

**HIGH COURT OF TRIPURA
AGARTALA**

**CO(FA)No.04 of 2023
in connection with
L.A.APP.No.11 of 2023**

in CO(FA)No.04 of 2023

- 1. Smt. Ishiri Debbarma,**
wife of late Upendra Chandra Debbarma
- 2. Sri Bikash Debbarma,**
son of late Upendra Chandra Debbarma
- 3. Sri Amrit Debbarma,**
son of late Upendra Chandra Debbarma
- 4. Smt. Reshma Debbarma,**
wife of late Upendra Chandra Debbarma

(all are residents of Bhagaban Choudhury Para,
P.O. Bodhjongnagar, P.S. Lefunga, Kamalghat,
West Tripura)(Referring claimant No.1 is
represented for self and on behalf of other as lawful attorney)

.....Cross Objector-Appellant(s)

Versus

- 1. The Managing Director,**
Tripura Industrial Development Corporation Limited,
Industry Building, 3rd Floor, Gurkhabasti
Tripura Industrial Development Corporation Limited,
Pandi Nehru Complex, P.S. New Capital Complex, West Tripura

.....Respondent(s)

- 2. The Land Acquisition Collector,**
West Tripura, Agartala,

.....Proforma-Respondent(s)

For Cross-Objector(s)	:	Mr. U.K. Majumder, Adv.
For Respondent(s)	:	Mr. B.N. Majumder, Sr. Adv.
		Mr. T. Chakraborty, Adv.

in L.A.APP.No.11 of 2023

The Managing Director, TIDC,
Industry Building, 3rd Floor,
Gurkhabasti, Police Station,
New Capital Complex, West Tripura

.....Appellant(s)

Versus

1. Smt. Ishiri Debbarma,

wife of late Upendra Chandra Debbarma

2. Sri Bikash Debbarma,

son of late Upendra Chandra Debbarma

3. Sri Amrit Debbarma,

son of late Upendra Chandra Debbarma

4. Smt. Reshma Debbarma,

wife of late Upendra Chandra Debbarma

(all are residents of Bhagaban Choudhury Para,
P.O. Bodhjongnagar, P.S. Lefunga, Kamalghat,
West Tripura)(Referring claimant No.1 is
represented for self and on behalf of other as lawful attorney)

.....Respondent(s)

5. The L.A. Collector,

West Tripura District, Agartala

.....Proforma-Respondent(s)

For Appellant(s)	:	Mr. B.N. Majumder, Sr. Adv. Mr. T. Chakraborty, Adv.
For Respondent(s)	:	Mr. U.K. Majumder, 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. U.K. Majumder, learned counsel appearing for the cross-objector appellant in CO(FA)04 of 2023 arising from L.A.APP.No.11 of 2023 and for the respondents in L.A.APP.No.11 of 2023 as well as Mr. B.N. Majumder, learned senior counsel appearing for the respondent in CO(FA)04 of 2023 arising from L.A.APP.No.11 of 2023 and for the appellant in L.A.APP.No.11 of 2023.

2. The Government of Tripura acquired certain lands under notification No.F.09(11)REV/ACQ/VI/09 dated 08.06.2010 for construction of Tripura Industrial Development Corporation Limited, Pandit Nehru Complex. The

compensation of the acquired land (0.77 acres) was assessed by the L.A. Collector @ Rs.1,50,000/- per acre and also assessed additional compensation @ 30% solatium and interest @ 12% per annum w.e.f. 29.01.2010 to 30.12.2011 and by this way Rs.1,76,540 only in total was awarded in favour of the referring claimants. The reference case was registered as Case No.MISC.(L.A.)07 of 2016 and was tried by the L.A. Judge, Court No.3, West Tripura, Agartala.

3. After the trial, the learned Reference Judge passed the judgment and award dated 28.05.2019 whereby the compensation was enhanced to the rate of Rs.7,00,000/- per kani only for the acquired land. The claimants will also get 30% solatium, and 12% further enhanced amount of compensation upon the said enhanced land value. The amount so paid earlier, if any, as compensation under the L.A. Act shall be adjusted with the amount awarded by way of enhancement.

4. Mr. U.K. Majumder, learned counsel has urged before this court through his cross objection to modify the judgment and award dated 28.05.2019 passed by the learned L.A. Judge and to enhance the amount of compensation by an appropriate award holding that the cross-objector is entitled to get compensation @ Rs.8,00,000/- only per kani for the acquired land in question instead of Rs.7,00,000/- per kani and also holding that the cross-objector is entitled to get other benefits.

5. Mr. B.N. Majumder, learned senior counsel appearing for the appellant in L.A.APP.No.11 of 2023 has submitted that the land below did not consider the fact that the acquired land is Lunga class of land. It was an abandoned place and as such, the OP No.1 had selected this land for the

purpose of construction of Industrial Growth Center. Moreover, learned senior counsel has submitted that the court below did not consider the documents proved by the appellants for comparison with the acquired land only because no settlement map is proved to show the exact location of the plots of land from the acquired land. According to learned senior counsel the court below has whimsically decided to enhance the amount of compensation without any reason and therefore, the same should be interfered with.

6. Having heard the counsel for the parties and having gone through the order passed by the Court below in Case No.MISC.(L.A.)07 of 2016 dated 28.05.2019m this Court is of the considered opinion that the Court below has not indicated on what basis Rs.60,000/- is enhanced to Rs.7,00,000/- per kani except indicating that the trend of land rate in Tripura have been exorbitantly increased. Hence, the same enhancement. According to this Court, this kind of analogy cannot be appreciated while fixing the compensation in respect of land, unless, there is any specific reasons indicated.

7. Hence, the appeal being L.A.APP.No.11 of 2023 is allowed and the cross-objection being CO(FA)No.04 of 2023 is dismissed. The matter is remanded back to the court below for passing a reasoned order as expeditiously as possible.

JUDGE