

HIGH COURT OF TRIPURA AGARTALA

L. A. App 82 of 2011

1. The State of Tripura
Represented by the Secretary to the
Government of Tripura
Transport Department,
New Civil Secretariat Building
P.O. Kunjaban
P.S. East Agartala
Dist. West Tripura

2. The Land Acquisition Collector
West Tripura, Agartala
Government of Tripura
Old Secretariat Building
P.O. Agartala,
P.S. West Agartala
Dist. West Tripura

... Appellants

-vrs.-

Shri Nityananda Sarkar
S/o late Hiralal Sarkar
C/o M/s Sarkar Automobiles
Assam-Agartala Road
Chandrapur
P.S. East Agartala
Dist Tripura west

At present resident of Arundhutinagar
Hairmara Tilla
P.O. S.D. Mission Colony
P.S. West Agartala
Dist. West Tripura

.... Respondent

L.A. Appl 45 of 2012

1. The State of Tripura
Represented by the Secretary to the
Government of Tripura
Transport Department,
New Civil Secretariat Building
P.O. Kunjaban

P.S. East Agartala
Dist. West Tripura

2. The Land Acquisition Collector
West Tripura, Agartala
Government of Tripura
Old Secretariat Building
P.O. Agartala,
P.S. West Agartala
Dist. West Tripura

... Appellants

-vrs.-

1(a) Smt. Sheuli Dey
W/o Lt. Shankar Ch. Dey

1(b) Smt. Nabanita Dey (Acherjee)
D/o late Shankar Ch. Dey

1(c) Shri Deepraj Dey
S/o late Shankar Ch. Dey

All are c/o Sri Tapan Kumar Dey
Banamalipur, Agartala
Laxmi Narayan Bari Road
P.O. Agartala
P.S. East Agartala
Dist. West Tripura

.... Respondents

L.A. Appl 46 of 2012

1. The State of Tripura
Represented by the Secretary to the
Government of Tripura
Transport Department,
New Civil Secretariat Building
P.O. Kunjaban
P.S. East Agartala
Dist. West Tripura

2. The Land Acquisition Collector
West Tripura, Agartala
Government of Tripura
Old Secretariat Building
P.O. Agartala,
P.S. West Agartala
Dist. West Tripura

... Appellants

-VS-

1.Smti. Bela Rani Dey
Wife of late Sachindra Nath Dey
A.A. Road, Chandrapur
P.O. Resham Bagan
P.s. East Agartala,
West Tripura district

2. Sri Subrata Dey
Son of late Sachindra Nath Dey
A.A. Road, Chandrapur
P.O. Reshambagan
P.S. East Agartala
West Tripura district

3. Smt. Anuradha Choudhury
Daughter of late Sachindra Nath Dey
w/o Sri Ratan Choudhury
Ramnagar Road No. 5
P.S. West Agartala
Dist. West Tripura
Pin- 799002

4. Smt. Anurupa Das
Daughter of late Sachindra Nath Dey
W/o Sri Amit Das
Ramnagar Road No. 5
P.S. West Agartala
Dist. West Tripura
Pin-799002

...Respondents

L.A. Appl 48 of 2012

1. The State of Tripura
Represented by the Secretary to the
Government of Tripura
Transport Department,
New Civil Secretariat Building
P.O. Kunjaban
P.S. East Agartala
Dist. West Tripura

2. The Land Acquisition Collector
West Tripura, Agartala
Government of Tripura
Old Secretariat Building
P.O. Agartala,
P.S. West Agartala
Dist. West Tripura

... Appellants

-VS-

Sri Tapan Kumar Dey
S/o late Gopal Chandra Dey
Banamalipur, Agartala
Laxminarayan Bari Road,
P.O. Agartala
P.s. East Agartala
Dist. West Tripura

... Respondent

L.A. Appl 49 of 2012

1. The State of Tripura
Represented by the Secretary to the
Government of Tripura
Transport Department,
New Civil Secretariat Building
P.O. Kunjaban
P.S. East Agartala
Dist. West Tripura

2. The Land Acquisition Collector
West Tripura, Agartala
Government of Tripura
Old Secretariat Building
P.O. Agartala,
P.S. West Agartala
Dist. West Tripura

... Appellants

-VS-

Sri Dilip Kumar Dey
S/o late Gopal Chandra Dey
North Banamalipur
Agartala,
Laxmi Narayan Bari Road
P.O. Agartala
P.S. East Agartala
Dist. West Tripura

