



2026:THC:1338

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.381 of 2026

1. Smt. Santi Chiran, wife of Sri Sanib Marak and daughter of late Dajindra Garo, resident of village- Paticherra, PS and PI- Santirbazar, District- South Tripura, Tripura.

.....Petitioner

_V_E_R_S_U_S_

1. The Competent Authority for NH 08(44), (Additional District Magistrate), District - Gomati, Tripura, Udaipur, PO- Radhakishorepur- 799120, Tripura.

For Appellant(s)	:	Mr. D. K. Das Choudhury, Advocate.
For Respondent(s)	:	Mr. P. Gautam, Sr. G.A.
Date of hearing	:	17.09.2026
Date of delivery of Judgment and order	:	24.09.2026
Whether fit for reporting	:	YES

HON'BLE JUSTICE DR. T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

Heard Mr. D. K. Das Choudhury, learned counsel appearing for the petitioner also heard Mr. P. Gautam, learned Sr. G.A. appearing for the respondents.

[2] The present petition has been filed under Article-226 of the Constitution of India for enforcement of petitioner's fundamental right conferred by Article-14 of the Constitution of India and the legal right conferred by Section-3H(3) of the National High Ways Act, 1956 and further quashing the order dated 28.01.2026 signed on 05.02.2026 passed by the competent authority for NH-08 (44), district Gomati Tripura, Udaipur, rejecting the prayer of the petitioners for making reference to the District Judge, Gomati Tripura, as per provisions of Section-3H(4) of the National High Ways Act, 1956 in respect of case No. 8/U/2016 (Sl.No.9) award No.1200 and case No.13/U/2015 (Sl. No.8, 9, 10 & 11) award No.1183.

[3] The facts in brief are that Dajindra Garo, predecessor of the petitioner and others was awarded with compensation for acquisition of land belonging to him as Korfa raiyat (Under raiyat) for construction of NH-44-8 under mouza Paschim Mog Pushkarini in connection with case No. 08/U/2016 (Sl. No. 9) and



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case No. 13/U/2015 and notices were issued upon him on 20.05.2015 to receive payment which remained unserved because of his death on 06.03.1986. Dajindra Garo died long back on 06.03.1986 leaving behind him the petitioner and other legal heirs who stepped into the shoes of the deceased according to their personal law of Christianity. The petitioner, on behalf of all the successors of deceased Dajindra Garo, submitted a petition on 03.12.2025 to the respondent for apportionment of the compensation awarded in favour of Dajindra Garo, according to their share as per provisions of section 3H (4) of the National Highways Act, 1956 and payment thereof; learned respondent by passing an order dated 28.01.2026 (signed on 05.02.2026) nullified/rejected the prayer of the petitioner that the petitioner Smt. Santi Chiran, W/O of Sri Sanjib Marak, as a legal heir of deceased 'Korfa' Dwijendra Garo has claimed compensation on the basis of "Notary General power of attorney" vide No. 505 No. 505 dated 08.07.2017. But, Smt. Chiran fails to submit any documentary evidence to establish of Right and Title in support of her claim over the acquired land. Hence, the claim of the petitioners is nullified and the claimed petition is hereby disposed of.

[4] Having dissatisfied with the impugned order dated 28.01.2026 the petitioner submitted a petition on 17.02.2026 to the respondent requesting him to refer the dispute to the court of learned District Judge, District: Gomati, Tripura as per provisions of section 3H (4) of the National Highways Act, 1956 for apportionment. Till date the respondent did not refer the case of the petitioner to learned District Judge, Gomati, Tripura.

[5] Hence, this writ petition has been filed before this Court for giving direction to the respondent for referring the case to learned District Judge, Gomati, Tripura for apportionment of compensation.

[6] Mr. Das Choudhury, learned counsel appearing for the petitioner has submitted that the respondent being the competent authority for NH-08(44) has made apportionment of compensation to awardee Dajindra Garo (a korfa raiyat) to receive payment of awarded compensation mentioned in the notices. The notices mentioned above were addressed to Dajindra Garo being a korfa raiyat (actual possessor over the acquired land) who had died intestate on 06.03.1986 leaving behind him his successors as mentioned in the survival certificates issued by the Sub-divisional Magistrate, Udaipur dated 29.07.2017.



