

HIGH COURT OF TRIPURA AGARTALA

L.A. App. No.55 of 2023

L.A. App. No.59 of 2023

In L.A. App. No.55 of 2023

The General Manager (Project)

National Highways Infrastructure Development Corporation Ltd, (NHIDCL) Ministry of Road, Transport & Highways, a Government of India Undertakings, PMU Office- Khowai, 2nd Floor (C/O- Jahar Nag), Ganki, Khowai, P.S. Khowai, District- Khowai, Tripura, PIN-799201

By Advocate:

Mr. P. Majumder, Adv.

..... Appellant(s)

- Versus -

- 1. Smt. Mala Rani Saha,**
wife of Dharendra Chandra Saha, resident of Rabindranagar, P.S. East Agartala, District-West Tripura
- 2. Smt. Sarujini Ghosh,**
wife of late Prasanna Kumar Ghosh, resident of Rabindranagar, P.S. East Agartala, District-West Tripura
- 3. The Land Acquisition Collector,**
West Tripura District, Agartala

By Advocate:

Mr. A. Acharjee, Adv.

Mr. R. Paul, Adv.

In L.A. App. No.59 of 2023

The General Manager (Project)

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

By Advocate:

Mr. N. Majumder, Adv.

Mr. S. Roy, Adv.

..... Appellant(s)

- V e r s u s -

1(a). Late Kalidasi Karmakar,

[As per the Court's order dated 09.01.2024 passed in I.A. No.03 of 2024 in L.A. App. No.59 of 2023, the name of the deceased respondent 1(a), namely Kalidasi Karmakar was struck off and her legal representatives are respondents No.1(b) to 1(g) below]

1(b). Sri Pradip Karmakar,
son of late Khirode Chandra Karmakar of Rabindranagar, P.O. Rabindranagar, P.S. East Agartala, District- West Tripura

1(c). Sri Bhulu Karmakar,
son of late Khirode Chandra Karmakar of Rabindranagar, P.O. Rabindranagar, P.S. East Agartala, District- West Tripura

1(d). Smt. Shibani Karmakar,
daughter of late Khirode Chandra Karmakar of Rabindranagar, P.O. Rabindranagar, P.S. East Agartala, District- West Tripura

1(e). Smt. Bhabani Ghosh (Karmakar),
daughter of late Khirode Chandra Karmakar of Rabindranagar, P.O. Rabindranagar, P.S. East Agartala, District- West Tripura

1(f). Smt. Dulali Sutradhar (Karmakar),
daughter of late Khirode Chandra Karmakar of Rabindranagar, P.O. Rabindranagar, P.S. East Agartala, District- West Tripura

1(g). Smt. Shefali Sutradhar (Karmakar),
daughter of late Khirode Chandra Karmakar of Rabindranagar, P.O. Rabindranagar, P.S. East Agartala, District- West Tripura

-Above all are the Legal heirs and representatives on the death of Kshirode Chandra Karmakar

2(a). Smt. Chandra Bala Karmakar,
wife of late Nirode Chandra Karmakar of Rabindranagar, P.O. Rabindranagar, P.S. East Agartala, District- West Tripura

- 2(b). Smt. Kalpana Karmakar,**
daughter of late Nirode Chandra Karmakar
of Rabindranagar, P.O. Rabindranagar, P.S.
East Agartala, District- West Tripura
- 2(c). Sri Nirmal Karmakar,**
son of late Nirode Chandra Karmakar of
Rabindranagar, P.O. Rabindranagar, P.S.
East Agartala, District- West Tripura
- 2(d). Smt. Purnima Karmakar,**
daughter of late Nirode Chandra Karmakar
of Rabindranagar, P.O. Rabindranagar, P.S.
East Agartala, District- West Tripura
- 2(e). Smt. Anjana Karmakar,**
daughter of late Nirode Chandra Karmakar
of Rabindranagar, P.O. Rabindranagar, P.S.
East Agartala, District- West Tripura
- 2(f). Sri Kartick Karmakar,**
son of late Nirode Chandra Karmakar of
Rabindranagar, P.O. Rabindranagar, P.S.
East Agartala, District- West Tripura
-Above all are the Legal heirs and
Representative on the death of Nirode
Chandra Karmakar
- 3. Sri Bhulu Karmakar,**
son of late Khirode Chandra Karmakar of
Rabindranagar, P.O. Rabindranagar, P.S.
East Agartala, District- West Tripura
- 4. Sri Chandan Ghosh,**
son Anil Ghosh of Rabindranagar, P.O.
Rabindranagar, P.S. East Agartala, District-
West Tripura
- 5. The Land Acquisition Collector**
West Tripura, Government of Tripura, Old
Secretariat Building, P.O. Agartala, P.S.
West Agartala, District- West Tripura

