

**HIGH COURT OF TRIPURA
AGARTALA
L.A.APP.No.50 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

Shri Sajal Sarkar,
son of Ramesh Chandra Sarkar,
resident of South Badharghat Chourangipara,
P.O. & P.S. A.D. Nagar, District-West 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 15.12.2021 delivered by Learned L.A. Judge, West Tripura, Agartala, Court No.4 in connection with Case No.Misc.(L.A.)153 of 2016.

[2] Heard Learned counsel, Mr. H. Sarkar 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.25,00,000/- 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 0.0100 acres of land belonging to the respondent-claimant was acquired by the Learned Collector for the purpose of construction of widening road from NH-44 to Sipard vide notification dated 19.11.2007 under Section 4 of the L.A. Act followed by declaration vide No.F.09(14)-REV/ACQ/XIV/07 dated 21.01.2008 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 sale instances only determined the amount of compensation @ Rs.12,00,000/- per kani but on that relevant point of time, the value of the acquired land was more than Rs.30,00,000/- 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 since 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] Seen the judgment of the Learned Court below. It appears that on the basis of reference made under Section 18 of the L.A. Act by the L.A. Collector, West Tripura the case was registered before the concerned Learned L.A. Judge. In the alleged case, the Learned L.A. Collector acquired land measuring 0.0100 acre of land comprised in khatian No.1884 of CS plot No.7627/p under mouja Badharghat, sheet No.3(3)/p belonging to the referring-claimant for the purpose of construction of widening road from NH-44 to Sipard vide notification dated 19.11.2007 under Section 4 of the L.A. Act followed by declaration vide No.F.09(14)-REV/ACQ/XIV/07 dated 21.01.2008. Before the Learned L.A. Judge the referring-claimant claimed the value of the land @ Rs.1,50,000/- per kani. It was further submitted that the acquired land was within developed area of Agartala city which was a 'Viti' (Tilla) class of land situated nearby the Women's Polytechnic College, Badharghat, TMC Hospital, Agartala and also it was nearby railway station which was at a distance of half km. from the acquired land and Siddhi Ashram market was also nearby the acquired land. So, it had good potentiality and the acquired land had good marketable place on that relevant point of time and all the facilities like electricity, water supply etc. are also available therein. It was further submitted that the ONGC complex, Badharghat and two numbers of Class-XII schools are adjacent to the acquired land along with other facilities.

[7] To substantiate the defence, the L.A. Collector and the OP No.1 contested the same and relied upon some deeds. The L.A. Collector determined the value of the acquired land @ Rs.12,00,000/- per kani. To substantiate the case, the respondent-claimant adduced two sale deeds

which were marked as Exbt.2 to Ext.2(vii) i.e. certified copy of sale deed No.1-207 dated 09.01.2007 and Exbt.3 to Ext.3(vii) i.e. certified copy of sale deed No.1-208 dated 09.01.2007. But at the time of delivery of judgment, Learned L.A. Judge did not consider those sale instances as those sale instances were involved for a very short quantum of land. However, under the same notification some more other lands were acquired by the government for the said purpose and in similar other cases vide Misc.(L.A.)154 of 2016 and Misc.(L.A.)163 of 2016 some compensation was granted. So the Learned L.A. Judge relied upon the judgment of those cases which was admitted by Learned GA who represented the State stating that the same was a covered case.

[8] So the Learned L.A. Judge relying upon the said judgments determined the market price of the acquired land @ Rs.25,00,000/- per kani in place of Rs.12,00,000/- per kani. Since, Learned G.A. in course of hearing before the Learned L.A. Judge admitted that there are two covered cases and similar type of lands were acquired by the same notification and decided by the Court. So, at this stage there is very least scope to entertain the appeal preferred by the present appellants. The grounds projected in the appeal are not at all satisfactory. So, in course of hearing of argument, Learned counsel for the appellants could not satisfy the Court by showing any cogent grounds to interfere with the judgment delivered by Learned L.A. Judge which is challenged in this appeal.

[9] So, after hearing both the sides and also after going through the judgment rendered by the Learned L.A. Judge, it appears to this Court that the Learned L.A. Judge rightly and reasonably determined the market value of the acquired land on the date of notification under Section 4 of the L.A. Act @ Rs.25,00,000/- per kani for which there is no scope to interfere with the judgment delivered by the Learned L.A. Judge.

[10] In the result, the appeal filed by the appellants stands dismissed being devoid of merit. The judgment and award dated 15.12.2021 delivered by Learned L.A. Judge, Court No.4, West Tripura, Agartala in connection with Case No.Misc.(L.A.)153 of 2016 is hereby affirmed and accordingly it is upheld. Since the matter is long pending one so the appellants are hereby directed to deposit the award 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.

Send down the LCR along with a copy of the judgment/order. Also furnish copy to Learned counsel of both the contesting parties.

With these observation and direction the appeal is disposed of.

JUDGE

Digitally signed by SABYASACHI
BHATTACHARJEE
Date: 2024.09.20 11:02:21 +05'30'

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