

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP (C) No. 834 of 2021**

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For Petitioner(s) : Mr. TK Deb, Adv.

For Respondent(s) : Mr. M Debbarma, Addl. GA.

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**HON'BLE MR. JUSTICE S. TALAPATRA**

**Order**

**30.11.2021**

Heard Mr. TK Deb, learned counsel appearing for the petitioners as well as Mr. M Debbarma, learned Addl. GA appearing on advance notice for the respondents.

The petitioner case falls within a short compass. The land in question stood recorded in the name of Mukunda Bihari Sarkar, in Khatians No. 1295/1, 1295/2, 1295/3, 1295/4 and Khatians No.1293 and 1296/1. According to the petitioners, Mukunda Bihari Sarkar, passed away on 26.12.1981. The petitioners have claimed to be the legal heirs of Mukunda Bihari Sarkar and hence, they have right to ownership of the land left by Mukunda Bihari Sarkar. However, the petitioners have admitted that the proforma respondents No.4-13 are also legal heirs of Mukunda Bihari Sarkar. As asked by the notice issued by the Land Acquisition Officer (the respondent No.2) on 10.02.2021, the petitioners appeared before the said officer and claimed their right of compensation for acquisition of their lands for Agartala-Akhaura railway line project. From the above land, earlier belonging to the deceased owner, pieces of land had been acquired. Having received the notice of the said proceeding, the petitioners had appeared on 20.02.2021 with all the relevant documents.

Further, the petitioners have asserted that the land measuring 3.320 acre have been acquired vide LA Case No.3/SDR/2017 from the Plots No- 6593(P), 6601(P), 6631(P), 6635(P), 6638(P), 6640(P), 6591(P), 6695, 6599, 6600(P), 6602(P), 6642(P), 6598, 6852 & 6879 under those Khatians as referred above. The possession of the land has already been taken over.

The petitioners have further asserted that the respondent No.2 has informed them that the award has been drawn against the acquired plots and the award has been apportioned within the legal heirs. Even though the award has been apportioned, none of the petitioners nor the proforma respondents have received any part of the award in the form of compensation.

The apparent reason for non-payment of the awarded compensation under the Right to Fair compensation and transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 as shown by the respondent No.2 is that the records of right since do not bear the names of the legal heirs, he is unable to disburse any amount in favour of the legal heirs of the deceased owner. Being persuaded by the circumstances, the proforma respondents instituted a proceeding under Section 95 of the TLR and LR Act for correction of records being Revenue Case No. 131/21 before the District Collector, West Tripura. As the said proceeding has not been disposed of as yet, neither the petitioners nor the proforma respondents are in a position to receive their share of the award.

Mr. TK Deb, learned counsel appearing for the petitioner has submitted that the required statement and all relevant documents have been filed by the parties in the said proceeding. Despite that the said revenue case is still undecided and is pending for decision.

This court does not find any reason why the respondent No.3 shall not be directed to take final decision in the said proceeding instituted

under Section 95 of the TLR and LR Act, within a period of two months from the date when a copy of this order will be supplied by the petitioners.

Mr. M Debbarma, learned Addl. GA who has entered in the appearance for the respondents No. 1, 2 & 3 has not projected any opposition to that proposition. On the contrary, he has submitted that if such direction is issued that would serve the purpose of justice.

In the circumstances, this court is of the view that the respondent No.3 shall decide and dispose of the proceeding within a period of two months from the date when the petitioner shall submit a copy of this order, after examining the claims and counter claims, if any. Accordingly, it is ordered.

In terms of above, this petition stands disposed of.

A copy of the order be supplied to the counsel for the parties.

**JUDGE**



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