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[7] When possession of the acquired plots of land was taken over, the successors of deceased Dajindra Garo engaged a lawyer for making necessary enquiry to know the status of the matter of payment of compensation and subsequently, by making a petition under provisions of RTI Act, 2005 produced the relevant papers. After death of Dajindra Garo, his following sons and daughters had also died intestate leaving behind them the persons as mentioned in the survival certificate of Dajindra Garo.

[8] The claimants belonged to Christian religion and their shares are to be determined according to Christian law. The survival certificates have been issued by the SDM Udaipur according to present position of the survivors of deceased Dajindra Garo. So, all of them are entitled to the compensation awarded in favour of deceased Dajindra Garo.

[9] All the claimants have appointed Smti. Santi Chiran @ Sanu Marak, the petitioner herein, as their attorney under a notarized power of attorney on 13.03.2017 to do and perform all acts including receiving payment of compensation for an on behalf of all the survivors of deceased Dajindra Garo in respect of the cases as communicated under the notices and other matters relating to the land acquisitions. The petitioner on behalf of the claimants being the successors of deceased Dajindra Garo, submitted a petition on 03.12.2025 to the respondent for apportionment and payment of the compensation awarded in favour of Dajindra Garo, according to their shares as per provisions of Section-3H(4) of the National Highways Act, 1956. The competent authority vide order dated 28.01.2026 rejected the prayer of the petitioner.

[10] Having dissatisfied with the order dated 28.01.2026 passed by the respondent, the petitioner submitted a petition on 17.02.2026 to the respondent to the respondent requesting him to refer the dispute to the Court of learned District Judge, Gomati, Tripura as per provisions of Section-3H(4) of the National Highways Act, 1956. Despite receipt of the petition, the respondent did not refer the case to the learned DJ, Gomati Tripura. Hence, by way of the present writ petition, the petitioner prayed the following reliefs under Article-226 of the Constitution of India:

“(i) Admit this petition.

(ii) Issue notice upon the respondent.



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(iii) Call for the relevant records from possession of the respondent, if considered necessary.

(iv) Issue writ of certiorari asking the respondent to show cause as to why his decision dated 28.01.2026 (signed on 05.02.2026) passed vide No. F.(13)/DM/G/LA/NH-44/2015/21 dated 08.01.2026 shall not be quashed.

(v) Issue writ of mandamus asking the respondent to show cause as to why he shall not refer the case of the petitioner to learned District Judge, District: Gomati for apportionment of compensation of the acquired land of the legal heirs of Dajindra Garo.

(vi) After hearing the parties Hon'ble High Court be pleased to make the rule absolute in terms of items (iv) and (v) above."

[11] Mr. D. K. Das Choudhury, learned counsel appearing for the petitioner contended that petitioner/legal heirs as per survival certificate step into the shoes of the late Dajindra Garo AS Kurfa (cultivator) and they are entitled to the share of compensation. But the respondent by way of impugned order dated 28.01.2026 rejected holding that the petitioner failed to produce the right & title evidence in support of their claim. This rejection is bad in law and the apportionment has to be made from compensation.

[12] Dajindra Garo predecessor of the petitioner was a 'Korfa Raiyat' in respect of the land acquired by the Government. A Korfa Raiyat is an under raiyat as defined in section 2 (V) of the TLR & LR Act, 1960. It is also fortified by this Court in case of Sri Haridhan Roy and ors, vs. Smt. Bhanu Bala Sarkar and ors. reported in **(2016) 2 TLR 10**, for ready reference, the relevant portion of which is quoted below:

"9. x xxx

Kurfa

A 'korfadar' means an under-raiyat. The word 'under-raiyat' has been defined in Section 2(v) of the TLR & LR Act, which reads as follows:-

"(v) 'under-raiyat' means a person who cultivates or holds the land of a raiyat under an agreement, express or implied, on condition of paying therefore rent in cash or in kind or delivering a share of the produce and includes [a bargadar]."

