

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 14 of 2023

The General Manager Project

---Appellant(s)

Versus

Smt Archana Majumder & 7 Ors.

---Respondent(s)

For Appellant(s)	: Mr. Ratan Datta, Advocate.
For Respondent(s)	: Mr. S. M. Chakraborty, Sr. Advocate. Mr. U.K. Majumder, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

04.10.2023.

This is an appeal under Section 54 of the Land Acquisition Act, challenging the legality, propriety and validity of the Judgment & Award dated 08-04-2022 passed by the learned LA. Judge, West Tripura, Agartala, Court No-4 in the Case No.Misc.L.A 40 of 2017.

[2] It is the case of the respondent-claimant, total land measuring 0.26 acres comprised in Khatian No.1956 appertaining to plot Nos. 6635, 6632, 6627 classified as Bagan Tilla and Bastu Tilla situated at Mouja Uttarchampamura, Sheet No. 3/P under Sadar Sub-Division, West Tripura District was acquired by the L.A. Collector, West Tripura, Agartala and the value of the land has been assessed @ Rs. 62,500/- per acre along with 30% solatium and interest @ 12% per annum w.e.f. 16.5.2002 to 15.11.2002 and thereby calculated the amount of compensation to the tune of Rs.22,100/- (Rupees twenty two thousand one hundred) only. The respondent-claimant claimed the value of land @ Rs.40,00,000/- per kani. The claimants further stated

that the acquired lands are developed and located nearer to the Chaturdas Devata Temple, Growth Centre, TSR Camp, Bodhjunnagar P.S., Cattle Farm, PHC, NEEPCO, Old Agartala H.S. School, Old Agartala Bazar, Khayerpur Bazar, Old Agartala BDO Office, Panchayet Office, Post Office, Fire Service Station etc. The lands are well communicated by PWD Road and AMC Road under Municipal Area. The claimant further stated that the land acquired under the instant proceeding is well equipped with all modern facilities and the land has/had very much potential for commercial as well as residential use and the value of the land is increasing day by day and that the then market value of the acquired land was not considered by the L.A. Collector.

[3] The O.P. No. 1 the NHIDCL, Agartala, West Tripura has filed counter statement stating inter alia, that the land acquired by this notification is Tilla class of land which had no potential value as claimed by the claimant for enhancement of compensation. It is also added that there were no amenities of modern facilities like electricity, water supply, telephone, post office, market, school, hospital, govt. office etc. So, the assessment made by the O.P. No.2 the L.A. Collector, West Tripura, Agartala was reasonable which was done considering the market value of the land at the relevant period of time. Hence, the claim of the claimants for enhancement of the amount of compensation is not tenable in the eye of law and the same is liable to be rejected.

[4] The O.P. No.2 the L.A. Collector through counter statement has stated that the claim statement filed by the claimant side is not maintainable and that the land was acquired after due compliance with

necessary statutory formalities. That the L.A. Collector after due consideration of mandatory provisions of the L.A. Act determined the compensation at the highest side of the prevailing market price. It is also contended that the acquired land was Tilla class of land situated far from the road having no potential value and there were no amenities of modern facilities like electricity. The L.A. Collector, therefore, prays for making the award made by them final and absolute.

[5] On 27.8.2019 the learned court below in consideration of the pleadings of the parties framed the following issues:

(1) Whether the market value fixed by the L.A. Collector is inadequate and improper.

(2) Whether there exist any ground for enhancement of compensation or the claimant is entitled for enhanced compensation, if so, what should be quantum.

(3) Reliefs.

[6] The learned court below after examining the pleadings and documents so placed before him, has observed in the following manner:

The referring claimants of this case are entitled to get Rs.8,00,000/- (Rupees eight lakhs) only per kani for the acquired land. They will also get 30% solatium and 12% interest on enhanced amount of compensation computing from the date of notification u/s 4 of the L.A. Act up to the date of award by L.A. Collector or the date of taking possession of acquired land whichever is earlier as per Section 23(2) and Section 23(1-A) of the said Act respectively. The referring claimants will further get interest @ 9% per annum from the date of taking over possession for one year and thereafter @ 15% per annum after expiry of said one year till payment upon the said excess amount of compensation as per Section 28 of the L.A. Act. The interest will also be counted on additional amount as awarded u/s 23(1-A) above and upon the solatium awarded u/s 23(2) of the L.A. Act.

[7] Aggrieved by such award, the appellant herein has filed this present appeal to set aside and quash the said judgment aware dated 08-04-2022.

[8] Heard learned counsel for the parties.

[9] Mr. Ratan Datta, learned counsel appearing for the appellant vehemently contended that the order passed by the court below is erroneous and it was passed on the strength of Exhibit of 1. He further contended that the order passed by the court below does not give any detail regarding enhancing the amount of compensation from Rs.25,000/- per kani to Rs.8,00,000/- per kani. He further prays that the matter be remanded back to the court below since the judgment and award dated 08.04.2022 has been passed arbitrarily without any justification by which the appellant is deprived by the impugned award.

[10] Mr. S. M. Chakraborty, learned senior counsel assisted by Mr. U. K. Majumder, learned counsel for the respondent-claimant submitted before this court that subject property involved in this matter pertain to khatian no.729 covering plot Nos.7326/p and 7321/p under the notification No.F.9(44)-REV/ACQ/VI/2002 dated 22.03.2002 which has already been decided by this court in LA.App 44 of 2023. It is also contended by the counsel for the claimant-respondent that the claimant claimed compensation for Rs.3,00,000/- (Rupees three lacs) only, but the claimant is entitled for more and fair compensation. Accordingly, the LA Judge by the impugned order in challenge has enhanced the amount of compensation and awarded Rs. Rs.8,00,000/- (Rupees eight lakhs) only per kani for the acquired land which appears to be just and proper and it does not need any reconsideration by this court. He also contended that the present matter may not be remanded back and the appeal filed by the appellant needs to be dismissed. He further placed on record an order dated 30.05.2023

passed by this court in LA.App No.44 of 2023 filed by the General Manager Project wherein this court has considered the contentions of the respondent and dismissed the appeal by confirming the judgment and award dated 08.06.2022 passed by the L.A. Judge in Misc(LA) 47 of 2017. Counsel for the claimant-respondent further contended that the matter so decided in LA.App 44 of 2023 is identical to the present case in hand wherein the plots were also under the same Khatian No.729 and the amount of compensation so awarded was Rs.8 lakhs per kani.

[11] On perusal of the judgment and award dated 30.05.2023 passed by this court in LA.App No.44 of 2023, this court feels that the present appeal is squarely covered by the same and requires no reconsideration. Hence, the appeal filed by the appellant stands dismissed confirming the judgment & award dated 08-04-2022 passed by the learned LA. Judge, West Tripura, Agartala, Court No-4 in the Case No.Misc.L.A 40 of 2017.

[12] In view of the above, the instant appeal stands dismissed. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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