

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

---

HON"BLE MR JUSTICE U B SAHA

---

The instant application is filed by the petitioner namely, Sri. Mantu Ch. Debnath 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 petitioner, who is living at Lalsinghmurah was admittedly the owner and possessor of the Dokanviti (tilla) class of land measuring 0.0100 acres, i.e. 2 karas in local measurement under plot No. 5233(P) under Khatian No. 1061 at Mouja Brajapur Sheet No. 4/p under Uttar Charilam Tehsil of Bishalgarh Sub-Division. The aforesaid land of the petitioner 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 No. 2 to the writ petition) whereby and whereunder the petitioner was asked to receive a sum of Rs. 1,21,258/- as awarded amount for the acquired land. As the petitioner was not happy with the amount awarded for the acquired land he filed application on 27.07.2009 (Annexure- III 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. 10 to the LA Judge, West Tripura for proper assessment of the value of the acquired land. Though the application of the petitioner dated 27.07.2009 was 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 application of the petitioner was 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 application of the petitioner (Annexure Nos. III to the writ petition) filed under Section 18 of the LA Act and if the same is filed within time then the LA Collector shall refer the case of the petitioner 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.