3. That, section 108(1) of the TLR & LR Act, 1960 prescribes the interest of under-raiyats in land as follows:

"(1) The interest of an under-raiyat in any land held by him as such shall be heritable but, save as otherwise provided in this Act, shall not be transferable.

(2) No under-raiyat shall be evicted from his land except as provided in this Act."



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[13] The right of an under raiyat is created normally only by delivery of possession by the raiyat and no written document is maintained. In the case of awardee Dajindra Garo was allowed to possess the land under Khatian No. 400 of mouza Paschim Mog Puskarini for an area measuring 7.21 acres 'Korfa' by delivery of possession by the raiyat as mentioned in Column No. 2 of the Khatian which was duly acknowledged and recorded in the Khatian during Survey & Settlement operations by the competent revenue authority. The competent authority for NH 44 made apportionment of compensation for land recorded in Khatian No. 400 of mouja Paschim Mog Puskarini in favour of Dajindra Garo in LA Case No. 8/U/2016 as mentioned in Sl. Nos. 9, 8, 9, 10 and 11 of Statement of Apportionment of the Amount of Compensations supplied by the office of the Competent Authority.

[14] Mr. P. Gautam, learned Sr. G.A. appearing for the respondent has submitted that the award was prepared for acquisition of land for the construction of NH-08(44) against Mouja-Paschim Mogpushkarini, Udaipur Sub-Division, under the following apportionments of Award No.1183, dated, 16.05.2015 and No.1200 dated 25.02.2017 in respect of Apportionment SL. No. 09 (Award No. 1200), total awarded amount Rs. Rs.26,83,526/- was prepared for land measuring 0.61 acres pertaining to R.S plot no. 5835/p, 5841/p & 5843/p in the name of Rayati - 1) Prafulla Jamini Bhowmik, S/O- Lalit Mohan Bhowmik, 2) Caru Shila Roy, W/O- Sukumra Roy, 3) Santi Lata Bal, 4) Sunil Kanta Bal, S/O- D/O- Prabhat Ch. Bal, Kurfa:- Dajindra Garo, S/O- Harinath Garo. However, damage cost of Structure Rs.78,616/- in favour of One -Apurba Chiran, S/O- Bipin Chiran and Rs. 1,32,214/- in favour of Binendra Rema, S/O- Sukumar Rema and also cost of Structure Rs.18,44,396/- in favour of BDO, Matabari R.D Block, ie, total cost of structure Rs. 20,55,226/-, So, in this apportionment, Land Value is Rs 6,28,300/-.

[15] In respect of Apportionment SL. No. 09 (Award No. 1183), total awarded amount Rs. Rs.1.03,000/-was prepared for land measuring 0.10 acres pertaining to R.S 5840/p in the name of Rayati 1)Prafulla Jamini Bhowmik, S/O- Lalit Mohan Bhowmik, 2) Caru Shila Roy, W/O- Sukumra Roy, 3) Santi Lata Bal, 4) Sunil Kanta Bal, S/O- D/O- Prabhat Ch. Bal, Kurfa : Dajindra Garo, S/O: Harinath Garo. In respect of Apportionment SL No 08 (Award No. 1183), the total awarded amount Rs. Rs.6,28,300/- was prepared for land measuring 0.04 acres pertaining to RS Plot No. 5835/p in the name of Rayati 1) Prafulla Jamini Bhowmik, S/O- Lalit Mohan Bhowmik, 2) Caru Shila Roy, W/O- Sukumra Roy, 3)



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Santi Lata Bal, 4) Sunil Kanta Bal, S/O- D/O- Prabhat Ch. Bal, Kurfa :-Dajindra Garo, S/O- Harinath Garo.

