

**HIGH COURT OF TRIPURA
AGARTALA
LA.App No. 106 of 2023**

The In-Charge, HR-ER, ONGC

Appellant(s)

Versus

Smt. Putul Chowdhury(Sarkar) & Anr.

Respondent(s)

For Appellant(s) : Mr. P. Gautam, Advocate

For Respondent(s) : None

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

19.12.2023

This appeal has been filed under Section 54 of the Land Acquisition Act, 1894 against the judgment dated 24.05.2023 passed by the Land Acquisition Judge, Court No.4, West Tripura, Agartala, in Misc (LA) 232 of 232 of 2014 wherein the Ld. LA Judge enhanced the awarded amount of compensation from 6,50,000/- per kani to Rs. 13,13,000/- per kani for viti (tilla) class of land.

[2] Brief fact of this case is that vide notification dated 26.04.2011, the land involved in this present subject matter was acquired for the purpose of exploration and extraction of Natural Gas/Hydrocarbon. The LA Collector has decided the amount of the said land at Rs.6,50,000/- per kani. In the appeal sought for an enhancement by the claimants before this Court for the land acquired under the Notification in respect of the same mouja, Rs. 6,50,000/- per kani has been enhanced to Rs.12,00,000/- per kani by an order of 05.07.2018. Now in the subject matter involved in this appeal, the LA Judge has enhanced the rate of the said land from Rs. 6,50,000/- to Rs.13,13,000/-. Accordingly, the present appeal is preferred by the appellant ONGC alleging that the High Court way back in the year 2018 has decided Rs.12,00,000/- lakhs and the LA Judge ought to have considered the same and also fix the

compensation in terms of the said award. But, on contrary, L.A. Judge has given compensation of. Rs. 13,13,000/- lakhs which is on the higher side.

[3] Heard Mr. P.Gautam, learned counsel appearing for the appellant. None appears for the respondents.

[4] Mr. P. Gautam learned counsel appearing for the appellant submits that learned LA Judge most whimsically and mechanically in an arbitrary manner enhanced the awarded amount of compensation from Rs. 6,50,000/- per kani to Rs.13,13,000/- per kani for *viti (tilla)* class of land without considering the judgment of this court passed in LA. App. 03 of 2017 and LA. App 04 of 2017 which was commonly decided by order dated 05.07.2018 for acquisition of land under same Mouja and same class.

[5] Being aggrieved by the above order passed by the LA Judge, the appellant herein approached this Court seeking for the following reliefs :-

- "i. To admit this appeal.**
- ii. To issue notice to the parties.**
- iii. To pass necessary order by way of setting aside the perverse and impugned judgment dated 24.05.2023 passed by the Ld. LA Judge-4, West Tripura, Agartala, in case No. Misc (LA) -232 OF 2014.**
- iv. To grant stay order against the judgment and award dated 24.05.2023 passed by the Ld. LA Judge, West Tripura, Agartala in case no. Misc LA-232/2014 till disposal of the connected appeal filed by the appellant for ends of justice."**

[6] Heard and perused the evidence on record. On fair perusal of the judgment and award passed by the LA Judge, it shows that the impugned order has been passed in 24.05.2023 and the order which is referred by Mr. Gautam, learned counsel for the appellant was passed in the year 2018 i.e. order dated 05.07.2018 passed in L.A App. No. 03 of 2017 and L.A. App No. 04 of 2017. It is needless to observe that in State of Tripura day by day its real-estate value is increasing and in view of the escalation, this Court finds that the order passed by the LA Judge, is just and proper and needs no further interference.

[7] Accordingly, the appeal is dismissed affirming the order passed by the learned LA Judge on 24.05.2023 in Misc.(LA) No. 232 of 2014.

[8] Consequently, miscellaneous application(s) pending, if any, shall also stand closed. Stay if any stands vacated.

JUDGE

Sabyasachi G.

SABYASACHI GHOSH

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