit Sukladas,
Sub-Divisional Magistrate,
Unakoti District, Kailashahar, Tripura-799277

.....Respondents

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

For the petitioner : Mr. P.K. Pal, Advocate

For the respondents : None

Date of hearing & order : 10.04.2015

Whether fit for reporting :

Yes	No
	√

ORDER (ORAL)

Heard Mr. P.K. Pal, learned counsel appearing for
the petitioner.

2. This is a petition filed under Section 12 of the
Contempt of Courts Act, 1971 read with Article 215 of the

Constitution of India, for drawing up a contempt proceeding against the respondents for wilful disobedience of the judgment and order dated 26.03.2014, delivered in W.P.(C) No.278/2013. The operative part of the said order, for purpose of reference, is extracted hereunder :

“In view of this, the respondents No.3 & 4 are directed to pay the rent, damages and interest for the period from January, 2005 till the date when the notification under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as contemplated is published on waiving the requirements of the Chapter II of the said Act, in consonance with the provisions of Section 36(2) of the Land Acquisition Act, 1894. Thereafter, compensation be awarded to the petitioner in terms of the right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which has come into effect from 01.01.2014.

The entire exercise of acquisition including making the award has to be completed within a period of 12(twelve) months from the date of placing the certified copy of this order to the respondent No.4. The petitioner shall be paid the amount of the rent and damages with interest of the said period within 6(six) weeks from the date of receiving the certified copy. As such the notification under Section 11 of the Act, 2013 shall be published within 6(six) weeks from the date of receiving the certified copy of this order. The petitioner shall again be paid a lump sum amount which shall be 70% of the compensation tentatively for the land to be acquired. The remainder of the amount shall be paid in due course after making the award.”

3. Mr. Pal, learned counsel, has fairly submitted that, from the communication dated 17.01.2015 issued by the Land Acquisition Collector, Unakoti District, Kailashahar, it appears

that a sum of ₹7,20,650 has been remitted to the respondent No.1 herein (Sub-Divisional Magistrate, Kailashahar, Unakoti District) for making payment to the petitioner herein.

4. The allegation now, the petitioner slaps against the respondents is that by not paying the said amount, they have violated the order dated 26.03.014, delivered in W.P.(C) No.278/2013 of this Court. But, Mr. Pal, learned counsel appearing for the petitioner disputes that the said sum of ₹7,20,650 has been remitted by the cheque as referred for payment in terms of the direction that the petitioner in W.P.(C) No.278/2013 shall be paid 70% of the compensation tentatively for the land to be acquired.

5. Having regard to this, this court does not find any wilful disobedience to the order of this Court. But, it is unfortunate that the payment of a sum of ₹7,20,650 has not been made as yet.

6. Before parting with the record, it is observed that it is the duty of the Land Acquisition Collector, Unakoti District, Kailashahar, to ensure that the petitioner is paid the sum of ₹7,20,650 as reflected in the communication dated 17.01.2015 (Annexure-5 to this petition) without any delay, else the petitioner will be at liberty to take appropriate action notwithstanding the observation in this order.

7. A copy of this order be furnished to the learned Govt. Advocate for onward transmission to the District Magistrate & Collector, the Land Acquisition Collector for the Unakoti District, Kailashahar.

Accordingly, this petition stands disposed of.

JUDGE

ROY