

**HIGH COURT OF TRIPURA
AGARTALA
LA APP. NO.53 OF 2020**

The Union of India,
Represented by the 2nd-in-Command,
For Commandant HQ, 6 BN, BSF,
Fatikcheera, Mohanpur,
Dist- West Tripura.

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

Vs.

1. **Sri Pradip Das,**
S/o- Late Mani Bhusan Das & Late Hiran Bala Das.

2. **Sri Krishna Kumar Das,**
S/o. Late Mani Bhusan Das & Late Hiran Bala Das.

3. **Sri Keshab Kumar Das,**
S/o. Late Mani Bhusan DAS & Late Hiran Bala Das.

4. **Smt. Uma Das,**
D/o. Late Mani Bhusan Das & Late Hiran Bala Das,
W/o. Sri Badal Roy Sarker,

5. **Smt. Purnima Das,**
D/o. Late Mani Bhusan Das & Late Hiran Bala Das,
W/o. Sri Sushanta Roy,

All are C/o. Sri Pradip Das of Jugatpur,
P.O. Abhoynagar, P.S. NCC, Dist- West Tripura,
Pin-799005.

..... **Principal Respondents(Claimants).**

6. **The Land Acquisition Collector,**
West Tripura, Agartala, Pin-799001.

..... **Proforma Respondent(Opposite Party No.2)**

LA APP. NO.42 OF 2022

The Union of India,
Represented by the 2nd-in-Command,
For Commandant HQ, 6 BN, BSF,
Fatikcheera, Mohanpur,

Dist- West Tripura.

.....**Appellant(s)-Opposite Party.**

Vs.

1. **Sri Dipankar Das,**

Son of Sudhir Chandra Das, resident of Kalikapur,
Ramnagar, P.S.- West Agartala, District- West Tripura.

2. **Sri Bhaskar Das,**

Son of Sudhir Chandra Das, resident of Kalikapur,
Ramnagar, P.S.- West Agartala, District- West Tripura

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

3. **The L.A. Collector,**

West Tripura, Agartala.

.....**Respondent-Opposite Party.**

LA APP. NO.43 OF 2022

The Union of India,

Represented by the 2nd-in-Command,
For Commandant HQ, 6 BN, BSF,
Fatikcheera, Mohanpur,
Dist- West Tripura.

.....**Appellant(s)-Opposite Party.**

Vs.

1. **Sri Shyamal Chandra Das,**

Son of late Ruhini Chandra Das,
Resident of Kalikapur, Ramnagar,
P.S.- West Agartala.
District- West Tripura.

2. **Sri Nirmal Chandra Das,**

Son of Late Ruhini Chandra Das, resident of Kalikapur,
Ramnagar, P.S.- West Agartala, District- West Tripura.

.....**Respondents Claimants**

3. **The L.A. Collector,**

West Tripura, Agartala.

..... **Opposite Party-Respondent**

LA APP. NO.50 OF 2022

The 2nd – in Command,
Head Quarter, 6 Bn. BSF,
Fatikchera, Mohanpur,
West Tripura.

..... Appellant-Opposite Party.

Vs.

1. Sri Krishna Kumar Baishya,
Son of Late Laxmi Kanta Baishya.

2. Smt. Kajal Rani Baishya,
W/o Late Sukumar Baishya,
Both are resident of Kalikapur, Ramnagar, P.S.- West
Agartala, District- West Tripura.

.....Respondent-Claimant(s).

3. The L.A. Collector,
West Tripura, Agartala.

..... Respondent-Opposite Party.

For the Appellant(s) : Mr. B. Majumder, Deputy SGI.

For the Respondent(s) : Mr. P. Gautam, Advocate.
Mr. G.K. Nama, Sr. Advocate.

Date of hearing and delivery of
Judgment & Order : 22.02.2023

Whether fit for reporting : YES/NO.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

All these appeals are tagged, heard, and taken up together for disposal since the common question of facts and law are involved.

2. These present appeals have been filed under Section 54 of the Land Acquisition Act, 1894 against the judgments and awards passed by the learned Land Acquisition Judge, West Tripura, in their respective Misc.(L.A.).196 of 2014 dated 06.03.2020 in L.A. App.No.53 of 2020, Misc. (L.A.) No.258 of 2016 dated 18.05.2022 in L.A. App. No. 42 of 2022, Misc.(L.A.) No.06 of 2017 dated 21.06.2022 in LA. App No.43 of 2022 and Misc.(L.A.) No.261 of 2016 dated 16.07.2022 in L.A. App. No.50 of 2022.

3. The facts of the case, in brief, is that the State respondent vide Notification No.F.09(02)-REV/ACQ/VI/11 dated 06.04.2011 acquired 'Na/' class land of the claimant-respondents of L.A. App.No.53 of 2020 under District-West Tripura, Sadar-Sub-Division, Mouja-Ramnagar, Sheet NO.2/p and vide Notification No.F.9(2)-REV/ACQ/VI/II dated 21.02.2011 acquired 'Na/' class of land of the claimant-respondents in respect of other 3(three) appeals under District-West Tripura, Sub-Division-Sadar, mouja-Ramnagar, sheet No.2/p for the purpose of construction of BOP ACP of 6 BN BSF.

