

**HIGH COURT OF TRIPURA
AGARTALA**

LA APP No.57 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:799 201

-----Appellant (s)

Versus

- 1. Smt. Puspa Rani Debnath,**
Wife of Late Ramesh Chandra Debnath,
Resident of Rabindranagar, P.O. Rabindranagar,
P.S. East Agartala, District: West Triura
- 2. Smt. Gita Rani Debnath,**
Daughter of Late Ramesh Chandra Debnath,
Resident of Rabindranagar, P.O. Rabindranagar,
P.S. East Agartala, District: West Tripura
- 3. Smt. Swaraswati Debnath,**
Daughter of Late Ramesh Chandra Debnath,
Resident of Rabindranagar, P.O. Rabindranagar,
P.S. East Agartala, District: West Tripura
- 4. Sri Nimai Debnath,**
Son of Late Ramesh Chandra Debnath,
Resident of Rabindranagar, P.O. Rabindranagar,
P.S. East Agartala, District: West Tripura
- 5. Sri Nantu Debnath,**
Son of Late Ramesh Chandra Debnath,
Resident of Rabindranagar, P.O. Rabindranagar,
P.S. East Agartala, District: West Tripura

----- Claimant/Respondents (s)

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

----- Respondents (s)

For Appellant(s)	:	Mr. N. Majumder, Adv. Ms. M. Sarkar, Adv.
For Respondent(s)	:	D. C. Saha, Adv.
Date of Hearing	:	24.07.2024
Date of delivery of Judgment and Order	:	26.07.2024
Whether fit for Reporting	:	NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Heard Mr. N. Majumder, Learned counsel along with Ms. M. Sarkar, Learned counsel appearing for the appellant OP No.1 and also heard Mr. D. C. Saha, Learned counsel appearing for the LA Collector. None appeared on behalf of the referring-claimants.

02. The appellant has preferred this appeal under Section 54 of the L.A. Act challenging the judgment and award dated 21.05.2022 delivered by Learned L.A. Judge, West Tripura, Agartala in connection with Case No.Misc.(L.A.)334 of 2016. By the said award Learned L.A. Judge has determined the market value of the acquired land @Rs.7,00,000/- per kani each in respect of nal, pond(nal) and pukurpar(nal) classes of lands along with other statutory benefits. The subject matter of the appeal is as follows:

03. On the basis of objection raised by the referring-claimants against the award made by the LA Collector, the

L.A. Collector under Section 18 of the LA Act referred the subject matter of the referring-claimants before the LA Judge for appropriate decision on the ground that following description of land belonging to the referring-claimant was acquired by the LA Collector West Tripura, Agartala vide notification No.F.9(7)-REV/ACQ/XIV/04 dated 12.02.2004 under Section 4 of the LA Act and accordingly compensation of the acquired land was determined @Rs.5,00,000/- per acre i.e. Rs.2,00,000/- per kani and the total amount of Rs.2,26,705/- was awarded to the referring-claimants by the L.A. Collector. The description of the acquired land is as follows:

District- West Tripura, Sub-Division- Sadar, Mouja- Dukli sheet no.2/p, Khatian no.2251/1,2 under plot no.5498, 5520, 5495/p, 5496 and 5494/p, Class-nal, pond(nal) and pukurpar(nal), area-0.315 acre.

04. Before the L.A. Judge the referring-claimants filed their claim statement sought for enhancement of the award on the ground that the acquired land is most valuable land and it has unique features in regard to its position or potentialities and the area is a developed area. Moreover, most of the awardees have their homestead within the acquired land. Further the acquired land having its highest potentialities both for commercial and industrial purposes. In addition to that the acquired land has all types of modern amenities like water connection, electricity connection, telephone facility, bank, hospital, police station, high schools, bus stand, auto stand, jeep stand, railway station,

university etc. It was further submitted that the acquired land is situated very near to the Agartala town and considering all the aspects the market value of the adjacent land has been increasing day by day and it was further submitted that the market value of the acquired land was Rs.20,00,000/- per kani, on the relevant point of time. But the L.A. Collector ignoring all these aspects determined the market value of the acquired land @ Rs.2,00,000/- per kani. In the said proceeding the OP No.1 i.e. the present appellant appeared and filed the written statement denying the assertions of the referring-claimants but they admitted that the land of the referring-claimants was acquired by the L.A. Collector by the said notification dated 12.02.2004 and it was further submitted that the market value assessed by the L.A. Collector was proper and justified. So the said OP prayed for dismissal of the claim statement. The L.A. Collector contested the said case before the LA Judge by filing written counter-statement and submitted that after due consideration of the relevant documents the L.A. Collector determined the market value which was proper and justified and prayed for dismissal of the claim petition.

