

HIGH COURT OF TRIPURA
AGARTALA

LA App. No.35 of 2023

The General Manager (Project),

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

..... **Appellant-Petitioner(s)**

- Versus -

1. **Sri Sunil Ch. Dey,**
S/O Late Ramani Mohan Dey of Uttar Champamura, Dutta
Chowmuhani, P.S. Bodhjungle, District West Tripura.

.....**Respondent-claimant(s)**

2. **The L.A. Collector,**
West Tripura, Agartala, P.S. West Agartala, District West Tripura.

..... **(Proforma) State-Respondent(s)**

LA App. No.36 of 2023

The General Manager (Project),

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

..... **Appellant-Petitioner(s)**

- Versus -

1. **Sri Dilip Bhowmik,**
S/O Late Jatindra Bhowmik.
2. **Smt. Sefali Das,**
W/O Sri Bimal Das, D/O Late Jatindra Bhowmik
3. **Smt. Dipali Das,**
W/O Sri Tapan Das, D/O Late Jatindra Bhowmik
All of Uttarchampamura, P.S. Bodhjungle, District West Tripura

.....**Respondent-claimant(s)**

4. **The L.A. Collector,**
West Tripura, Agartala, P.S. West Agartala, District West Tripura.

.....**(Proforma) State-Respondent(s)**

LA App. No.38 of 2023

The General Manager (Project),

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

..... Appellant-Petitioner(s)

- V e r s u s -

- 1. Smt. Maran Bala Sarkar,**
W/O Late Surendra Sarkar.
- 2. Sri Ganesh Ch. Sarkar,**
S/O Late Surendra Sarkar
- 3. Sri Kartik Sarkar,**
S/O Late Surendra Sarkar
- 4. Sri Sukumar Sarkar,**
S/O Late Surendra Sarkar
- 5. Smt. Laxmi Rani Sarkar,**
D/O Late Surendra Sarkar
- 6. Smt. Saraswati Sarkar,**
D/O Late Surendra Sarkar
- 7. Smt. Prabati Sarkar,**
D/O Late Surendra Sarkar
All are of East Champamura, P.S. Bodhjungnagar, District West Tripura

.....Respondent-claimant(s)

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

.....(Proforma) State-Respondent(s)

[In LA App.35/2023, LA App.36/2023, LA App.38/2023]

For the Appellant(s) : Mr. Samrat Ghosh, Advocate.

For the Respondent(s) : Mr. U.K. Majumder, Advocate.
Mr. D. Sarkar, Advocate.

LA App. No.45 of 2023

The General Manager (Project),

National Highways Infrastructural Development Corporation Ltd. (NHIDCL); Ministry of Road Transport & Highways, Government of India, A Government of India Undertaking, PMU Office Khowai, P.S. Khowai, District Khowai Tripura, Pin 799201.

..... Appellant-Petitioner(s)

- V e r s u s -

- 1. Sri Chitta Ranjan Dey,**
S/O Late Jogendra Chandra Dey, of Uttar Champamura; Near Ram Thakur Mandir, P.O. Old Agartala; P.S. Bodhjung nagar, District West Tripura.
- 2. Sri Mantu Chandra Dey,**
S/O Late Jogendra Chandra Dey, of Uttar Champamura; Near Ram Thakur Mandir, P.O. Old Agartala; P.S. Bodhjung nagar, District West Tripura.
- 3. Sri Sankar Chandra Dey,**
S/O Late Jogendra Chandra Dey, of Uttar Champamura; Near Ram Thakur Mandir, P.O. Old Agartala; P.S. Bodhjung nagar, District West Tripura.
- 4. Smt. Bapi Dey,**
W/O Late Narayan Chandra Dey, of Uttar Champamura; Near Ram Thakur Mandir, P.O. Old Agartala, P.S. Bodhjung nagar, District West Tripura.
- 5. Sri Sanjoy Dey,**
S/O Late Narayan Chandra Dey, of Uttar Champamura; Near Ram Thakur Mandir, P.O. Old Agartala; P.S. Bodhjung nagar, District West Tripura.
- 6. Smt. Swapna Dey,**
D/O Late Narayan Chandra Dey, of Uttar Champamura; Near Ram Thakur Mandir, P.O. Old Agartala; P.S. Bodhjung nagar, District West Tripura.

.....Claimant-Respondent(s)

- 7. The Land Acquisition Collector,**
West Tripura, Government of Tripura, Old Secretariat Building, P.O. Agartala, P.S. West Agartala, District West Tripura.

.....Respondent(s)

For the Appellant(s) : Mr. N. Majumder, Advocate.

For the Respondent(s) : Mr. U.K. Majumder, Advocate.

LA App. No.47 of 2023

The General Manager (Project),

National Highways Infrastructural Development Corporation Ltd. (NHIDCL); Ministry of Road Transport & Highways, Government of India, A Government of India Undertaking, PMU Office Khowai, P.S. Khowai, District Khowai Tripura, Pin 799201.

