

**IN THE HIGH COURT OF TRIPURA
AGARTALA**

L.A. App No.15 of 2023

The General Manager (Project)

National Highways Infrastructural
Development Corporation Limited
(NHIDCL), Ministry of Road Transport
and Highways, Government of India, A
Government of India Undertaking, PMU
Office-Khowai, P.S Khowai, District-
Khowai, PIN- 700201

..... Appellant

- V e r s u s -

- 1. Smt Helen Bala Sarkar**
wife of late Harendra Chandra Sarkar
- 2. Smti. Chhana Rani Chanda**
(Sarkar)
- 3. Sri Dwijendra Sarkar**
- 4. Smti. Arita Ghosh (Sarkar)**
- 5. Smti. Sabita Bhowmik (Sarkar)**
- 6. Sri Bikash Sarkar**
- 7. Smti. Archana Sarkar**
- 8. Smt. Gouri Dey (Sarkar)**
- 9. Sri Habul Sarkar**
- 10. Smti. Sankamani Sarkar (Choudhury)**
- 11. Sri Bimal Chandra Sarkar**
all sons of and daughters of late
Harendra Kumar Sarkar, all are
residents of Rabindranagar, P.S East
Agartala, District-West Tripura
- 12. Sri Nikhil Saha,**
son Nani Gopal Saha, resident of
Rabindranagar, P.S East Agartala,
District-West Tripura

13. Smti. Sita Rani Sarkar,
wife of Bhajan Sarkar, resident of
Rabindranagar, P.S East Agartala,
District-West Tripura

14. The L.A. Collector,
West Tripura, Agartala, P.S. West
Agartala, District- West Tripura

..... **Respondents**

For the Appellant(s)	:	Mr. R. Datta, Adv.				
For the Respondent(s)	:	Mr. R. Paul, Adv. Mr. P. Gautam, Adv.				
Date of hearing and delivery of Judgment & order	:	18.01.2024				
Whether fit for reporting	:	<table border="1"><thead><tr><th>YES</th><th>NO</th></tr></thead><tbody><tr><td></td><td>✓</td></tr></tbody></table>	YES	NO		✓
YES	NO					
	✓					

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

Heard Mr. R. Datta, learned counsel appearing for the appellant as well as Mr. R. Paul, learned counsel appearing for the claimant-respondent Nos.1 to 13 and Mr. P. Gautam, learned counsel appearing for the respondent No.14-L.A. Collector.

[2] This appeal arises from the judgment and award passed by the L.A. Judge, West Tripura, Court No.1, Agartala dated 16.04.2022 in Misc. (L.A) 265 of 2016.

[3] An area of 0.44 acres of class-Pond(Nal), Embankment of Pond(Nal), Bastu (Nal) and Nal class under Plot Nos.6499/P, 6505/P, 6506/P, 6500/P, 6498/P, 6502/P, 6499/P, and 6505/P of Khatian No.2915/1,2,3 under Mouja- Dukli, Sheet No.2/P, West Tripura District was acquired by the L.A. Collector vide notification under No.F.9(7)-REV/ACQ/XIV/04 dated 12.02.2004

for the purpose of construction of bypass road from Khayerpur to Amtali.

[4] The L.A. Collector awarded compensation on the following rates:

Classes of land	Valuation of land per Kani
Bastu (Tilla)	Rs.2,50,000/-
Viti (Nal), Viti (Tilla), Viti, Tilla	Rs.2,25,000/-
Nal, Pukurpar(Nal), Pond (Nal), Doba (Nal)	Rs.2,00,000/-
Gopat and Path	Rs.20,000/-

[5] After reference under Section 18 of the L.A. Act before the Court of the L.A. Judge, Court No.1, West Tripura, Agartala, both the sides adduced their respective evidences and some sale exemplars were placed into evidence from both the sides. Finally, the L.A. Judge awarded compensation @Rs.7,00,000/- per kani for Pukur Par (Nal), Pond(Nal) and Nal classes of land and @Rs.8,00,000/- per kani for Bastu (Nal class of land).

[6] Being aggrieved by said enhancement, the requiring department, i.e. National Highways Infrastructure Development Corporation Ltd. has preferred this appeal.

[7] During hearing, all the learned counsel relied on a judgment passed by co-equal Bench of this court on 10.05.2023 in L.A. Appeal No.30 of 2022 and submit that this judgment is of

a covered case in relation to acquisition of some land of Viti (Tilla) under same notification and same Mouja like the present case in hand. In all fairness, all the learned counsel submit that the award as passed by the LA Judge may be modified maintaining parity with the judgment passed in said L.A. Appeal No.30 of 2022 wherein the compensation was determined @ Rs.3,00,000/- per kani for said Viti (Tilla) class of land.

[8] Keeping in view of the materials, the sale exemplars proved into evidence by the parties and also the judgment passed in said L.A. App. No.30 of 2022, all the learned counsel also submitted that it would just and proper if Rs.3,00,000/- per kani is awarded for all the classes of land involved in the instant case.

[9] This Court has considered the submissions of learned counsel of all sides and the deeds relied upon by the parties under Exbt.1 & Exbts.A to E. It appears to the Court that awarding of compensation @Rs.3,00,000/- per kani for all classes of acquired land involved in this case i.e. Pukur Par (Nal), Pond (Nal) and for Bastu (Nal class of land) will be just and proper to the claimants.

[10] In view of the above, the award passed by the L.A. Judge, West Tripura, Court No.1, Agartala dated 16.04.2022 in Misc.(LA) No.265 of 2016 is modified to that extent, the claimants-respondents No.1 to 13 will get compensation for all

the classes of acquired land @Rs.3,00,000/- per kani along with solatium @30% and other statutory relief/interest as awarded by L.A. Judge under Sections 23(2), 23 (1A) and 28 of L.A. Act in the above said judgment and award. The referring claimant also will get Rs.1,000/- as cost under Section 27 of the Act as awarded by L.A. Judge.

Accordingly, the appeal is disposed of.

Send down the LCRs forthwith.

Pending application(s), if any, also stands disposed of.

JUDGE



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