

HIGH COURT OF TRIPURA
AGARTALA
LA. App No. 49 of 2023.
***The General Manager Project* Appellant(s)**
***Sri Sunil Chandra Roy & Ors.* Vs Respondent(s)**

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

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

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

27.11.2024

Heard Mr. P. Majumder, learned counsel appearing for the appellant. Also heard Mr. A. Acharjee, learned counsel representing respondent-LA Collector.

[2] This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894 seeking the following reliefs:-

- "1) Admit the appeal
- ii) Call for the relevant records,
- iii) Issue notice upon the respondents,
- iv) Pass judgement setting aside/quashing and/or reversing the impugned Judgement and Award dated 23/03/2022 passed by the Ld. L.A. Judge, West Tripura, in case No.Misc. (LA) 348 of 2016
- v) Stay the judgement and award dated 23/03/2022 passed in Case No. Misc. (LA) 348 of 2016 till disposal of the instant appeal
- vi. And after hearing the parties, be pleased to set aside the judgment and award dated 23.03.2022 passed by the Ld. LA Judge, West Tripura in case No. Misc(LA) 348 of 2016.

AND

In the interim, be pleased to pass an order of staying execution of the impugned Judgement and award dated 23/03/2022 passed

by the Ld. LA Judge, West Tripura, AND appellant as in duty bound shall ever pray."

[3] Mr. P. Majumder, learned counsel appearing for the appellant submits before this Court that the subject matter involves in this appeal is covered by the number of judgments passed by this Court i.e, in LA.App. No. 56 of 2023, LA.App No. 52 of 2023, LA.App No. 53 of 2023 and LA.App No. 30 of 2022 and prayed to fix the compensation @ of Rs. 3 lac per kani as decided in these matters. In this regard, the judgment of this Court dated 10.05.2023 passed in LA App.30 of 2022 has been referred by Mr. Majumder, the relevant contents of the said judgment are quoted herein-below:

".....7. In all fairness, the submission made by Mr. Majumder, learned counsel appearing for the appellant has been considered in the light of the decision of L.A. Court passed in Misc.(L.A.)342 of 2011 dated 26.08.2016.Considering the same notification, mouja, and same class of land in both cases, this Court is of the opinion that fixing Rs.3,00,000/- per kani in this present case appears to be reasonable. Accordingly, the same is fixed in this present case also.

8. With the above observation and direction, the present appeal is accordingly allowed to the extent indicated above. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed."

[4] After perusal of the record, it is seen that the land in question falls at Mouja Dukli which was acquired for construction of bye pass road from Khayerpur to Amtali under Sadar Sub-Division in West Tripura District by issuing Notification and the same is covered by the judgment of this Court dated 10.05.2023 passed in LA App. No.30 of 2022. In view of the said submissions, this Court is of the

opinion that the subject-matter involved in this appeal is covered by the said judgment of this Court dated 10.05.2023 and accordingly, the instant appeal will follow the observation as made by this Court in LA App. No.30 of 2022.

In view of the above, the present appeal is allowed in part to the extent as indicated above and the same is disposed of. As a sequel, miscellaneous application(s) pending, if any, shall also stand closed.

Registry is directed to enclose a copy of Judgment and Order dated 10.05.2023 passed in LA. App. No. 30 of 2022 along with this order and the same be tagged with the file records.

JUDGE



Paritosh

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GHOSH

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