

**HIGH COURT OF TRIPURA
AGARTALA
LA APP NO.24 OF 2022**

Sri Anal Deb.

..... **Appellant(s)**

Vs.

**The Manager Director, Tripura Industrial Development
Corporation Limited Agartala and anr.**

..... **Respondent(s)**

For the Appellant(s) : Mr. S. Das, Advocate.

For the Respondent(s) : Mr. B.N. Majumder, Sr. Advocate.
Mr. S. Nag, Advocate.

Date of hearing and delivery of
Judgment & Order : 11.05.2023.

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894 read with Order XLI of the Code of Civil Procedure Code, 1908 for enhancement of the award passed by the learned L.A. Judge, Court No.1, West Tripura, Agartala in Misc. L.A. No.34 of 2016 on 17.02.2021, whereby the learned L.A. Judge allowed only Rs.4,00,000/- per kani to the appellant.

2. The fact of the case is brief is that the respondents herein vide notification No.F.09(II)-REV/ACQ/VI/09 dated

08.06.2010 acquired a plot of land measuring 0.10 acres classified as '*lunga*' class of land under Mouja- R.K. Nagar, Sheet No.-1/P, vide khatian No.-3248, Plot No.-259/9868. The said plot of land was owned by the appellant-claimant herein within the District of West Tripura.

3. The L.A. Collector assessed the value of the land @ Rs.60,000/- per kani and granted total compensation of Rs.22,928/- inclusive of all statutory benefits in favour of the referring claimants.

4. The claimant-appellant received the amount of compensation under protest alleging that the compensation awarded by the L.A. Collector towards the price of the acquired land was inadequate to that of the prevailing market price of the land in that area. The claimant-appellant being aggrieved and dissatisfied with the award filed an application for reference of the case under Section 18 of the L.A. Act before the L.A Judge for determination of the compensation of the acquired land as per the prevailing market price. Accordingly, the said matter was referred before the L.A. Judge vide registration No. Misc. (L.A) 34 of 2016.

5. The claimant-appellant herein filed a claim statement claiming compensation of Rs.10,00,000/- per kani. To justify his claim, the appellant produced some documents which

have been exhibited before by the L.A. Judge. The appellant also relied upon Judgment of Misc.(L.A.)178/2014 wherein Rs.8,00,000/- was awarded for the acquisition of 'lunga', 'tilla' & 'viti' class of land by L.A. Judge. The learned L.A. Judge after hearing the parties and scrutinizing the documents allowed the reference and directed that the claimant appellant is entitled to get compensation @ Rs.4,00,000/- per kani along with the statutory benefits.

6. Being aggrieved with the judgment and award dated 17.02.2021, the claimant-appellant preferred this appeal seeking to enhance the award passed by the learned L.A. Judge, Court No.1, West Tripura, Agartala in Misc. L.A. No.34 of 2016 on 17.02.2021.

7. It is seen from the record that learned L.A. Judge in another Misc.(L.A.) No.178 of 2014 awarded Rs.8,00,000/- per kani for the land acquired under the same notification and which belongs to the same class of land. Since the appellant herein is deprived on the ground of equality, the present appeal has been preferred.

8. Mr. S. Das, learned counsel appearing for the appellants submitted that similarly situated land & adjacent land has been acquired under the same notification wherein the value of the land has been given at a higher rate. He further submits

that the L.A. Collector has put '*tilla*' and '*lunga*' class of land in the same category in terms of para-4 of the impugned Judgment dated 17.02.2021. Learned counsel further submits that in terms of sale deed No.1-1219 dated 03.03.2009, learned L.A. Judge in Misc. (LA) 178 of 2014 awarded compensation of Rs.8,00,000/- per kani for the '*lunga*', '*tilla*' and '*vitti*' class of land acquired under the same notification.

9. Mr. B.N. Majumder, learned Sr. counsel assisted by Mr. S. Nag, learned counsel appearing for the respondents rebutted the said submission of learned counsel appearing for the appellant.

10. Heard Mr. S. Das, learned counsel appearing for the appellant as well as Mr. B.N. Majumder, learned Sr. counsel assisted by Mr. S. Nag, learned counsel appearing for the respondents, and perused the evidence on record.

11. On verification of record, it is found that the appellant land herein is also of the same category of that of *bastu (tilla)* class of land as notified and in the light of the sale deeds which are placed before the Court below. This Court is of the considered view that the compensation as awarded to the appellant needs to be enhanced at par with other beneficiaries. Accordingly, the amount of compensation for the acquired land

of the appellant herein is enhanced to Rs.8,00,000/- lakhs per kani along with other statutory benefits.

12. With the above observation and direction, this present appeal is allowed. Stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit

