

**HIGH COURT OF TRIPURA
AGARTALA**

LA App. 54 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,
PS-Khowai, District-Khowai, Tripura, Pin-799201

.....Appellant(s)

Vs.

1. Sri Nepal Chandra Das,
Son of Harendra Chandra Das
Resident of Rabindranagar,
PS-East Agartala,
District-West Tripura.

2. The Land Acquisition collector,
West Tripura District,
Agartala.

.....Respondent(s)

For Appellant(s) : Mr. P. Majumder, Adv.

For Respondent(s) : Mr. A Acharjee, Adv.

And

LA App. 63 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, PS-Khowai,
District-Khowai, Tripura, Pin-799201.

.....Appellant(s)

Vs.

1. Sri Subal Chandra Debnath,
Son of Late Harmohan Debnath,
Resident of Rabindranagar, PO-Renters Colony,
PS-East Agartala, District-West Tripura; Pin-799004

.....Claimant-Respondent(s)

2. The Land Acquisition collector,
West Tripura District, Government of Tripura,
Old Secretariat Building, PO-Agartala,
PS-West Agartala, District-West Tripura.

.....Respondent(s)

For Appellant(s)	:	Mr. N Majumder, Adv.
For Respondent(s)	:	Mr. R Paul, Adv.
Fit for Reporting	:	NO

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

09.05.2024

Both the appeals are heard together and are being disposed of by this common judgment, as common facts are involved in both the appeals.

[2] In LA Appeal No.54 of 2023 an area of 0.10 acre of class Bastu (Tilla) from Plot No.5451 of Khatian No.291 of Mouja-Dukli, Sheet No. 2/P was acquired by the government vide Notification No. F.9(7)-REV/ACQ/XIV/2004 dated 12.02.2004 for the purpose of construction of bypass road from Khayerpur to Amtali.

[3] The LA Collector awarded compensation @ Rs.2,50,000/- per kani for Bastu (Tilla) class of land. Being dissatisfied with the award when the claimant sought for reference under Section 18 of LA Act, matter was referred to the learned LA Judge, Court No.1, West Tripura, Agartala.

[4] Learned LA Judge in related case No. Misc. (LA) No.268 of 2016 awarded compensation @ Rs. 10,00,000/- per kani to the claimant-respondent No.1 along with other statutory reliefs. In the

said case, the claimant examined himself and also proved one registered Sale Deed bearing No.1-977 dated 02.02.2002. From the side of LA Collector no documentary evidence was adduced through one witness namely Narendra Chandra Deb was examined. Being dissatisfied with the award of learned LA Judge, the present appeal has been preferred by the requiring department.

[5] In LA App. No.63 of 2023 an area of 0.08 acre of Tilla class from Plot No.6487(P) of Khatian No.2765 of Mouja – Dukli, Sheet No.2/P was acquired for the same purpose i.e. for construction of said bypass road vide said notification dated 12.02.2004. For Tilla class of land the LA Collector awarded compensation @ Rs.2,25,000/- per kani.

[6] After reference to the learned LA Judge, Court No.1, West Tripura, Agartala, the case bearing No. Misc. (LA) No.336 of 2016 was registered therein. The learned LA Judge awarded compensation @ Rs.7,00,000/- per kani to the claimant respondent No.1 along with other statutory reliefs. In the said case also the claimant relied on Sale Deed No.1-977 dated 02.02.2002 and from the side of LA Collector no document was proved. Learned LA Judge while awarding compensation in the said case relied on another award passed by the said court in Misc (LA) No.333 of 2016 wherein compensation was determined @ Rs.7,00,000/- per kani in respect of Tilla and Path class of land and accordingly awarded compensation @ Rs.7,00,000/- per kani in the present case.

[7] Learned counsel Mr. P Majumder, representing the appellant in LA Appeal No.54 of 2023 and learned counsel Mr. N Majumder, representing the appellant in LA Appeal No.63 of 2023 rely on the judgment passed by this court in LA App. No.42/2023, LA App. No.52/2023 and LA App. No.53/2023 and submitted that concerning the acquisition of land of same Mouja by same notification, this court awarded compensation @ Rs. 3,00,000/- per kani flatly for all classes of land. So the similar award may be passed in both the appeals.

[8] Learned counsel Mr. A Acharjee, representing the LA Collector in LA App. No.54/2023 has also made similar submission. The claimant respondent in both the appeals despite service of notice has not participated in the hearing. None is present on behalf of the LA Collector in LA App. No.63 of 2023.

[9] Considered the submission of learned counsel and perused the record. The relevant portions of the judgment as passed in the case of ***The General Manager (Project) vs. Sri. Manik Chandra Roy & Anr.,*** (LA App. No.42/2023 decided on 23.02.2024 along with other three appeals) are extracted below for useful reference:-

"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."

[10] In the present appeals also, as discussed above, only one Sale Deed bearing No.1-977 dated 02.02.2002 was proved into evidence by the claimant which does not relate to Mouja-

Dukli. No map was also submitted by them and LA Collector also did not adduce any satisfactory evidence to show justification behind the award passed by the LA Collector.

[11] On the other hand, in other appeals as indicated above, an uniform rate has been fixed @ Rs.3,00,000/- per kani for all classes of acquired land in respect of acquisition under above said notification.

[12] In view of above, it is held that the claimant respondents of both the appeals will get compensation @ Rs.3,00,000/- per kani for their acquired land along with solatium, additional compensation and interest under Section 23(2), Section 23 (1A) and under Section 27 of LA Act along with cost of Rs.1,000/- in terms of award passed by the learned LA Judge, West Tripura, Agartala.

[13] With the above observation and decision, both the appeals are disposed of accordingly. Send down the LC Records along with a copy of the judgment.

Pending applications, if any, also stand disposed of.

JUDGE

SATABDI DUTTA
Satabdi

 Digitally signed by SATABDI DUTTA
Date: 2024.05.16 16:17:27 +05'30'