

**HIGH COURT OF TRIPURA
AGARTALA
L.A.APP.No.51 of 2024**

1. The Executive Engineer, PWD(R & B),
Agartala Division V, Netaji Complex,
P.O. Agartala 799001, P.S. West Agartala,
District-West Tripura

2. The Land Acquisition Collector,
West Tripura District,
(represented by its Authorized Signatory)

----Appellant(s)

Versus

1. Dinesh Chandra Laskar,
son of Brajendra Chandra Laskar

2. Sri Debasish Chandra Laskar,
son of Dinesh Chandra Laskar

3. Smti. Dipika Roy,
wife of manik Roy

4. Smti. Lipika Sarkar,
wife of Bapi Sarkar

5.Smti. Manika Saha,
wife of Kajal Saha

All are residents of Siddhi Ashram,
P.S. Amtali, District Tripura

----Respondent/OP(s)

For Appellant(s)	:	Mr. H. Sarkar, Adv.
For Respondent(s)	:	Mr. Samarjit Bhattacharjee, Adv.
Date of Hearing & Judgment & Order	:	18.09.2024
Whether fit for reporting	:	NO

**HON'BLE MR. JUSTICE BISWAJIT PALIT
Judgment & Order(Oral)**

This appeal under Section 54 of L.A. Act is preferred challenging the judgment and award dated 29.09.2021 delivered by Learned L.A. Judge, West Tripura, Agartala, Court No.2 in connection with Case No.Misc.(L.A.)108 of 2015.

[2] Heard Learned counsel, Mr. H. Sarkar present for the appellants and also heard Learned counsel, Mr. Samarjit Bhattacharjee present for the claimant-respondent.

[3] In course of hearing, Mr. H. Sarkar, Learned counsel appearing for the appellants drawn the attention of this Court that the Learned L.A. Judge at the time of delivery of judgment in the aforesaid case did not consider the sale instances relied upon by the L.A. Collector at the time of determination of compensation and without any basis has awarded the compensation @ Rs.50,00,000/- per kani which was too high considering the prevailing market price of the locality at the time of acquisition of land. Learned counsel for the appellants further submitted that before the Learned L.A. Judge the respondent-claimant could adduce any strong materials i.e. appropriate exemplar deeds showing higher market price of the adjacent land of the acquired land on that relevant point of time of acquisition for which the judgment delivered by the Learned L.A. Judge cannot be sustained in the eye of law. So, Learned counsel for the appellants urged for interference of this Court and prayed for allowing this appeal by setting aside the judgment and award delivered by the Learned L.A. Judge.

[4] On the other hand, Mr. Samarjit Bhattacharjee, Learned counsel appearing for the claimant-respondent submitted that 0.0300 acres of land belonging to the respondent-claimant was acquired for the purpose of construction of approach road from Siddhi Ashram to Agartala Bye-pass vide notification dated 11.02.2009 under Section 4 of the L.A. Act followed by declaration vide No.F.09(14)-REV/ACQ/XIV08 dated 13.07.2009 and the acquired land is situated under Mouja Badharghat which is nearby the railway station and other commercial establishments and it had good potential value on that relevant point of time but the Learned L.A. Collector ignoring the relevant sale instances only determined the amount of compensation @ Rs.20,00,000/- per kani but on that relevant point of time,

the value of the acquired land was more than Rs.50,00,000/- per kani. So, according to Learned counsel for the claimant-respondent the judgment and award delivered by the Learned L.A. Judge was reasonable and justified and there is no scope for interference with the award delivered by the Learned L.A. Judge and urged for dismissal of this appeal upholding the judgment of the Learned L.A. Judge.

[5] Learned counsel for the claimant-respondent further submitted that as the matter is pending since long back, so, a direction may be given to the appellants to deposit the amount to the Registry of the High Court at an earliest convenience.

[6] In the case at hand, it appears that the L.A. Collector vide notification dated 11.02.2009 under Section 4 of the L.A. Act and subsequent declaration vide No.F.09(14)-REV/ACQ/XIV08 dated 13.07.2009 had acquired land measuring .03 acres belonging to the referring-claimants of khatian No.34687 appertaining to C.S. plot No.30166/p under mouja Badharghat, Sheet No.5(4)p under Badharghat tehashil for the purpose of construction of approach road from Siddhi Ashram to Agartala Bye-pass and the L.A. Collector considering ten numbers of exemplar deeds determined the value of the acquired land @ Rs.20,00,000/- per kani for 'Bastu' (Tilla) class of land. Before the Learned L.A. Judge the referring-claimants claimed compensation @ Rs.1,50,00,000/- per kani. According to the referring-claimants, the acquired land was situated within the developed area of Agartala city and it was a 'Bastu' (Tilla) class of land situated nearby Siddhi Ashram market area Badharghat, TMC Hospital, Agartala Railway Station etc. and it has good potential value. In addition to that the ONGC complex was nearby the acquired land and it was adjacent to two numbers of Class-XII schools. Furthermore, there are Telephone Exchange, Siddhi Ashram Sub Post Office, Jute Mill etc. nearby the acquired land. From the acquired land the distance of Agartala city was about 2 kms. only and on that relevant

