

TRHC010013752025

2026:THC:1297



**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 480 of 2025

Smt. Gitanjali Saha, W/o Sri Satyabrata Bhattacharya,
Resident of Radhanagar, Near Saha Varieties, Agartala,
District West Tripura, PIN-799001.

.....Petitioner

VERSUS

1. State of Tripura,

Represented by the Principal Secretary,
Revenue Department, Govt. of Tripura,
New Secretariat Complex, Agartala - 799010;

2. The Land Acquisition Collector,

Office of the District Magistrate & Collector,
West Tripura, Agartala - 799001,

3. The Director, Directorate of Urban Development,

Government of Tripura, Sakuntala Road, Agartala -799001;

4. Smt. Suparna Debnath, W/o Shri Shibu Saha,

Resident of Durjoynagar, VIP Road. P.O. Durjoynagar, Agartala, West
Tripura.

.....Respondents.

For the Petitioner(s) : Mr. Tapash Datta Majumder, Sr. Advocate
Mr. Dalit Kalai, Advocate
Mr. Keneth Debbarma, Advocate
Ms. Shipthang Kaipeng, Advocate

Ms. Budhinika Keipeng, Advocate
Mr. Bubar Debbarma, Advocate

For the Respondent(s) : Mr. Pradyumna Gautam, Sr. G.A.
Mr. Kohinoor N. Bhattacharya, G.A.
Mr. M. Debbarma, Addl. G.A.
Mr. Samrat Ghosh, Advocate
Mr. Ashim Das, Advocate

Date of hearing & delivery
of Judgment & order : 17.09.2026

Whether fit for reporting: Yes

HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)

[1] Heard Mr. T.D. Majumder, learned senior counsel assisted by Mr. K. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. P. Gautam, learned Sr. G.A. appearing for the State respondents.

[2] This present petition is filed under Section 226 of the Constitution of India seeking following reliefs:

“i. Issue a writ of certiorari to quash and set aside the corrigendum notification F.09(05)-REV/ACQ/VI/20 dated 12.08.2022 (Annexure 7 supra) and the order dated 25.03.2025 (Annexure 17 of the petition supra) passed by L.a. Collector, West Tripura;

ii. Issue a writ of mandamus directing the respondents to withdraw the corrigendum notification F.09(05)-REV/ACQ/VI/20 dated 12.08.2022 (Annexure 7 of the petition supra) and restore the petitioner's remaining land, which was never required for the original project;

iii. Declare the corrigendum notification F.09(05)-REV/ACQ/VI/20 dated 12.08.2022 (Annexure 7 ibid) as unconstitutional, mala fide, a colorable exercise of power, and void ab initio;

iv. Pass an interim order restraining the respondents from dispossessing the petitioner from her land pending disposal of this petition.....”

[3] The case of the petitioner in brief is that she challenges the legality of the acquisition of her residual land measuring 0.019 acres in Mouja Barjala, West Tripura. Originally, land was acquired for a public road project supported by environmental and social assessments. It is contended that the petitioner is the absolute owner of 0.040 acres (2 Ganda) in Mouja Barjala, P.S. NCC, West Tripura (Khatian No 4288) and a portion of land measuring 0.021 acres was lawfully acquired for a four-lane road project (Lichubagan to Agartala Airport) between 2020 and 2022. The road construction was completed and opened to the public by March 2022. Thereafter, the remaining 0.019 has been sought to be acquired via a corrigendum dated 12.08.2022, purportedly for conversion of the existing road four-lane road. It is alleged by the petitioner that the purpose of acquiring the said land by the requiring department is for car parking and an approach road helping only the Respondent No. 4, a local municipal councillor and neighbour of the petitioner, who lacks a proper motorable road to access her property from the main road.

[4] Initially a notification was issued vide No.F.09(05)-REV/ACQ/VI/20 dated 27.10.2020, stating that the land acquisition was for a

public purpose, supported by a Social Impact Assessment (SIA) report and recommendations from an Expert Group. It was also indicated that no displacement or rehabilitation was required, as the proposed land was minimal and the public benefit justified the acquisition. The said notification was followed by a declaration vide notification, issued under No. F.09(05)-REV/ACQ/VI/20 dated 19.02.2021 under Section 19 of the Right to Fair Compensation and Transparency Land Acquisition, Rehabilitation and Resettlement Act, 2013, confirming the project alignment. It is contended that subsequently, corrigendum vide even Nos. dated 20.09.2021 and 06.12.2021 were issued respectively, without specifying the amendments made and thereafter, on completion of the project, a corrigendum dated 12.08.2022 was issued to acquire the remaining 0.019 acres of the petitioner, excluding other landowners, without public notice or publication in any newspaper. According to the petitioner, the said corrigendum is issued to alter the scope of the original project for road widening, targeting only the petitioner's residual land.

[5] It is contended that the petitioner filed multiple representations objecting to the acquisition of the land in question and on earlier occasion, a writ petition being No. W.P.(C) 85 of 2025 was filed before this Court by the petitioner which was disposed of on 17.02.2025 with the directions upon the respondents to decide the case of the petitioner in accordance with law. Thereafter, the Land Acquisition Collector, West Tripura, Agartala by order

dated 25.03.2025 decided the case of the petitioner upholding the acquisition observing that the said land shall be required for public interest. Aggrieved thereby, the petitioner has preferred this petition seeking the afore-noted reliefs.

