

**HIGH COURT OF TRIPURA
AGARTALA**

L.A. APP. No.45/2021

Oil and Natural Gas Corporation Limited (to be represented by the HR-IR, ONGC Ltd.), Tripura Asset, Badarghat Complex, West Tripura, Agartala-799014.

..... Appellant(s)

V E R S U S

1. Sri Bijoy Debnath, S/O. Late Sital Debnath of Vill-Khedabari, P.S.-Sonamura, District-Sepahijala, Tripura.

2. Sri Babatosh Debnath, S/O. Late Chintaharan Debnath of Vill-Khedabari, P.S.-Sonamura, District-Sepahijala, Tripura.

..... Claimant-Respondent(s)

3. The Land Acquisition Collector, Sepahijala District, Bishramganj, Tripura.

.....Respondent(s)

For Appellant(s) : Mrs. P. Dhar, Advocate.

For Respondent(s) : Mr. P.K. Pal, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

Date of hearing and judgment : **3rd January, 2023.**

Whether fit for reporting : **NO.**

JUDGMENT & ORDER (ORAL)

Heard Mrs. P. Dhar, learned counsel for the appellant-ONGC.

Also heard Mr. P.K. Pal, learned counsel appearing for the respondents No.1 and 2-claimants.

2. This appeal under section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act) is directed against the award dated 07-12-2019 passed by the learned Land Acquisition Judge, Sepahijala District, Sonamura in case No. Misc.(L.A.) 02 of 2013 whereby he assessed the value of the land of the claimants at Rs.4,39,200/- per kani with all other consequential benefits.

3. Appellant has prayed for the following reliefs:

"(i) Admit the appeal;

AND

(ii) issue notice upon the respondents and call for records from the Court of the Learned L.A. Judge, Sepahijala District, Sonamura;

AND

(iii) after hearing the appeal, be pleased to set aside the impugned the Judgment and Award dated 07.12.2019 passed by the Learned L.A. Judge, Sepahijala District, Sonamura in Case No. Misc. L.A. 02 of 2013;

AND

(iv) stay all operations of the impugned award till the disposal of appeal;

AND

(v) pass all such other order(s) and/or direction(s) as deem fit and proper in the circumstances of the case."

4. The undisputed facts are that the claimants namely Bijoy Debnath and Babatosh Debnath were the owners of land measuring 0.1 acre and 0.28 & 0.11 acres respectively under Mouja-Khedabari of Sonamura Sub-Division which were acquired by the L.A. Collector vide Notification No.F.9(2)-REV/ACQ/VIII/06 dated 25.03.2006 for the purpose of construction of GCS at Trishna under Sonamura Sub-Division and compensation of Rs.1,00,000/- per kani was awarded for the acquired land. Being dissatisfied, the claimants filed claim statements being Misc. (L.A.) 02 of 2013 before the learned Land Acquisition Judge, Sepahijala District, Sonamura claiming compensation of Rs.15,00,000/- per kani for the acquired land and the learned L.A. Judge after recording evidence and hearing arguments was pleased to enhance the compensation from Rs.1,00,000/- per kani to Rs.4,39,200/- per kani vide award dated 07.12.2019. Aggrieved thereby, the appellant-ONGC has preferred this appeal for setting aside the impugned award passed by the learned L.A. Judge. Hence, this case.

5. Mrs. P. Dhar, learned counsel appearing for the appellant-ONGC, submits before this Court that the award passed by the Court below suffers from infirmity and the factual position of 1000 meters difference between the plots mentioned in the sale deeds which are considered on par

with each other for extending the benefit by fixing the award of compensation was ignored and insists that the award needs to be set aside.

6. On the other hand, Mr. P.K. Pal, learned counsel appearing for the respondents-claimants submits that with regard to the said notification and the amount of compensation awarded is one and the same with regard to the subject matter which is involved and already appeals preferred have been dismissed confirming the awards passed by the Court below. The said fact of confirmation of the awards was not denied by the counsel for the appellant. In this context, learned counsel for the respondents-claimants further states that this appeal is squarely covered by an order passed by this Court on 05.08.2022 in *L.A. App. No.45/2020*, titled as *In-Charge, HR-ER, ONGC Limited versus Sri Arun Debnath and others* since with respect to the selfsame acquisition proceedings under identical mouja and notification, this Court had adjudicated the issue interfering and enhancing the amount of compensation.

7. Accordingly, the appeal stands dismissed. Consequently, the impugned award dated 07-12-2019 passed by the learned Land Acquisition Judge, Sepahijala District, Sonamura in case No. Misc.(L.A.) 02 of 2013 is

hereby confirmed. The claimants are at liberty to withdraw the amounts deposited unconditionally.

8. 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)

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