HIGH COURT OF TRIPURA
AGARTALA

CRP No.104/2024
I.A. No.01/2024 in CRP No.104/2024

Shri Nripendra Chandra Nath, S/O. Surendra Chandra Nath, Resident of Vill. Tilthai, P.O.-Tilthai, P.S.-Panisagar, District-North Tripura.

…….. Petitioner(s).

V E R S U S

1. The Land Acquisition Collector, North Tripura, Dharmanagar.

2. The Executive Engineer, PWD (R&B), Dharmanagar Division, North Tripura.

……Respondent(s).

For Petitioner(s) : Mr. Ashutosh De, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

20/11/2024

By the impugned order dated 27.08.2016, the learned L.A. Court confirmed the award of L.A. Collector with Nil additional award in L.A. case No.16 of 2014 also observing that the claimant has been seeking repeated adjournments and appears to be not interested to proceed with the case. Petitioner thereafter filed a restoration application which was also dismissed on 28.02.2017 by the learned L.A. Court.

This petition has been preferred under Section 115 of the Code of Civil Procedure (CPC, for short) against the aforesaid two orders and suffers from a delay of 2188 days, for condonation of which I.A. No.01 of 2024 has been preferred.

However, Mr. Ashutosh De, learned counsel for the petitioner, submits that the proper remedy for the aggrieved petitioner would be an appeal under section 54 of the Land Acquisition Act, 1894.

This Court also finds that the L.A. case No.16 of 2014 was not dismissed for default by order dated 27.08.2016 and, therefore, application for restoration thereof was also misconceived. However, learned counsel for the petitioner seeks permission to withdraw this revision petition with a liberty to file a Land Acquisition appeal under the relevant provisions of the Act of 1894 with a condonation application.

The instant petition is accordingly dismissed as withdrawn. Petitioner is at liberty to invoke an appellate remedy if permissible in law and also explain the delay, if any, in doing so.

Since the revision petition is dismissed as withdrawn, the delay condonation petition [I.A. No.01 of 2024] also stands disposed of.

(APARESH KUMAR SINGH), CJ

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