[16] In respect of Apportionment SL. No. 11 (Award No. 1183), the total awarded amount Rs. Rs.23,75,550/- was prepared for land measuring 0.12 acres pertaining to R.S 5843/p in the name of Rayati 1)Prafulla Jamini Bhowmik, S/O- Lalit Mohan Bhowmik, 2) Caru Shila Roy, W/O- Sukumra Roy, 3) Santi Lata Bal, 4) Sunil Kanta Bal, S/O- DO Prabhat Ch. Bal, Kurfa :- Dajindra Garo, S/O: Harinath Garo. However, damage cost of Trees Rs.9,300/- & cost of Structure Rs.22,42,650/- totalling Rs. 22,51,950/-, in favour of Occupier-Peratia TTAADC Village Office. Therefore, in this apportionment, Land Value is Rs1, 23,600/-.

[17] In respect of Apportionment SL No 10 (Award No. 1183), total awarded amount Rs. 41,200/- was prepared for land measuring 0.04 acres pertaining to R.S 5841/p in the name of Rayati 1)Prafulla Jamini Bhowmik, S/O- Lalit Mohan Bhowmik, 2) Caru Shila Roy, W/O- Sukumra Roy, 3) Santi Lata Bal, 4) Sunil Kanta Bal, S/O- D/O- Prabhat Ch. Bal, Kurfa: Dajindra Garo, S/O- Harinath Garo. Therefore, in the above-mentioned 05 (five) nos. of apportionment under 2 (two) nos. awards, the total land value involved @ Rs. (6,28,300/- +1,03,000/-+41,200/-+1,23,600/-+6,28,300/-)= Rs.15,24,400/-. It is pertinent to mention here that under the provisions of the Tripura Land Revenue & Land Reforms Act, 1960, the term "Kurfa" is deemed to be treated as an "under-raiyat" or "Bargadar", as there is no specific provision or clarification separately defining the status or interest of a "Kurfa". As per the provisions of the said Act, an under-raiyat or bargadar does not acquire any right, title, or ownership over the land, but is merely permitted to cultivate the land on the basis of an arrangement or agreement with the recorded raiyat or land owner.

[18] However, in cases where any structure, building, or trees are found to be in the possession or enjoyment of the under-raiyat, bargadar, or kurfadar during the course of land acquisition survey, compensation in respect of such existing structures, buildings, or trees may be released in favour of such person, subject to verification and records available during the survey process. In the instant case, from the aforesaid 05 (five) apportionments mentioned by the petitioner, it appears that, no compensation had been declared in favour of the claimed Kurfa or his survivors, whereas, compensation towards trees and structures/buildings had already been declared in favour of other private individuals as well as Government



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establishments, namely the BDO Office, Matabari, and Paratia TTAADC Village. This clearly indicates that the said acquired plots of land were not in the possession or occupation of the alleged kurfadar or his survivors/petitioner, and they were not cultivating those plots of land during the relevant survey period. The name of the "Kurfa" appears to have been recorded in the award only on the basis of old land records.

[19] It is further observed that, historically in Tripura, the term "Kurfa" had been widely used during the revisional settlement operations conducted around the year 1980. At that point in time, one Dajindra Garo, son of Harinath Garo, might have been found cultivating the land as a "Kurfa", and accordingly his status was recorded in the Khatian. Subsequently, however, both the kurfadar and the recorded landowners may have shifted elsewhere, and no application or petition was ever submitted before the competent authority for correction or updation of the land records. Consequently, the name of the "Kurfa" continues to exist in the record of rights, though not in the capacity of a raiyat or land owner. A Kurfa is merely an under-rayat or cultivator who cultivates the land under an agreement with the landowner or rayat.

[20] The petitioner himself admitted that, the actual 'Kurfa' i.e. Dajindra Garo, died long back in 06.03.1986. Thereafter, his legal heirs did not inherit or cultivated and their names are not found as korfa cultivators. Now, from the award declared after the survey for acquisition of the land, no compensation was declared in favour of the Kurfa not even for trees and structures as well, which proves that the said Kurfa or his legal heirs are not in possession of the land in any way at that time, and it may be apprehended that the survivors of the said Kurfa might have shifted somewhere. Moreover, the petitioner has also admitted that, they came to know of the acquisition when the plots of land were already acquired, which evidently indicates that, they are not residing in the area and are not doing cultivation. The acquisition proceedings and award pertains to 2015.

