

**HIGH COURT OF TRIPURA
AGARTALA**

LA APP NO.40 OF 2022

The State of Tripura
Vs.
Smt. Ranu Bala Das and ors.

HON'BLE THE CHIEF JUSTICE (ACTING)

Present:

For the Appellant (s) : Mr. D. Bhattacharjee, G.A.
Mr. A. Das, Advocate.

For the Respondent(s) : Mr. T.D. Majumder, Sr. Advocate.
Mr. S. Roy, Advocate.
Mr. T. Halam, Advocate.

25.01.2023

Order

The brief fact of this instant appeal is that, vide declaration No.F.09(11)-REV/ACQ/VI/2002 dated 10.12.2002, L.A. Collector, West Tripura, Agartala acquired 0.817 acres of Chara(Nal) class of land of khatain No.3363, Plot No.3783/9110/p under Mouja-Bankimnagar, Sheet No.3/P, Sub- Division-Jirania. The L.A. Collector, West Tripura, Agartala assessed compensation of Rs.5,50,000/- per kani along with 30% solatium and interest @ 12 % per annum w.e.f. 13.10.2002 to 10.04.2003 and thereby calculated the amount of compensation to the tune of Rs.15,20,263/- only and awarded the same. Accordingly, the Government of Tripura took possession of the above-mentioned land. Thereafter, the claimant-respondents filed an objection under Section 18 of the L.A. Act for enhancement of the amount

of compensation awarded by the L.A. Collector, West Tripura, Agartala claiming compensation @ 50,00,000/- per kani. The said objection was referred to L.A. Judge, West Tripura. The appellant herein contested the proceeding by filing counter statement/written objection. The Court below after considering the evidence on record, justified the claim of the respondents herein and enhanced the rate of the compensation for the acquired land from Rs.5,50,000/- to Rs.20,00,000/- per kani only with 30% solatium and 12% interest on the enhanced amount of compensation computing from the date of notification upto the date of the award by the L.A. Collector or date of possession of the acquired land whichever is earlier with further 9% interest per annum from the date of taking over possession for one year and thereafter 15% per annum after the expiry of the said year till payment of the excess amount of compensation.

Being aggrieved and dissatisfied with the judgment and award dated 05.06.2017, the appellant-State preferred this instant appeal praying for the following reliefs:-

- " i. Issue Notice;
- ii. Admit this appeal;
- iii. Call for the records;
- iv. After hearing both the parties be pleased to set aside/quash the award dated 05.06.2017 passed in Misc. L.A.48 of 2006 by the Ld. Land Acquisition Judge, Court No.2, West Tripura, Agartala."

In view of the order passed today in I.A. No. I.A. No. 01 of 2022, this instant appeal is admitted and taken up for hearing and decision today.

Heard Mr. D. Bhattacharjee, learned G.A. assisted by Mr. A. Das, learned counsel appearing for the appellant-applicant State as well as Mr. T.D. Majumder, learned Sr. counsel along with Mr. S. Roy, learned counsel appearing for the respondents.

Learned G.A. submits that the land in question was acquired in the year 2002 and the compensation given by the appellant-State is just and proper. The Court below has failed to appreciate the documentary and oral evidence endorsed and thereby erroneous findings have been recorded. The said land is situated far from the main road and has no potential value.

Mr. T.D. Majumder, learned Sr. counsel appearing for the respondents submits that in a comparable sale deed executed in the year 2004, the land was sold @ Rs.1,23,42,857/- per kani as exhibited in the judgment of the Court below. Thus the judgment and award dated 05.06.2017 is just and proper and need no interference.

Heard both sides and perused the evidence on record.

On perusal of the judgment and award dated 05.06.2017, this Court finds that to assess the prevailing market rate of the acquired land, the claimant side produced a comparable sale deed bearing No.1-8851 dated 09.08.2004. In the said, the land

was sold at Rs.1,23,42,857/- per kani. The said sale deed is of the year 2004 and the acquisition of the land in question is in the year 2002. So, in view of the same, this Court is the view that the award dated 05.06.2017 as passed in Misc. (L.A.) 48 of 2006 by the Land Acquisition Judge is just and proper and needs no interference.

Hence, in view of the above, this instant appeal stands dismissed. Consequently, pending application(s), if any, also stands closed.

CHIEF JUSTICE (ACTING)

suhanjit



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