

**THE HIGH COURT OF TRIPURA
AGARTALA**

(1) LA APPL. 93 OF 2008

The Union of India,
Represented by the Officer
Commanding, Executive Engineer,
120 RCC (GREF) C/O 99 APO,
Bagafa, South Tripura.

... Appellant.

- Vs -

1(a) Smt. Khuku Majumder,
D/o Lt. Dhananjoy Majumder.

1(b) Sri Milan Majumder
D/o Lt. Dhananjoy Majumder.

1(c) Smt. Khelan Majumder (Sarkar),
W/o Sri Sadhan Sarkar,
D/o Lt. Dhananjoy Majumder.

1(d) Sri Kanti Majumder,
S/o Lt. Dhananjoy Majumder.

1(e) Smt. Minu Majumder (Chowdhury),
W/o Sri Kamal Chowdhury,
D/o Lt. Dhananjoy Majumder.

1(f) Sri Dilip Majumder,
S/o Lt. Dhananjoy Majumder.

Sl. Nos. 1(a) to 1(f) are residents of South Jolaibari,
P.S. Baikhora, Belonia, South Tripura.

... Respondents.

2. The L.A. Collector,
South Tripura, Udaipur.

.....Proforma Respondent.

(2) LA APPL. 95 OF 2008

The Union of India,
Represented by the Officer
Commanding, (Executive Engineer),

120 RCC, (GREF), C/O 99 APO,
Bagafa, South Tripura.

... Appellant.

- Vs -

1. Sri Sanjoy Choudhury,

2. Sri Ajoy Choudhury,

Both are sons of Sukhendu Bikash Choudhury of
Village –Jolaibari, PS Baikhora, Belonia, South Tripura.

... Respondents.

3. The L.A. Collector,

South Tripura, Udaipur.

....Proforma Respondent.

CO(FA) 19 OF 2013

1. Sri Sanjoy Choudhury,

S/o Sukhendu Bikash Choudhury.

2. Sri Ajoy Choudhury,

S/o Sukhendu Bikash Choudhury.

All of Jolaibari, Belonia, P.O. Jolaibari, South Tripura.

...Cross Objectors.

-Vs-

1. The Union of India,

Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF), Bagafa,
Dist. South Tripura,
C/O 99 APO.

2. The L.A. Collector,

South Tripura, Udaipur.

....Respondents.

(3) LA APPL. 98 OF 2008

The Union of India,

Represented by the Officer
Commanding, (Executive Engineer),

120 RCC, (GREF), C/O 99 APO,
Bagafa, South Tripura.

... Appellant.

- Vs -

- 1. Smt. Jali Muhuri,**
W/o Lt. Milan Ch. Muhuri.
- 2. Smt. Minakshi Muhuri,**
D/o Lt. Milan Ch. Muhuri.
- 3. Sri Aditya Muhuri,**
S/o Lt. Milan Ch. Muhuri.

All of village-Thakurchara, Jolaibari, PS-Baikhora,
Belonia, South Tripura.

... Respondents.

- 4. The L.A. Collector,**
South Tripura, Udaipur.

.....Proforma Respondent.

CO(FA) 18 OF 2013

- 1. Smt. Joli Muhuri,**
W/o Lt. Milan Ch. Muhuri.
- 2. Smt. Minakshi Muhuri,**
D/o Lt. Milan Ch. Muhuri.
- 3. Sri Aditya Muhuri,**
S/o Lt. Milan Ch. Muhuri.

All are residents of Thakurchara, Jolaibari, PS-Baikhora,
Belonia, South Tripura.

...Cross Objectors.

-Vs-

- 1. The Union of India,**
Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF), Bagafa,
District-South Tripura.
- 2. The L.A. Collector,**
South Tripura, Udaipur.

....Respondents.

(4) LA APPL. 99 OF 2008

The Union of India,
Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF),
Bagafa, South Tripura.

... Appellant.

- Vs -

- 1. Sri Sujit Choudhury,**
- 2. Sri Ranjit Choudhury,**
- 3. Sri Indrajit Choudhury,**
- 4. Sri Biswajit Choudhury.**

All Sons of Jagadish Ch. Choudhury,
Jolaibari, Belonia, South Tripura.

... Respondents.

- 5. The L.A. Collector,**
South Tripura, Udaipur.

.....Proforma Respondent.

CO(FA) 17 OF 2013

- 1. Sri Sujit Choudhury,**
- 2. Sri Ranjit Choudhury,**
- 3. Sri Indrajit Choudhury,**
- 4. Sri Biswajit Choudhury.**

All Sons of Late Jagadish Ch. Choudhury,
Jolaibari, PS Baikhora, Belonia, South Tripura.

...Cross Objectors.

-Vs-

- 1. The Union of India,**
Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF),
Bagafa, South Tripura.

2. The L.A. Collector,
South Tripura, Udaipur.

....Respondents.

(5) LA APPL. 101 OF 2008

The Union of India,
Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF),
Bagafa, South Tripura.

... Appellant.

- Vs -

1. Sri Sadhan Ch. Biswas,

2. Sri Mrinal Kanti Biswas.

Both Sons of Late Bhagaban Ch. Biswas,
Vill. Jolaibari, Baikhora P.S., South Tripura.

... Respondents.

3. The L.A. Collector,
South Tripura, Udaipur.

.....Proforma Respondent.

CO(FA) 16 OF 2013

1. Sri Sadhan Ch. Biswas,
S/o Lt. Bhagaban Chandra Biswas.

2. Sri Mrinal Kanti Biswas.
S/o Lt. Bhagaban Chandra Biswas.

All of Jolaibari, P.S. Baikhora, Belonia, South Tripura.

...Cross Objectors.

-Vs-

1. The Union of India,
Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF),
Bagafa, South Tripura.

2. The L.A. Collector,
South Tripura, Udaipur.

....Respondents.

(6) LA APPL. 104 OF 2008

The Union of India,
Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF),
Bagafa, South Tripura.

... Appellant.

- Vs -

1. Smt. Tagar Bosu,
Wife of Lt. Ananata Kumar Bosu,
Jolaibari, Belonia,
South Tripura.

... Respondent.

2. The L.A. Collector,
South Tripura, Udaipur.

.....Proforma Respondent.

CO(FA) 15 OF 2013

1. Smt. Tagar Basu,
W/o Ananata Kumar Basu,
Resident at Jolaibari, Belonia,
P.O. Jolaibari, South Tripura.

...Cross Objector.

-Vs-

1. The Union of India,
Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF),
Bagafa, South Tripura.

2. The L.A. Collector,
South Tripura, Udaipur.

....Respondents.

(7) LA APPL. 107 OF 2008

The Union of India,
Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF),
Bagafa, South Tripura.

... Appellant.

- Vs -

- 1. Sri Phani Bhusan Majumder,**
- 2. Sri Makhanlal Majumder,**
- 3. Sri Chhana Majumder,**
- 4. Sri Nani Gopal Majumder,**
- 5. Sri Mrinal Kanti Majumder,**
- 6. Smti Putul Rani Majumder,**
- 7. Smti Tulshi Majumder,**
- 8. Smti Manjusree Majumder,**
- 9. Smti Joyasree Majumder.**

Sl. Nos. 1 to 5 sons and Sl.No.6 to 9 daughters of Late Ananada Charan Majumder of Jolaibari, Belonia, South Tripura.

... Respondents.

- 10.The L.A. Collector,**
South Tripura, Udaipur.

.....Proforma Respondent.

CO(FA) 10 OF 2013

- 1. Sri Phani Bhusan Majumder,**
- 2. Sri Makhanlal Majumder,**
- 3. Sri Chhana Majumder,**
- 4. Sri Nani Gopal Majumder,**
- 5. Sri Mrinal Kanti Majumder,**
- 6. Smti Putul Rani Majumder,**
- 7. Smti Tulshi Majumder,**
- 8. Smti Manjusree Majumder,**
- 9. Smti Joyasree Majumder.**

Sl. Nos. 1 to 5 sons and Sl.No.6 to 9 daughters of Late Ananada Charan Majumder of Jolaibari, Belonia, South Tripura.

...Cross Objectors.

-Vs-

1. The Union of India,
Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF),
Bagafa, District-South Tripura.

2. The L.A. Collector,
South Tripura, Udaipur.

....Respondents.

(8) LA APPL. 108 OF 2008

The Union of India,
Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF),
Bagafa, South Tripura.

... Appellant.

- Vs -

1(a) Smt. Rinku Majumder,
W/o Lt. Harihar Majumder,

1(b) Sri Koushik Majumder,
S/o Lt. Harihar Majumder,

Vill-Jolaibari, Belonia,
South Tripura.

... Respondents.

