

**HIGH COURT OF TRIPURA
AGARTALA
LA APP NO.17 OF 2023**

The General Manager (Project),
National Highway Infrastructural Development Corporation Ltd.

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

Vs.

Smt. Sikha Roy and anr.

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

For the Appellant(s) : Mr. R. Datta, Advocate.

For the Respondent(s) : Mr. P.S. Roy, Advocate.
Mr. R. Paul, Advocate.

Date of hearing and delivery of
Judgment & Order : 09.10.2023.

Whether fit for reporting : NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present appeal has been filed under Section 54 of the Land Acquisition Act, challenging the legality, propriety, and validity of the Judgment & Award dated 28.03.2022 passed by the learned Land Acquisition Judge, West Tripura, Agartala in Misc. L.A.335 of 2016

2. The brief fact of this case is that at the instance of the claimant-respondent, the Land Acquisition Collector, West Tripura, Agartala has referred the case of award of compensation to the learned Court of L.A. Judge, West Tripura, Agartala, vide Case No. Misc.L.A.335 of 2016 in connection with the land in question described in District-West Tripura, Sub- Division- Sadar, Mouja-

Dukli, sheet No.2/p, Khatian No. 2489/1, 2 under plot No.5536, 5515/p, 5514/p, 5630 and 5631, Class- viti(nal), pukurpar(nal) and pond(nal) and area-0-27 acre.

3. The said land was acquired for the purpose of construction of by-pass road from Khayerpur to Amtali at Mouja and T.K.- Dukli, Sub-Division erstwhile Bishalgarh, presently Sadar, under West Tripura District vide Notification No.F9(7)-REV/ACQ/XIV/04 dated 12.02.2004 allowing a compensation @ Rs.5,62,500/- and Rs.5,00,000/- per acre i.e. @ Rs.2,25,000/- and Rs.2,00,000/- per kani respectively i.e., total amount of Rs.1,96,118/- along with solatium and admissible interest etc.

4. The appellant herein contested the claim by filing a joint written statement before the learned Court of L.A. Judge *stating inter alia* that the claimant-respondent has been paid appropriate compensation as per the market value of the land and also considering the relevant documents along with the mandatory provisions of L.A. Act.

5. After hearing both parties, the learned L.A. Judge enhanced the rate of compensation @ Rs.8,00,000/- per kani for viti(nal) class of land and @ Rs.7,00,000/- per kani for both pukurpar(nal) and poud(nal) class of land along with statutory benefits.

6. Being aggrieved and dissatisfied by the impugned Award dated 28.03.2022, passed by the learned L.A. Judge, West Tripura, Agartala, the appellant has preferred this present appeal for setting aside/quash and modify the impugned award dated

28.03.2022 and to pass an appropriate order, for the fair ends of justice. Further, the appellant prayed for stay of the operation of the impugned Award dated 28.03.2022 passed by the L.A. Judge.

7. Heard Mr. R. Datta, learned counsel appearing for the appellant as well as Mr. R. Paul, learned counsel appearing for the claimant-respondent, and Mr. P.S. Roy, learned counsel appearing for the respondent-L.A. Collector.

8. Mr. R. Datta, learned counsel appearing for the appellant submits that in the present case, the land in question which was acquired by the appellant from the respondent-claimant is non-commercial areas and cannot be compensated with such higher rates. The fact of the present case is squarely covered by the Judgment and Order passed by this Court in LA App No.30 of 2022 dated 10.05.2023.

9. On the query of this Court, Mr. R. Paul, learned counsel appearing for the claimant respondent also submits that the matter is covered by the Judgment and Order dated 10.05.2023 passed by this Court in L.A. App No.30 of 2022.

10. Heard and perused the evidence on record.

11. It is represented by both sides, that the subject matter involved in this appeal has already been decided by this Court in L.A. App No.30 of 2022 and other matters by reducing the amount of compensation of Rs.8,00,000/- per kani granted by the L.A. Court to Rs.3,00,000/- per kani.

Accordingly, in view of the above fact, this present appeal filed by the appellant-The General Manager (Project) National Highway Infrastructural Development Corporation Ltd., is allowed to the extent indicated above in terms of the Judgment and Order dated 10.05.2023 passed in L.A. App No.30 of 2022.

12. Registry is directed to enclose the copy of the Judgment and Order dated 10.05.2023 passed in L.A App No.30 of 2022 along with this instant appeal.

13. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE



suhanjit

RAJKUMAR
SUHANJIT
SINGHA

Digitally signed by
RAJKUMAR
SUHANJIT SINGHA
Date: 2023.10.12
16:14:20 +05'30'