

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 15 of 2024

Smt. Sambha Laxmi Tripura @ Shambhalakshi Tripura

---Appellant(s)

Versus

The Deputy Chief Engineer (Construction) N.F. Railways and Anr.

---Respondent(s)

For Appellant (s)	:	Mr. Suman Bhattacharjee, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

25.11.2024

Heard learned counsel appearing for the parties.

[2] This is an appeal under Section 54 of the LA Act, 1894 against the judgment and award dated 19.02.2022 passed in LA (Ref) 193 of 2019 by the Learned L.A. Judge South Tripura, Belonia.

[3] The land of the claimant was acquired by the respondent No. 2 for the respondent No.1 for construction of railway line in the year 2012. A land measuring 1.13 acres were acquired from the claimant and 181 Nos. of 9 years old rubber trees were standing on the acquired land. The respondent No. 2 passed the award for the land @ of Rs. 1,56,000/- per kani and Rs.800/- for 9 years old per rubber tree. Being dissatisfied with the said award the appellant made a request to the respondent No. 2 to refer her case in the court of the learned L. A. Judge, South Tripura for determination of the just market value of the acquired land and trees standing on the acquired land. Accordingly, the respondent No. 2 referred the said matter to the learned Land Acquisition Judge, South Tripura, Belonia for adjudication. Thereafter, the learned L.A. Judge passed its award. At the time of passing the award the learned LA Judge determined the value of the acquired land @ of Rs. 3,00,000/- per kani when at that time the market value of the acquired land was Rs.13,25,000/- per kani and the learned L A Judge also awarded an amount of Rs.

5,500/- per rubber tree of 9 years of old and also deducted an amount of Rs.500/- per tree thus the net enhanced amount comes to Rs.5,000/- per rubber tree, when the rate chart shows that the rate of those rubber trees @ Rs.9000/- per tree at the time of acquisition. The said chart was accepted by the Hon'ble High Court of Tripura in various cases but the learned LA Judge did not take into consideration the said chart.

[4] Being aggrieved & dissatisfied with the judgment and award dated 19.02.2022 passed in LA (Ref) 193 of 2019 by the Learned L.A. Judge South Tripura, Belonia, the plaintiff appellant has preferred the present appeal before this Court.

[5] It is contended by the counsel for the appellant that learned court below ought to have appreciated and considered that as per settled law of the land the price of land increases @ 12% per year which comes to Rs.13,25,000/- per kani as the notification under Section 4 of the Land Acquisition Act, 1894 was issued on 04-10-2012 but the Ld. L.A. Judge did not consider the same. Moreover, it is also contended that the learned court below ought to have appreciated and considered that the rate of 9 years old rubber trees @ Rs.9,000/- per tree as per Cost Benefit Analysis of per Rubber tree published by the Rubber Board as on December, 2011 for NE Region, the chart was also accepted by the Hon'ble High Court of Tripura, but the Ld. L.A. Judge determined the value of 9 years old trees @ Rs.5,500/- per tree but further deducted an amount of Rs.500/- from every tree thus the actual award passed for per 9 years old rubber tree was Rs.5,000/-;

[6] On the contrary, learned counsel appearing for the respondents have contended before this court that the impugned order dated 19.02.2022 is just and proper and needs no interference from this court and further prayed to dismiss the appeal.

[7] Heard both sides.

[8] After perusing the record, this court is of the view that the learned court had rejected the plea of the appellant herein but has failed to indicate the reasons. Moreover, no proper document has been exhibited to claim the title while claiming the

compensation. Therefore, this court opines that to meet the proper ends of justice one more opportunity may be given to the parties to establish their case before the learned court below. Accordingly, it is ordered. Therefore, the impugned judgment dated 19.02.2022 is set aside and the matter is remanded back for fresh adjudication in accordance with law. The court below shall re-examine the matter by giving opportunity to both sides for filing relevant documents and also frame additional issues on title deeds. The appellant shall also produce any such document claiming her to be the lawfully owner of the land in question by placing title deed, if any. The appellant is also at liberty to adduce any other relevant documents supporting her claim.

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



JUDGE