



HIGH COURT OF TRIPURA
AGARTALA

LA APP No.54 of 2025

Sri Pradip Kumar Chakraborty
son of late Bidhu Bhusan Chakraborty
of R.K. Nagar, P.S. Bodhjungnagar,
P.O. Khasnogaon, District- West Tripura,
PIN No. 799008.

.....**Ref: Claimant Appellant**

VERSUS

- The Managing Director, TIDC,**
Industrial Building, 3rd Floor, Gurkhabasti,
Near Giner Hotel, Khejur Bagan P.S. NCC,
P.O. Kunjaban, Agartala, West Tripura,
PIN 799006.
- The Land Acquisition Collector,**
West Tripura, Agartala, PIN 799001

.....**Respondents**

For Appellant(s) : Mr. Uttam Kumar Majumder, Advocate
Mr. Sankar Lodh, Advocate
Mr. D. Goswami, Advocate

For Respondent(s) : Mr. Bibhal Nandi Majumder, Sr. Advocate.
Mr. P. Gautam, Sr. G.A.
Mr. Kohinoor N. Bhattacharya, G.A.
Mr. R. Saha, Advocate

Date of hearing and delivery
of judgment and order : 14.05.2026.

Whether fit for reporting : YES/NO

HON'BLE JUSTICE DR. T. AMARNATH GOUD

JUDGMENT & ORDER (ORAL)

[1] This present appeal has been filed under Section 54 of the L.A.
Act, 1894 for enhancement of the amount of compensation against the judgment and

award dated 23.07.2025 passed by the learned Land Acquisition Judge, Court No.1, West Tripura, Agartala in C.M (L.A) 22 of 2016.

[2] In a nutshell, the case of the claimant appellant as enumerated in the present appeal is that, the land of the appellant was acquired by the Government through a notification and awarded compensation in favor of appellant and thereafter, taken possession after acquisition from appellant. Appellant withdrawn awarded money under protest and made prayer for reference under Section 18 of LA Act, 1894, accordingly, L.A Collector referred the same before the learned L.A Judge, West Tripura and after receiving notice from L.A Judge, appellant filed Claim Statement along with the related documents and got the same exhibited. He submitted Judgment in L.A App 64 of 2021 passed by this Court by awarding Rs. 8,00,000/- per kani along with all other benefits in connection with land vide notification no.F.09(11)- REV/ACQ/VI/09 dated 29.01.2010. According to the appellant, the land in question has also been acquired with the said notification vide no. F.09 (11)- REV/ACQ/VI/09 dated 29.01.2010. It is contended that the judgment passed in LA App. 64 of 2021 is a covered judgment for which, appellant claimed the same.

[3] According to the appellant herein, during acquisition, respondents prepared assessment note where all class of land divided into 3 categories and as per assessment note, land of present appellant and land pertaining to the case vide No. LA App. 64 of 2021 are second category of land and both the lands are situated within same Mouja and adjacent to each other. It is further contended that the learned L.A Judge, West Tripura, Court no.3 after hearing the parties had awarded Rs. 7,00,000/- per kani and against the said judgment, TIDC filed an appeal before this Court. Upon hearing the parties, this Court ordered for remanding back the matter to the learned Court below for fresh adjudication. Thereafter, upon hearing the parties, learned District Judge, West Tripura, Court no.1 passed award of Rs. 8,00,000/- per kani by following covered judgment and sale deed, against the said judgment. TIDC further filed appeal and during hearing, TIDC submitted that without proving right, title, interest over the acquired land learned LA Judge, had passed the judgment. Accordingly, the matter was again remanded back to the Trial Court with a direction that the right, title, interest and possession over the acquired land have to be proved by the claimant by submitting Title Deeds/other relevant

documents supporting his claim if any, and accordingly, his title documents were exhibited but, according to the appellant, the learned LA Judge, West Tripura, Court no.1 by the impugned award dated 23.07.2025 has awarded only Rs. 3,00,000/- per kani without considering the covered judgment in LA App. 64 of 2021 and other related documents regarding his entitlement over the acquired land. The relevant contents of the said impugned order & award dated 23.07.2025 passed in C.M. (LA) 22 of 2016 by the learned L.A Judge, West Tripura, Court No. 1 are re-produced hereunder:

“.....ORDER

In the result, the petition under Section 18 of the Land Acquisition Act, 1894 as referred by the L.A. Collector, West Tripura, Agartala is allowed on contest. The referring claimant namely, Sri Pradip Kr. Chakraborty is entitled to get compensation for the acquired land at the rate of Rs.3,00,000/- (Rupees Three lakh) per kani. The compensation shall be added with 30% solatium under Section 23(2) of the L.A. Act and 12% interest under Section 23(i)(A) of the L.A. Act from the date of notification under Section 4 of the said Act till the date of taking over the possession of the acquired land or the date of award whichever is earlier. The interest on the amount of compensation and solatium shall be at the rate of 9% per annum over the enhanced amount of compensation granted for the acquired land from the date of taking over the possession, till one year and @ rate of 15% per annum from the date of expiry of 1 (one) year till the date of payment of the enhanced amount of compensation.

