

Party Name : KALYANI NATH & ORS Vs STATE OF TRIPURA & ORS.

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THE HONBLE MR JUSTICE U. B. SAHA

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The instant writ petition is filed by the petitioners for referring the case of the of the petitioners in Sl. No. 1-3 of LA case No. 3/KH/07 under Section 18 of the LA Act before the LA Judge, Khowai, Tripura. Heard Mr. Nandi, learned counsel for the petitioners as well as Mr. Majumdar, learned GA for the State. Considering the nature of the facts and as agreed to by the learned counsel for the parties, the instant writ petition is taken up for final disposal at this motion stage. Brief facts of the case is as follows:- The petitioners are the absolute owners and possessors of the land measuring 4.052 acres of land under Khatian No. 2265/1, 2265/2 and 2266 of Mouza and Tehsil Khowai. Land measuring 1.045 acres was acquired by the Government for construction of Khowai Housing Colony by a Notification No. F. 9(3)/Rev/Acq/VIII/07 dated 15.06.2007. The said notification was confirmed by a publication of declaration in Ajker Fariad as on 16.09.2007. Thereafter, the award of compensation was determined and notice under Section 12(2), 13(1) of LA Act was issued/delivered in favour of the petitioners. The petitioners have withdrawn the award under protest and have also submitted a prayer seeking reference of the LA case No. 3/KH/07 before the LA Judge for fair determination of compensation by the proper judicial authority. Thereafter, the petitioners furnished letter dated 07.01.2014 (Annexure-E herein) addressing the District Magistrate and Collector (LA Collector), West Tripura District and reminded the LA Collector either to transfer the prayer the case of the petitioners under Section 18 of the LA Act to the office of the DM & Collector, Khowai, Tripura or for referring the same before the LA Judge, Khowai. But even after receipt of the letter the LA Collector, respondent No. 2 herein, did not pass any order to that effect. Hence, the instant writ petition. Mr. Nandi while urging for reference of the LA case under Section 18 of the LA Act before the learned LA Judge, would contend that it would be evident from Annexure-D to the writ petition that on 21.11.2008 the said application was received by the office of the LA Collector, West Tripura, Agartala but even then also he is not referring the same before the LA Judge though as per provisions of the LA Act, once an application is filed for reference under Section 18 of the LA Act within the stipulated period under law then there is no other option before the LA Collector except to refer the matter under Section 18 to the appropriate LA Judge. Mr. Dutta Majumdar, learned GA submits that he has no objection for disposal of the instant writ petition at this stage subject to the application under 18 of the LA Act filed by the petitioner was within time and the same was received by the LA Collector. Considering the entire facts and circumstances of the case, the LA Collector, Agartala, West Tripura (respondent No. 2 herein) is directed to send the application of the petitioner to the LA Collector, Khowai (respondent No. 3 herein), subject to the same is filed within the prescribed period of limitation and the same has been received by the LA Collector, West Tripura, Agartala. The respondent No. 3 shall after receipt of the application of the petitioner, do the needful for referring the case of the petitioner, as stated supra, under Section 18 of the LA Act before the LA Judge, Khowai for determination of the market price of the land. The entire exercise shall be completed within three months from today. With the above, the instant writ petition is disposed of.