HIGH COURT OF TRIPURA
AGARTALA

L.A. APP. No.33 of 2021

The Deputy Chief Engineer (Construction), N.F. Railway
----Appellant(s)

Versus

Sri Krishna Natta and others
----Respondent(s)

L.A. APP. No.01 of 2022

The Deputy Chief Engineer (Construction), N.F. Railway
----Appellant(s)

Versus

Smt. Saraswati Roy and others
----Respondent(s)

For Appellant(s) : Mr. Asutosh De, Advocate.

For Respondent(s) : Mr. P. Gautam, Advocate,
Mr. R.G. Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE(ACTING)

Date of hearing and judgment : **17th January, 2023**.

JUDGMENT & ORDER(ORAL)

Heard learned counsel for the respective parties. These appeals arise in common background. Since facts and issues are identical, they have been heard together and would be disposed of by this common judgment.

In L.A. APP. No.33 of 2021

[2] The Government of Tripura had acquired the land measuring 0.56 acres under plot No.1770/P and 1771/P of khatian No.1675 of Mouja-Brajapur, Sub-Division-Bishalgarh, Sepahijala District belonging to the claimant by a notification No.F.09(33)-REV/ACQ/XIV/2009 dated 15.10.2009 for the purpose of construction of "New Rail Line" from Agartala to Sabroom. The L.A. Collector, West Tripura awarded an amount of Rs.6,10,175/- for the acquired land including all statutory benefits. Dissatisfied with the same, the claimant filed a reference before learned L.A. Judge who after hearing both sides and appreciating evidence on record awarded an amount of Rs.14,03,568/- per kani for the acquired land. Aggrieved thereby, the appellant-N.F. Railway preferred this appeal. Hence, this case.

In L.A. APP. No.01 of 2022

[3] The Government of Tripura had acquired the land measuring 0.26 acres under plot No.434 of khatian No.239 under Mouja-Brajapur, Sub-Division-Bishalgarh, Sepahijala District belonging to the claimants by a notification No.F.09(02)/REV/ACQ/XIV/11 dated 25.05.2011 for the purpose of construction of "New Rail Line" from Agartala to Sabroom. The L.A. Collector, West Tripura awarded an amount of Rs.3,97,752/- for

the acquired land including all statutory benefits. Dissatisfied with the same, the claimants filed a reference before learned L.A. Judge who after hearing both sides and appreciating evidence on record awarded an amount of Rs.20,00,000/- per kani for the acquired land. Aggrieved thereby, the appellant-N.F. Railway preferred this appeal. Hence, this case.

[4] It is represented by the learned counsel for the appellant that in the identical matter, viz. in ***LA APP. No.54 of 2021*** titled as ***The Deputy Chief Engineer (Construction), N.F. Railway versus Sri Nepal Bhowmik and another*** vide judgment and order dated ***09.01.2023*** this Court had earlier taken a view in favour of the claimant and confirmed the award passed by the Court below and dismissed the appeal. The counsel for the appellant in all fairness has placed the copy of the said judgment and prayed to pass similar order. For convenience of fair adjudication of the present appeals, operative portion of the judgment and order passed in ***LA APP No.54 of 2021*** is extracted hereinbelow:

> "Accordingly, the present appeal filed by the appellant is dismissed and the award dated 16.01.2020 passed by the learned Land Acquisition Judge, Sepahijala District, Bishalgarh in Misc. (L.A) 90 of 2014 is affirmed. Send down the LCRs forthwith."

[5] In view of the same, both the appeals are disposed of making the directions contained therein applicable *mutatis mutandis* to the present cases also. Resultantly, both the appeals stand dismissed confirming the awards passed by the learned L.A. Judge. The claimant-respondents are entitled to compensation at such rates and on such terms as stands determined by the trial Court. Needless to add, the amount of compensation if not already released be positively released in favour of the claimant-respondents unconditionally.

[6] Stay order, if any, stands vacated.

Send down the lower court records forthwith.

Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

HIGH COURT OF TRIPURA
सत्यमेव जयते

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