

**HIGH COURT OF TRIPURA
AGARTALA**

LA App. No. 52 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

V E R S U S

1. Smti Mala Rani Saha
Wife of Dhirendra Chandra Saha
Resident of Rabindranagar,
PS-East Agartala,
District-West Tripura.
2. Sri. Ratan Chandra Ghosh
Son of late Prasanna Kumar Ghosh
Resident of Barindranagar,
PS-East Agartala,
District-West Tripura.
3. The Land Acquisition Collector,
West Tripura, District-Agartala.

.....Respondent

For Appellant(s)	:	Mr. P Majumder, Advocate.
For Respondent(s)	:	Mr. R Paul, Advocate. Mr. A Acharjee, Advocate. Mr. D Saha, Advocate.

HON'BLE MR. JUSTICE S.D. PURKAYASTHA

JUDGMENT & ORDER (ORAL)

14/03/2024

Heard Mr. P Majumder, learned counsel appearing for the
appellant as well as Mr. R Paul, learned counsel appearing for the
Respondent-Claimants No.1 & 2 and Mr. A Acharjee, learned counsel
appearing for the Respondent No.3 (LA Collector).

2. All the learned counsel have submitted that concerning acquisition of other lands under same notification and same mouja, award was passed by this Court determining the value of land @ Rs.3,00,000/- per kani and therefore, similar rate may be maintained in this case also.

3. In this regard, Mr. Majumder, learned counsel for the appellant has referred to the judgment of this court passed in LA App.30 of 2022 dated 10.05.2023.

4. Considered the submissions.

5. An area of 0.01 acre of Nal class of land from Plot No.5484 of Mouja Dukli, Sheet No.2/P, was acquired by the government vide Notification No.9.(7)-REV/ACQ/XIV/04 dated 12.02.2004. The LA Collector determined the compensation for Nal class of land @ Rs.2,00,000/- per kani. Ld. LA Judge, West Tripura, Agartala on reference under Section 18 of the LA Act enhanced the rate and determined the land valuation @ Rs.7,00,000/- per kani. During hearing before the Ld. LA Judge the claimant Ratan Chandra Ghosh relied on a single deed bearing No.1-977 dated 02.02.2002 where Viti (Tila) class of land was sold for Rs.50,000/- i.e @ Rs.5,00,000/- per kani and said document also does not justify the award passed by the learned LA Judge. From the side of LA Collector also, no sale exemplar was proved.

6. Anyway from the judgment passed by this court in LA App. No. 30/2022, as referred, it appears that earlier this court determined the compensation of Viti (Tila) class of land @ Rs.3,00,000/- per kani in relation to the same notification of acquisition and thereafter, also in LA App. No.42/2023 decided on 23.02.2024 with LA App. No.48/2023, LA App. No. 61/2023 and LA App. No. 62/2023, similar rate was maintained by this court for Nal and other classes of land too.

7. Considering the fact that there is no cogent evidence to justify the higher rate given by learned LA Judge and also considering the fact that uniformity as maintained by this court in determining the valuation of the land in other cases relating to said acquisition in respect of Mouja Dukli under Sheet No.2/P, it is held that the claimant-respondents in this case also will get compensation for land @ Rs.3,00,000/- per kani, along with other statutory benefits like solatium, additional compensation, interest and cost in terms of the award passed by learned LA Judge, in his award dated 29.04.2022.

8. The appeal is accordingly allowed.

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

Reconsign the LCR with copy of this judgment.

JUDGE

SATABDI DUTTA Digitally signed by SATABDI DUTTA
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