

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.386 of 2023

For Petitioner(s) : Mr. S. M. Chakraborty, Sr. Advocate.
Mr. S. Saha, Advocate.

For Respondent(s) : None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

28/06/2023

Heard Mr. S. M. Chakraborty, learned senior counsel assisted by Mr. S. Saha, learned counsel appearing for the petitioner. None appears for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for a direction upon the respondents to pay Rs.58,40,362/- to the petitioner immediately being the amount of compensation assessed by the respondent No.3 for acquisition of total land measuring 0.460 acre of the petitioner appertaining to part of plot No.7947/P & 7946/P both of Khatian No.1182 and entire plot No.7948 of khatian No.4651 all of mouja Singerbill, sheet No.5 under Sadar Sub-Division for construction of bridge No.2 icw conversion of existing road from Litchubagan to Airport New Terminal into 4 lane vide LA Case No.02/SDR/2022 s1. No. of the apportionment-7 & 8. Further, to pay penal interest from their pocket for their negligence by making inordinate delay in paying the compensation amount simultaneously with taking physical possession of the land. Also pay interest from 17.11.2021 when possession of one part of the land of the petitioner was taken over immediately after decision of the Sub-Divisional Land Purchase Committee meeting of which held on 16.11.2021 wherein the petitioner along with 4 other land owners were present and another part of the land of the petitioner was officially taken over on 28.04.2023. Further, for a direction to pay a reasonable lump-sum amount to all the land owners before taking physical possession of their land acquired by the government for any emergency public purpose or to pay the entire amount assessed as compensation for acquisition of land by the

government as per provision of the RFCTLARR Act, 2013 within a specific time frame.

The petitioner has prayed for the following reliefs:

- a. Admit the petition.
- b. Issue rule NISI upon the respondents to show cause as to why a writ in the nature of mandamus and/or any other order/orders shall not be issued whereby directing the respondents No.1, 2, 3 & 4 to disburse the amount of Rs.58,40,362/- immediately by way of crediting the amount to the bank account of the petitioner, particulars of which have already been furnished to both the respondent No.3 & 4 long back.
- c. Issue rule NISI upon the respondents to show cause as to why a writ in the nature of mandamus and/or any other order/orders shall not be issued whereby directing the respondents No.1, 2, 3 & 4 to pay interest on the compensation amount from their pocket for their negligence and laches by making in-ordinate delay in paying the assessed compensation amount simultaneously with taking physical possession of the land from the land owner.
- d. Issue rule NISI upon the respondents to show cause as to why a writ in the nature of mandamus and/or any other order/orders shall not be issued whereby directing the respondents No.1, 2, 3 & 4 to pay a reasonable lump-sum amount to all the land owners before taking physical possession of their land acquired by the government for any emergency public purpose or to pay the entire amount assessed as compensation for acquisition of land by the government as per provision of the RFCTLARR Act, 2013 within a specific time frame, fixed by this Hon'ble High Court by way of simplifying the procedure of payment of compensation relating to acquisition of land.
- e. Pass interim order in the light of the prayer made above in prayer (b).
- f. Call for records pertaining to the instant writ petition from the custody of the respondents.
- g. After hearing the petition, make the rule absolute in the light of the prayers made above."

The case of the petitioner is that on 11.11.2021, the petitioner received a notice from the SDM, Sadar asking him to remain present in the meeting of sadar land purchase committee to be held on 16.11.2021 in his office chamber for purchasing some Jote land of mouja Barjala and Singerbill

including some land of the petitioner at Mouja Singerbill for construction of Bridge No.1 & 2 as a part of acquisition of land for up gradation of Litchubagar to Airport VIP Road. The petitioner attended the same meeting where along with several government officials four other land owners were also present.

After thread bare discussion and on consent of land owners, the committee fixed rate of the land of the petitioner and other land owners as Rs.1,90,00,000/- per kani. Accordingly, on the following day possession of the petitioner's land was taken-over by the government and then handed over to the construction company. Accordingly, they started their work on the land of the petitioner. All land owners were assured that payment would be made very shortly. Thereafter, probably for some technical reasons there was some change in the construction and acquisition program and government decided to acquire some more land as per provision of the RFCTLARR Act, 2013 in addition to the land which was decided to be purchased by the government earlier.

Accordingly, respondent No.1 published an advertisement on 29.09.2022 in the Daily Newspaper Dainik Sambad under Section-19 of the said Act of 2013 including the land decided to be purchased by the government earlier. Thereafter, on taking a formal hearing of the land owners, LA Collector, West Tripura, assessed a paltry sum of Rs.58,40,362/- for acquisition of one kani three gandas of land of the petitioner. This petty amount has also not yet been paid to the petitioner though he is seriously ill and need money for his treatment outside the State.

Hence, the present petition has been preferred by the petitioner before this Court for redress.

In view of above facts and circumstances of the case, this Court is of the view that the land has been acquired and the compensation amount which has been assessed earlier i.e. Rs.1,90,00,000/- subsequently that has been reduced by the learned LA Collector i.e. Rs.58,40,362/- and even the same has

not been paid to the petitioner. In this aspect, the petitioner has filed several representations before the respondents but, nothing has happened yet.

Accordingly, without expressing any opinion on merits, this Court feels that ends of justice would be met if the present petition is disposed of directing the respondents to release the admitted amount in favour of the petitioner provided, the petitioner is eligible as per procedure, if not already released by considering the request of the petitioner within a period of three months from the date of receipt of the copy of this order. In the event, if the petitioner is further aggrieved, he is at liberty to prefer any further representation before the respondents or to take appropriate legal action, in accordance with law.

In the result, the present petition stands disposed of. As a sequel, miscellaneous application(s) pending, if any, shall stand closed.

JUDGE

A. Ghosh

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