

**HIGH COURT OF TRIPURA
AGARTALA
LA APPEAL NO.101 OF 2023**

The LA Collector and anr.

.....Appellant(s)

Versus

Sri Sudhir Deb.

.....Respondent(s)

For the Appellant(s) : Mr. Kohinoor N. Bhattacharjee, G.A.
Mr. P. Gautam, Advocate.

For the Respondent(s) : Mr. S. Lodh, Advocate.

Date of hearing and delivery of
Judgment & Order : 14.08.2024.

Whether fit for reporting : NO.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)**

This appeal has been filed under Section 54 of the Land Acquisition Act, 1984 against the Award dated 14.06.2022 passed in Misc.(L.A.)1/2018 by the learned Land Acquisition Judge, Khowai Tripura.

2. The brief fact of this case is that the Government of Tripura on 03.04.2013 notified the acquisition of land measuring 3.36 acres of land to construct RCC Bridge approach road over river Khowai from Baganbazaar to Santinagar road under Teliamura Sub-Division in Khowai District. Vide declaration No.F.09(01)-

REV/ACQ/VI/13 dated 06.07.2013, through the L.A Collector, Khowai Tripura, Agartala acquired 3.36 acres of Jote land out of which the following land described herein below is of the respondent:-

- i) Area-.04 acre, class of land-Bastu (tilla) Plot No. 2997 (part)
- ii) Area-.01 acre, class of land Dukan (tilla) Plot No. 2997 (part)
- iii) Area-.03 acre, class of land Bagan (tilla) Plot No. 3001 (part)
- iv) Area-.01 acre, class of land path Plot No. 3004 (part), under Mouja Dwarikapur, Sub Division Teliamura, Tehsil Kalyanpur, Dist:- Khowai appertaining to khatian No. 482/1-2

3. Thereafter the respondent filed an objection under Section 18 of L.A. Act for enhancement of the amount of compensation awarded by L.A. Collector, West Tripura, Agartala claiming compensation of Rupees Four Lakh per kani. The said objection was referred to L.A Judge, Khowai Tripura who received the pleading of the parties.

4. The appellant herein contested the proceeding by filing counter statement / written objection. The claimant petitioner was awarded Rs. 1,27,800/- (Rupees One Lakh Twenty Seven Thousand Eight Hundred) only as compensation for the acquired land which includes 30% of additional compensation and 12% interest etc.

5. The LA Judge after considering all the evidence on record justified the claim of the respondent and enhanced the rate of compensation for the acquired land from Rs. 4,00,000/- (Rupees Four Lakh) only to Rs. 2,70,00,000/- (Rupees Two Crores Seventy Lakh) only per kani for land measuring 0.01 acre and Rs. 3,60,00,000/- (Rupees Three Crores Sixty Lakh) only per kani for land measuring 0.04 acre. For 0.03 acre Bagan (tilla) @Rs.1,50,00,000/- (Rupees One Crore Fifty Lakh) only per kani and 0.01 acre land (path) @ Rs.2,00,00,000/- (Rupees Two Crores) only per kani along with 30% solatium and 12% interest on enhanced amount of compensation computing from the date of notification upto date of the award by L.A Collector or date of taking possession of acquired land whichever is earlier, with further 9% interest per annum from the date of taking over possession for one year and thereafter 15% per annum after the expiry of said one year till payment of the excess amount of compensation.

6. Being aggrieved by and dissatisfied with the Award dated 14.06.2022, the appellants herein preferred this appeal.

7. Mr. P. Gautam, learned counsel appearing for the appellants submits that the learned L.A. Judge has not assigned any reason while enhancing the award. The award passed by the learned Court below is more than the claim submitted by the claimant. The same does not stand in the eye of the law.

8. On the other hand, Mr. S. Lodh, learned counsel appearing for the claimant-respondent submits that the Award passed by the Court below is just and proper and in consonance with the exemplar of adjacent land sale deeds submitted by the claimants.

9. Heard and perused the evidence on record.

10. The learned Land Acquisition Judge in the Award dated 14.06.2022, meticulously evaluated all the evidence presented by both the parties, including the documentary evidence. Particular importances were the exemplar sale deeds submitted by the claimants, which formed a crucial basis for the determination of the fair market value of the acquired land. The enhancement of compensation was grounded in a proper assessment of the market value at the time of acquisition, reflecting the prices in comparable sales in the vicinity. This Court finds no reason to interfere in the Award dated 14.06.2022 as the same is just and proper.

11. Accordingly, the Award dated 14.06.2022 is confirmed and the present appeal stands dismissed. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

suhanjit

RAJKUMAR
SUHANJIT
SINGHA

Digitally signed by
RAJKUMAR SUHANJIT
SINGHA
Date: 2024.08.17 14:32:14
+05'30'