[21] The claimant had submitted a petition dated 03.12.2025, pursuant to which a hearing was conducted on 28.01.2026 by the competent authority for National Highways (ADM & Collector), Gomati District. During the course of the hearing, the petitioner failed to produce any valid documentary evidence in support of their entitlement over the acquired land and consequently failed to establish any right, title, or interest over the said plots of land corresponding to the



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Apportionment Sl. Nos. and awards were referred as discussed above. Therefore, prayed to dismiss the writ petition as devoid of merits.

[22] To appreciate the factual and legal entitlement, it is pertinent to mention here that under the provisions of the Tripura Land Revenue & Land Reforms Act, 1960, the term "Kurfa" is deemed to be treated as an "under-raiyat" or "Bargadar" as there is no specific provision or clarification separately defining the status or interest of a "Kurfa". As per the provisions of the said Act, an under-raiyat or bargadar does not acquire any right, title, or ownership over the land, but is merely permitted to cultivate the land on the basis of an arrangement or agreement with the recorded raiyat or land owner.

[23] The petition regarding alleged non-consideration of Section-108 of the TLR & LR Act, 1960 relating to under-raiyats, the definition of "under-raiyat" as provided under Section 2 (Part-I) of the TLR & LR Act, 1960 is reproduced below:

"Under-raiyat" means a person who cultivates or holds the land of a raiyat under an agreement, express or implied, on condition of paying therefore rent in cash or in kind or delivering a share of the produce and includes a person who cultivates or holds land of a raiyat under the system generally known as 'bhag', 'adhi' or 'barga'.

[24] From the above definition, it is evident that an under-raiyat holds or cultivates land under an agreement with the raiyat and, therefore, cannot be treated as the land owner by any stretch of interpretation. In view of the above legal position and since, the kurfa has no right and title over any land, this office considered it appropriate not to release the land value in respect of the awards mentioned above or to consider the petition to forward before the learned LA, Judge.

[25] As per the provision of Section 3H(4) of the National Highways Act, 1956, where any dispute arises regarding the apportionment of compensation or as to the person to whom such compensation is payable, the Competent Authority is required to refer such dispute to the Court of the learned Principal Civil Court of original jurisdiction. However, in the instant case, the petitioner, being a Kurfa and deemed to be an under-raiyat, does not possess any right, title, or interest over the acquired land under the provisions of the Tripura Land Revenue & Land Reforms Act, 1960. As such, the petitioner is not legally entitled to claim compensation in respect of the acquired land. Therefore, since no genuine dispute exists regarding



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entitlement or apportionment of compensation, there is no occasion or legal necessity to refer the petition dated 17.02.2026 to the learned DJ under Section-3H(4) of the National Highways Act, 1956.

[26] The father being the cultivator he died and the claimants are his daughters, sons and grandchildren as per survival certificate. He died on 06.03.1986 and proceedings have been initiated and now, when the issue comes for compensation as per the definition of the Act, the rights are inheritance but not transferable. The claimants herein (petitioner & legal heirs) are not affected in acquisition done in 2015. Since, the claimants do not cultivate the land thereafter, at the demise of their father and there is no record to show that they were doing cultivation and it is not known for them to claim compensation on the ground of cultivator because they do not fall under the definition of the Act as they are not doing any cultivation. Apart from inheritance the restriction is on transfer of property. The kufra cannot transfer/alienate. Now, receiving of compensation by the petitioner attracts transfer.

[27] The legal heirs of the cultivator will enter into the shoes of the cultivator once the right is decided. Since the petitioners are the legal heirs they entered into the shoes of late Dajindra Garo. Admittedly, late Dajindra Garo died on 06.03.1986 and as per survival certificate these people are the legal heirs. The petitioner is representing all the legal heirs by way of the power of attorney dated 13.03.2017. The acquisition has taken place during 2015 the petitioner is making request for compensation during 2017 onwards. Admittedly, there is a long gap as there is no cultivation, the deceased died on 06.03.1986, however, his name has been reflected in the columns in khatian and the acquisition and claim for compensation is made much thereafter.

