

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 27 of 2023

**The Deputy Chief Engineer (Construction-1)
N.F. Railway, Badharghat, Agartala**

---Appellant(s)

Versus

Sri Haradhan Majumder And Anr.

---Respondent(s)

For Appellant(s)	: Mr. B. Majumder, Deputy SGI.
For Respondent(s)	: None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

03.08.2023

It is seen from the office report that the notices have been duly served on the respondents. Despite receipt of such notices, none has made any representation for the respondents as yet. Even today, when the matter is called, none represents the respondents.

Mr. B. Majumder, learned Deputy SGI appears for the appellant.

This is an appeal under Section 54 of the Land Acquisition Act, 1894 against the judgment and order dated 21.07.2022 passed in L.A (Ref) 121 of 2018 by the learned Land Acquisition Judge, South Tripura, Belonia.

The brief facts of the appellant are that as per the requisition of the appellant the land of the respondent-claimant situated under Mouja-Manubazar, T.K. Manu, Khatian No.1198,CS Plot No.5393, 5397, 5387 & 5394 measuring 1.54 acres, classified as Bastu, Bagan, tilla class of land respectively were acquired by the respondent-opposite party (the appellant herein), the Land Acquisition Collector, South Tripura vide notification no.F.9(07)-REV/AIII/2012 dated 30.03.2013 for lying Railway track from Agartala to Sabroom. Accordingly, the LA Collector, South Tripura, Belonia has assessed the compensation @Rs.1,75,000/- per kani.

Being aggrieved by the amount of compensation, the respondents herein filed an application under Section 18 of the LA Act, 1894 for referring the matter to the LA Judge, South Tripura, Belonia for determination of the proper compensation and accordingly the same was referred to the court of learned LA Judge, South Tripura, Belonia. After getting notice, the parties appeared before the learned LA Judge and submitted their claim/counter statements and also examined their respective witnesses in support of their case.

On the basis of the pleadings of the parties, the learned LA Judge, South Tripura, Belonia has framed the following issues:

- A. *Whether the LA Collector paid adequate compensation for the land acquired?*
- B. *Whether the LA Collector paid adequate Compensation for the tree damaged?*

The LA Judge, South Tripura, Belonia by the judgment dated 21.07.2022 after considering all facts and materials placed before them enhanced the amount of award passed by the learned LA Collector, Belonia, south Tripura and the value of the land has been assessed @Rs.12,00,000/- per kani and further directed to increase the value of trees.

Being aggrieved and dissatisfied with the judgment and award dated 21.07.2022 passed by the learned LA Judge, South Tripura, Belonia in case no.LA(Ref) 121 of 2018, the appellant has preferred the instant appeal.

Mr. B. Majumder, learned Deputy SGI appearing for the appellant has submitted before this court that the court below has failed to apply its mind properly to the facts and circumstances of the case. The LA Judge has also failed in determining the market value of acquired land and arrived at a wrong conclusion which is liable to be set aside. He also submitted that the LA Judge has not properly appreciated the evidence and exemplar sale deeds which has caused miscarriage of justice.

In view of the above submission and also having gone through the record, this court is of the view that the matter may be remanded back to the LA Judge, South Tripura, Belonia. The court below is at liberty to call for records by giving adequate opportunity to both sides and pass a speaking order after dealing with the matter as required. The principle laid down in the judgment of the Apex Court in **Chimanlal Hargovinddas vs Special Land Acquisition** reported in **AIR 1988 SC 1652** may also be looked into, if required.

With the above observation and direction, the present appeal is disposed of. As a sequel, stay if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE



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