

**HIGH COURT OF TRIPURA
AGARTALA**

L.A. APP. No.11/2021

1. The State of Tripura, Represented by the Secretary to the Government of Tripura, Health & Family Welfare Department, New Secretariat Complex, P.O.-Kunjaban, P.S.-New Capital Complex, Agartala, West Tripura.
 2. The Director of Health Services and Director of Medical Education, Government of Tripura, Agartala.
 3. The Land Acquisition Collector, West Tripura, Agartala.
- Appellant(s)

V E R S U S

Sri Jogesh Debbarma, S/O. Late Budhurai Debbarma, Village-Colonel Chowmuhani, P.S.- West Agartala, District:-West Tripura.

.....Respondent(s)

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

For Respondent(s) : Mr. R. Paul, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

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

JUDGMENT & ORDER (ORAL)

Heard Mr. P. Gautam, learned counsel for the appellants-State.

Also heard Mr. R. Paul, learned counsel appearing for the respondent-claimant.

2. This appeal under section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act) is directed against the judgment dated 06-06-2019 passed by the learned Land Acquisition Judge, Court No.3, West Tripura, Agartala in case No. Misc.(L.A.) 140 of 2010 whereby the learned Judge awarded an amount of Rs.58,50,000/- per kani to the claimant along with other statutory benefits.

3. Appellants have prayed for the following reliefs:

- "(a) To admit the appeal.
- (b) To issue notice to the parties.
- (c) To pass necessary order by way of setting aside/modifying the perverse and arbitrary Judgment dated 06.06.2019 passed by the Ld. L.A. Judge, West Tripura, Agartala in case No. Misc. L.A.-140/2010.
- (d) To grant stay order against the Judgment dated 06.06.2019 passed by the Ld. L.A. Judge, West Tripura, Agartala in case No. Misc. L.A.-140/2010 till disposal of the connected appeal filed by the appellants for ends of justice.
- (e) To pass such other order/orders as your Lordship may deem fit & proper."

4. Brief facts are as under :

The Land Acquisition Collector on behalf of Government of Tripura had acquired the land measuring 0.032 acres classified as Bastu (Lunga) comprising of plot No.2578/P recorded in Khatian No.670/1 under

Mouja-Kunjaban, Sub-Division-Sadar, West Tripura belonging to the claimant for the development of playground under Agartala Government Medical College Project as per MCI norms vide Declaration No.F.9(4)-REV/ACQ/VI/08 dated 03.04.2008. The L.A. Collector, West Tripura awarded an amount of Rs.2,54,558/- 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.58,50,000/- per kani for the acquired land. Aggrieved thereby, the appellants-State has preferred this appeal. Hence, this case.

5. Mr. P. Gautam, learned counsel appearing for the appellants-State submits that the learned L.A Judge committed an error in determining the present 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 in an exorbitant manner and passed a judgment which is unjust, unsustainable and against the spirit of law. He further contends that the learned L.A. Judge while passing the award did not properly compare the sale instances produced by the claimant with the acquired land as settlement map was not proved, but on the contrary awarded compensation by enhancing the amount to the extent of Rs.58,50,000/- per

kani which is illegal and not tenable in the eye of law. Accordingly, he prays for setting aside of the judgment dated 06.06.2019 passed by the learned Land Acquisition Judge, Court No.3, West Tripura, Agartala in case No. Misc.(L.A.) 140 of 2010.

6. On the other hand, Mr. R. Paul, learned counsel appearing for the respondent-claimant in rebuttal to the submission advanced by the learned counsel for the appellants contends that the acquired land is situated adjacent to the Agartala Government Medical College which had started its functioning before the acquisition of the land 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.

7. After hearing the learned counsel for the respective parties, this Court is of the considered view that while making the submissions, Mr. P. Gautam, learned counsel appearing for the appellants-State contended that the concerned authorities while enhancing the amounts have not referred to any map. When the Court has pointed out with regard to the legal position of the map to be compared while fixing or enhancing the compensation amounts, Mr. Gautam was not in a position to place any such legal provision. After

hearing the other arguments advanced, this Court feels that the award of the L.A. Judge to be confirmed.

8. Accordingly, the appeal stands dismissed. Consequently, the impugned award dated 06.06.2019 passed by the learned Land Acquisition Judge, Court No.3, West Tripura, Agartala in case No. Misc.(L.A.) 140 of 2010 is hereby confirmed. The claimant is at liberty to withdraw the amount deposited unconditionally.

9. 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)

Pulak