

**HIGH COURT OF TRIPURA
AGARTALA
L.A.APP.No.27 of 2022**

The Deputy Chief Engineer (Construction),
N.F. Railway, Badharghat Railway Complex,
P.O. Siddhi Ashram, P.S. Amtali, Agartala, Tripura West

.....Appellant(s)

Versus

1. Sri Debabrata Debnath,
son of late Bhajahari Debnath,
resident of Village-South Charilam,
P.O. Charilam, P.S. Bishramganj,
District-Sepahijala, Tripura

2. The Land Acquisition Collector,
West Tripura, Agartala

.....Respondent(s)

For Appellant(s)	:	Mr. A. De, Adv.
For Respondent(s)	:	Mr. S. Bhattacharya, Adv.
Date of Hearing &		
Judgment & Order	:	03.05.2023

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order(Oral)

Heard Mr. A. De, learned counsel appearing for the appellant as well as Mr. S. Bhattacharya, learned counsel appearing for the respondents.

2. This is an appeal under Section 54 of the Land Acquisition Act, 1894 against the judgment and award dated 22.01.2020 in connection with Misc.(L.A.)No.245 of 2014 passed by the Land Acquisition Judge, Sepahijala District, Bishalgarh wherein the learned Judge awarded an amount of Rs.12,02,688/- per kani along with other statutory benefits as per law which

is not proper and against the spirit of law as the land fallen under Plot No.3608/P of Mouja-South Charilam Sheet No.2/P Khatian No.660 land measuring 0.26 acres, classified as Tilla.

3. The fact in brief of the case is that the Government of Tripura has acquired land in question belonging to the respondents. By a notification dated 08.09.2009 under Section 4 followed by a declaration under Section 6, the land was acquired for the purpose of construction of New Railway line from Agartala to Sabroom. The L.A. Collector, West Tripura, Agartala awarded an amount of Rs.45,000/- only per kani for the acquired land including all statutory benefits. Whereas the learned L.A. Judge awarded amounting to Rs.12,02,688/- per kani along with all statutory benefits as per law.

4. Being aggrieved by and dissatisfied with the award, the claimant filed an objection and prayed for referring the case to the learned L.A. Judge for proper determination of compensation. The learned L.A. Collector subsequently referred the case to the learned L.A. Judge accordingly. The learned L.A. Judge served a notice upon both the parties and respective parties appeared before the learned L.A. Judge by submitting the claim statement and counter claim statement. After hearing both the parties on the basis of documents and statement of facts, the learned L.A. Judge awarded an amount of Rs.12,02,688/- only per kani along with other statutory benefits.

5. Mr. A. De, learned counsel appearing for the appellant has submitted that the learned L.A. Judge has committed manifest error in law in determining the market value of the acquired land as the learned L.A. Judge failed to apply the correct principle of law in the matter of determination of the market value of the acquired land and as such, the judgment and award passed by the learned L.A. Judge is liable to be set aside and quashed. Moreover, learned counsel has submitted that the acquired land in question is situated far away from the road and abandoned class of land and most of the year the lands adjacent thereon are covered full of water but the learned Court below without considering anything passed whimsical judgment without any basis and as such, the judgment passed by the learned L.A. Judge is liable to be set aside.

6. According to the learned counsel appearing for the appellant, the claimant petitioner on the time of adducing evidence some exemplar deed has been submitted for showing the present market value of the land. But the deed submitted by the claimant petitioner is far away from the acquired land. Moreover, the deeds submitted by the claimant petitioner is on the road side and no way connected with the acquired land. Son consideration of the said deed is no basis and stand in eye of the land for determination of quantum of compensation. The deed submitted by the claimant petitioner is of small quantity, so the land should not be taken into consideration for determination of quantum of compensation. Moreover, the

Court below did not mention any reason in enhancing the award from Rs.45,000/- to Rs.12,02,688/- per kani.

7. Having heard both sides and having gone through the records this court thinks it fit to uphold the judgment and award passed by the court below being Misc.(L.A.)245 of 2014 dated 22.01.2020.

Accordingly, the present appeal stands dismissed.

JUDGE

