

**IN THE HIGH COURT OF TRIPURA  
A G A R T A L A**

**L.A. App No.78 of 2023**

**Shri Bijoy Debnath**

son of late Sital Debnath, resident of  
village : Khedabari, P.S. Sonamura,  
District- Sepahijala, Tripura

..... **Appellant**

**- V e r s u s -**

**1. In-Charge, HR-IR, ONGC Ltd.**  
Tripura Assets, Badharghat, P.S. Amtali,  
District- West Tripura, PIN-799014

**2. The Land Acquisition Collector**  
Government of Tripura, Sepahijala  
District, Bishramganj, Tripura

..... **Respondents**

For the Appellant(s)

:

Mr. P.K. Pal, Adv.  
Mr. S. Datta, Adv.

For the Respondent(s)

:

Mrs. P. Dhar, Adv.

Date of hearing and delivery of  
Judgment & order

:

05.02.2024

Whether fit for reporting

:

| YES | NO |
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|     | √  |

**HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

**JUDGMENT & ORDER (ORAL)**

Heard Mr. P.K. Pal, learned counsel appearing for the  
appellant as well as Ms. P. Dhar, learned counsel appearing for  
the requiring department-respondent No.1.

**[2]** Mr. Pal, learned counsel in his submission referred the  
impugned order dated 06.07.2017 passed in Misc. (L.A) 11 of  
2011, whereby the learned L.A. Judge, Sonamura, Sepahijala,  
Tripura affirmed the award passed by the L.A. Collector, who

granted compensation for the land @80,000/- per kani, with the observation that despite granting several opportunities, the claimant had not submitted claim statement and therefore, he was debarred from contesting the proceeding bearing No. Misc. (L.A) 11 of 2011.

**[3]** During hearing, Mr. Pal, learned counsel referring ground No.C of the memo of appeal submits that regarding same acquisition from the same mouja, in another case bearing No. Misc.(LA) No.02 of 2011, the learned LA Judge granted compensation @5,85,600/- per kani for tilla class of land whereas the present case was dismissed in spite of the fact that classification of land, mouja and notification were same in both the cases. Mr. Pal, learned counsel finally argues that either the compensation for acquisition of land may be enhanced in case of the claimant-appellant, else the matter may be remanded to the learned L.A Judge for fresh determination.

**[4]** Ms. P. Dhar, learned counsel appearing for the requiring department-respondent No.1 however opposes the contention of the learned counsel appearing for the appellant stating that the claimant was all along negligent to contest the proceeding.

**[5]** Perused the original records of Misc. (L.A) 11 of 2011 and it demonstrates that the appellant appeared before the learned L.A. Judge first on 07.12.2015 and thereafter, was not

much regular in attending the court and in submitting claim statement. However, the order dated 30.01.2017 reflects that the learned counsel of the referring claimant submitted before L.A. Judge that the claim statement was submitted by his client in another case bearing No. Misc. (L.A) 03 of 2011 and he intended to rely on the said claim statement in the instant case. Learned L.A Judge allowed the said submission and directed the claimant to submit copy of claim statement of said Misc.(LA) 03 of 2011 in the instant case. Later on, again on 03.05.2017 intervened by another date, the learned L.A. Judge again fixed the matter for filing of the claim statement based on the submission of learned counsel for the appellant and ultimately, for non-filing of the same, the award passed by the L.A Collector was affirmed. While passing the impugned order, as it appears, the learned L.A Judge was perhaps not in notice of the order dated 30.01.2017. Anyway considering that situation, it appears to the court that a scope should be given to the claimant to submit fresh claim statement before the L.A Judge.

**[6]** In view of above, the order dated 06.07.2017 passed by the L.A Judge in Misc.(L.A) 11 of 2011 is hereby set aside and matter is remanded back to the LA Judge, Sonamura, Sepahihala for fresh decision. All the parties will appear before the L.A Judge on **11<sup>th</sup> March, 2024** and on that date, the claim statement shall be submitted by the appellant before the L.A. Judge. The requiring department-respondent No.1 and the L.A Collector will

also appear before this court on that date. As the learned counsel for the L.A Collector is not present today, the Registry is directed to furnish a copy of this order to Mr. P. Gautam, learned counsel representing the L.A. Collector. After filing of claim statement other regular phases of the proceedings, such as filing of counter statement, framing of issues etc. will automatically follow as per law.

Accordingly, the appeal is disposed of.

No order as to costs.

Send down the LCRs forthwith.

Pending application(s), if any, also stands disposed of.

**JUDGE**

**SATABDI DUTTA** Digitally signed by SATABDI  
DUTTA  
Date: 2024.02.07 15:14:27 +05'30'

*Supraj*