

Case No :LA.App. 0000014/2012

Party Name : STATE OF TRIPURA&2 ORS Vs RANJIT LAL SAHA

THE HONBLE MR. JUSTICE S.C.DAS

Learned counsel, Mr. D.C. Nath for the appellants and learned counsel, Mr. G.S. Bhattacharji for the respondent are present.

It is submitted by learned counsel of both side that for acquisition of land under same Mouja and same notification, there were some other L.A Appeals pending before this Court and the learned single Judge of this Court by a common judgment dated 12.08.2015 in L.A. Appeal No. 4 of 2012 and 17 other L.A Appeals disposed all the L.A Appeals and remanded the cases to the learned L.A. Judge for deciding the reference cases afresh.

It is further submitted by learned counsel of both side that the present appeal also may be disposed of in the same terms of the decision in the earlier appeals.

A copy of the judgment is placed on record.

The operative part of the judgment passed by this Court in L.A Appeal No. 4 of 2012 and other connected appeals reads as follows:-

"23. In view of the above, this Court is of considered opinion that neither the claimants nor the Land Acquisition Officer had adduced any legally admissible evidence in proof of the market value prevailing as on the date of notification or in rebuttal. It is also admitted position that neither party produced any survey map before the reference court for proving their own case, particularly what is the distance between the acquired land and the sale instances produced by the parties.

24. It is also mentioned that the reference court marked the sale instances of both the claimants and the land Acquisition Officer on production and merely marked the sale deeds without examining either the vendor or vendee to bring on record the circumstances in which the sale deeds came to be executed and the distance of the lands to the acquired lands, the nature of the respective lands and whether they would offer comparable sales to determine just and fair market value to the acquired land. In the absence of such relevant and material evidence, it would be difficult to determine compensation in respect of the acquired land. The appeals are allowed accordingly and the cross objection is dismissed. The award and decree of the Reference Court is hereby set aside and the cases are remitted to the reference court for disposal in accordance with law.

25. The parties are directed to appear before the reference court on 21.09.2015.

26. Parties are also at liberty to adduce such legal evidence as is necessary to determine true and correct market value of the land prevailing as on the date of the notification. Reference court is directed to consider and dispose of these cases within six months from 21.09.2015 after giving opportunity to all the parties.

27. The money deposited by the appellants, if lying with the Registry without disbursement, may be refunded to the appellants on being submitted application for withdrawal of the same and if any amount of deposited money has been withdrawn by the respondent claimants, that would be subject to the decision of the reference court.

28. In view of the order passed in all the state appeals, the L.A. Appl 77 is also dismissed."

In view of the submission made by learned counsel of both side, the present appeal also stands disposed of in the same terms of the judgment dated 12.08.2015 passed in L.A Appeal No. 4 of 2012 and other connected appeals and the present appeal is also remanded back to the Court of learned L.A Judge for deciding afresh in terms of the judgment dated 12.08.2015.

The judgment dated 12.08.2015 passed in L.A Appeal No.4 of 2012 shall form a part of the judgment/order of this appeal.

Send back the records to the court of learned L.A Judge along with the copy of this order and copy of judgment dated 12.08.2015 as mentioned above and the parties are directed to appear before the learned L.A Judge on **16.11.2015**.

The appeal accordingly stands disposed of.