

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

L.A. App. No.34 of 2024

The State of Tripura and 2 Others

.....Appellants

_V_E_R_S_U_S_

Anil Plantations Private Limited

.....Respondent

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

For Respondent(s) : Mr. S. S. Debnath, Advocate.

Mr. D. S. Kunwar, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

29.11.2024

Heard Mr. N. Majumder, appearing for the appellants also heard Mr. S. S. Debnath, learned counsel appearing for the respondent.

[2] This is an application filed against the judgment and award dated 28.07.2023 passed by the learned Court of Land Acquisition Judge, Shepahijala District at Bishalgarh in case No. Misc L.A.174 of 2014 whereby the learned Land Acquisition Judge, Shepahijala District, Bishalgarh has awarded compensation grossly in the higher side ignoring the evidence on record.

[3] The facts in brief are that the Revenue Department Government of Tripura issued Notification under Section-4 of the Land Acquisition Act, 1894 vide Notification No. F.9(05)- REV/ACQ/XIV/ 12 dated 05.10.2012. The land measuring 1.09 acres in sheet No 3 and 4 of Mouja Gakulnagar owned by the referring claimant was acquired by the State Government for the purpose of "construction of approach road from NH 44 to Kamalasagar road General Degree College. to Bishalgarh. The proposed acquired land are also in various classification of Nal, Tilla, Bagan Tilla, Vhiti (Tilla), Bastu (Tilla) lunga and path classes of land. The sale deed Exhibit-1 and 2 was executed on 11.12.2013 whereas the land acquired by Notification dated 05.10.2012. The learned trial Court determined the value of land and enhanced the award @ Rs. 10,00,000/- per kani to Rs.18,00,000/- per kani for the acquired land of the claimant petitioner by judgment dated 29.01.2020.

[4] The appellant against the said Judgment dated 29.01.2020 preferred an appeal registered as L.A App 55 of 2021 was allowed on 16.01.2023 by the this Court and the same is remanded back to the learned trial Court to decide the matter

afresh, in its entirety. The learned trial Court issued notice on 31.01.2023 opportunity was given to the claimant for adducing evidence and recorded the evidence of Claimant on 10. 05.2023 and 20.03.2023. No opportunity was given to the opposite party for adducing evidence. Evidence was closed by order dated 20.05.2023. A petition preferred by the requiring department for adducing evidence of opposite party was rejected on 13.06.2023.

[5] Sri Narottam Lal Pareck as P.W-1 and submitted documents Deed No 1-1075 dated 11-06-2009 tilla class of land plot No 2677 and Sale Deed No 1-1173 dated 22.06.2009 tilla class of land plot No 4547 Exhibited as 4 and 5 respectively. The learned trial Court while passed the Judgment wrongly considered the Exhibit-4, where in East boundary of the land of the deed No-1-1075 bearing plot No 2677/p of Exhibit -4 is the highway runs from Agartala to Udaipur Exhibit -5. Sale Deed No 1-1173 dated 22.06.2009 is also situated side of the Road.

[6] Since both sale deeds situated road side having commercial value and high rate, are not comparable with the acquired land. Whereas, the acquired land is an abundant land far away from the exhibited documents land, is not comparable sale deed. Acquired land comprising various classes of land such as Lunga, tilla, Nal, Bagan Tilla, Vhiti (Tilla), Bastu (Tilla) and path classes of land. The acquired land was abundant land, is at a distance of 2 K.M from the deed plot i.e. far away/long distance from the sold out plot, situated near the highway runs from Agartala to Udaipur.

[7] Exhibit-4 Sale Deed No 1-1075 dated 11.06.2009 tilla class of land plot No.2677 at the rate of Rs 6.50,000/- per kani as per valuation chart / circle rate at the time of acquisition. The Exhibit -5 Sale Deed No 1-1173 dated 22-06-2009 tilla class of land plot No 4547. The acquired land is the Lunga and Tilla class of land. It is on documentary evidence of the Assessment Note of the Collector that, the acquired plot No- 4245/p,4244/p and 4247/p at the rate of Rs.2,50,000/- per kani at the relevant time of Acquisition.

[8] The deeds collected by the office of the L.A Collector are the evidence in reference reflected in the assessment Note Deed No 1-349 dated 26-02-2010 (Bagan Tilla) at a distance of 260 meters from acquired land. Deed No 1-550 dated 06-03-2012 (Bastu Tilla); Deed No 1-1520 dated 12-12-2012 (Nal) and 1- 1521 dated 27-12-2012(Nal) at a close distance from acquired land. Considering the all factors

the land value determined @ Rs. 10,00,000/- by the L.A Collector. Which reflect the correct market value at the time of acquisition.

[9] Exhibit-4 Sale deeds No 1-1075 dated 11.06.2009 between Anil Plantation Pvt. Ltd. and Sangita Bubna. Exhibit- 5, Sale deeds No 1-1173 dated 22.06.2009 between Anil Plantation Pvt. Ltd. and Good Will Consultants (P) Ltd. No independent Sale deed between the two individual private parties produce before the learned Court. Naturally the sale deeds executed much excessive higher side than the actual market price/value of the land is not reflected properly. The learned trial Court committed gross mistake while considered the deeds situated at high way runs from Agartala to Udaipur which having commercial Value and enhanced the award from Rs. 10,00,000/- to Rs. 24,00,000/- per kani by Judgment dated 28.07.2023 without any supporting documentary evidence and any basis which deserves interference and set aside by this Court. .

[10] Being aggrieved by and dissatisfied with the judgment and award dated 28.07.2023 passed by the learned L.A. Judge, Sepahijala District, Bishalgarh, Tripura, in case no. Misc L.A. 174 of 2014, the present appeal has been preferred.

[11] Being heard and perusing the material evidence on record, this Court is of the considered opinion that the learned Court below failed to indicate the proper reasoning at the time of deciding the case in hand. Moreover, no proper document has been exhibited to claim the title while claiming the compensation. Therefore, this Court opines that to meet the ends of justice, one more opportunity needs to be given to both the parties to establish their case before the learned Court below and accordingly, the same is ordered.

[12] As such, the judgment and order of the learned Court below stands set aside and the matter is remanded back to the Court below for proper adjudication in accordance with law. The learned Court below shall re-examine the matter by affording opportunity to both the parties for filing relevant documents and also frame additional issues on the title deed. The parties are at liberty to produce any such documents claiming their relief as prayed for and also to be the lawful owner of the land in question by placing title deed, if any.

[13] With the above observation and direction, the present appeal stands disposed of by remanding the matter for fresh adjudication. As sequel, miscellaneous application, pending if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

