

Party Name : HARIPADA DAS Vs STATE OF TRIPURA & ORS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. Subrata Roy, learned counsel appearing for the petitioner as well as Mr. T. D. Majumder, learned GA appearing for the respondents.

The grievance of the petitioner falls within a very short compass. The land of the petitioner measuring 1.76 acres has been acquired by the Land Acquisition Collector, West Tripura, Agartala under L.A. Case No.12/SDR/09 for development of industrial growth centre at Banaspati Project of Uttar Champamura pertaining to Mouja-Champamura, Sheet No.3/P. After enquiry, under Section 11 of the Land Acquisition Act, 1894, the L. A. Collector has made the award on 29.03.2011, Annexure-C to the writ petition. As the petitioner was not satisfied with the said award, as according to him, the land value as determined by the L. A. Collector does not reflect the market rate, he pressed for a reference under Section 18 of the L. A. Act, 1894 on 08.04.2011. The said prayer for reference dated 08.04.2011 is available at Annexure-D to the writ petition.

Mr. Roy, learned counsel for the petitioner has pointed out that the receipt has been acknowledged by the Office of the Land Acquisition Collector on the body of the said reference application from where it is evident that the Office of the Land Acquisition Collector received the said application for reference under Section 18 of the L. A. Act, 1894 on 08.04.2011. Mr. Roy, learned counsel for the petitioner has further submitted that though the petitioner has received the amount, as awarded by the L. A. Collector but that was so received under protest and as such there is no embargo in referring the matter under Section 18 of the L. A. Act, 1894.

Mr. T. D. Majumder, learned GA appearing for the State-respondents has submitted that if the application for reference under Section 18 of the L. A. Act, 1894 was really filed on 08.04.2011, there cannot be any difficulty for referring the matter to the L. A. Judge for determining the just and reasonable land value. However, Mr. Datta Majumder, learned GA has expressed that whether the application for reference under Section 18 of the L. A. Act, 1894 was received on 08.04.2011 or not is subject to verification by the competent authority.

Having regard to the rival submissions made by the learned counsel for the petitioner and by the learned Government Advocate, this Court is of the view that this petition can be disposed of with the following direction:

If on verification of records, it appears that the application for reference under Section 18 of the L. A. Act, 1894 was filed by the petitioner within the stipulated time or on 08.04.2011 the petitioner's case shall be referred to the L.A. Judge, West Tripura, Agartala within a period of four weeks from today by the Land Acquisition Collector, West Tripura, Agartala. But if it is found that such application for reference was not filed within the stipulated time, then the competent authority shall take appropriate decision in this regard.

Accordingly, this petition stands allowed to the extent as indicated above. There shall be no order as to costs.

A copy of this order be furnished to Mr. T. Dutta Majumder, learned GA for sending the same to the Land Acquisition Collector West Tripura, Agartala.