

**HIGH COURT OF TRIPURA
AGARTALA
LA APP NO.35 OF 2021**

Smt. Rakhi Debbarma,
W/o- Sri Sachindra Debbarma,
Vill- Pathaliaghat, P.S. Bishalramganj,
Dist- Sepahijala, Tripura.

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

Vs.

1. The Deputy Chief Engineer(Con),
North Fortier Railway, Gurkhabasti,
P.O- Kunjaban, P.S. – West Agartala,
Dist- West Tripura, PIN-799 006.

2. The Land Acquisition Collector,
Bisharamganja, Dist- Sepahijala,
Tripura.

..... **O.P.Respondent(s)**

For the Petitioner(s) : Mr. P.K. Pal, Advocate.
Mr. S. Datta, Advocate.

For the Respondent(s) : Mr. A. De, Advocate.

Date of hearing and delivery of
Judgment & Order : 07.02.2023.

Whether fit for reporting : YES/NO.

**HON'BLE THE CHIEF JUSTICE(ACTING)
JUDGMENT AND ORDER(ORAL)**

The case of the claimant-appellant in this instant appeal is that learned L.A. Collector, Sepahijala District Bishramganj had issued a notification under Section 4 of the L.A. Act, 1894 vide No.F.9(4)-REV/ACQ/VII/09 dated

23.06.2009 followed by a declaration under the same number for the acquisition of huge quantum of land including the plot of land of the appellant herein measuring 3.00 acres of Tilla class recorded in Khatian No.2522 Plot No.92/P for the respondent No.1, the N.F. Railway for extension of N.F. Railway track. The L.A. Collector awarded Rs.50,000/- per acre i.e. Rs.20,000/- per kani whereon there were 600(six hundred) numbers of growing '*Rubber Plants*' which were at the latex producing stage. The L.A. Collector awarded compensation against the loss of rubber trees at only Rs.140/- against each of the 600 plants. Due to this, the claimant-appellant has suffered huge financial loss and livelihood.

2. Being aggrieved, the claimant-appellant preferred a proceeding before the learned L.A. Judge, Sonamura, Sepahijala Tripura bearing case No.Misc.(LA)31 of 2015. Vide judgment and award dated 07.04.2018, the learned L.A. Judge enhanced the compensation awarded by the L.A. Collector for the acquired land of the appellant @ Rs.50,000/- per kani for land measuring 3.00 acres of tilla class under Khatian No.2522 Plot No.92/P and also awarded Rs. 1.20.000/- as the compensation for the destruction of rubber plants enhancing from Rs.140/- to Rs.200/- for 600 numbers of rubber plants and other consequential benefits.

3. Aggrieved thereby, this instant appeal is filed by the claimant-appellant under Section 54, Sub-Section(2) of the Land Acquisition Act, 1894 read with Section 96 of the Code of Civil Procedure, 1908 for partial modification of the Judgment & Award dated 07.04.2018 passed by the learned L.A. Judge, Sonamura, West Tripura Judicial District, Sepahijala, Tripura in Misc.(L.A.)31 of 2015.

4. Heard Mr. P.K. Pal, learned counsel appearing for the appellant as well as Mr. A. De, learned counsel appearing for the respondent No.1.

5. Mr. P.K. Pal, learned counsel appearing for the appellant submits that learned L.A Judge failed to assess the value against the loss of rubber plantations. The rubber plants were under strict vigil for nourishment and would have grown up to produce a substantial amount of Latex. The claimant-appellant invested substantial funds in rearing those 600 rubber plants. Those plants would have given expected earnings to maintain the livelihood of the family. To substantiate his argument, learned counsel produced a similarly situated award dated 09.07.2019, wherein, learned L.A. Judge, Sonamura in a case bearing *No.Misc.(LA)59 of 2014* titled as *Sri Jotilal Debbarma vs The Deputy Chief Engineer(Con) and anr.*, enhanced the compensation against

loss and damage of 116 number of rubber trees @ Rs.3,200/- per tree over the award of Rs.163/- per tree awarded by the L.A. Collector.

6. On the other side, Mr. A. De, learned counsel appearing for respondent No.1, submits that the rubber trees were 6(six) years old instead of 10(ten) years old as in the case of the above-cited award. So, in terms of the award, as noted in *Jotilal(supra)*, the compensation against the loss and damage of rubber trees may be enhanced to Rs.3000/- per tree.

7. Heard both sides.

8. In terms of the arguments as advanced by both sides and after perusing the evidence on record, this Court only enhances the award in respect of the rubber trees. The amount of compensation is enhanced from Rs.200/- per tree to Rs.3,200/- per tree. Other awards as passed by the learned L.A. Judge shall remain undisturbed. Accordingly, the appeal is partly allowed to the extent indicated herein. The difference amount along with interest which has already been decided by the Court below shall be paid within a period of 3(three) months from the date of the receipt of the copy of this order. For the enhanced amount, the interest shall be computed from the date of filing of the present appeal before this Court.

9. With the above observation and direction, this instant appeal is partly allowed. Consequently, pending application(s), if any also stand closed.

CHIEF JUSTICE (ACTING)

suhanjit