... Respondent

L.A. Appl 50 of 2012

1. The State of Tripura
Represented by the Secretary to the
Government of Tripura
Transport Department,
New Civil Secretariat Building
P.O. Kunjaban
P.S. East Agartala
Dist. West Tripura

2. The Land Acquisition Collector
West Tripura, Agartala
Government of Tripura
Old Secretariat Building
P.O. Agartala,
P.S. West Agartala
Dist. West Tripura ... Appellants

-vs-

Smti. Bina Rani Dey
W/o late Gopal Chandra Dey
Banamalipur, Agartala
Laxmi Narayan Bari Road
P.O. Agartala
P.s. East Agartala
Dist. West Tripura Respondent

L.A. Appl 51 of 2012

1. The State of Tripura
Represented by the Secretary to the
Government of Tripura
Transport Department,
New Civil Secretariat Building
P.O. Kunjaban
P.S. East Agartala
Dist. West Tripura

2. The Land Acquisition Collector
West Tripura, Agartala
Government of Tripura
Old Secretariat Building
P.O. Agartala,
P.S. West Agartala
Dist. West Tripura ... Appellants

-vs-

Sri Kamal Chandra Dey
S/o late Gopal Chandra Dey
Banamalipur Agartala
Laxmi Narayan Bari Road
P.O. Agartala
P.S. East Agartala
Dist. West Tripura .. Respondent

L.A. Appl 53 of 2012

1. The State of Tripura
Represented by the Secretary to the
Government of Tripura
Transport Department,
New Civil Secretariat Building
P.O. Kunjaban
P.S. East Agartala
Dist. West Tripura

2. The Land Acquisition Collector
West Tripura, Agartala
Government of Tripura
Old Secretariat Building
P.O. Agartala,
P.S. West Agartala
Dist. West Tripura

... Appellants

-vs-

Sri Bimal Kumar Dey
S/o late Gopal Chandra Dey
Banamalipur, Agartala
Laxmi Narayan Bari Road
P.O. Agartala
P.S. East Agartala
Dist. West Tripura

....Respondent

L.A. Appl 54 of 2012

1. The State of Tripura
Represented by the Secretary to the
Government of Tripura
Transport Department,
New Civil Secretariat Building
P.O. Kunjaban
P.S. East Agartala
Dist. West Tripura

2. The Land Acquisition Collector
West Tripura, Agartala
Government of Tripura
Old Secretariat Building
P.O. Agartala,
P.S. West Agartala
Dist. West Tripura

... Appellants

-VS-

Sri Badal Chandra Dey
S/o late Gopal Chandra Dey
Banamalipur, Agartala
Laxmi Narayan Bari Road
P.O. Agartala
P.S. East Agartala
Dist. West Tripura

... Respondent

L.A. Appl 55 of 2012

1. The State of Tripura
Represented by the Secretary to the
Government of Tripura
Transport Department,
New Civil Secretariat Building
P.O. Kunjaban
P.S. East Agartala
Dist. West Tripura

2. The Land Acquisition Collector
West Tripura, Agartala
Government of Tripura
Old Secretariat Building
P.O. Agartala,
P.S. West Agartala
Dist. West Tripura

... Appellants

-VS-

1. Smt. Rekha Dey
W/o late Pradip Kumar Dey

2. Sri Subhra Pratim Dey
S/o late Pradip Kumar Dey

Both are the legal heirs of Pradip Kumar Dey
S/o late Gopal Chandra Dey
C/o Sri Tapan Kumar Dey
Banamalipur, Agartala
Laxmi Narayan Bari Road.
P.O. Agartala
P.S. East Agartala
Dist. West Tripura

..... Respondents

L.A. Appl 56 of 2012

1. The State of Tripura
Represented by the Secretary to the
Government of Tripura
Transport Department,
New Civil Secretariat Building
P.O. Kunjaban
P.S. East Agartala
Dist. West Tripura

2. The Land Acquisition Collector
West Tripura, Agartala
Government of Tripura
Old Secretariat Building
P.O. Agartala,
P.S. West Agartala
Dist. West Tripura

... Appellants

-VS-

Sri Sahadeb Majumder
S/o late Anil Chandra Majumder
C/o Sri Tapan Kumar Dey
North Banamalipur, Agartala
Laxmi Narayan Bari Road
P.O. Agartala
P.S. East Agartala
Dist. Tripura west

... Respondent

BEFORE

THE HON'BLE MR JUSTICE U.B. SAHA

Advocate for the Appellants: Mr. N. Majumder
Advocate

Advocate for the respondents: Mr. B. Das,
Sr. Advocate
Mr. T.K. Dey
Advocate

Date of hearing : 07.4.2015
& delivery of the judgment:

Whether fit for reporting: No

JUDGEMENT AND ORDER(oral)

1. All these L.A. appeals noted above are taken up together for hearing and disposal on the prayer of the learned counsel on both sides by a common judgment for convenience.

