

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C)(PIL) No.10/2020

Maharaja Pradyot Bikram Kishore Debbarma & others

----Petitioner(s)

Versus

Union of India & others

-----Respondent(s)

For Petitioner(s) : Mr. A. Debbarma, Advocate.

For Respondent(s) : Mr. S.S. Dey, Advocate General,
Mr. Debalay Bhattacharjee, G.A.

**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI
HON'BLE MR. JUSTICE S. TALAPATRA**

Order

11/01/2021

(Akil Kureshi, C.J.)

Petitioners claim to espouse the cause of displaced Bru community who has been seeking proper resettlements since decades. The petitioners have combined several issues and causes around this central question. The principal prayer of the petitioners, however, is for full proper enforcement of the accord under which the Central Government, the State Government and the Bru community arrived at a solution for permanent settlement of the displaced members of the said community in the State on stated terms. We would focus only on this issue, leaving the rest of the

grievances voiced in the petition to be agitated independently in appropriate proceedings if the petitioners find it necessary to do so.

The petitioners have made following prayers:

“Issue Rule for the enforcement of the Fundamental Rights of the Petitioners guaranteed under Article 15, 19 and 21 of the Constitution of India;

A N D

As to why a Writ of Mandamus should not be issued directing the Respondents herein to act completely in consonance with the clauses inserted in the final “Agreement dated 16th January, 2020” in order to rehabilitate the entire displaced Bru population from the State of Mizoram with complete rehabilitation packages permanently in the State of Tripura and also to provide appropriate compensation to the family of the 6 deceased person due to starvation denying their fundamental right provided under Article 21 of the Constitution of India and also violation of human rights by the State Respondents;

A N D

As to why a Writ in the nature of Certiorari should not be issued by the Hon’ble Court quashing the “Letter dated 21st July 2020” filed by the Respondent no.8 as early as possible along with passing a strict order of imposing perpetual injunction under section 38 of the Specific Relief Act, 1963 from any future course of actions against and by the Respondent no.6, 7 and 8 and to their respective members;

A N D

As to why the Writ of Prohibition should not be issued against the mala fide interference of the Respondent no.6, 7 and 8 on the issue of identification and allotment of Govt. lands for the purpose of permanent settlement of the Bru peoples and proposing four members from the Respondent no.8 to be included in the “Joint Monitoring Committee” (JMC) and as proposed some areas for the resettlement is completely impermissible, unjustified and wrong as they are not a party or signatory in the “Four Corner Agreement or the Quadripartite Agreement dated 16th January, 2020”;

A N D

As to why a Rule should not be issued against the proposed six(6) locations or areas by the Respondent no.8 for the purpose of resettlement of Brus in their “Letter dated 21st July, 2020” as because the proposed locations and areas are not anyway acceptable to any party or any other signatories of the Agreement as all locations are in deep remote corner areas of the state and identified as high malaria and other acute disease prone zones and also far away from public health centers, schools, market and business centers, road connectivity, water facilities, power and electricity connections etc;

A N D

As to why Rule subject to the affirmations by this Hon’ble Court, should not be issued as the entire Bru people are law abiding and genuine citizens and permanent residents of our country, hence they have the every right to settle down in any part of the country and

free to practice any occupation or profession for their livelihood which are guaranteed as their Fundamental Rights under Article 19 and 21 of the Constitution of India;

A N D

As to why necessary orders should not be passed against the state Respondents to follow and act strictly according to the clauses inserted in the said Agreement dated 16/01/2020, for the benefit and permanent settlement of the Brus in Tripura keeping in mind the strong possibility that the Respondent no.1 and 2 may be under wrong influence by the Respondent no.6, 7 and 8 and to their evil prayers and intentions made in their "Letter dated 21st July, 2020" can act in foul or can cause delay the entire process of resettlement like earlier occasions which are against the interest to the permanent resettlement of the Bru people in state as well as detrimental to the "Four Corner Agreement dated 16th January, 2020";

A N D

As to why such other order/orders should not be passed so as to give full relief to the Petitioners including the cost of litigation of Rs.10,000/- and upon causes shown to make the Rule absolute."

Having heard learned counsel for the petitioners and learned Advocate General for the State authorities appearing on advance copy, we are of the opinion that the entire issue is a political one, calling for political

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solution. The stage has not yet arisen for interception of the Court in such process. In such extremely sensitive and complex socio-economic and political questions, the Court must allow the administration to evolve a political resolution.

In the result, this public interest petition is disposed of.

(S. TALAPATRA), J

(AKIL KURESHI), CJ

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