

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A
L.A. App. No.49 of 2022

Sri Gopal Debnath & 5 Others

.....Appellants

-V E R S U S-

The Deputy Chief Engineer (Construction) N.F. Railway and Another

.....Respondents.

B_E_F_O_R_E
HON'BLE MR. JUSTICE T. AMARNATH GOUD

For Appellant(s)	:	Mr. S. Das, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI.
Date of hearing and delivery of judgment and order	:	20.07.2023
Whether fit for reporting	:	YES/NO

JUDGMENT & ORDER [ORAL]

Heard Mr. S. Das, learned counsel appearing for the appellants also heard Mr. B. Majumder, learned Deputy SGI appearing for the respondents.

[2] The present appeal has been filed under Section-54 of the Land Acquisition Act, 1894 against the judgment and award dated 23.06.2022 passed by the learned L.A. Judge, Sepahijala District, Bishalgarh in connection with Misc L.A. 170 of 2015 for enhancing the award at the rate of Rs.40,000/- per kani for C.S. Plot No.9495 vide khatian No.681 along with Rs.11,63,984/- for 4 residential semi permanent houses along with other residential damages including the rate of valuable trees as per the assessment note.

[3] The case of the appellants is that the respondents have acquired a plot of land under L.A. Act for construction of railway road from Agartala to Sabroom following notification under Section-4 of the L.A. Act. A declaration under Section-6 of the L.A. Act has also been made. The learned L.A. Collector i.e. the respondent No.2 being the determining authority in a whimsical manner determined the compensation. The learned L.A. Judge after receiving the record

from the respondent No.2 initiated the proceeding by offering the claim statement and objection thereto. The predecessor of the appellants filed their claim statement disputing the arbitrary calculation of the respondent No.2 and also stated that the land in question is close to the vicinity of National High Way, market, School, Heritage Point and other things. The appellants also claimed that the acquire land is very fertile providing three times cultivation in a year. It is also stated that the acquired lane is a plain viti class of land which has unique features regarding its position and it is mainly used for residential and business purpose.

[4] Though the pleadings made in this appeal, the counsel for the appellants could not substantiate the said claim despite there being Exbt.2 documents indicating the valuation issued by the concerned engineer of PWD with regard to the dwelling units. Learned counsel appearing for the appellants instead of seeking enhancing the awarded amount before this Court by summing up the amounts, has sought for remanding the matter before the Court below for seeking enhancement and to which, learned counsel appearing for the respondents has no objection if the matter is remanded back to the Court below for reconsideration.

[5] In view of above, the appeal stands disposed of by remanding back the matter to the Court below for fixing up the amount, if eligible, insofar as the four dwelling units are concerned as claimed by the appellants. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

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