

**HIGH COURT OF TRIPURA
AGARTALA
LA APP. NO.49 OF 2024**

The Deputy Chief Engineer (Construction-1) NF. Railway

.....Appellant(s)

Versus

Sri Narendra Chandra Das and anr.

.....Respondent(s)

For the Appellant(s) : Mr. Bidyut Majumder, Deputy SGI.

For the Respondent(s) : Mr. Prabal Kumar Ghosh, Advocate.

Date of hearing and delivery of
Judgment & Order : 30.01.2025.

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 present appeal has been filed under Section 54 of the Land Acquisition Act, 1894, against the Judgment and Order dated 05.07.2023 passed in Civil Misc.67 of 2022 by the learned Land Acquisition Judge, Court No. 5, West Tripura, Agartala.

2. The brief facts of this case are that the land of the respondent-claimant situated under Mouja-Madhuban, Sub-Division-Bishalgarh, Sheet No. 3/p, recorded in Khatian No. 1544, C.S. Plot Nos. 3650p and Plot No. 3651, measuring 0.81 acres, classified as 'tilla' class of land, was acquired by respondent No. 2, i.e., the Land Acquisition Collector, West Tripura, vide Notification No. F.9(6)-REV/ACQ/XIV/ dated 03.04.2009, for the construction of a new railway

line from Agartala to Sabroom. Accordingly, the L.A. Collector, South Tripura, awarded compensation at the rate of Rs.3,50,000/- per kani. Thereafter, the matter was referred to the court of the learned L.A. Judge, West Tripura District, Agartala, under Section 18 of the L.A. Act. Subsequently, the L.A. Judge, by its Judgment dated 05.07.2023, enhanced the amount of the award to Rs. 7,00,000/- per kani.

3. Being aggrieved and dissatisfied with the Judgment and Award dated 05.07.2023 passed by the learned L.A. Judge, West Tripura, Agartala, Court No. 5, in Case No. Civil Misc. of 2022, the appellant has preferred this instant L.A. Appeal.

4. Heard Mr. B. Majumder, learned Deputy SGI, appearing for the appellant, as well as Mr. P.K. Ghosh, learned counsel, appearing for the claimant-respondent.

5. Mr. Ghosh, learned counsel appearing for the claimant-respondent, submits that the learned L.A. Collector awarded Rs.3,50,000/- per kani, but the learned L.A. Judge, in Para-3 of the said Judgment, held that the L.A. Collector awarded an amount of Rs.1,00,000/- per kani, which is a gross mistake because L.A. Judge cannot reduce the amount of compensation.

6. On the other hand, the learned Deputy SGI submits that if any error or accidental slip has been committed by the Court below, the same can be adjudicated, but the case cannot be gone into on merit.

7. Heard both sides and perused the evidence on record.

8. Though it appears from the Order passed by the Court below in I.A. filed under Section 152 read with Section 151 of CPC, it is not an amendment as prayed but its order in its entirety. To meet the ends of justice, it is necessary to put a quietus to the litigation.

8. In terms of the submission made by learned counsel appearing for the parties, this present matter is set aside and remanded back to the Court below for passing a reasoned order based on the strength of the record that is already available. In the event, both sides desire to assist the Court in the process, they are at liberty to do so. However, it is made clear that the Advocates shall not file any additional document and no further arguments be advanced.

9. With the above observations and directions, this present appeal stands disposed of. As a sequel, any stay, if granted, stands vacated. Any pending application(s), if any, also stands closed.

JUDGE

suhanjit

RAJKUMAR
SUHANJIT
SINGHA

Digitally signed by
RAJKUMAR SUHANJIT
SINGHA
Date: 2025.02.01
13:24:29 +05'30'