

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.106 OF 2025**

Shri Karna Das
Vs.
The State of Tripura and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. M. Roy, Advocate.
For the Respondent(s) : Mr. Kohinoor N. Bhattacharjee, G.A.
Mr. K. De, Addl. G.A.

28.02.2025

Order

Heard Mr. M. Roy, learned counsel appearing for the petitioner, as well as Mr. K. De, learned Additional Government Advocate appearing for the State-respondents.

2. The brief facts of the case, as presented by the petitioner, are that the Additional District Magistrate (A.D.M.) & Collector, West Tripura, acquired a portion of land measuring 0.040 acres under the National Highways Act, 1956 for the construction of the Western Bypass Road connecting NH-8 to NH-108B. However, upon demarcation and possession, an actual area of nearly 0.080 acres was taken, as per Apportionment Sl. No. 65 and 65(a). A compensation amount of Rs.25,17,025/- (Rupees Twenty-Five Lakh Seventeen Thousand Twenty-Five only) was awarded. Since more land was taken into possession and the compensation awarded was inadequate, the petitioner submitted a representation requesting a reassessment

of the land measurement and raised objections regarding the determination of the compensation value. The petitioner accepted the compensation under protest, without waiving the right to claim a higher amount.

3. Thereafter, a legal notice dated 07.11.2024 was served through counsel upon the respondents, seeking reassessment and requesting that the matter be referred to an arbitrator for the determination of fair compensation in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013.

4. Aggrieved by the inaction of the respondents, the petitioner has filed the present writ petition before this Court, seeking the following reliefs:-

"i) Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or order/orders and/or direction / directions of the like nature shall not be issued commanding the Respondents to re-assess the land acquired/taken into possession and to refer the matter to the Arbitrator to determine fair compensation in lieu of acquired land in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RECTLARR) Act, 2013.

ii) Upon hearing the parties, make the rules absolute.

iii) Call for records.

iv) Pass any further order/orders as this Hon'ble High Court consider fit and proper."

5. Mr. M. Roy, learned counsel appearing for the petitioner, submits that his client has submitted representations dated 12.01.2024 and 11.03.2024, followed by a legal notice dated 07.11.2024, ventilating grievances before the

respondents. However, no response has been received from the respondents.

6. In view of above and having heard the learned counsel appearing for the parties, without expressing any opinion on merits, this Court is of the view that ends of justice would be met if the matter is disposed of by directing the respondents to consider the case of the petitioner, in accordance with law, facts and rights be decided as expeditiously as possible preferably within a period of three months from the date of the receipt of the copy of this order. Accordingly, the same is ordered. Further, it is made clear that whatever the decision is taken by the concerned respondents, the same may be communicated to the petitioner.

7. As a sequel, any stay, if in force, stands vacated. Any pending application(s), if any, also stand closed.

JUDGE