

HIGH COURT OF TRIPURA

AGARTALA

RFA No.5 of 2025

Sri Gopendra Nath @Debnath,

S/o Late Ganesh Chandra Nath, resident of Chamtilla, PS & PO –
Panisagar, North Tripura.

.....Appellant(s);

V E R S U S

1. The State of Tripura,

Notice to be served upon the Secretary, P.W.D, Government of Tripura,
Agartala, West Tripura.

2. The D.M. & Collector,

North Tripura, Dharmanagar.

3. The Sub-Divisional Magistrate,

Dharmanagar, North Tripura.

4. The Land Acquisition Collector,

(D.M. & Collector), North Tripura, Dharmanagar.

5. The Sub-Divisional Magistrate,

Panisagar Sub-Division, Panisagar, North Tripura.

6. The Executive Engineer,

PWD (R&B) Division, Kumarghat, Unakoti Tripura.

7. The Executive Engineer,

PWD, NH Division, Kumarghat, Unakoti, Tripura.

.....Respondent(s);

For Appellant(s)

: Ms. Saswati Nag, Advocate.

For Respondent(s)

: Mr. P. Gautam, Sr. G.A.

Date of hearing and delivery of
Judgment and Order

: **25.03.2026.**

Whether fit for reporting

: NO.

**HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

JUDGMENT AND ORDER (ORAL)

[Dr. T. Amarnath Goud, J]

Heard Ms. Saswati Nag, learned counsel for the appellant-
plaintiff and Mr. P. Gautam, learned senior Government Advocate for the
respondent-defendants.

[2] This present appeal is filed under Section 96 of the Code of Civil Procedure, 1908, against the impugned judgment and decree dated 06.04.2024 and 17.04.2024 respectively, passed by the learned Civil Judge (Senior Division), North Tripura, Dharmanagar, in connection with Money Suit No.04 of 2022 wherein the learned Court below granted compensation of Rs.1,87,500/- against the compensation sought for by the appellant-plaintiff to the tune of Rs.96,50,000/-.

[3] Facts leading to the present appeal are that the appellant as plaintiff had filed a suit for realization of money amounting to Rs.96,50,000/- with 10% interest p.a. payable by the respondents as defendants being owner and possessor of land measuring about 0.310 acre under Khatian No. 755 pertaining to Hal Dag No. 1333 (0.130 acre), Hal Dag No. 1334 (0.100 acre), Hal Dag No. 1335 (0.080 acre) under Mouja & T.K. Panisagar, North Tripura, which has been taken by the respondent-defendants for construction of Assam-Agartala Road. The appellant-plaintiff approached the respondent-defendants on multiple occasions for grant of adequate compensation but the respondent defendants did not paid any compensation for the said acquired land. Thereafter, the LA Collector issued a letter to the concerned SDM for enquiring into the matter. The SDM, Panisagar, accordingly submitted an enquiry report dated 12/07/2018 ascertaining the value of the said land to Rs.1,87,500/-. In spite of submission of report by the SDM, Panisagar, nothing was taken into action in respect of the compensation and its payment, and therefore, the plaintiff appellant having no alternative filed prayers dated 18.03.2019 and 27.12.2021 to the respondent-defendants. Lastly in compelling situation, the plaintiff-appellant sent an advocate's notice on 08/04/2021 to the

defendant-respondents. But the plaintiff-appellant did not receive any response at all from other defendant-respondents except defendant no.7. Hence, the plaintiff appellant filed Money Suit No.04 of 2022. After being summoned all the defendants, except the defendant no. 6, has appeared before the learned Trial Court and submitted their written statement separately.

[4] Thereafter, on the basis of pleading, the learned Trial Court framed the following issues:

- (i) Whether the suit is maintainable in its present form and nature?
- (ii) Whether there is any cause of action for filing this suit?
- (iii) Whether the plaintiff was the owner and possessor of the landed mentioned in the schedule of the plaint?
- (iv) Whether the plaintiff is entitled to decree for realization of money amounting to rupees ninety six lakh fifty thousand only as compensation?
- (v) Whether the plaintiff is entitled to interest @10% per annum w.e.f. 02.05.2018 till the date of payment of money?
- (vi) Whether the plaintiff is entitled to the reliefs sought for?
- (vii) Any other relief/reliefs which the plaintiffs are legally entitled to.

[5] After examining all the witnesses and exhibited documents as well as hearing both the parties, the learned Court below vide its judgment and decree dated 06.04.2024 and 17.04.2024 respectively dismissed the suit of the appellant-plaintiff on merits and granted compensation of

Rs.1,87,500/- along with interest @6% per annum against the compensation sought for by the appellant-plaintiff to the tune of Rs.96,50,000/-.

