

**HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.655 of 2022**

For Petitioner(s) : Mr. T.D. Majumder, Sr. Adv.
Mr. T. Halam, Adv.
For Respondent(s) : Mr. P. Maishan, Adv.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

30.11.2022

Heard Mr. T.D. Majumder, learned senior counsel appearing for the petitioner as well as Mr. P. Maishan, learned counsel appearing for the respondents.

2. By means of this writ petition, the petitioner has urged before this court for directing the respondents to pay adequate compensation to the petitioner for occupying the land forcefully and constructing road over the jote land of the petitioner and thus depriving him from enjoyment of his property save by due process of law.

3. The petitioner was an employee of the Government of Tripura in the Tribal Welfare Department in the capacity of Special Officer, Tribal Welfare Department and as such, he was to remain away from his station for a considerable period due to requirement of job. He could not take proper care of his landed property during this period. After retirement, when he returned home at Champahour, he found that Champahour to Hatimara Road has passed through over his jote land and an are of 0.16 acre of land from his jote land under khatian No.1293 standing in his name and khatian

No.55/1 standing still in his father's name was utilized by the authority constructing the road namely PWD (R&B), Department under the alleged project Prime Minister Sarak Yojana (PMSY) without list bothering to law of the land.

4. It has been stated by the petitioner that he was allured of providing compensation for occupation of the land in question and for construction of road over such land but no such compensation was paid to him. The petitioner represented to the authorities but is of no effect.

5. The petitioner has further submitted that despite various resistance and objections against construction of road, no concrete result has come up. Having no other option, he has served a legal notice on 05.04.2019 demanding compensation before the authority but the respondent remained silent on the representation.

6. Subsequent to the legal Notice, the SDM issued a memo whereby the petitioner was requested to participate in a meeting to be held in the Office of the SDM, Khowai and the petitioner participated in the meeting held on 24.03.2022, but no decision was taken in respect of the land of the petitioner but it was reflected in the minute of the meeting that L.A. Collector will be appreciated regarding the land of the petitioner measuring 0.16 acres since then, no positive result has been yielded. Having held thus, the petitioner has approached before this court for his deprivation of valuable constitutional right.

7. Having heard the learned counsel this court directed the District Magistrate and Collector to consider the case of the petitioner within a period of one month from the date of receipt of the copy of this order and communicate the decision to the petitioner.

In terms of the above, this writ petition stands allowed and disposed of.

CHIEF JUSTICE (ACTING)