[28] Undisputedly, the petitioner is not the owner and late Dajindra Garo being the cultivator (kufra) he is entitled for his proportionate share. Now, the point for consideration is since, the cultivator died long back in 06.03.1986 and there was no cultivation of land by the petitioner and will the legal heirs of the deceased kufra who are not dependents nor cultivators after 1986, are they entitled for the compensation for the land acquired in 2015. In the impugned order dated 28.01.2026, the respondents while dealing with the fact, have rejected the case of the petitioner on the ground that they have failed to produce right title over the land claiming compensation.



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[29] There is no plea nor evidence placed on record to show that none of the legal heirs in the survival certificate stated that post demise of late Dajindra Garo in 06.03.1986 they were in possession of the land doing cultivation and they made proper application before the revenue officer for incorporating their names in the mutation as cultivators/kurfa raiyati. There is also no evidence of any oral or documentary lease of cultivation between the owner and legal heirs to believe they are doing cultivation as korfa.

[30] Under the Tripura Land Revenue and Land Reforms Act, 1960 a Korfa or korfadar is recognized as an under-raiyat a sub-tenant holding agricultural land directly under a primary landholder (raiyat). Chapter IX of the Act (Section-105 to 132) lays down the statutory framework governing their rights, obligations, and eventual elevation of full ownership (raiyat) status. For more clarity, the definition and legal status of relevant sections are extracted below.

Section 2(v): Defines an under-raiyat as a person who holds land from a raiyat for agricultural purposes.

Section 105: Empowers a raiyat to lease out land to an under-raiyat, subject to statutory ceilings on rent.

2. Heritability and Non-Transferability

Section 108(1): The interest of a Korfa under-raiyat in any land held by him is heritable by lawful heirs, but not transferable by sale, gift, mortgage, or assignment.

Partition Restriction: While the right to cultivate is heritable among legal heirs, the Korfa tenancy right itself cannot be arbitrarily partitioned or fragmented into separate titles without statutory conversion.

3. Rent Controls and Safeguards

Section 111: Sets the ceiling for maximum rent payable by a Korfa tenant (typically restricted to a fraction of the gross produce or its monetary equivalent as prescribed).

Section 112 & 115: Governs the mode/time of rent payment and makes it mandatory for the raiyat to issue a written receipt for rent received.

4. Protection Against Eviction

Section 108(2) & Section 118: A Korfa tenant cannot be arbitrarily evicted. Eviction can only be ordered by the Competent Authority on specific statutory grounds:

1. Land is validly reserved or deemed reserved for the personal cultivation of the raiyat under Sections 101 or 103.
2. The Korfa tenant intentionally/willfully commits acts of waste causing permanent damage to the utility or value of the land.



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3. The tenant fails to pay rent within 3 months after it falls due.

5. Restoration of Possession

Section 119: If a Korfa tenant is illegally dispossessed, or if a raiyat resumes land for personal cultivation but fails to cultivate it personally within the prescribed timeframe, the Competent Authority must order the restoration of possession back to the Korfa tenant.

6. Safeguards on Surrender

Section 125: To prevent coerced or deceptive surrenders, any surrender of land by a Korfa tenant must be made voluntarily in writing and verified before a Revenue Officer.

7. Conferment of Ownership Rights (Raiyati Status)

Section 126: Vests the ownership of non-resumable land directly in the Korfa under-raiyat upon payment of statutory compensation to the raiyat.

[31] In ***Dr. G.H. Grant v. State of Bihar*** reported in, (***AIR SC 1593***) the Hon'ble Apex Court has observed that the right to receive compensation or claim a reference for apportionment arises strictly on the date the notification for acquisition is published. A person whose right, title or statutory interest in the property had stood extinguished or lapsed prior to the date of notification has no *locus standi* to demand a share of the compensation.