05. Learned L.A. Judge upon the pleading of the parties framed following issues:

(1) Is the award given by the L.A. Collector, West Tripura inadequate? If so, what should be the just amount of compensation and who is/are to pay the same?

(2) To what other reliefs are the parties entitled?

06. To substantiate the issues one Nimai Debnath on behalf of the referring-claimants filed his examination-in-chief in affidavit as PW-1 and he exhibited certified copy and registered sale-deed bearing No.1-977, Book No.1, Vol No.II, Page No.253-254 of 2002 (Exbt.1). On the other hand from the side of the L.A. Collector one Narendra Chandra Deb filed his examination-in-chief by way of affidavit and on conclusion of argument Learned L.A. Judge determined the value of the acquired land @Rs.7,00,000/- per kani for nal, pond(nal) and pukurpar(nal) classes of land along with other statutory benefits and further awarded Rs.1000/- as cost under Section 27 of the LA Act. Challenging that judgment the appellant OP No.1 preferred this appeal under Section 54 of the LA Act before the High Court.

07. In course of hearing of arguments Learned counsel Mr. N. Majumer appearing for the appellant drawn the attention of the court that in similar other cases of the same notification this High court awarded compensation @ Rs.3,00,000/- per kani in place of Rs.7,00,000/- per kani. He also placed on record the orders passed by this High Court in connection with Case No. LA APP. No.21 of 2023, LA APP No.24 of 2023, LA APP No.42 of 2023, LA APP No.48 of 2023, LA APP No.61 of 2023 and LA APP No.62 of 2023 and also LA APP No.1 of 2023. Referring the same Learned counsel submitted that since the subject matter of this

appeal is covered by the aforesaid judgments of this High court. So this appeal may be allowed and the compensation may be reduced to Rs.3,00,000/- per kani from Rs.7,00,000/- per kani as awarded by the Tribunal below.

Learned counsel Mr. D. C. Saha also shared the same view.

None appeared on behalf of the referring-claimants to counter the appeal filed by the present appellant.

08. Heard the submission of Learned counsel. On bare perusal of the order in connection with Case No.LA APP No.21 of 2023 it appears that under the same notification this High court has awarded compensation for the acquired land @Rs.3,00,000/- per kani and also in connection with LA APP No.42 of 2023, LA APP No.48 of 2023, LA APP No.61 of 2023 and LA APP No.62 of 2023 under the same notification this High Court also awarded compensation @ Rs.3,00,000/- per kani for the acquired land to the respective claimants. Further in the case of LA APP No.1 of 2023 and LA APP No.24 of 2023 this High court under the same notification also awarded compensation for the acquired land @Rs.3,00,000/- per kani. Since the present appeal is squarely covered by the said judgment/orders of this High Court so this court is of the considered opinion that an amount of Rs.3,00,000/- per kani would be appropriate and proper and be paid to the claimants and accordingly the

market value of the acquired land is determined in respect of different classes of land @Rs.3,00,000/- per kani.

09. In view of the above, the present appeal is partly allowed. The judgment and award of the Learned Tribunal below in connection with Case No. Misc.(L.A.) 334 of 2016 dated 21.05.2022 passed by Learned L.A. Judge, Court No.1, West Tripura, Agartala is modified to the extent that the referring claimants would get compensation @ Rs.3,00,000/- per kani instead of Rs.7,00,000/- per kani awarded by the Tribunal for all classes of acquired land along with other statutory benefits awarded by the Learned court below along with further cost of Rs.1,000/- awarded under Section 27 of the LA Act by the Learned L.A. Judge.

With this observation and direction the appeal is disposed on contest.

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

JUDGE

**MOUMITA
DATTA**

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