

**HIGH COURT OF TRIPURA
AGARTALA**

LA App. No. 42 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

V E R S U S

1. Sri. Manik Chandra Roy,
S/O. Late Dhwarika Mohan Roy,
Resident of Rabindranagar,
P.S. East Agartala, District- West Tripura.

.....Respondent-Claimant

2. The LA Collector,
West Tripura, Agartala,
P.S. West Agartala, District-West Tripura.

.....(Proforma) State-Respondent

For Appellant(s)	:	Mr. S Datta, Advocate.
For Respondent(s)	:	Mr. P S Roy, Advocate.

LA App. No. 48 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

V E R S U S

1. Smt. Bhajan Debnath,
W/O Sri Kanu Debnath,
Resident of Rabindranagar, P.O. Renters Colony,
P.S. East Agartala, District- West Tripura,
Pin-799004

..... Claimant-Respondent

2. The LA Collector,
West Tripura, Agartala,
Old Secretariat Building, P.O. Agartala,
P.S. West Agartala, District-West Tripura.

.....Respondent(s)

For Appellant(s)	:	Mr. N Majumder, Advocate.
For Respondent(s)	:	Mrs. R Chakraborty, Advocate.

LA App. No. 61 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

V E R S U S

1. Sri. Haripada Ghosh
S/O Late Amar Chand Ghosh
Of Rabindranagar, P.O. Rabindranagar,
P.S. East Agartala, District-West Tripura
..... Claimant-Respondent
2. The LA Collector,
West Tripura, Government of Tripura,
Old Secretariat Building, P.O. Agartala,
P.S. West Agartala, District-West Tripura.

.....(Proforma) State-Respondent

For Appellant(s)	:	Mr. N Majumder, Advocate.
For Respondent(s)	:	Mr. DC Saha, Advocate.

LA App. No. 62 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

V E R S U S

1. Sri. Narayan Chandra Ghosh
S/O Late Amar Chand Ghosh,
Of Rabindranagar, P.O. Rabindranagar,
P.S. East Agartala, District-West Tripura
2. Sri. Haripada Ghosh
S/O Late Amar Chand Ghosh,
Of Rabindranagar, P.O. Rabindranagar,
P.S. East Agartala, District-West Tripura
3. Sri. Arun Ghosh
S/O Late Amar Chand Ghosh,
Of Rabindranagar, P.O. Rabindranagar,
P.S. East Agartala, District-West Tripura

4. Sri. Bishnu Ghosh
S/O Late Amar Chand Ghosh,
Of Rabindranagar, P.O. Rabindranagar,
P.S. East Agartala, District-West Tripura

..... Claimant-Respondent(s)

5. The LA Collector,
West Tripura, Government of Tripura,
Old Secretarial Building, P.O. Agartala,
P.S. West Agartala, District-West Tripura.

.....Respondent

For Appellant(s)	:	Mr. N Majumder, Advocate.
For Respondent(s)	:	Mr. D C Saha, Advocate.
Whether Fit for Reporting	:	NO

HON'BLE MR. JUSTICE S.D. PURKAYASTHA

JUDGMENT & ORDER (ORAL)

23/02/2024

All the above noted appeals are heard in a batch in as much as all the appeals are related to a common acquisition done under Notification bearing No.F.9(7)-REV/ACQ/XIV/04 dated 12.02.2004 of Mouja Dukli sheet No.2/P for the purpose of construction of bypass road from Khayerpur to Amtali and all the cases are being disposed of by this judgment.

2. In all the cases, after acquisition the LA Collection assessed the compensation for land 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/-

3. In LA App. No.42/2023 an area of 0.05 acre from Plot No.5449(P) of Khatian No.423 of Bastu class was acquired by the above said notification. On reference LA Judge, West Tripura, Agartala enhanced the rate awarding compensation @ Rs.10 Lakh per kani for such Bastu (Tilla) class of land.

4. In LA App. No.48/2023 an area of 0.25 acre from Plot No.6501(P) of Khatian No. 2920 of class Nal was acquired from the claimant and on reference learned LA Judge, West Tripura, Agartala enhanced the rate awarding compensation @ Rs.7 Lakh per kani.

