

**HIGH COURT OF TRIPURA
AGARTALA**

LA App. 32 of 2023

The Executive Officer, Tripura Housing and Construction Board

..... Appellant(s)

Versus

Surajit Roy and another

..... Respondent(s)

For Appellant(s) : Mr. Suman Bhattacharjee, Advocate.

For Respondent(s) : Ms. S. Chakraborty, Advocate.
Mr. Dipak Deb, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

29.08.2023

This is an appeal filed under Section 54 of the Land Acquisition Act, 1894 against the judgment and award dated 18.03.2020 passed in Misc. (LA) 38 of 2015 by the learned L.A. Judge, West Tripura, Agartala.

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

The OP respondent No.2 (L.A. Collector, West Tripura) acquired a land under West Tripura District, Sub-Division- Sadar, Mouja Anandanagar Sheet No. 1/p appertaining to Khatian No.2201, comprising of C.S. Plot Nos. 295/p classified as Tilla measuring 0.56 acres owned by the claimant respondent No.1 (hereinafter referred as respondent No.1) vide Notification No.9(9)-REV/ACQ/XIV/07 for the appellant for construction of housing flats at Sreenagar. The respondent No.2 assessed the value of the Tilla class of land @ Rs.20,50,000/- per acre. The area of Tilla class of land is 0.56 acres and the respondent No.2 assessed the compensation to Rs.16,36,336/- for the acquired land.

The respondent No.1 filed an application to the respondent No.2 for referring his case before the learned L.A. Judge, West Tripura, Agartala for determining of the proper compensation and accordingly, the respondent No.2 referred the case of the respondent No.1 before the Court of the learned L.A. Judge, West Tripura, Agartala, Court No.1 which was numbered as Misc.(LA) 38 of 2015 and transferred in the Court of the learned L.A. Judge, West Tripura, Agartala, Court No.3 for adjudication.

As per order of the learned L.A. Judge, the respondent No.1 filed his claim statement and the respondent No.2 and appellant filed their counter statement of fact. Respondents No.1 & 2 and the appellant herein adduced their respective witnesses and documents which were also exhibited.

Learned LA Judge, after observing the facts, has ordered as under:

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 Surajit Roy is entitled to get compensation for the acquired land at the rate of Rs.20,00,000/- per kani (Rupees Twenty lacs only) 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.

Being aggrieved and dissatisfied with the judgment and award passed by the learned L.A. Judge, the appellant preferred this appeal before this Court.

[3] The appellant has approached this Court for the following reliefs:

“(i) Admit the appeal;

(ii) Call for the record from the learned Court below;

(iii) After hearing the appeal be pleased to pass an order setting aside the award passed by the learned L.A. Judge, West Tripura, Agartala passed in Misc. (LA) 38 of 2015 on 18.03.2020

(iv) Pass any other order or orders as this Hon'ble Court deems fit and proper considering the above mentioned facts and circumstances;"

[4] Heard Mr. Suman Bhattacharjee, learned counsel appearing for the appellant as well as Ms. S. Chakraborty, learned counsel representing respondent- L.A. Collector. Also heard Mr. Dipak Deb, learned counsel representing the claimant-respondent.

[5] It is represented by the both sides that the subject-matter involved in this appeal arises out of a notification vide No. F.9(9)-REV/ACQ/XIV/07 dated 12.09.2007. This Court on 07.02.2023 has remitted back several appeals filed by the appellant herein with similarly situated matters (L.A APP No.07 of 2021, L.A. APP No.14 of 2020 and L.A. APP No.15 of 2020) to the Court of the learned L.A. Judge for fresh adjudication of the matters.

In view of the above, this Court is of the opinion that ends of justice would be met if the present appeal is also remitted back to the Court below for proper adjudication of the matter within a period of 9 (nine) months from the date of receipt of the copy of this order. The parties concerned are directed to cooperate with the Court below for the disposal of the matter within the aforesaid period. Registry is to enclose the copy of the common order dated 07.02.2023 passed in L.A APP No.07 of 2021, L.A. APP No.14 of 2020 and L.A. APP No.15 of 2020 along with this order.

With the above directions, the appeal is remitted back and accordingly disposed of.

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

JUDGE

Sabyasachi G.

**SABYASACHI
I GHOSH** Digitally signed by
SABYASACHI GHOSH
Date: 2023.09.01
16:47:31 +05'30'