..... Appellant-Petitioner(s)

- V e r s u s -

1. **Sri Narayan Chandra Dey,**
S/O Late Jotish Chandra Dey, of Uttar Champamura; Dutta Chowmuhani, P.O. Old Agartala; P.S. Bodhjung nagar, District West Tripura.

.....Claimant-Respondent(s)

2. **The Land Acquisition Collector,**
West Tripura, Government of Tripura, Old Secretariat Building, P.O. Agartala, P.S. West Agartala, District West Tripura.

.....Respondent(s)

For the Appellant(s) : Mr. N. Majumder, Advocate.

For the Respondent(s) : Mr. U.K. Majumder, Advocate.
Ms. R. Chakraborty, Advocate.

LA App. No.50 of 2023

The General Manager (Project),
National Highways Infrastructure Development Corporation Ltd. (NHIDCL); Ministry of Road, Transport & Highways, A Government of India Undertaking, PMU Office Khowai, 2nd Floor (C/o Jahar Nag), Ganki, Khowai, P.S. Khowai, District Khowai, Tripura, Pin 799201.

..... Appellant(s)

- V e r s u s -

1. **Smti Puspa Rani Das @ Pushpa Rani Das,**
W/O Late Surendra Ch. Das.
2. **Smti Kalpana Das,**
Wife of Late Dilip Das.
3. **Smti Archana Das (Biswas)**
Wife of Late Jahari Biswas
4. **Smti Anjana Das,**
D/o Late Surendra Das.
5. **Smti Basana Das,**
Wife of Sri Jiban Das (Petitioner No.2 to 5 are daughters of Late Surendra Ch. Das).
6. **Sri Ratan Das,**
7. **Sri Jiban Das,**
8. **Sri Bhajan Das,**
(Petitioner No.6 to 8 are sons of Late Surendra Ch. Das).
9. **Smti Bimal Bala Sukladas,**
Wife of Late Tapan Das
10. **Smti Sima Sukladas Sarkar @ Sima Sarkar,**
Wife of Sri Swahadeb Sarkar, D/o Late Tapan Das.

- 11. Sri Rajib Das,**
Son of Late Tapan Das
All are residents of Uttar Champamura, P.S. Bodhjung Nagar,
District West Tripura
- 12. The Land Acquisition Collector,**
West Tripura District, Agartala.

.....Respondent(s)

For the Appellant(s)	:	Mr. P. Majumder, Advocate.				
For the Respondent(s)	:	Mr. U.K. Majumder, Advocate. Mr. A. Acharjee, Advocate.				
Date of hearing	:	21st February, 2024.				
Date of delivery of Judgment & order	:	9th April, 2024.				
Whether fit for reporting	:	<table border="1"><tr><td>YES</td><td>NO</td></tr><tr><td></td><td>√</td></tr></table>	YES	NO		√
YES	NO					
	√					

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER

All the matters were heard together and are being disposed of by this common judgment as lands involved in all the appeals are of North Champamura Mouja of Sub-Division Sadar, West Tripura and were acquired for same purpose and under same notification.

[2] In LA App. No.35 of 2023, arising out of the impugned award dated 18.08.2022 passed in Misc.(L.A.) 51 of 2017, an area of 0.13 acre of Class Bagan (tilla) of plot No.7504/p of Khatian No.2260 was acquired.

(a) In LA App. No.36 of 2023, arising out of the impugned award dated 07.09.2022 passed in Misc.(L.A.) 22 of 2017, an area of 0.43 acre of Class viti (tilla) and chara (tilla) of plot Nos.7034/p, 7033 of Khatian No.2027 was acquired.

(b) In LA App. No.38 of 2023, arising out of the impugned award dated 12.08.2022 passed in Misc.(L.A.) 43 of 2017, an area of 0.22 acre of Class Nal, Bastu (Nal) and Doba (Nal) of plot Nos.6511/p, 6506, 6507/p, 6496/p of Khatian No.1553 was acquired.

(c) In LA App. No.45 of 2023, arising out of the impugned award dated 24.08.2022 passed in Misc.(L.A.) 21 of 2017, an area of 0.16 acre of Class Nal of plot No.7048/p of Khatian No.366 was acquired.

(d) In LA App. No.47 of 2023, arising out of the impugned award dated 20.08.2022 passed in Misc.(L.A.) 24 of 2017, an area of 0.08 acre of Class Bagan (tilla) of plot No.7299/p of Khatian No.1973 was acquired.

(e) In LA App. No.50 of 2023, arising out of the impugned award dated 25.05.2022 passed in Misc.(L.A.) 54 of 2017, an area of 0.42 acre of Class tilla of plot No.7781/p of Khatian No.2255 was acquired.

