

HIGH COURT OF TRIPURA

A_G_A_R_T_A_L_A_

LA APP No.55 of 2021

1. The State of Tripura, Represented by the Secretary to the Government of Tripura, Higher Education Department, New Civil Secretariat Building, P.O.-Secretariat, P.S.-New Capital Complex, Agartala, District:-West Tripura.

2. The Director, Higher Education Department, Government of Tripura, Agartala, Office Lane, P.O.-Agartala, District:-West Tripura, Pin-799001.

3. The Land Acquisition Collector, Sepahijala District, Tripura, Government of Tripura, Bishramganj, P.O. & P.S.-Bishramganj, District:-Sepahijala, Pin:-799103.

.....Appellant(s)

V E R S U S

Anil Plantations Private Limited, Owner of Harishnagar Tea Estate, P.O.:-Bishalgarh, P.S.:-Bishalgarh, District:-Sepahijala, Pin-799102.

.....Respondent(s)

For Appellant(s) : Mr. Nepal Majumder, Advocate.

For Respondent(s) : Mr. G.K. Nama, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

Date of hearing and Judgment : 16th January, 2023.

JUDGMENT & ORDER(ORAL)

Heard Mr. Nepal Majumder, learned counsel appearing for the appellants-State and also heard Mr. G.K. Nama, learned counsel appearing for the learned respondent-claimant.

[2] The present appeal has been filed by the appellants-State under Section 54 of the Land Acquisition Act, 1894 challenging the award

dated 29.01.2020 passed by the learned Land Acquisition Judge, Sepahijala District, Bishalgarh in Misc(L.A) 174 of 2014 wherein the learned Judge awarded an amount of Rs.18,00,000/- per kani to the claimant along with other statutory benefits.

[3] Brief facts are as under :

The Land Acquisition Collector on behalf of Government of Tripura had acquired the land measuring 1.09 acres under Mouja-Gokulnagar, Sub-Division-Bishalgarh, Sepahijala District belonging to the claimant by a notification No.F.09(05)/REV/ACQ/XIV/12 dated 05.10.2012 for the purpose of construction of approach road from NH 44 to Kamalasagar road to General Degree College, Bishalgarh under Bishalgarh Sub-Division. The L.A. Collector, West Tripura awarded an amount of Rs.39,65,768/- 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.18,00,000/- per kani for the acquired land. Aggrieved thereby, the appellants-State has preferred this appeal. Hence, this case.

[4] Mr. Nepal Majumder, learned counsel appearing for the appellants-State submits that the learned L.A Judge committed an error in determining the market value of the acquired land. He further submits that the learned L.A. Judge did not assign any reason in deciding the quantum of compensation for the acquired land and passed a whimsical judgment which is against the spirit of law. He further contends that the claimant at the time of adducing evidence has submitted some exemplar sale deeds for showing the present market value of the land but the sale deeds submitted by the claimant are of very small quantum of land and registered on 11.12.2013, i.e. much later the date of notification of the acquired land on 05.10.2012 meaning thereby the acquisition was done in the year 2012 whereas the land under exemplar sale deeds was sold in the year 2013 for which the same cannot be compared to the present acquisition of the land for determining compensation. On the contrary, the L.A. Collector produced four sale deeds @ Rs.10,00,000/- per kani which were in the close vicinity of the acquired land but the L.A. Judge did not consider the same while determining the award. Accordingly, he prays for setting aside of the award dated 29.01.2020 passed by the learned Land Acquisition Judge, Sepahijala District, Bishalgarh in Misc (L.A) 174 of 2014.

[5] On the other hand, Mr. G.K. Nama, learned counsel appearing for the respondent-claimant in rebuttal to the submission advanced by the learned counsel for the appellants contends that the exemplar sale deeds produced were not much later than that from the date of notification of the acquired land and on consideration of the same, learned L.A. Judge deducted 70% as standard deduction while passing the award. He also contends that the acquired land is situated just near the Agartala-Udaipur main road and the same is readily available as building site for construction and as such, the land has got much potential value. Accordingly, he contends that the learned L.A. Judge has rightly passed the award after appreciating the evidence on record and the same needs no interference and prays for dismissal of the instant appeal.

[6] After hearing the learned counsel for the respective parties, this Court is of the considered view that the learned L.A. Judge has not appreciated the documents of Exhibits-1 and 2 which have been registered after the notification and the extent of land which are the subject matter of the sale deeds registered after the notification in 2013.

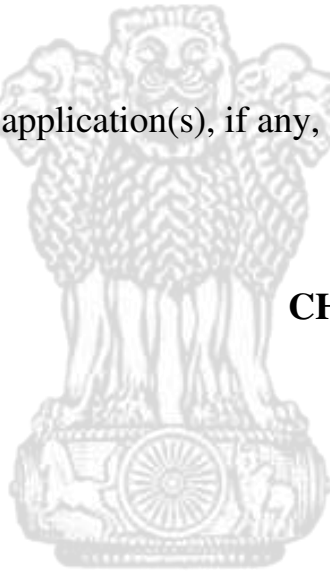
[7] Accordingly, the award dated 29.01.2020 passed by the learned Land Acquisition Judge, Sepahijala District, Bishalgarh in

Misc(L.A) 174 of 2014 is set aside and the same is remanded back to the trial Court to decide the matter afresh. The learned Court below may decide the matter in its entirety. The appellant is at liberty to take steps for withdrawing the fixed deposits as per procedure.

[8] In view of the above, the appeal stands allowed and disposed of. The interim order which is granted in favour of the claimant earlier stands vacated. Send down the LCRs forthwith.

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

CHIEF JUSTICE (ACTING)



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Dipesh