

**HIGH COURT OF TRIPURA
AGARTALA**

LA App. 08 of 2023

The Managing Director, TIDC

..... **Appellant(s)**

Versus

Shri Prabir Kumar Deb and another

..... **Respondent(s)**

For Appellant(s)	:	Mr. BN Majumder, Sr. Advocate. Mr. G. Saha, Advocate.
For Respondent(s)	:	Mr. SM Chakraborty, Sr. Advocate. Mr. UK Majumder, Advocate.
Date of hearing and delivery of judgment and order	:	03.10.2023.
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

This is an appeal filed under Section 54 of the Land Acquisition Act, 1894, read with Order XLI of Civil Procedure Code, 1908 against the judgment and award dated 28.05.2019 in connection with Misc. (L.A.) 08 of 2016 passed by the learned Land Acquisition Judge (Court No.3), West Tripura, Agartala wherein the learned Judge awarded an amount of Rs.7,00,000/- per kani alongwith solatium etc. to the claimant-respondent.

[2] The brief facts of the case in the instant appeal are as under:

The Government acquired lands under Notification No.F.09 (11)REV/ACQ/VI/09, dated 08.06.2010 for construction of Tripura Industrial Development Corporation Limited, Pandit Nehru Complex. The compensation of the acquired land (0.30 acres) from the claimant-respondent was assessed by the L.A. Collector @ 1,50,000/- per acre and also assessed additional compensation @ 30% solatium and interest @ 12% per annum w.e.f. 29.01.2010 to 30.12.2011 and by this way a sum of Rs.68,782 (rupees sixty

eight thousand seven hundred eighty-two) only in total was awarded in favour of the claimant-respondent.

Aggrieved by and dissatisfied with the award, the claimant approached the L.A. Court for re-assessment of the market value of the acquired land. The reference case was registered as Case No. Misc.(L.A.) 08 of 2016 and the said case was tried by the learned L.A. Judge, (Court No.3), West Tripura, Agartala. On completion of trial, learned Reference Judge passed the following order on 28.05.2019:

"ORDER

12. In the result, the petition under Section 18 of the Land Acquisition Act, 1894 as referred by the L.A. Collector, West Tripura, Agartala is allowed on contest. The referring claimant namely, Sri Prabir Kumar Deb is entitled to get compensation for the acquired land at the rate of Rs.7,00,000/- per kani (Rupees seven lacs) per kani. The compensation shall be added with 30% solatium under Section 23(2) of the L.A. Act and 12% interest under Section 23(i)(A) of the L.A. Act from the date of notification under Section 4 of the said Act till the date of taking over the possession of the acquired land or the date of award whichever is earlier. The interest on the amount of compensation and solatium shall be at the rate of 9% per annum over the enhanced amount given for land from the date of taking over the possession, till one year and @ rate of 15% per annum from the date of expiry of 1(one) year till the date of payment of the enhanced amount of compensation. The amount so paid earlier as compensation under Section 11 of the L.A. Act shall be adjusted with the amount awarded by way of enhancement...."

[3]. By filing the instant appeal, the appellant has sought for the following reliefs:

- (a) Admit this appeal.
- (b) Call for the records pertaining to the Case No. Misc. (L.A.) 08 of 2016 from the court of learned L.A. Judge (Court No.3), West Tripura, Agartala.
- (c) Pass an order for preparation of paper book.
- (d) In the interim, to stay the impugned Judgment and award dated 28.05.2019, passed by the Ld. L.A. Judge, (Court No-3), West Tripura, Agartala, in Case No. Misc. (L.A.) 08 of 2016, till disposal of the appeal.
- (e) After hearing the parties to set aside Judgment and award dated 28.05.2019, passed by the learned L.A. Judge (Court No.3), West Tripura, Agartala in Case No. Misc. (L.A.) 08 of 2016.

[4] Heard Mr. BN Majumder, learned senior counsel assisted by Mr. G. Saha, learned counsel representing the appellant. Also heard Mr. SM Chakraborty, learned senior counsel assisted by Mr. UK Majumder, learned counsel appearing for respondent No.1.

[5] Mr. BN Majumder, learned senior counsel appearing for the appellant submits before this Court that the order passed by the L.A. Judge, West Tripura, Agartala in Misc. (L.A.) 08 of 2016 is an unreasoned and erroneous order and needs to be set aside and remanded back since the enhancement from Rs.60,000/- to Rs.7,00,000/- per kani was not justified and no reasons have been given to that effect. More particularly, in similar appeals filed by the appellant corporation, this Court, for ends of justice remitted back the matters to the Court below for fresh adjudication.

[6] The counsel appearing for the respondent No.1 in a similar tune fairly submits that they require reconsideration. Accordingly, the matter stands remanded back for proper adjudication and also for passing a speaking order.

In view of above submissions made by the learned counsel appearing for the parties, the present appeal is disposed of by remanding the matter back to the learned Court below for proper appreciation of the material evidence on record.

As a sequel, miscellaneous application(s), pending, if any, shall also stand closed.

JUDGE



Sabyasachi G.

**SABYASACHI
GHOSH**

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