

**HIGH COURT OF TRIPURA
AGARTALA**

LA App.56 of 2023

The General Manager Project

.....Appellant

versus

Shri Narayan Chandra Ghosh

.....Respondent

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

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

Date of hearing & delivery
of judgment and order : 14.08.2024.

Whether fit for reporting : Yes/No.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

JUDGMENT & ORDER(ORAL)

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

[2] The present appeal is filed by the appellant under Section 54 of the Land Acquisition Act, 1894 for setting aside the judgment and award dated 25.04.2022 passed by the learned Land Acquisition Judge, West Tripura, Agartala in connection with Case No. Misc.(LA) 340 of 2016.

[3] The relevant contents of the impugned judgment and order dated 25.04.2022 passed by the learned LA Judge is extracted as under:

"..O=R=D=E=R

In the result, the application of the referring claimant for enhancement of award is allowed. It is hereby directed that the referring claimant is entitled to get compensation @ Rs.7,00,000/- (Rupees Seven Lakh) per kani for nal class of land. The referring claimant will also get 30% solatium and 12% further enhanced amount of compensation upon the said enhanced land value computing from the date of notification under Section 4 of L.A. Act, 1894 till the date of award by the Collector or the date of taking possession of land whichever is earlier, as per Section 23(2) and Section 23(1-A) of the Act respectively. The referring claimant will further get interest @ 9% per annum from the date of taking over possession for one year and thereafter @ 15% per annum after expiry of

said one year till the date of payment upon said enhanced amount of compensation as per Section 28 of the Act. As per law laid down by the Hon'ble Supreme Court in *Mehrawal Khewaji Trust, Faridkot & ors. V. State of Punjab & ors.*, 2012 AIR SCW 2822, the interest will also be counted on additional amount as awarded under Section 23(1-A) above and upon the solatium awarded under Section 23(2) of the Act.

The referring claimant will also get Rs.1000/- as cost under Section 27 of the Act. The Opp. Party no.1 is also made jointly and severally liable to make the payment of compensation along with Opp. Party no.2.

The amount already paid shall be adjusted against the compensation enhanced.

The case is thus disposed of on contest....."

[4] Mr. P. Majumder, learned counsel for the appellant submits that learned LA Judge, West Tripura, Agartala in case No. Misc.(LA) 340 of 2016 has awarded compensation in the higher rate without considering the prevalent market rate and also ignoring the evidences as recorded during the course of proceeding of LA case before the learned Court below. He further contends that for 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. 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."

[5] It is submitted and agreed by both the sides that the land in question falls at Mouja Dukli which was acquired for construction of by-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 to the extent as indicated above and the same is disposed of. As a sequel, pending application(s) if any, shall also stand closed.

JUDGE

Sabyasachi. G.

RAJKUMAR SUHANJIT SINGHA

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