2. The L.A. Collector,
South Tripura, Udaipur.

.....Proforma Respondent.

CO(FA) 11 OF 2013

1. Smt. Rinku Majumder,
W/o Lt. Harihar Majumder.

2. Sri Koushik Majumder,
S/o Lt. Harihar Majumder.

(Being minor represented by his next friend and
and mother Smt. Rinku Majumder).

Both are residents of Jolaibari, Belonia,
P.O. Jolaibari, District-South Tripura.

...Cross Objectors.

-Vs-

1. The Union of India,
Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF),
Bagafa, South Tripura.

2. The L.A. Collector,
South Tripura, P.O. & P.S. R.K. Pur,
Udaipur.

....Respondents.

(9) LA APPL. 109 OF 2008

The Union of India,
Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF), C/O 99 APO,
Bagafa, South Tripura.

... Appellant.

- Vs -

1. Sri Chandan Majumder,

2. Sri Ratan Majumder

Both Sons of Baradakanta Majumder.

3. Smti Pratibha Majumder,

4. Smti Photo Majumder,

5. Smti Dipali Majumder,

6. Smti Bithika Majumder,

7. Smti Alo Majumder,

Sl. Nos. 3 to 7 are daughters of Baradakanata Majumder,

8. Smti Kusum Majumder,
W/o Baradakanta Majumder,
All are residents of village- Jolaibari,
P.S. Baikhora, Belonia, South Tripura.

... Respondents.

9. The L.A. Collector,
South Tripura, Udaipur.

.....Proforma Respondent.

CO(FA) 12 OF 2013

1. Sri Chandan Majumder,
S/o Late Baradakanta Majumder.

2. Sri Ratan Majumder
S/o Late Baradakanta Majumder.

3. Smti Pratibha Majumder,

4. Smti Photo Majumder,

5. Smti Dipali Majumder,

6. Smti Bithika Majumder,

7. Smti Alo Majumder,

Sl. Nos. 3 to 7 are daughters of Late Baradakanata Majumder,

All are residents of Jolaibari,
P.S. Baikhora, Belonia, South Tripura.

...Cross Objectors.

-Vs-

1. The Union of India,
Represented by the Officer
Commanding, (Executive Engineer),
120 RCC, (GREF),
Bagafa, South Tripura.

2. The L.A. Collector,
South Tripura, Udaipur.

....Respondents.

BEFORE THE HON'BLE MR. JUSTICE S.C. DAS

In LA Appeals:

For the appellant-Union of India	: Mr. A. Lodh, Advocate.
For the respondent-land owners	: Mr. S.M. Chakraborty, Sr. Counsel, Mr. M.K.Biswas, Advocate. Mr. P. Majumder, Advocate.

For the respondent L.A. Collector : Mr. B. Dutta, Advocate.

In Cross Objections:

For the Cross-objectors : Mr. S.M. Chakraborty,
Sr. Counsel,
Mr. M.K.Biswas, Advocate.
Mr. P. Majumder, Advocate.

For the respondent-Union of India : Mr. A. Lodh, Advocate.

For the respondent- L.A. Collector : Mr. B. Dutta, Advocate.

Date of hearing : **31.07.2015**

Date of delivery of judgment : **17.08.2015**

& order

Whether fit for reporting : **No**

JUDGMENT & ORDER

All the Land Acquisition Appeals mentioned above filed under Section 54 of the L.A. Act and the particular Cross-objection in connection with the L.A. appeals were heard together on the submission of learned counsel of both side since the acquisition of land involved in those cases were under same notification and same Mouja and for some purpose.

2.1 L.A. Appeal No. 93/2008 has been filed by the appellant-Union of India challenging the judgment and award dated 05.09.2007, passed by the learned L.A. Judge, South Tripura, Udaipur in Case No. Misc. (LA) 11/2004.

2.2 L.A. Appeal No.95/2008 has been filed by the appellant-Union of India challenging the judgment and award dated 24.07.2007, passed by the learned L.A. Judge, South Tripura, Udaipur in Case No. Misc.(LA) 12/2004.

The Cross Objection No.(FA) 19/2013 has also been filed by the Cross-objectors i.e. the land owners challenging the same judgment and award passed by the learned L.A. Judge, South Tripura, Udaipur in connection with the same appeal.

2.3 L.A. Appeal No.98/2008 has been filed by the appellant-Union of India challenging the judgment and award dated 22.08.2007, passed by the learned L.A. Judge, South Tripura, Udaipur in Case No. Misc.(LA) 6 of 2004.

