HIGH COURT OF TRIPURA
AGARTALA

LA.App 96 of 2023

The General Manager Project

---Appellant(s)

Versus

Sri Ganesh kar & 4 Ors.

---Respondent(s)

For Appellant(s)	: Mr. Samrat Ghosh, Advocate.
For Respondent(s)	: Mr. S. M. Chakraborty, Sr. Advocate. Mr. U.K. Majumder, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

04.10.2023.

This is an appeal under Section 54 of the Land Acquisition Act, challenging the legality, propriety and validity of the Judgment & Award dated 21.01.2023 passed by the learned LA. Judge, West Tripura, Agartala, Court No-4 in the Case No.Misc.L.A 26 of 2017.

[2] It is the case of the respondent-claimant, total land measuring 0.2 acres classified as Viti (Tilla) of plot No.6639/p under Khatian No.1937 was acquired by the L.A. Collector, West Tripura, Agartala and the value of the land has been assessed @ Rs. 62,500/- per acre along with 30% solatium and interest @ 12% per annum w.e.f. 16.05.2002 to 15.11.2002 and thereby calculated the amount of compensation to the tune of Rs.1,700/- (Rupees one thousand and seven hundred) only. The claimants further stated that the acquired land is developed and located very nearer to the God Chaturdas Devata Bari, Growth Centre, TSR Camp Road, Bodhjungnagar P.S., Cattle Farm, Khayerpur Bazar, Old Agartala H.S. School, Panchayet

Office, Post Office, Fire Service Station, Aralia Bazar, Veterinay Hospital etc. It is surrounded by so any mills, industries, railway line, rail station and national highways which increased its potential value. Accordingly, the claimants claimed Rs.40,00,000/- per kani as compensation for such acquisition.

[3] The O.P. No. 1 i.e. the requiring department contested the case by filing counter statement justifying the award passed by the LA Collector and urged that claim of the claimant for enhacement of the amount of compensation is not tenable in the eye of the law and the same is liable to be rejected. It is mentionable that earlier GREF was the requiring department and was impleaded as OP No.1 but subsequently on the petition of NHIDCL they have been added as OP No.1 in place of GREF.

[4] The O.P. No.2 the L.A. Collector through counter statement has stated that the claim statement filed by the claimant side is not maintainable and that the land was acquired after due compliance with necessary statutory formalities. That the L.A. Collector after due consideration of mandatory provisions of the L.A. Act determined the compensation at the highest side of the prevailing market price. It is also contended that the acquired land was Viti (Tilla) class situated far from the road having no potential value and there were no amenities of modern facilities like electricity. The L.A. Collector, therefore, prays for making the award made by them final and absolute.

[5] The learned court below in consideration of the pleadings of the parties framed the following issues:

> *(1) Whether the award given by the LA Collector is inadequate and improper.*

> *(2) Whether there exists any ground for enhancement of compensation or the claimant is entitled for enhanced compensation, if so, what should be the quantum.*
>
> *(3) Reliefs.*

[6] The learned court below after examining the pleadings and documents so placed before him, has observed in the following manner:

> *The referring claimants are entitled to get Rs.8,00,000/- per kani only for the acquired land as per their shares. They will also get 30% solatium and 12% interest on enhanced amount of compensation computing from the date of notification under Section 4 of the L.A. Act up to the date of award by L.A. Collector or the date of taking possession of acquired land whichever is earlier as per Section 23(2) and Section 23(1-A) of the said Act respectively. The referring claimants will further get interest @ 9% per annum from the date of taking over possession for one year and thereafter @ 15% per annum after expiry of said one year till payment upon the said excess amount of compensation as per Section 28 of the L.A. Act. As per law laid down by the Hon'ble Supreme Court in Mehrawal Khewaji Trust V. State of Punjab & Ors, 2012 AIR SCW 2822, the interest will also be counted on additional amount as awarded under Section 23(1-A) above and upon the solatium awarded under Section 23(2) of the L.A. Act.*

[7] Aggrieved by such award, the appellant herein has filed this present appeal to set aside and quash the said judgment aware dated 21.01.2023.

[8] Heard learned counsel for the parties.

[9] Mr. Samrat Ghosh, learned counsel appearing for the appellant vehemently contended that the order passed by the court below is erroneous and it was passed on the strength of Exhibit of 1. He further contended that the order passed by the court below does not give any detail regarding enhancing the amount of compensation from Rs.25,000/- per kani to Rs.8,00,000/- per kani. He further prays that the matter be remanded back to the court below since the judgment and award dated 21.01.2023 has been passed arbitrarily

without any justification by which the appellant is deprived by the impugned award.

[10] Mr. S. M. Chakraborty, learned senior counsel assisted by Mr. U. K. Majumder, learned counsel for the respondent-claimant submitted before this court that subject property involved in this matter pertain to khatian no.729 covering plot Nos.7326/p and 7321/p under the notification No.F.9(44)-REV/ACQ/VI/2002 dated 22.03.2002 which has already been decided by this court in LA.App 44 of 2023. It is also contended by the counsel for the claimant-respondent that the claimant claimed compensation for Rs.3,00,000/- (Rupees three lacs) only, but the claimant is entitled for more and fair compensation. Accordingly, the LA Judge by the impugned order in challenge has enhanced the amount of compensation and awarded Rs. Rs.8,00,000/- (Rupees eight lakhs) only per kani for the acquired land which appears to be just and proper and it does not need any reconsideration by this court. He also contended that the present matter may not be remanded back and the appeal filed by the appellant needs to be dismissed. He further placed on record an order dated 30.05.2023 passed by this court in LA.App No.44 of 2023 filed by the General Manager Project wherein this court has considered the contentions of the respondent and dismissed the appeal by confirming the judgment and award dated 08.06.2022 passed by the L.A. Judge in Misc(LA) 47 of 2017. Counsel for the claimant-respondent further contended that the matter so decided in LA.App 44 of 2023 is identical to the present case in hand wherein the plots were also under the same Khatian No.729 and the amount of compensation so awarded was Rs.8 lakhs per kani.

[11] On perusal of the judgment and award dated 30.05.2023 passed by this court in LA.App No.44 of 2023, this court feels that the present appeal is squarely covered by the same and requires no reconsideration. Hence, the appeal filed by the appellant stands dismissed confirming the judgment & award dated 21.01.2023 passed by the learned LA. Judge, West Tripura, Agartala, Court No-4 in the Case No.Misc.(L.A) 26 of 2017.

[12] In view of the above, the instant appeal stands dismissed. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

Dipak

DIPAK DAS Digitally signed by DIPAK DAS Date: 2023.10.09 17:06:32 +05'30'