5. In LA App. No.61 of 2023 an area of 0.165 acre from Plot Nos. 5535(P), 5540(P) & 6497(P) of Khatian Nos. 686 & 2883 of class Path, Bastu(Nal), Nal class respectively was acquired and in that case learned LA Judge awarded compensation @ Rs.8 Lakh per kani for Bastu (Nal) class of land and @ Rs.7 Lakh per kani for other classes of land.

6. In LA App. No. 62/2023 similarly an area of 0.45 acre of Plots Nos. 5516(P), 5519, 5539, 5525(P), 5522(P), 5517 and 5518 of Khatian Nos.1189/1,2 & 261 and of classes Nal, Bastu (Tila), Viti(Nal), embankment of Pond (Nal) and Pond (Nal) was acquired and learned LA Judge awarded compensation @ Rs.10 Lakh per kani for Bastu (Tila) class of land and @ Rs. 7 Lakh per kani for other classes of land.

7. In all the cases, the sole claimant or one of the claimants has examined himself as PW-1 and proved one sale exemplar bearing No.1-977 dated 02/02/2002 of Mouja Anandanagar (not of Mouja Dukli) and from the side of LA Collector one witness, namely, Narendra Chandra Deb was examined but no document was proved from the side of LA Collector. The appellant-Requiring Department though submitted counter objection before the learned LA Judge but opted not to examine any witness or to prove any document in their evidence.

8. During hearing learned counsel Mr. Nepal Majumdar, for the appellant in LA App. No.48/2023, LA App. No.61/2023 & LA App. No.62/2023 and Mr. Sougata Datta, learned counsel for the appellant in LA App. No.42/2023 relied on five judgments passed by this court in co-equal bench in LA App. No.30/2022, LA App. No. 01/2023, LA App. No.21/2023, LA App. No.22/2023, LA App. No.24/2023 and contended

that concerning acquisition of other plots of lands of same Mouja under same notification, compensation @ Rs.3 Lakh per kani was awarded by this court at the flat rate of all classes of land and therefore, at the similar rate the present appeals may be disposed of.

9. Similar has been submission of learned counsel, Mr. PS Roy representing LA Collector in LA App. No.42/2023, learned counsel, Mrs. R Chakraborty representing LA Collector in LA App. 48/2023 and learned counsel, Mr. DC Saha representing in LA App. No.61/2023 and LA App. No.62/2023. None is present for the respective claimant-respondent(s) despite due service of notice.

10. Considered the submissions of the learned counsel appearing for the appellants as well as for the LA Collector and also perused the records. It appears that before the learned LA Judge no sale exemplar, either from the side of the claimant(s) or from the side of the LA Collector was submitted relating to Mouja Dukli. Rather, the claimant(s) relied on a sale deed relating to Anandanagar Mouja. Even no revenue map was submitted by either of the parties to enable the court to consider the distance between the plot of land of the sale exemplars and the related acquired plots. Learned counsel for the appellant have submitted that the judgment passed by the High Court in all the above said cases have been complied with by them.

11. In sale exemplar bearing No.1-977 dated 02/02/2002 (Exbt-1) an area of two gandas of Viti (Tila) class of land was sold for Rs.50,000/- i.e. @ Rs.5 Lakhs per kani. But except that, there is no other evidence to justify the award given by the learned LA Judge in all the above said cases at such a much higher rate. Already in some other cases, as discussed above, the matter of assessment of compensation has been set at rest by this court.

12. In view of these facts and circumstances, in the present appeals also, similar rate is determined irrespective of differences in classes of land.

13. In view of above, it is hereby ordered that the claimant(s) in all the present appeals will get compensation @ of Rs. 3 Lakh per kani for all classes of acquired land along with Solatium, additional compensation and interest as awarded by learned LA Judge, West Tripura, Agartala under Section 23(2), Section 23(1A) and Section 28 of the LA Act along with cost of Rs.1,000/- as awarded under Section 27 of the Act by the learned LA Judge.

14. With the above observation, the appeals are disposed of. Send down the LCRs with copy of the judgment(s).

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

JUDGE

SATABDI DUTTA Digitally signed by SATABDI DUTTA
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