

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 20 of 2023

The Deputy Chief Engineer Construction N.F. Railway

---Appellant(s)

Versus

Sri Bijoy Kumar Das and 23 Ors.

---Respondent(s)

For Appellant(s)	: Mr. A. De, Advocate.
For Respondent(s)	: Mr. S.S. Dey, learned Advocate General Mr. D.R. Chowdhury, Sr. Adv. Mr. D. Deb, Advocate. Mr. P. Gautam, Advocate.

CO(FA) 7 of 2023

Sri Bijoy Kumar Das and 22 Ors.

---Appellant(s)

Versus

The Deputy Chief Engineer Construction N.F. Railway And Anr.

---Respondent(s)

For Appellant(s)	: Mr. D.R. Chowdhury, Sr. Adv. Mr. D. Deb, Advocate.
For Respondent(s)	: Mr. A. De. Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

03.08.2023

Heard learned counsel for the parties.

This is an appeal under Section 74 of the Right of Fair Compensation and Transparency in Land Acquisition and Resettlement, Rehabilitation Act, 2013 against the judgment and award dated 25.04.2022 in connection with Land Acquisition case No.120 of 2017 passed by the Land Acquisition Rehabilitation and Resettlement Authority, Tripura.

The fact in brief is that the Govt. of Tripura has acquired the land in question belonging to the respondents by a notification vide No.9(5)/REV/ACQ/VI/2016 dated 28.01.2017 under Section 11 of the RFCTLARR Act, 2013. The land was acquired for the purpose of construction for "New Rail line project" from Agartala to Akhaura

(Bangladesh). The Land Acquisition Collector, West Tripura, Agartala awarded an amount of Rs.4,50,000/- only per kani for all classes of land including all statutory benefits as per the Act.

Being aggrieved by and dissatisfied with the award, the claimant filed an objection and prayed for referring the case to the Ld. LA Judge for proper determination of compensation. The Ld. LA Collector subsequently referred the case to the Land Acquisition, Rehabilitation and Resettlement Authority, Tripura for determination of fair compensation and for proper adjudication of the case. The Ld. LA Judge (Authority) served a notice upon the parties and respective parties appeared before the Ld. LA Judge (Authority) by submitting the claim statement and counter claim statement. After hearing both the parties on the basis of documents and statements of facts, the Ld. LA Judge (Authority) awarded an amount of Rs.30,40,000/- only per kani for Bastu, Bhati, Charra class of land and Rs.8,40,000/- for Naal class of land, alongwith other statutory benefits as per the Act, 2013.

Being aggrieved by and dissatisfied with the judgment and award, the appellant preferred this appeal for seeking the following reliefs:

- a) *Admit this appeal;*
- b) *Call for records of Land acquisition case No.120 of 2017 from the court of Land Acquisition, Rehabilitation and Resettlement Authority, Tripura*
- c) *Issue notice upon the respondents.*
- d) *After hearing the parties, be pleased to allow this appeal by setting aside the judgment and award dated 25.04.2022 passed by the Land Acquisition Rehabilitation and Resettlement Authority, Tripura in connection with Land Acquisition case No.120 of 2017.*
- e) *Any other relief and relieves as Your Lordship deem fit and proper having regards to the facts and circumstances of the case;*

In pursuant to the order dated 01.08.2023 Mr. Rajat Pant, IAS, ADM, West Tripura, LA Collector is present before this court today. The appearance of such concerned person is accordingly dispensed with.

It is seen from the record that the evidence of OPW-1 Mr. Narendra Chandra Deb, who is the Amin of DM & Collector Office, West

Tripura representing the learned L.A. Collector in the said matter, they have acted in a very casual manner and it appears that even the L.A. Collector has not shown any seriousness in appearing before the Court to adduce evidence where huge money in terms of awarding compensation is involved. But, to the surprise, the evidence which is not adduced before the Court below and the argument which is not advanced, at the appellate stage this Court cannot permit the appellant to ventilate the facts which were not argued before the Court below. This Court is not convinced the manner in which the L.A. Collector and his staffs have acted in the said appeal before the Court below. Moreover, this court is also not convinced with regard to the Ld. Court below awarding an amount of Rs.30,40,000/- only per kani for Bastu, Bhati, Charra class of land and Rs.8,40,000/- for Naal class of land, alongwith other statutory benefits as the enhancement is an unreasoned & non-speaking order.

In view of the above, this court has no hesitation to remit back the case to the Land Acquisition Rehabilitation and Resettlement Authority, Tripura. The said Authority is directed to re-examine the evidence by summoning the witnesses once again and also appreciate the exhibits produced before them. It is also made clear that such exercise shall be done as expeditiously as possible from their end.

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

JUDGE

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