

**HIGH COURT OF TRIPURA
AGARTALA**

LA App. 41 of 2022

The State of Tripura

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

Versus

Shri Nepal Debnath and others

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

For Appellant(s) : Mr. D. Bhattacharya, G.A.

For Respondent(s) : Mr. N. Choudhury, Advocate.
Mr. P. Gautam, Advocate.

Date of hearing and
delivery of judgment
and order : 01.08.2023.

Whether fit for reporting : Yes/No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

This is an appeal filed under Section 54 of the Land Acquisition Act, 1894 against the judgment and award dated 21.12.2021 in connection with case No. Misc. (L.A.) 119 of 2016 passed by the learned Land Acquisition Judge, Court No.2, West Tripura, Agartala wherein the learned Judge awarded an amount of Rs.15,00,000/- only per kani alongwith other benefits.

[2] In brief, the facts of the instant appeal are as under:

The Government of Tripura published a notification on 18.12.2009 for acquisition of land measuring 1.2850 acres of land to construct RCC bridge over the river Howrah on Ranirgaon to Jarul Bachai Road via Kepramara in West Tripura District. Thereafter, vide declaration No.F.09(17)-REV/ACQ/VI/09 dated 19.2.2010, the L.A. Collector, West Tripura, Agartala acquired 0.03 acres of Bastu (Nal) class of land of Khatian No.6613, Plot No.15409/p under Mouja-Majlishpur, Sheet No.4/p, Sub-Division- Jirania assessing the compensation at Rs.12,50,000/- per acre alongwith 30% solatium and interest @12% per annum w.e.f. 27.12.2009 to 05.05.2010 and thereby calculated the amount of compensation to the tune of Rs.50,353/- only. The LA Collector therefore,

awarded the said compensation of Rs.50,353/- only. Thereafter, the claimant-respondents filed objection under the L.A. Act for enhancement of the amount of compensation awarded by the L.A. Collector, West Tripura Agartala. The said objection thereafter has been referred to L.A. Judge, West Tripura.

Learned LA Judge, after observing the facts, has ordered as under:

ORDER

8. In the result, the claim of the referring claimants stands awarded in the following terms:-

The referring claimants are entitled to get Rs.15,00,000/- per kani only for the acquired land. They will also get 30% solatium and 12% interest on enhanced amount of compensation computing from the date of notification u/s 4 of the L.A. Act up to the date of award by L.A. Collector or the date of taking possession of acquired land whichever is earlier as per Section 23(2) and Section 23(1-A) of the said Act respectively. The referring claimants will further get interest @ 9% per annum from the date of taking over possession for one year and thereafter @15% per annum after expiry of said one year till payment upon the said excess amount of compensation as per Section 28 of the L.A. Act. As per law laid down by Hon'ble Supreme Court in Mehrawal Khewaji Trust vs State of Punjab reported in 2012 AIR SCW 2822, the interest will also be counted on additional amount as awarded u/s 23(1-A) above and upon the solatium awarded u/s 23(2) of the L.A. Act.

The case is disposed off on contest.

Enter the result.

Being aggrieved and dissatisfied with the judgment and award passed by the learned L.A. Judge, the appellant preferred this appeal before this Court.

[3] According to the appellant, learned L.A. Judge has failed to appreciate the evidences and also failed to determine the present market value of the acquired land. Appellant opined that the acquired land was a Bastu (Nal) class of land situated far from the main road having no potential value and there were no amenities of modern facilities like electricity etc. As a result, the claimant is awarded with highest compensation on the basis of sympathetic grounds.

[4] Being aggrieved, the appellant has approached this Court for the following reliefs:

I. Issue notice;

II. Admit the appeal;

III. Call for the records;

[5] Heard Mr. D. Bhattacharya, learned G.A. representing the appellant-State. Also heard Mr. N. Choudhury, learned counsel for the respondents No.1 &

2 as well as Mr. P. Gautam, learned counsel representing respondent- LA Collector.

[6] Having heard the arguments raised by the parties and on perusal of record, this Court is of the view that the order passed by the LA Judge is unreasoned and hence the same may be remitted back with a direction to the Court below that the matter should be decided on the strength of evidence and the same needs to be appreciated with proper reasoning. This exercise shall be completed as expeditiously as possible preferably within a period of 3 (three) months.

With the above directions, the appeal is remitted back and accordingly disposed of.

As a sequel, stay, if any, stands vacated. Pending application(s), if any, shall also stand closed.

JUDGE



Sabyasachi G.

**SABYASACHI
GHOSH**

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GHOSH
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