

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A

L.A. App. No.14 of 2024

For Appellant(s) : Mr. A. De, Advocate.
For Respondent(s) : Mr. D. Sarma, Addl. G.A.
Mr. P. Gautam, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

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05.04.2024

Heard.

The present appeal has been filed from the award dated 14.07.2023 passed by the L.A. Judge, North Tripura, Dharmanagar in connection with Civil Misc (L.A) 06 of 2012 under Section-54 of the L.A.A ct, 1894.

The appellant has prayed for the following reliefs:

- (i) Admit appeal & call for records.
- (ii) Pass order setting aside the award dated 14.07.2023 passed by the Land Acquisition Judge, North Tripura, Dharmanagar in Civil Misc (L.A) 06 of 2012.
- (iii) Pass order staying the operation of the award dated 14.07.2023 passed by the Land Acquisition Judge, North Tripura, Dharmanagar in Civil Misc (L.A) 06 of 2012.
- (iv) Pass any other order or orders as deem fit & proper having regard to the facts & circumstances of the case."

The facts in brief are that the Land Acquisition Officer of the North Tripura District by issuing Notification No.F.9(15)- REV/ACQ/1/2008 dated 15-01-2009 under Section-4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") acquired land measuring 0.22 acres in RS Plot No. 5610, 9156/P of Churaibari mouja under Khatian No. 3258 and 2396 from the referring claimant for construction of alternative road from NH-44 Churaibari to Dharmanagar via Kadamtala near Sale Tax Office. Possession of the land was taken and award was passed @ 60,000/- per kani for the tilla class measuring 0.13 acres and Rs.7,00,000/- per kani for the bastu class measuring 0.09 acres of the acquired land of the claimant. An amount of Rs.2,39,505/-in all has been paid to the referring claimant including the price of the land including price of trees and crops along with additional amount @ 12% per annum on the market value assessed by the LA Collector for the period commencing on and from the date of notification under section 4(1) of the Act to the date of taking over of possession of the land and solatium 30% on such market value in consideration of the compulsory nature of acquisition.

Being dissatisfied with the award of the Collector, the referring-claimant filed an application to the L. A. Collector for reference under Section-18 of the Act for enhancement of compensation. On receipt of the reference, notices were issued to the parties.

The referring-claimant appeared and filed claim statement. It has been pleaded that this award ought to have been much higher as because the land involved was valuable land having potential value and commercial value as well because Churaibari Township through which Assam-Agartala road passed had commercial settings and the acquired land is nearby the road. According to the referring claimants there were various valuable trees on the acquired land and they are entitled to Rs.17,49,000/- in total @ Rs.30,00,000/- per kani plus all other statutory benefits.

The opposite parties No.1 and 2 i.e., the L.A. Collector of the North Tripura District, Dharmanagar and the Executive Engineer, PWD (R&B), Dharmanagar, North Tripura claimed that after due consideration of the prevailing market rate of the acquired land, the amount of compensation for the acquired land was determined. According to the L. A. Collector, the compensation so determined is fair & reasonable which represents the correct market price of the acquired land.

In this case judgment was passed on 24.03.2017 and it was ordered that the referring claimant is entitled to get compensation @ Rs.28,00,000/- (Rupees twenty eight lakh) only per kani for the acquired land with other consequential reliefs. Thereafter, appeal was preferred before this Court which was registered as L. A. App. No.46 of 2018. The Court vide order dated 18.02.2021 was pleased to observed as follows:-

“In view of the settled legal position, the judgment and award dated 24.03.2017 passed by the learned LA Judge, North Tripura, Dharmanagar in case No. Civil Misc. (LA) 6 of 2012 is set aside and quashed. The matter is remitted back to the Court of Ld. LA Judge, North Tripura, Dharmanagar for fresh hearing of the case impleading the Executive Engineer, PWD (R & B), Dharmanagar.”

Both the parties submitted that they would not adduce any further evidence but they are inclined to rely on the evidence already recorded before this Court. Accordingly, the learned Court heard arguments of both sides. The learned LA Judge, North Tripura, Dharmanagar after appreciation of evidence pleased to observed thus:-

"17. Having considered the aforesaid principles of law laid down by the Hon'ble Supreme Court of India, this court is of the view that the rate of the acquired land should be Rs.50,00,000/- per kani at the time of acquisition. The claimant is thus entitled to get compensation at this rate as land value of this case.

The appellant herein being aggrieved by the Award dated 14-07-2023 passed in Civil Misc (L.A) 06 of 2012 and prefer this appeal."

Being aggrieved by and dissatisfied with the same, the appellant filed the present appeal before this Court for redress.

In view of above and having heard the learned counsel appearing for the parties, this Court is of the view that ends of justice would be met if the present appeal is disposed of by remitting the matter to the learned Court below to pass a speaking/reasoned order in respect of the documents which are filed by the acquiring department and the same have also been taken on record and marked as Exbts. A, B, C, D, E, F, G & H. The learned Court below shall consider the same as expeditiously as possible giving priority since, the acquisition had taken place sometime in the year 2007.

The petition filed by Mr. A. De, learned counsel appearing for the appellant for addition of parties by filing an interlocutory application being I.A.No.03 of 2024 is closed giving him liberty to take appropriate steps before the concerned Court. Since it's a beneficial legislation, the learned Court below shall consider the same with a pragmatic view by condoning the delay application and the application seeking impleadment that would be filed on behalf of the claimants under the capacity of legal heirs.

In pursuance of the orders passed earlier by the Court, the appellant has deposited 50% of the sum and the same is placed on record vide letter dated 22.03.2024. However, the said amount be transferred to the Court below and once the matter is decided, the learned Court below shall disburse the amounts to the respective parties as per procedure.

Thus, the present appeal stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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