2. L.A. appeal No. 56 of 2012 has arisen against the judgment and award dated 6.7.2009 passed in Misc. L.A. 95 of 2005, L.A. appeal No. 46 of 2012 has arisen against the judgment and award dated 4.8.2009 passed in misc. L.A. 32 of 2005, L.A. Appl 82 of 2011 has arisen against the judgment and award dated 5.8.2009 passed in Misc. L.A. 19 of 2005, L.A. App 49 of 2012 has arisen against the judgment and award dated 10.8.2009 passed in Misc L.A. 33 of 2005 and L.A Appl. No. 45, 48, 50, 51, 53, 54 and 54 of 2012 have arisen against the judgment and award dated 18.1.2010 passed in Misc. L.A. 30 of 2005, Misc. L.A. 31 of 2005, Misc. L.A 34 of 2005, Misc. L.A. 35 of 2005, Misc. L.A. 37 of 2005, Misc. L.A. 38 of 2005 and Misc. L.A. 39 of 2005 respectively by the learned Land Acquisition Judge, West Tripura, Agartala, (Court No. 2).

3. All the above cases arose relating to the acquisition of lands of the same area and by a Notification No. F.9 (3)-REV/ACQ/VI/2002 dated 19.4.2002 under Section 4 of the L.A. Act, the L.A. Collector, West Tripura, Agartala acquired in total 5.5868 acres of land under mouja Agartala, Sheet No. 22/P of Sadar Sub-division for the purpose of construction of Inter State Bus Terminus at Chandrapur, Agartala.

4. In due course, after hearing the parties, the L.A. Collector fixed the compensation for 'Bastu' class of land @ Rs. 20 lakh per kani, 'viti', 'Nal' and other class of land @ Rs. 10 lakh per kani and 'pukur' and 'doba' class of land @ Rs. 8 lakh per kani. The compensation was paid to the land owners but the land owners received the compensation recording their protest that adequate market price of the land was not given as compensation and hence they prayed for referring their cases to the L.A judge under Section 18 of the L.A Act for determination of the actual market price of the acquired land on the date of acquisition.

5. Accordingly, reference was made and the learned L.A. Judge by the impugned judgments referring to the submission of the learned counsel of both sides arrived at a conclusion that the land adjacent to the Assam Agartala road should be classified as 'A' block and the land behind 'A' block should be classified as 'B' block and the land behind 'B' block should be classified as 'C' block and thereafter considering some earlier judgments fixed price of the land of 'A' block @ Rs. 30 lakh per kani, 'B' block @ Rs. 25 lakh per kani and 'C' block @ Rs.20 lakh per kani respectively.

6. Learned counsel appearing for the parties submit that all these appeals are covered by the judgment of this Court in L.A. Appl 44 of 2012, L.A. App 47 of 2012 and L.A. App 52 of 2012 wherein this Court has decided those appeals arisen from Misc. L.A. 28 of 2005, Misc L.A. 29 of 2005 and Misc. L.A. 36 of

2005. After hearing the learned counsel for the parties, this court dismissed the aforesaid appeals being L.A. Appl No. 44, 47 and L.A. Appl 52 of 2012 noting, inter alia,

“ Learned counsel Mr. Majumder in course of hearing could not show any document on the basis of which it can be arrived that the learned L.A. Judge committed wrong while fixing the price of the acquired land considering the classification of land in different blocks. I find no infirmity in the judgment passed by learned L.A. Judge since the price of the land is in the increase and since all those factors have been taken into consideration the appeals are found to be devoid of any merit and hence those are dismissed.”

7. As the acquired lands in all these appeals are of the same mouja and also covered by the same notification under Section 4 of the L.A. Act and also covered by the judgment dated 2.2.2015 in the aforesaid appeals which is by this time reached its finality, this court is of the considered opinion that all these appeals are devoid of merit and no interference is called for. Hence all these appeals are dismissed. Interim order, if any, passed earlier, stands vacated. The parties are to bear their own costs.

8. Send down the L.C. records along with a copy of this judgment.

JUDGE

mdn