4. The L.A. Collector assessed the value of the said lands @ Rs.15,00,000/- per kani along with other statutory benefits in the case of claimant-respondents of all the appeals. The claimants received the amount of compensation under

protest alleging that the compensation awarded by L.A Collector towards the price of the acquired land was inadequate to that of the prevailing market price of the land in the particular area. The claimants being not satisfied with the awarded compensation submitted a prayer under Section 18 of the L.A. Act for referring the matter before the learned L.A. Judge, West Tripura Agartala for determining the adequate compensation. The reference was registered as Misc.(L.A.).196 of 2014 in respect of L.A. App.No.53 of 2020, Misc. (L.A.) No.258 of 2016 in respect of L.A. App. No. 42 of 2022, Misc.(L.A.) No.06 of 2017 in respect of LA. App No.43 of 2022 and Misc.(L.A.) No.261 of 2016 in respect of L.A. App. No.50 of 2022.

5. The referring claimants filed their claim statements and stated that the land under acquisition was situated within the Municipal area of Ramnagar Mouja and is at a short distance from Agartala town. The said land is enriched by more than one market and other commercial and Government establishments. At the time of acquisition, the value of the land was Rs.1,00,00,000/- per kani which was not considered by L.A Collector.

6. On the other hand, O.P. No.1, i.e. the requiring Department filed their counter statement and stated that the

acquired land is a 'NaI' class of land and is situated far from the main road. At the time of acquisition, the acquired land had no potential value as claimed by the claimants. It was also added that there were no amenities or modern facilities like electricity, water supply telephone, post office, market, school hospital, etc. The assessment done by the L.A. Collector is reasonable which was done after considering the market value of the land at the relevant point in time. The O.P. No.2, the L.A. Collector, by filing their counter statements also denied the claim of the claimants for enhancement and stated that the O.P. No.2 has rightly awarded compensation after considering the relevant documents as well as mandatory provision of L.A. Act.

7. The learned L.A. Judge, West Tripura, Agartala after hearing the parties and after perusal of the evidence on record, vide order dated 06.03.2020, enhanced the compensation @ Rs.35,00,000/- per kani along with other statutory benefits in respect of Misc.(L.A.).196 of 2014. Vide orders dated 18.05.2022 and 21.06.2022, the learned L.A. Judge enhanced the compensation to Rs.25,00,000/- per kani along with other statutory benefits in respect of Misc. (L.A.) No.258 of 2016 and Misc.(L.A.) No.06 of 2017. In respect of Misc.(L.A.) No.261 of 2016, vide order dated 16.07.2022, the

learned L.A. judge enhanced the compensation to Rs.30,00,000/- per kani along with other statutory benefits.

8. Aggrieved with the Judgments and awards passed by the learned Acquisition Judge, West Tripura, Agartala, the appellant has preferred this instant appeal and prayed for setting aside the impugned judgments and awards.

9. Heard Mr. B. Majumder, learned Deputy SGI appearing for the appellant-Union of India as well as Mr. P. Gautam, learned counsel appearing for the respondent-L.A. Collector and Mr. G.K. Nama, learned counsel appearing for the claimant-respondents.

9. Mr. B. Majumder, learned Deputy SGI appearing for the appellant submits that the L.A. Judge enhanced the compensation without any basis and documents. Further there is no uniformity in the award given for the same piece of land which was acquired by notification issued in the same year. Mr. G.K. Nama, learned counsel appearing for the claimants submits that the Court below has handled the matter badly and prayed for remanding back the matter.

10. Heard both parties and perused the evidence on record. It is seen from the record that the compensations have been increased from Rs.15,00,000/- per kani to

Rs.35,00,000/- per kani in respect of L.A. App. No.53 of 2020 and in respect of L.A. App No.42 of 2022 and L.A. App No.43 of 2022, the compensation was increased from Rs.15,00,000/- per kani to Rs.25,00,000/- per kani. In respect of L.A. App No.50 of 2022, compensation was increased from Rs.15,00,000/- per kani to Rs.30,00,000/- per kani. It is evident from the record that the acquired land in respect of all the 4(four) appeals belong to the same mouja and simultaneously have been acquired vide notification issued in the year 2011. But there is no uniformity in the enhancement of the compensation given for the same piece of land. No reason or basis has been given by the Court below for such non-uniformity in the enhancement of compensation of the land which belongs to the same mouja and was acquired by the notification issued in the same year. As such, this Court feels that the increase of compensation in these appeals is unreasonable. Accordingly, in the view of the above discussion and observation, the impugned judgment and award dated 06.03.2020, passed in Misc.(L.A.) No.196 of 2014, judgment and award dated 18.05.2022 passed in Misc.(L.A.) No.258 of 2016, judgment and award dated 21.06.2022 passed in Misc.(L.A.) No.06 of 2017 and judgment and award dated 16.07.2022 passed in Misc.(L.A.) No.261 of 2016 by the

learned L.A. Judge are set aside and the matters are remanded back to the Court below for consideration afresh. The Court below after hearing both sides shall pass a reasoned order by appreciating the evidence and fixing enhancement of compensation in accordance with the law if eligible. This exercise shall be completed within 6(six) months from the date of receipt of the copy of this order.

11. With the above observation and direction, all these appeals are allowed and thus disposed of. Stay order, if any, stands vacated. Pending application(s), if any, also stands disposed of. Return the LCRs forthwith.

JUDGE

suhanjit