[6] Mr. T.D. Majumder, learned senior counsel appearing for the petitioner submits that the impugned corrigendum dated 12.08.2022 issued for acquisition of additional land for conversion of road from Lichubagan to Airport excluding other landowners, suffers from procedural irregularities, lack of transparency, violation of statutory provisions under the Land Acquisition Act, and misuse of authority to benefit private interests rather than public interest. He contends that corrigenda are meant to correct clerical or typographical errors, not to fundamentally alter the scope of the project or to acquire additional land violating the provisions of the Land Acquisition Act. He further contends that subsequent proceedings i.e. the impugned order dated 25.03.2025 upholding the corrigendum dated 12.08.2022 is not tenable in law. Learned senior counsel, therefore, urges this Court to set aside the impugned corrigendum dated 12.08.2022 and all the subsequent proceedings related to acquisition of 0.019 acres of land of the petitioner. To support his contention, Mr. Majumder, learned senior counsel for the petitioner has placed reliance on the judgment of the Hon'ble Apex Court dated 4th January, 2017 passed in **Civil Appeal No.95 of 2017** titled as **State of U.P. and others Vs. Abdul Ali and others**.

[7] Per contra, Mr. P. Gautam, learned Sr. G.A. representing the State respondents opposes the submissions made on behalf of the petitioner. He contends that the corrigendum dated 12.08.2022 has been notified in the Gazette since new area of land measuring 0.019 acre of the petitioner needs to be acquired additionally for the greater public interest for using footpath/parking by the side of the Airport Road and also for the movement of school students. According to him, all the subsequent proceedings have been initiated by the concerned department(s) as per law. He, therefore, urges this Court to dismiss the instant petition filed by the petitioner herein.

[8] Heard the submissions made at the Bar. Perused the material evidence on record. Counter-affidavits have also been filed on behalf of the respective respondents.

[9] To decide the case of the petitioner, this Court feels it necessary to extract the relevant contents from the judgment of the Hon'ble Apex Court dated 4th January, 2017 passed in **Civil Appeal No.95 of 2017** titled as **State of U.P. and others Vs. Abdul Ali and others** as referred by Mr. T.D. Majumder, learned senior counsel appearing on behalf of the petitioner, thus, the same is extracted as under:

“.....4. It is not in dispute that the disputed property was not part of the Notification issued under Section 4(1) of the Land Acquisition Act, 1894 (in short, "the Act") and naturally, not a part of Section 6 declaration as well. According to the learned counsel for the appellants, the Award was announced on 09.08.1989, covering the entire area

including the disputed property. Realizing that there was no Notification in respect of the disputed property issued under Section 4 and Section 6 of the Act, corrigenda were issued on 17.12.1992 and 16.06.1993, including the disputed property under Section 4 and Section 6 Notification and Declaration originally issued on 16.03.1989 and 05.04.1989 respectively. According to the learned counsel for the appellants, the steps thus taken by them have cured the defective procedure adopted in the acquisition.

5. We are afraid that the contentions raised by the appellants cannot be appreciated. Once the Award is passed, there is no question of any correction in the Notification under Section 4(1) or Declaration under Section 6 of the Act. The Act, under Section 13A provides for correction of clerical mistakes in the Award and that too only within six months. There is no question of an Award being passed in respect of a property, for which there is no Notification under Section 4(1) and consequently, Declaration under Section 6 of the Act. Thus, there is no merit in the appeal, which is, accordingly, dismissed.

6. However, we make it clear that this Judgment shall not stand in the way of the appellants, if so advised, in initiating acquisition proceedings afresh in respect of the disputed property in accordance with law.....”

[10] Admittedly, as per Notification No F.9 (5)-REV/ACQ/VI/20 dated 27/10/2020 issued by the Revenue Department, Government of Tripura, the petitioner, Smt Gitanjali Saha has received compensation amounting Rs.7,94,565/- (Rupees seven lac Ninety Four Thousand Five Hundred Sixty Five) only for land measuring 0.021 acre in R.S plot No 8258/14646(p) of Khatian No 4288 of mouja Barjala which was acquired for conversion of road from Lichubagan to Airport. Subsequent to the said notification, a declaration vide notification under No. F.09(05)-REV/ACQ/VI/20 dated 19.02.2021 was issued under Section 19 of the Right to Fair Compensation and Transparency Land Acquisition, Rehabilitation and Resettlement Act, 2013, confirming the project alignment. Thereafter, on completion of the project, the impugned corrigendum dated 12.08.2022 was issued to acquire the remaining 0.019 acres of land of the petitioner.

[11] This Court is of the view that the said corrigendum issued cannot be treated as notification under the Statute wherein, the transact itself came to an end way back in the year 2021 and award of compensation was also paid accordingly in the year 2021. The impugned corrigendum dated 12.08.2022 came into light only in the year 2022 and this cannot substitute the Statute since there is no recognition for taking corrigendum in the Statute. In the event, if the respondents require more land they could have initiated proceedings again for whatever extent they require the same. Since the procedure was not followed, on perusal of the judgment of the Hon'ble Apex Court passed in **Civil Appeal No.95 of 2017** titled as **State of U.P. and others Vs. Abdul Ali and others** (*supra*), this Court has no hesitation to set aside the impugned corrigendum dated 12.08.2022 and all the subsequent proceedings related to acquisition of 0.019 acres of land of the petitioner and accordingly, the same is ordered. The respondent-authorities are directed to return the land in question measuring 0.019 acres to the petitioner owner. However, considering the submissions made by Mr. P. Gautam, learned Sr. G.A. that the said land is required for public purpose for parking or footpath and for any other purposes more preferably for school children movement in this particular area, it is always open for the respondent- authorities if so advised, to follow the statutes and to take steps accordingly for fresh acquisition as per law.

[12] With the above observations and directions, the instant petition is hereby allowed and accordingly, the same is disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

DR. T. AMARNATH GOUD, J



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