

**HIGH COURT OF TRIPURA
AGARTALA
L.A.APP.No.09 of 2022**

Shri Radheshyam Saha,
son of late Nanigopal Saha,
resident of Kamarpukur Par,
P.S. East Agartala, Sub-Division-Sadar,
District-West Tripura

.....Appellant(s)

Versus

1. The State of Tripura,
represented by the Secretary
to the Government of Tripura,
Department of Tripura Industrial
Development Corporation, New Secretariat
Complex, Agartala, P.O. Kunjaban, P.S. N.C.C.,
District-West Tripura, Pin-799006

2. The Managing Director,
TIDC Ltd. Industrial Building 3rd Floor,
Pandit Nehru Complex, Kunjaban,
Agartala, West Tripura, Pin-799006

3. The Land Acquisition Collector,
West Tripura, P.O. Agartala, P.S. West Agartala,
District-West Tripura

.....Respondent(s)

For Appellant(s)	:	Mr. N. Chowdhury, Adv.
For Respondent(s)	:	Mr. B.N. Majumder, Sr. Adv. Mr. T. Chakraborty, Adv.
Date of Hearing & Judgment and Order :		26.04.2023
Whether fit for reporting	:	NO

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order(Oral)

Heard Mr. N. Chowdhury, learned counsel appearing for the
appellant as well as Mr. B.N. Majumder, learned senior counsel appearing for the
respondents.

2. This is an appeal under Section 54 of the Land Acquisition Act, 1894 preferred by the referring claimant against the judgment and award dated 07.10.2020 in connection with Case No.Civil Misc.(L.A.)No.38 of 2016 passed by the learned Land Acquisition Judge, West Tripura, Agartala, Court No.1.

3. The Government of Tripura in the Revenue Department vide Notification No.F.09(11)-REV/ACQ/VI/2009 dated 29.01.2010 under Section 4 of the L.A. Act, 1894 on the request of Managing Director, TIDC Ltd. acquired land of the of the appellant for the purpose of establishment of Industrial Growth Centre at Budhjunnagar under mouja-R.K. Nagar, sheet No.1/p, appertaining to khatian No.299, comprised in R.S. Plot No.179 and 180, under Sadar Sub-Division, presently Jirania Sub-Division, West Tripura, land measuring 1.54 acres of viti(tilla) and lunga class of land.

4. The L.A. Collector, West Tripura made an award of compensation of Rs.60,000/- per kani for both viti(tilla) and lunga class of land. The claimant appellant being dissatisfied with the award of L.A. Collector, West Tripura prayed for reference under Section 18 of the L.A. Act, 1894 and the claimant in his claim statement claimed value of the land @ Rs.1,00,00,000(Rupees one crore) per kani. Accordingly, the matter was referred to the L.A. Judge, West Tripura, Agartala which was registered as Case No.Misc.(L.A.)38 of 2016.

5. The L.A. Judge, West Tripura, Agartala, Court No.1 after holding inquiry passed the judgment and award dated 07.10.2020 wherein the claimant appellant is entitled to get compensation @ Rs.2,00,000/- per kani only for the acquired land and along with other statutory benefits and interest. The said L.A.

Judge has enhanced the award the award most arbitrarily without any justification in law and without proper application of mind.

6. Mr. N. Chowdhury, learned counsel appearing for the appellant has submitted that the L.A. Judge, West Tripura, Agartala ought to have considered that within the same notification, same Mouja and Tehsil adjacent plot of lunga class of land in Misc.(L.A.)No.21 of 2016 **Sri Dhananjoy Das versus The Managing Director, TIDC and Another**, the learned L.A. Judge awarded the compensation @ Rs.7,00,000/- per kani. Though the appellant has submitted the copy of the said judgment before the L.A. Judge, but the said L.A. Judge without making any kind of consideration opined that the same was not proved into evidence.

7. Mr. Chowdhury, learned counsel has further argued that the said L.A. Judge, have not considered the importance and potentialities of the acquired land and surrounding land of the claimant appellant which is situated within the Industrial area abutting to pitch road connected with National Highway and completely within the commercial zone and used the acquired land as business premises for setting up of the any kind of industry.

8. Moreover, Mr. Chowdhury, learned counsel has submitted that the learned L.A. Judge ought to have considered that the referring claimant submitted the judgment in Misc.(L.A.)21 of 2016 as covered case as the said land is near by the acquired land under same mouja and tehsil and same notification and the other cases wherein the L.A Judge has enhanced the award @ Rs.7,50,000/- per kani for lunga class of land out of same mouja and adjacent land.

9. Mr. B.N. Majumder, learned senior counsel appearing for the respondents has pointed out that it is not a case for enhancement and since the order which is relied by the L.A. Court wherein Rs.7,00,000/- per kani has been fixed is altogether different in terms of factual aspect and also the location of the property.

10. Having heard both sides this court has pointed out that the counsel appearing for the appellant during the course of his argument has placed reliance on the in Misc.(L.A.)No.21 of 2016 **Sri Dhananjoy Das versus The Managing Director, TIDC and Another**, the learned L.A. Judge where the said L.A. Judge awarded the compensation @ Rs.7,00,000/- per kani. But when there is a specific question raised by this court with regard to the distance between the subject property and the plots where the enhancement has taken place, no such evidence is placed before this Court by the appellant either by way of any pleadings nor by way of any exhibits. However, having consideration towards the poor client whose land has been acquired, this Court feels that he should not suffer any injustice in terms of getting an appropriate compensation. Hence, once again this Court feels that proper examination has to be done while fixing the compensation.

Hence, this Court without expressing any opinion on merits with regard to any enhancement of compensation remands the matter back to the Court below for reconsideration for the reasons indicated above.

In terms of the above, the appeal stands disposed of.

JUDGE