point of time, the value of the acquired land was more than Rs.1,50,00,000/- per kani but the L.A. Collector according to the referring-claimants did not consider the same and finally determined the value of the acquired land @ Rs.20,00,000/- per kani. As already stated the appellants before the Learned L.A. Judge stated that the acquired land is a 'Bastu' (Tilla) class of land and it was an abandoned place and for that the appellants had selected this land for the purpose of approach road. So, according to them, the compensation determined by the L.A. Collector was just and proper.

[7] Heard submission of both the sides and also gone through the judgment delivered by the Learned Court below. Learned Court below at the time of delivery of the judgment came to the conclusion that the land value in the State of Tripura was increasing day by day and accordingly enhanced the market value of the acquired land from Rs.20,00,000/- to Rs.50,00,000/- per kani. Before the Learned L.A. Judge the claimant adduced three numbers of certified copies of of sale deeds which were marked as Exhibits as follows:

- “(i) Certified copy of registered sale-deed bearing No.1-3368 dated 04.07.2008 in seven sheets [Exbt.2(i) to Exbt.2(vii)]**
- (ii) Certified copy of registered sale-deed bearing No.1-556 dated 30.01.2008 in seven sheets [Exbt.3(i) to Exbt.3(vii)]**
- (iii) Certified copy of registered sale-deed bearing No.1-5149 dated 13.07.2007 in eight sheets [Exbt.4(i) to Exbt.3(viii)]”**

[8] On the other hand, the present appellants as the contesting O.Ps relied upon seven numbers of exemplar sale deeds which were marked as follows:

- “(i) Certified copy of registered Sale-Deed bearing No.1-7948 dated 29.11.2007 in 5 sheets (Exhibit A)**
- (ii) Certified copy of registered Sale-Deed bearing No.1-5035 dated 08.05.2006 in 7 sheets (Exhibit B)**
- (iii) Certified copy of registered Sale-Deed bearing No.1-5528 dated 17.05.2006 in 7 sheets (Exhibit C)**
- (iv) Certified copy of registered Sale-Deed bearing No.1-5699 dated 20.05.2006 in 9 sheets (Exhibit D)**
- (v) Certified copy of registered Sale-Deed bearing No.1-2989 dated 08.06.2008 in 8 sheets (Exhibit E)**
- (vi) Certified copy of registered Sale-Deed bearing No.1-1553 dated 08.02.2007 in 4 sheets (Exhibit F)**

(vii) Certified copy of registered Sale-Deed bearing No.1-12548 dated 21.11.2006 in 6 sheets (Exhibit G)”

Finally, the L.A. Collector determined the market value of the acquired land @ Rs.20,00,000/- per kani.

[9] On perusal of the judgment of the Learned L.A. Judge nowhere I find that as to why the Learned L.A. Judge did not consider the sale instances relied upon by the referring-claimants. Even no explanation was given in this regard. But without assigning any reason, the Learned L.A. Judge determined the market price of the acquired land @ Rs.50,00,000/- per kani which in my considered view was not proper and reasonable. So, after perusal of the judgment of the Learned L.A. Judge it appears that the purpose of justice would suffice if the market value of the acquired land is determined @ Rs.40,00,000/- per kani at the relevant point of time in place of Rs.50,00,000/- as awarded by Learned L.A. Judge.

[10] In view of this, the present appeal is hereby partly allowed. The market value of the acquired land is determined @ Rs.40,00,000/- per kani in place of Rs.50,00,000/- per kani along other statutory benefits as awarded by the Learned L.A. Judge vide judgment and award dated 29.09.2021. Since the matter is long pending one, so the appellants are hereby asked to deposit the award/compensation either to the Registry of the High Court or to the Learned Court below within a period of 2(two) months from the date of delivery of this judgment/award.

With these observations, the appeal is party allowed to the extent as indicated above.

Send down the LCR along with a copy of the judgment/award.
Also furnish copy to Learned counsels of both the sides.

JUDGE

Digitally signed by Sabyasachi
BHATTACHARJEE
Date: 2024.09.20 17:38:56 +05'30'

Sabyasachi B