[6] Being aggrieved and dissatisfied with the Judgment and decree dated 06.04.2024 and 17.04.2024 respectively passed by the learned Trial Court in Money Suit No.04 of 2022 the appellant-plaintiff filed this instant appeal seeking the following relief(s):

“(a) Admit the appeal;

(b) Call for the records of the learned Civil Judge (Senior Division) below;

(c) Issue notice upon the respondents;

(d) After hearing the parties, be pleased to set aside the impugned Judgment and Decrees of the learned Civil Judge (Senior Division) below and be pleased to grant decree declaring right, title and interest over the suit property and provide the appellant with the compensation claimed in the plaint and pass any other order in favour of the appellant;

(e) In the meantime stay the impugned judgment and decrees of the learned Courts below;

The Hon’ble Court be pleased to allow the appeal in favour of the appellant, with cost.....”

[7] Learned counsel, Ms. Saswati Nag, submits that learned trial Court has committed error in law and facts in passing the respective judgment and decree, and therefore, interference of this Court is required for the ends of justice. It is contended by the learned counsel for the appellant-plaintiff that the learned Civil Judge (Senior Division) stated clearly in the impugned judgment that plaintiff appellant has been able to prove his right, title and interest over the suit property and is also found to be entitled to compensation of Rs.1,87,500/- along with interest @ 6% per annum, but the learned Civil Judge (Senior Division) failed to pass any such direction to the effect that such nominal amount of money is to be paid to the appellant-plaintiff. Learned counsel for the appellant plaintiff further

contends that learned Civil Judge (Senior Division) also failed to ascertain the future proceeds of the land which increases the value of such land as claimed in the plaint to be Rs.96,50,000/-. Learned counsel also submits that the plaintiff has been able to show that he was the owner and possessor of land measuring 0.250 acre only and still remains the owner of the property.

[8] Learned counsel further submits that the Trial Court found that the appellant-plaintiff is entitled to compensation of Rs.1,87,500/- whereas the appellant-plaintiff had claimed compensation amounting to Rs.96,50,000/-. The learned counsel also submits that the awarded amount is insufficient given the circumstances of the case and the evidence presented. Furthermore, it is argued that the learned Trial Court failed to adequately consider the key factors for determining the compensation that would justify a higher compensation. In light of these arguments, the appellant seeks a reevaluation of the evidence, emphasising the need for a more comprehensive assessment of the damages incurred. The learned counsel believes that a fair review could lead to an adjustment in the awarded amount to better reflect the true extent of appellant-plaintiff's losses.

[9] On the contrary, learned senior Government Advocate, Mr. P. Gautam, opposes the submissions made on behalf of the appellant-plaintiff. Learned senior Government Advocate contends that the observations and decisions made by the learned Trial Court is based upon the evidences on record and the same is just and proper which needs no further interference by this Court.

[10] By referring to the records of the case, the learned senior Government Advocate, Mr. P. Gautam, further submits that as per the land valuation chart, 2010, the value of the land measuring 0.250 acre stood at Rs.1,87,500/- and the appellant-plaintiff has failed to lead any cogent evidence to show that the present valuation of the suit property is Rs.46,50,000/- and future benefits regarding future potential value of the land is Rs.50,00,000/-. He also contends that the trial Court's original decision was based on a thorough examination of the evidence and adequately reflected the circumstances of the case and any increase in compensation could set a concerning precedent, potentially undermining the legal standards for similar claims in the future.

[11] This Court has carefully considered the submissions advanced by the learned counsel for both parties and has also carefully gone through the materials available on record.

[12] Consequently, we do not find any infirmity in the findings arrived at by the learned Civil Judge (Senior Division), North Tripura, Dharmanagar while granting compensation of Rs.1,87,500/- along with interest @6% per annum against the compensation sought for by the appellant-plaintiff to the tune of Rs.96,50,000/-. The Court is of the view that the compensation awarded is just and reasonable, taking into account the evidence presented and the applicable legal provisions. The appellant plaintiff's claim for a higher amount has not been substantiated to the satisfaction of this Court.

[13] Thus, the instant appeal preferred by the appellants is hereby dismissed, as the land in question has been acquired by the respondent-

defendants under N.H. Act and the compensation has been granted to the appellant plaintiff under the Specific Relief Act. However, without going into the other issues with regard to the title and ownership, this Court leaves it open for the appellant-plaintiff to seek appropriate remedies before an arbitrator/ appropriate authority/ Court/ Forum in accordance with the law.

[14] As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

[15] Send down the LCRs forthwith.

S. DATTA PURKAYASTHA, J.

DR. T. AMARNATH GOUD, J.

