

BEFORE
TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA

Complaint No. 58 of 2023

Complainant: Sri Bipul Kanti Bhattacharjee
S/O Lt. Binod Bihari Bhattacharjee of Kalyanpur Bazar,
PS- Kalyanpur, Dist. Khowai

FINAL ORDER DATED 04.03.2024

This case was registered by the Commission on the basis of a complaint submitted by one Bipul Kanti Bhattacharjee S/O Lt. Binod Bihari Bhattacharjee of Kalyanpur Bazar, PS – Kalyanpur, District- Khowai, alleging that one Tapas Debroy approached his younger brother Bidyut Bhattacharjee that there will be a measurement of the land in front of their shop and a drain will be constructed. On 6th June 2023 at about 8:30 AM that Tapas Debroy along with one Mintu Paul came in front of their shop and tried to demolish the pucca stairs of the shop by using dozer but could not and thereafter on 7th June at about 9:00 AM those Tapas Debroy and Mintu Paul again came there and illegally demolished the stair case and constructed a drain over his jote land, which they have inherited.

The complainant prayed for taking appropriate action against Tapas Debroy and Mintu Paul and to direct payment of compensation to him.

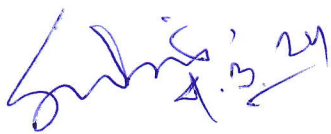
2. The Commission thoroughly examined the complaint and found that there is nothing in the complaint to establish that any public servant or public authority is involved in this complaint. It seems to be a matter to be looked into by the revenue authority. The Commission further observed that the Commission's jurisdiction does not extend to take action on the allegations made in the complaint. However, the Commission thought it appropriate to send a copy of the complaint to the District Magistrate, Khowai to look into the matter and take appropriate step in accordance with law.

3. On 14.12.2023 the Commission received a letter vide No. F.V(137)/DM/KH/JDL/2023/504 in which the District Magistrate, Khowai, informed the Commission that the matter had already been forwarded to the SP, Khowai District and the SDM Teliamura with a request to take necessary action as per order dated 26.07.2023 of the Commission. However, the Commission was not at all satisfied with the report of the DM, Khowai and passed an order on 14.12.2023 mentioning that the letter of DM cannot be appreciated as compliance of the Commission's order. The Commission further asked the DM, Khowai that she may cause the inquiry through any agency according to her wisdom and submit report by herself or any authorized person under her. However, no compliance to the order issued on 14.12.2023 by the Commission has been received inspite of reminders.

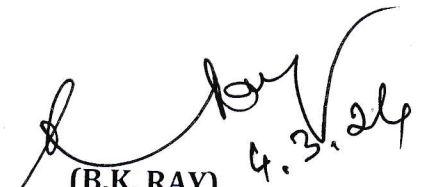
4. Since no report from the DM & Collector, Khowai was received by the Commission despite reminders, another order was

passed on 09.01.2024 vide which the District Magistrate, Khowai was reminded that the Commission expected that the District Magistrate would attach due importance to the orders passed by a Statutory Body and comply it in terms of the Constitutional Provisions as envisaged in Chapter II, part- XI of the Constitution of India. Also a last reminder was issued to the D.M. to submit the report in terms of the Commission's order dated 14.11.2023. However, despite issuance ~~of~~ repeated reminders, the District Magistrate & Collector, Khowai chose to remain silent. It speaks of sheer disregard to the order of a statutory authority.

5. Since no reply to the Commission's repeated orders to submit a detail report in connection with the complaint of Sri Bipul Kanti Bhattacharjee was received from the District Magistrate & Collector, Khowai, the Commission considers it appropriate to leave the matter to the wisdom of the Chief Secretary, Govt. of Tripura to look into the matter and take action as he deems fit.
6. The case is thus finally disposed of. Complainant, if so advised may seek redress in the appropriate legal forum.
7. A copy of this order be sent to the Chief Secretary, Govt. of Tripura, the D.M & Collector, Khowai District for information.
8. A copy also be sent to the complainant Sri Bipul Kanti Bhattacharjee for information.



(S.C. SAHA)
MEMBER


(JUSTICE S.C. DAS)
CHAIRPERSON
(B.K. RAY)
MEMBER