[3] The lands of the claimant-respondents in all the cases were acquired by the State Government vide notification No.F.9(44)-REV/ACQ/VI/2000 dated 22.03.2002. The LA Collector assessed the compensation for all classes of land @ Rs.25,000/- per kani. Learned LA Judge, (Court No.4), West Tripura, however, enhanced the compensation in all the cases @ Rs.8,00,000/- per kani as value of land.

[4] The requiring department, being aggrieved by the said award, has preferred the abovesaid appeals.

[5] During hearing, Mr. S. Ghosh, learned counsel representing the appellant in LA App. No.35 of 2023, LA App. No.36 of 2023 and LA App. No.38 of 2023 and Mr. P. Majumder, learned counsel representing the appellant in LA App. No.50 of 2023 submitted that earlier by this Court, several judgments were passed by affirming the award of the learned LA Judge, West Tripura, Agartala and the appellant department had also complied with said judgments and therefore, all the abovesaid appeals may be disposed of accordingly. However, Mr. N. Majumder, learned counsel representing said appellant-requiring department in LA

App. No.45 of 2023 and LA App. No.47 of 2023 argued that learned LA Judge in both the cases relied on another award passed by said Court in Misc.(LA) 132 of 2014 and in fact, wrong calculation was done by said Court in that case in respect of one sale exemplar bearing No.1-6819 dated 27.07.2001 wherein 0.02 acre of land was sold at Rs.2,500/- i.e. @ Rs.50,000/- per kani, whereas learned LA Judge mentioned in that award that the transacted value of said deed was Rs.8,00,000/- per kani. Referring to a sale exemplar under Exbt.2 in LA App.No.45 of 2023, Mr. Majumder, learned counsel also argued that area of transferred plot was a very small plot and same ought not to have taken into consideration and moreso, the distance of the acquired plot from the land of sale exemplars were also not proved by the claimant-respondents. Therefore, according to Mr. N. Majumder, learned counsel, learned LA Judge arbitrarily enhanced the amount to the tune of Rs.8,00,000/- per kani in that case.

[6] Mr. D. Sarkar, learned counsel representing the LA Collector in LA App. No.35 of 2023, LA App. No.36 of 2023 and LA App. No.38 of 2023 and Ms. R. Chakraborty, learned counsel representing the LA Collector in LA App. No.47 of 2023 and Mr. A. Acharjee, learned counsel representing the LA Collector in LA App. No.50 of 2023 made similar submissions like Mr. S. Ghosh, learned counsel and Mr. P. Majumder, learned counsel, by making reference to the judgments passed by this Court in other cases covered by the same notification.

[7] Mr. U.K. Majumder, learned counsel representing the claimant-respondents in all the appeals referred to the orders dated 30.05.2023 passed in **LA App. No.43 of 2023** and **LA App. No.44 of 2023** and orders dated 04.10.2023 passed in **LA App. No.14 of 2023**,

LA App. No.34 of 2023, LA App. No.37 of 2023, LA App. No.96 of 2023, LA App. No.97 of 2023 and LA App. No.99 of 2023 by a Co-ordinate Bench of this Court and submitted that in all the abovesaid appeals, arising out of same notification and of same mouja, the award passed by learned LA Judge was affirmed by dismissing the appeals and therefore, similar order may be passed in the present appeals to avoid any sort of discrimination.

[8] It appears that in all the appeals as noted above, the awards passed by the learned LA Judge @ Rs.8,00,000/- per kani for the valuation of land was affirmed by this Court and according to Mr. S. Ghosh, learned counsel and Mr. P. Majumder, learned counsel of appellants, the appellant Department has already complied with said judgments without any further challenge. Moreover, in Misc. (L.A.) 132 of 2014, it appears that learned LA Judge did not determine the awarded compensation based on the sale exemplar bearing No.1-6819 dated 27.07.2001 though Mr. N. Majumder, learned counsel tried to show that said judgment had suffered from miscalculation. Mr. N. Majumder, learned counsel submitted copies of the order of this Court dated 03.08.2023 passed in LA App. No.01 of 2023 and judgment dated 10.05.2023 passed in LA App. No.30 of 2022 but both the judgments relate to land of different mouja and therefore, same have no relevance in the present appeals. Above all, said award passed in Misc. (L.A.) 132 of 2014 is not under challenge in any one of the present appeals and therefore, propriety of said judgment cannot be argued in the appeals in hand. Situated thus, the arguments as made by Mr. N. Majumder, learned counsel are not accepted.

[9] In view of the submission of all other learned counsel and also in view of the judgments passed by this Court in other appeals as indicated above, it is held that the present appeals are devoid of any merit and accordingly, same are dismissed and all the impugned awards passed by the learned LA Judge, West Tripura, Agartala are affirmed.

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

Registry is to re-consign the LCRs with copy of this judgment.

JUDGE

Rudradeep

RUDRADEEP BANERJEE

Digitally signed by RUDRADEEP
BANERJEE
Date: 2024.04.10 17:09:20 +05'30'

HIGH COURT OF TRIPURA



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