

**HIGH COURT OF TRIPURA
AGARTALA
LA APP NO.07 OF 2021**

The Executive Officer,

Tripura Housing & Construction Board,
Gurkhabasti, Agartala,
P.O- New Kunjaban, P.S.- New Capital Complex,
District-West Tripura, Pin-799006.

..... **Appellant(s)**

Vs.

1. Sri Surajit Roy,

S/o- Shri Mrinal Kanti Roy,
Of Jogendranagar,
P.O-Jogendranagar,
P.S- East Agartala,
Pin-799004.
District- West Tripura.

.....**Referring Claimant-Respondent(s).**

2. L.A. Collector,

West Tripura,
Office of the DM & Collector,
West Tripura, Agartala, Pin-799001

..... **O.P.Respondent(s)**

LA APP NO.14 OF 2020

The Chief Executive Officer,

Of the Tripura Housing & Construction Board,
West Tripura, Agartala.

..... **Appellant(s)**

Vs.

1. Sri Surajit Roy,

S/o- Shri Mrinal Kanti Roy,
Village- Jogendranagar,
Sheet No.1/P, Tehsil-
Srinagar, District-West Tripura

Power of Attorney Holder of Sri Arijit Roy, S/o Sri Mrinal
Kanti Roy, Village- Jogendranagar, Mouja, Anandanagar
Sheet No.1/P, Tehsil- Srinagar, District-West Tripura.

2. **L.A. Collector,**
West Tripura, Agartala.

LA APP NO.15 OF 2020

The Chief Executive Officer,
Of the Tripura Housing & Construction Board,
West Tripura, Agartala.

..... **Appellant(s)**

Vs.

1. **Sri Mrinal Kanti Roy,**
S/o- Late Asutosh Roy,
Resident of Jogendranagar,
P.S.- East Agartala, District-West Tripura.

2. **L.A. Collector,**
West Tripura, Agartala.

..... **Respondent(s)**

For the Petitioner(s) : Mr. S. Bhattacharjee, Advocate.
Ms. D. Sengupta, Advocate.

For the Respondent(s) : Mr. D. Deb, Advocate.
Mr. D. Debnath, Advocate.

Date of hearing and delivery of
Judgment & Order : 07.02.2023.

Whether fit for reporting : YES/NO.

HON'BLE THE CHIEF JUSTICE(ACTING)
JUDGMENT AND ORDER(ORAL)

All these present appeals are tagged, heard, and taken up together for disposal vide this common judgment and order since the similar question of law and facts are involved. For

the sake of convenience, *L.A. App. No.07 of 2021* is taken up as the lead case.

2. The brief fact of this case is that respondent No.2 vide notification No.F.9(9)-REV/ACQ/XIV/07 dated 12.09.2007 acquired the land of the claimant-respondent under West Tripura District, Sub-Division-Sadar, Mouja-Anandanagar appertaining to Khatian No.2618 comprising of Hal Plot No.286(P) measuring 0.14 acres. Respondent No.2 assessed the value of the land at Rs.20,50,000/- per acre. So, the claimant-respondent received total compensation of Rs.8,20,000/- per kani which was paid accordingly.

3. For redetermination of the compensation, the claimant-respondent herein preferred an application under Section 18 of the L.A. Act before the learned L.A. Judge, West Tripura which was registered as Misc.(L.A)36 of 2015 After hearing the parties, the learned L.A. Judge accordingly, enhanced the amount from Rs.20,50,000/- per acre to Rs.30,00,000/- per acre.

4. Aggrieved thereby, the appellant herein has filed this instant appeal for setting aside the judgment and award dated 10.02.2020 passed by the learned L.A. Judge in Misc.(L.A)36 of 2015,

5. Heard Mr. S. Bhattacharjee, learned counsel along with Ms. D. Sengupta, learned counsel appearing for the appellant as well as Mr. D. Deb, learned counsel along with Mr. D. Debnath, learned counsel appearing for the respondents.

6. Mr. S. Bhattacharjee, learned counsel appearing for the appellant submits that the claimant respondent failed to produce any document relating to the enhancement of the rate, and in absence of any such proof, the Court below enhanced the amount of the compensation. The learned Court below also failed to appreciate the settled law of the land that at the time of assessment of the compensation, a similar kind of land shall be taken into consideration not only in its class but also in its measurement.

7. Heard Mr. D. Deb, learned counsel appearing for respondent No.1.

8. After hearing both the parties and perusing the evidence on record, this Court is of the opinion that this instant appeal is liable to be remanded back since the enhancement from Rs.8,00,000/-(Rupees eight lakhs) per kani to Rs.14,00,000/-(Rupees fourteen lakhs) per kani and via media fixing it to Rs.12,00,000/-(Rupees twelve lakhs) per kani is unreasoned. It is relevant to note that Exbt-4, i.e. a sale deed wherein the valuation of the land is given at Rs.14,00,000/- per kani, is made

after the said notification is issued. Exbt-F, i.e. another sale deed wherein the value of the land is given at Rs.8,00,000/- per kani is of the year 2006. So the order passed by the Court below is not supported by any reason, only guesswork has been made, since the guesswork is under challenge, this Court feels that proper reasoning could have been given. Hence the matter is remanded back.

9. So in view of the above, all these 3(three) appeals are remanded back to the Court of the learned L.A. Judge for fresh adjudication of the matters individually/separately within a period of 2(two) months from the date of receipt of the copy of this order. The parties concerned are also directed to cooperate with the Court below for the disposal of the matter within the aforesaid period. Learned counsel for the parties is also at liberty to file a certified copy of this order before the Court below.

10. Accordingly, all these 3(three) appeals are disposed of. Consequently, pending application(s), if any also stands closed.

Send back the LCRs forthwith to the Court below.

CHIEF JUSTICE (ACTING)