

Party Name : SRI NARAYAN CH. DEBNATH Vs THE STATE OF TRIPURA

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HON"BLE MR JUSTICE U B SAHA

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The instant application is filed by the petitioners namely, Sri. Narayan Ch. Debnath and Smt. Pratibha Paul for referring the LA Case No. 8/BLG/2008 before the LA Judge, West Tripura, Agartala under Section 18 of the LA Act for determination of the market value of the land acquired from them. Heard Mr. D Deb, learned counsel for the petitioners as well as Mr. S Chakraborty, learned Addl. GA appearing on behalf of all the respondents at this motion stage. As agreed to by the learned counsel for the parties, the instant writ petition is taken up for final disposal at this motion stage. The petitioners, who are living at Lalsinghmurah were admittedly the owners and possessors of their Dokanviti (tilla) class of land measuring 0.0100 acres, i.e. 2 karas in local measurement under plot No. 5321/8133(P) under Khatian No. 617 at Mouja Brajapur Sheet No. 4/p under Uttar Charilam Tehsil of Bishalgarh Sub-Division. The aforesaid land of the petitioners was admittedly acquired by the Government of Tripura for construction of RCC Bridge over the river Rangapania on Lalsinghmurah to Sutarmurah Road under Mouja Brajapur sheet No. 4/p under Tehsil Uttar Charilam under Bishalgarh sub-division by way of issuing notice under Section 4 of the LA Act. Thereafter, notices under Section 6 and 9 were also issued. The respondent No. 2, LA Collector, West Tripura issued notice under Section 12 sub-section 2 and Section 13 sub-section 1 of the LA Act on 12.06.2009 (Annexure Nos. 2 and 4 to the writ petition) whereby and whereunder the petitioners were asked to receive a sum of Rs. 1,21,258/- and Rs. 2,341/- as awarded amount for the acquired land and the hut thereon, respectively. As the petitioners were not happy with the amount awarded for the acquired land and hut they filed applications on 27.07.2009 (Annexure- III and V to the writ petition) under Section 18 of the LA Act before the respondent No. 2, LA Collector, West Tripura for referring the LA case No. 8/BLG/2008 Sl. No. 1 to the LA Judge, West Tripura for proper assessment of the value of the acquired land as well as the hut thereon. Though the applications of the petitioners dated 27.07.2009 were filed within time under Section 18 of the LA Act but the LA Collector did not refer the aforesaid LA case before the LA Judge, West Tripura. Hence, this writ petition. Mr. D Deb, while urging for the relief sought for would contend that when a land loser makes an application under Section 18 of the LA Act within the stipulated period as prescribed in the Act then there is no other alternative before the LA Collector except to refer the same before the LA Judge for proper determination of the market value of the acquired land. But in the instant case, the LA Collector, respondent No.2 herein, failed to discharge his duties as cast upon him under the statute. Mr. Chakraborty, in his usual fairness submits that the instant writ petition can be disposed of at this motion stage itself with a simple direction to the LA Collector, West Tripura, respondent No. 2 herein, for referring the aforesaid LA Case on the basis of the applications made by the petitioners under Section 18 of the LA Act subject to that the applications of the petitioners were filed within the stipulated time. By this time, it is settled that a land loser whose land is acquired has a statutory right for determination of compensation by the reference court, if he is aggrieved by the award passed by the LA collector and if the land loser files application under Section 18 of the LA Act within a period of 6 weeks from the date of the LA Collectors Award then the LA Collector has no other option but to refer the case of the land loser to the learned LA Judge. In view of the above, the instant writ petition is disposed of with a direction to the LA Collector, West Tripura, respondent No. 2 herein to examine the applications of the petitioners (Annexure Nos. III and V to the writ petition) filed under Section 18 of the LA Act and if the same are filed within time then the LA Collector shall refer the case of the petitioners to the LA Judge, West Tripura, Agartala within a period of two months from the date of receipt of this order. Copy of this order be furnished to Mr. S Chakraborty, learned Addl. GA for onward transmission. With the above, the instant writ petition is disposed of.