The amount so paid earlier as compensation under Section 11 of the L.A. Act shall be adjusted with the amount awarded by way of enhancement.

The parties to this reference shall have to bear their own costs.....”

[4] Aggrieved by the aforesaid impugned order dated 23.07.2025, the present appeal has been preferred by the appellant-claimant seeking the following reliefs:

- “i) Admit the Memorandum of Appeal.
- ii) Call for record in Misc (L.A) 22 of 2016 from the court of the Learned Land Acquisition Judge below.
- iii) Issue notice upon the Respondents.
- iv) And after hearing the parties be pleased to modify the Judgment and Award dated 23.07.2025 passed by the Learned Land Acquisition Judge,***** Court No. 1, West Tripura, Agartala in Misc. (L.A) 22 of 2016 and be pleased to enhance the amount of compensation by an appropriate award holding that the present Appellant is entitled to get compensation @ Rs8,00,000/- (Rupees seven lakhs) only per kani for the acquired land in question instead of Rs.3,00,000/- per kani and also holding that the Appellant is also entitled to get other benefits etc. in terms of law and be pleased to modify the impugned

Judgment and Award accordingly and/or be pleased to pass any other appropriate order/direction as may be deemed fit and proper.....”

[5] Mr. Sankar Lodh, learned counsel appearing for the appellant submits that the learned LA Judge below has erred in law and facts while passing the impugned judgment and award. He further submits that since the learned Court below has failed to consider the site situation of the acquired land in question and also failed to consider the evidence led by the parties on record in passing the impugned judgment and award, therefore, interference of this Court is required. It is contended that learned trial Court below failed to take into consideration the covered judgment which was passed by this Court in LA App No.64/2021 against the judgment in Misc (LA) 178 of 2014 arose upon reference U/S 18 of L.A. Act after acquisition of a land in connection with the notification vide No.F.9(11)-REV/ACQ/VI/09 dated 29.01.2010. Mr. Lodh, learned counsel for the appellant submits that the present land in question also has been acquired through the same notification No.F.9(11)-REV/ACQ/VI/09 dated 29.01.2010 and the acquired lands in both the cases are of same category land (second category land mentioned in assessment note i.e. annexure B) and both the lands were acquired for the same purpose and both the those lands also situated within the same Mouja.

[6] He further contends that learned trial Court below failed to appreciate that all land owner are entitled to get compensation in equal rate of land value in case of same class of land or same category of land as all the land owners lost their land due to same acquisition purpose. It is further contended that the learned LA Judge, West Tripura, Court no.1, by the impugned award dated 23.07.2025 has awarded the meager amount of Rs. 3,00,000/- per kani without considering the said covered judgment in LA App. 64 of 2021 and other related documents already exhibited. Learned counsel for the appellant, therefore, urges this Court to enhance the award of compensation modifying the Judgment and Award dated 23.07.2025 passed by the Learned Land Acquisition Judge.

[7] Per contra, Mr. Rajib Saha, learned counsel appearing for the respondent-TIDC, opposes the submissions made on behalf of the appellant and submits that the learned trial Court below after proper analysis of all the

circumstances of the case has passed the impugned order dated 23.07.2025, which needs no interference.

[8] Heard the submissions made at the Bar. Perused the material evidence on record.

[9] On perusal of record, it is seen that an Order of Allotment dated 8/8/75 was issued by the Collector/District Magistrate in favour of the allottee namely, Pradip Kumar Chakraborty who is the appellant herein. It is also observed that for acquisition of a similar class of land by the same notification for acquisition of land i.e. vide Notification No. F.9(11)-Rev/ACQ /VI/2009, this Court by order dated 15.02.2023 in case No. LA. App.64 of 2021 awarded the compensation @ Rs.8,00,000/- per kani to the claimant(s). Thus, this Court is of the opinion that ends of justice would be adequately met, if in the present case too, the appellant-claimant be awarded Rs.8,00,000/- per kani instead of Rs.3,00,000/- per kani as awarded by the learned Court below. Hence, the awarded compensation assessed by the learned trial Court below by its order dated 23.07.2025 has been enhanced to Rs.8,00,000/- per kani from Rs.3,00,000/- per kani. It is made clear that apart from the said enhancement of award i.e. *from Rs.3,00,000/- per kani to **Rs.8,00,000 per kani***, all other aspects including the statutory benefits extended by the learned Court below by its order dated 23.07.2025, shall remain unaltered.

[10] With the above observations and directions, the judgment and award dated 23.07.2025 passed by the learned Land Acquisition Judge, Court No.1, West Tripura, Agartala in C.M (L.A) 22 of 2016 is modified to the extent as indicated above.

[11] Resultantly, the present appeal stands partly allowed and the same is accordingly disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

DR. T. AMARNATH GOUD, J.