

**HIGH COURT OF TRIPURA
AGARTALA**

L.A. App. No.39 of 2023

The General Manager (Project)

National Highways Infrastructural Development Corporation Ltd, (NHIDCL) Ministry of Road, Transport & Highways, a Government of India Undertakings, PMU Office-Khowai, P.S. Khowai, District- Khowai, Tripura, PIN-799201

..... Appellant(s)

V e r s u s

1. Sri Swapan Chandra Dey

son of late Jatish Dey of Uttar Champamura,
P.O. Bodhjunnagar, District- West Tripura

2. The L.A. Collector

West Tripura, Agartala, P.S. West Agartala,
District- West Tripura

..... Respondent(s)

For the Appellant(s)	:	Mr. S. Ghosh, Adv.
For the Respondent(s)	:	Mr. U.K. Majumder, Adv. Mr. T.K. Choudhury, Adv.

Date of hearing & delivery of Judgment & order : **24.05.2024**

Whether fit for reporting :

YES	NO
	✓

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

Heard Mr. S. Ghosh, learned counsel appearing for the appellant as well as Mr. U.K. Majumder, learned counsel appearing for the claimant-respondent No.1 and Mr. T.K. Choudhury, learned counsel appearing for the L.A. Collector-respondent No.2.

[2] This appeal arises out of the award dated 10.08.2022 passed in Misc. L.A. 49 of 2017 by learned L.A Judge, Court No.4, West Tripura, Agartala.

[3] An area of 0.06 acres of Class-Bastu (Tilla) of Plot No.7281(P) of Khatian No. 2235 of Mouja-North Champamura, sheet No.3(P) was acquired by the government vide Notification No.9(44)-REV/ACQ/VI/2000 dated 22.03.2022 for the purpose of construction of Bye-pass road from Khayerpur to Amtali under Sadar Sub-Division. The L.A. Collector awarded compensation at flat rate of Rs.25,000/- [Rupees Twenty Five thousand] per kani for all classes of land and being aggrieved thereby, the claimants sought for reference before the L.A. Judge and accordingly, the matter was so referred.

[4] Learned L.A. Judge vide impugned award determined the compensation @ Rs.8,00,000/- (Rupees Eight lakh) per kani and also awarded other statutory reliefs, namely solatium, additional compensation, interest etc. Being aggrieved thereby, this appeal has been preferred by the requiring department.

[5] During hearing, all the learned counsel submit that concerning the same acquisition of lands of said Mouja-North Champamura, learned L.A. Judge passed different awards against which several appeals were preferred by the requiring department in this Court which were dismissed by affirming the award of the L.A. Judge and therefore, in similar line necessary order may be passed in this appeal. They have also referred a decision of this Court passed in **the General Manager (Project) vs. Sri Sunil Ch. Dey** and another, [judgment and order dated 09.04.2024 in L.A. App. No. 35 of 2023] and 5[five] other connected L.A appeals.

[6] Considered the submissions.

[7] From the above judgment passed in L.A. App. No.35 of 2023, it appears that earlier also in L.A. App. No.14 of 2023, L.A. App. No.43 of 2023 and L.A. App. No.44 of 2023 and in some other appeals, similar view was taken by this Court affirming the judgment of the L.A Judge. It was also submitted by the learned counsel of the appellants in those cases that the awards passed by the learned L.A Judge and as affirmed by this Court were already complied with by the appellant. In L.A. App. No.35 of 2023 also award passed by learned L.A. Judge was affirmed maintaining compensation @ Rs.8,00,000/- per kani.

[8] In view of the above submissions of the learned counsel and also in view of the judgments passed by this Court in other similar appeals as indicated above, it is held that the present appeal is being devoid of any merit and accordingly, the same is dismissed and the impugned award passed by the L.A. Judge, Court No.4, West Tripura, Agartala is hereby affirmed.

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

Send down the LCRs with a copy of this order.

JUDGE

SUJAY GHOSH

Digitally signed by SUJAY GHOSH
Date: 2024.05.24 17:38:03 +05'30'

Sujay