By Advocate:

Mr. D.C. Saha, 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)

Both the appeals are disposed of by a common judgment as the lands involved in both the appeals were acquired by the same notification and from same mouja and for the same purpose, by the State Government.

[2] Heard Mr. P. Majumder, learned counsel appearing for the appellant as well as Mr. A. Acharjee, learned counsel appearing for the L.A. Collector and Mr. R. Paul, learned counsel appearing for the claimant-respondents in L.A. App. No.55 of 2023.

[3] Also Heard Mr. N. Majumder, learned counsel appearing for the appellant as well as Mr. D.C. Saha, learned counsel appearing for the L.A. Collector in L.A. App. No.59 of 2023. None appears for the claimant-respondents.

[4] All the learned counsel submit that concerning the lands acquired from the same mouja under same notification, earlier this Court passed a judgment awarding a compensation @ Rs.3,00,000/- per kani for all classes of land and therefore, in similar line necessary award may be passed by this Court in both the appeals.

[5] In L.A. App. 55 of 2023, an area of 0.001 acre of Nal class of land of plot No.5485 of Khatian No.2084 of Mouja-Dukli, sheet No.2(P) was acquired vide notification No.9(7)-REV/ACQ/XIV/04 dated 16.03.2004 for the purpose of construction of Bye-pass road. The L.A

Collector for the acquired land assessed the compensation at 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/-

Learned L.A. Judge on reference under Section 18 of the L.A. Act assessed the compensation @ Rs.7,00,000/- per kani in the instant case for Nal class of land.

[6] In L.A. App. No.59 of 2023 an area of 0.08 acres of class-Bastu(Nal) of plot No.5537 & 5537(P) of Khatian No.287 of Mouja-Dukli, sheet No.2(p) was acquired by the above said notification for the same purpose of construction of Bye-pass road and compensation was awarded by L.A. Collector at the similar rate as indicated above.

Learned L.A. Judge in this case awarded compensation @Rs.8,00,000/- per kani for Bastu(Nal) class of land along with other statutory reliefs.

[7] In both the cases, the claimant(s) relied on a sale deed bearing No.1-977 dated 02.02.2002 wherein 2 gandas of land from RS plot No.5585 of a different Mouja, namely Anandanagar mouja was transacted for Rs.50,000/- i.e. @Rs.5,00,000/- per kani. It was also observed by the learned LA Judge that no map was submitted by the claimant(s) in these cases and from the side of the L.A. Collector though one witness namely, Narendra Ch. Deb was examined but no documentary evidence was adduced.

[8] However, this Court in L.A. App. No.52 of 2023 considering the similarly situated facts, has decided the compensation @Rs.3,00,000/- per kani for Nal class of land and in L.A. App. No.42 of 2023 decided analogously with other 3[three] appeals has determined the compensation at the similar rate for all classes of acquired land.

[9] Keeping in view of the above facts and also to maintain the uniformity in granting compensation to the land losers, it is hereby ordered that the claimant(s) in both the present appeals will get compensation @Rs.3,00,000/- per kani for their acquired lands along with solatium, additional compensation, interest and cost in terms of the award passed by learned L.A. Judge, Court No.1, West Tripura, Agartala under Sections 23(2), 23(1)(A), 27 and 28 of the L.A. Act.

Both the appeals are disposed of accordingly.

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

Send down the LCRs with a copy of this order.

JUDGE

SUJAY GHOSH

Digitally signed by SUJAY
GHOSH
Date: 2024.05.29 11:13:57 +05'30'

Sujay