

**HIGH COURT OF TRIPURA
AGARTALA**

Review Pet. No.14/2023

Smti. Rakhi Debbarma

----Petitioner(s)

Versus

The Deputy Chief Engineer (Con) and another

-----Respondent(s)

For Petitioner(s) : Mr. Saugat Datta, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

28/03/2023

Heard Mr. Saugat Datta, learned counsel appearing for the review petitioner.

2. This review petition is filed by the review petitioner under Section 114 read with Order XLVII Rule 1 read with Section 151 of the Code of Civil Procedure along with Tripura High Court Rules seeking review of the judgment and order dated 07.02.2023 passed by this Court in L.A. APP. No.35 of 2021 with regard to modification of the interest on the enhanced amount of compensation with all statutory dues @ 9% per annum from the date of possession till one year and @ 15% per annum from the date of expiry of one year till the date of payment of enhanced amount.

3. The background facts of the case, in brief, are that the review petitioner was the owner of a land measuring 3 acres with 600 nos. of matured rubber trees thereon. The L.A. Collector, Sepahijala District acquired the said land for the purpose of extension of Rail line and awarded Rs.20,000/- per kani for the acquired land and Rs.140/- for each of the rubber trees. Being dissatisfied, petitioner filed petition before the learned L.A. Judge, Sonamura for enhancement of compensation whereby the learned Judge vide judgment and award dated 07.04.2018 enhanced the compensation @ Rs.50,000/- per kani for the acquired land and @ Rs.200/- per rubber tree along with interest @ 9% per annum from the date of possession till one year and @ 15% per annum from the date of expiry of one year till payment. Petitioner again preferred an appeal being L.A. APP. No.35 of 2021 before this Court for enhancement of the rate of rubber trees from Rs.200/- to Rs.4,200/-, however, this Court vide judgment and order dated 07.02.2023 enhanced the rate of rubber trees from Rs.200/- to Rs.3,200/- along with interest on the enhanced amount from the date of filing of the appeal. But as per L.A. Act, the petitioner is entitled to get interest from the date of possession of the acquired land. Aggrieved thereby, the petitioner has preferred this review petition. Hence, this case.

4. Mr. Saugat Datta, learned counsel for the review petitioner, contends that vide judgment and order dated 07.02.2023 passed in L.A. APP. No.35 of 2021 the petitioner was awarded compensation @ Rs.3,200/- per rubber tree and the interest on the enhanced amount was ordered to be computed from the date of filing of the appeal. Learned counsel also contends that as per Section 28 of the L.A. Act, 1894 the interest on the enhanced amount of compensation with all statutory dues shall be @ 9% per annum from the date of possession of the acquired land till one year and @ 15% per annum from the date of expiry of one year till the date of payment of enhanced amount. Accordingly, he prays for review of the impugned judgment and order dated 07.02.2023 by modifying the interest on the enhanced amount from the date of possession of the acquired land as per the L.A. Act mentioned hereinabove.

5. Having heard the submission of the learned counsel for the review petitioner, this Court is of the considered view that as per Section 28 of the L.A. Act the review petitioner is entitled to get interest on the enhanced amount of compensation with all statutory dues @ 9% per annum from the date of taking possession of the acquired land till one year and @ 15% per annum from the date of expiry of one year till the date of payment of enhanced amount. Accordingly, it is ordered.

6. In terms of above, the review petition is allowed and accordingly disposed of.

Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

Pulak

HIGH COURT OF TRIPURA



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