

**HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.535 of 2022**

For Petitioner(s)	: Mr. A. Nandi, Adv.
For Respondent(s)	: Mr. P.K. Dhar, Sr. G.A. Mr. B. Majumder, Asst. S.G.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

30/06/2022

Heard Mr. A. Nandi, learned counsel appearing for the petitioner as well as Mr. B. Majumder, learned Asst. S.G. appearing for the respondents No.1 to 3 and Mr. P.K. Dhar, learned Sr. G.A. appearing for the respondents No.4 and 5.

2. This is a petition filed under Article 226 of the Constitution of India to direct the respondent for conducting joint survey to determine the actual measurement of land acquired belonging to the land holders of said Birampur Mouja including the instant petitioner. The petitioner has also urged before this court to give necessary direction upon the respondents for making payment of adequate compensation as per eligibility of the New L.A. Act, 2013.

3. It is a case of the petitioner that way back in 1993 the land of the petitioner have been acquired by the respondent No.1, for construction of IBB road and since then, the compensation has not been paid to the petitioner, though the petitioner has made several request before the respondents but the request went in vain. In view of the same the present writ petition has been filed.

4. Mr. A. Nandi, learned counsel appearing for the petitioner submitted that the land owners whose land were taken over under the purported acquisition

proceedings was under a process of compulsory jurisdiction, but receive compensation for the land taken over though not a fundamental right but a constitutional right guaranteed under Article 31 and Article 300A of the Constitution of India. He has further submitted that the acquisition has been withdrawn but it is an admitted fact that the respondents have used my land and they have adopted the counter of the State.

5. Mr. B. Majumder, learned Asst. S.G. appearing for the respondents No.1 and 2 on instruction has submitted before this court that the concerned Civil Engineer-the respondent No.2 having his Office at Mizoram has though initially issued the requisition and the said notification has been withdrawn. Thus, the payment of any compensation does not arise. Hence, he has prayed to dismiss the writ petition.

6. Without entering into the disputed question of facts, this writ petition is disposed of with a liberty to the petitioner to file a representation before the concerned respondents and on receipt of the same, the respondents No.1 to 3 shall consider the case of the petitioner in accordance with law within a period of two months from the date of receipt of the said representation.

With the above observation and direction, this writ petition is disposed of.

JUDGE