[32] In ***Narendra Bahadur Singh v. State of UP***, reported in ***1977 1 SCC 216*** has observed that to maintain a claim for apportionment of compensation, the claimant must establish an existing and legally enforceable right over the land as on the date of the Section-4(1) notification. Where an occupant's or tenant's rights have lapsed or ceased to exist due to non-compliance with statutory conditions (such as abandonment of personal cultivation), they cannot claim any portion of the compensation award.

[33] In ***Inder Parshad v. Union of India***, reported in (***1994***) ***5 SCC 239***, the Hon'ble Apex Court held that apportionment of compensation (e.g., between a landowner and under-tenant/lessee) is permissible only when both parties hold valid, subsisting, and concurrent legal interests on the date of acquisition. If the tenant's/ under-raiyat's right has expired, lapsed, or been abandoned prior to acquisition, the entire compensation belongs exclusively to the land titleholder (owner).

[34] In ***Aftaruddihn v. Thr. Lrs. V. Ramkrishna Datta @ Ors***, reported in (***2017***) ***INSC 1202*** where the case involved a title and possession dispute where the



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appellant claimed statutory protection as an under-raiyat of the suit and against the original raiyat. Wherein, the Hon'ble Apex Court examined the strict statutory boundaries of an under-raiyat's right under the TLR&LR Act. The Court reinforced that an under-raiyat's legal standing is entirely conditional. Under the TLR&LR Act, if an under-raiyat abandons the statutory conditions of their tenancy or attempts unauthorized transfers, they lose their protective umbrella. They do not hold absolute title, and any break in their legal obligations such as discontinuing personal cultivation, extinguishes their standing against the raiyat.

[35] In ***Babu Ram v. State of Punjab***, reported in (1996) 5 SCC 228, the Hon'ble Apex Court held that where a tenant abandons the land and the landowner resumes possession, the tenant's right are extinguished. Consequently, when the government subsequently acquires the land, the entire compensation goes to the landowner. The heirs of the tenant cannot suddenly reappear during the acquisition proceedings to claim share of the compensation based on a defunct historical tenancy.

[36] The deceased Dajindra Garo died on 06.03.1986 and thereafter, the relation between the owner and the cultivators continue to subsist and the legal heirs did not inherited and there was no cultivation since 1986 onwards. It is also not known as to when Dajindra Garo stopped cultivation or the cultivated till his last breath. The names of the legal heirs were not entered immediately after 06.03.1986. The purpose of granting shares to the cultivator is enabling him for his survival since 06.03.1986 there is no cultivation and the legal heirs are not depending on cultivation. So, it cannot be said that they can automatically inherit the rights of cultivation after so many decades when some are not born. The rights under the statute only apply to the issue of inheritance for cultivation, but not alienation. Here the point falls for consideration is the land of the owner was being acquired and accordingly, compensation has been given. For the purpose of apportionment of the said compensation the petitioner/legal heirs cannot enter into the shoes of the cultivator as there is no relation with the owner and the cultivators and no fresh lease agreement either in written or oral evidence has been placed on record. The old entries in the revenue records, will not empower the legal heirs for any share to the award/compensation for the land acquired as the entries in revenue records were not updated.



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[37] The purpose of paying compensation to cultivator if any, to be paid, is only not to deprive his livelihood since he is a cultivator. Insofar as, transferable rights concerned are not given and claiming compensation for the acquired land amounts to transfer for consideration. This right is not vested, thus the claim of the petitioner is rejected upholding the collector orders that their right title has not been proved.

[38] Accordingly, the writ petition seeking compensation and reference under Section-3H of National Highways Act for the reasons stated above fails and the same is liable to be dismissed. The impugned order dated 28.01.2026 & signed on 05.02.2026 needs no interference and thus, stands confirmed.

[39] For the reasons stated above, the writ petition is dismissed.

[40] As a sequel, miscellaneous application pending, if any, shall stand closed.

DR.T. AMARNATH GOUD, J

A. Ghosh