The Cross Objection No. (FA) 18/2013 has also been filed by the Cross-objectors i.e. the land owners challenging the same judgment and award passed by the learned L.A. Judge, South Tripura, Udaipur in connection with the same appeal.

2.4 L.A. Appeal No.99/2008 has been filed by the appellant-Union of India challenging the judgment and award dated 6.10.2007, passed by the learned L.A. Judge, South Tripura, Udaipur in Case No. Misc.(LA) 5/2004.

The Cross Objection No. (FA) 17/2013 has also been filed by the Cross-objectors i.e. the land owners challenging the same judgment and award passed by the learned L.A. Judge, South Tripura, Udaipur in connection with the same appeal.

2.5 L.A. Appeal No.101/2008 has been filed by the appellant-Union of India challenging the judgment and award dated 22.08.2007, passed by the learned L.A. Judge, South Tripura, Udaipur in Case No. Misc.(LA) 09/2004.

The Cross Objection No. (FA) 16/2013 has also been filed by the Cross-objectors i.e. the land owners challenging the same judgment and award passed by the learned L.A. Judge, South Tripura, Udaipur in connection with the same appeal.

2.6 L.A. Appeal No.104/2008 has been filed by the appellant-Union of India challenging the judgment and award dated 04.10.2007, passed by the learned L.A. Judge, South Tripura, Udaipur in Case No. Misc.(LA) 04/2004.

The Cross Objection No. (FA) 15/2013 has also been filed by the Cross-objectors i.e. the land owners challenging the same judgment and award passed by the learned L.A. Judge, South Tripura, Udaipur in connection with the same appeal.

2.7 L.A. Appeal No.107/2008 has been filed by the appellant-Union of India challenging the judgment and award dated 02.01.2008, passed by the learned L.A. Judge, South Tripura, Udaipur in Case No. Misc.(LA) 08/2004.

The Cross Objection No. (FA) 10/2013 has also been filed by the Cross-objectors i.e. the land owners challenging the same judgment and award passed by the learned L.A. Judge, South Tripura, Udaipur in connection with the same appeal.

2.8 L.A. Appeal No.108/2008 has been filed by the appellant-Union of India challenging the judgment and award dated 24.07.2007, passed by the learned L.A. Judge, South Tripura, Udaipur in Case No. Misc.(LA) 10/2004.

The Cross Objection No. (FA) 11/2013 has also been filed by the Cross-objectors i.e. the land owners challenging the same judgment and award passed by the learned L.A. Judge, South Tripura, Udaipur in connection with the same appeal.

2.9 L.A. Appeal No.109/2008 has been filed by the appellant-Union of India challenging the judgment and award dated 22.08.2007, passed by the learned L.A. Judge, South Tripura, Udaipur in Case No. Misc.(LA) 07/2004.

The Cross Objection No. (FA) 12/2013 has also been filed by the Cross-objectors i.e. the land owners challenging the same judgment and award passed by the learned L.A. Judge, South Tripura, Udaipur in connection with the same appeal.

3. Common questions of law and fact involved in all the L.A. appeals and cross objections and therefore, on the submission of learned counsel of both sides, the appeals and the cross objections were heard analogously and this common judgment is passed in respect of all the appeals and cross objections.

4. Heard learned counsel Mr. A. Lodh for the appellant-Union of India in all the appeals and also heard him for the respondent-Union of India in the Cross-objections. Also heard learned Sr. counsel Mr. S.M.Chakraborty assisted by learned counsel Mr. M.K.Biswas for the claimant-respondents in all the appeals as well as for the cross-objectors of all the cross objection cases. Also heard learned counsel Mr. B. Dutta for the respondent-L.A. collector.

5. By notification No.F.9(19)-Rev/Acq/XII/2002 dated 14.11.2002 issued under Section 17 of the L.A. Act followed by declaration of even no. dated 16.12.2002 under Section 6 of the L.A. Act, land measuring 2.93 acres under Mouja Jolaibari, District South Tripura was acquired for construction of 'Parking Lay byes' and the L.A. Collector had fixed compensation @ ₹1,20,000/- per kani for 'Bastu' class of land; ₹75,000/- per kani for 'Nal' class of land ; ₹65,000/- per kani for 'Doba' and 'Pukur' class of land and ₹70,000/- per kani for 'Pukur Par' class of land. All the land owners i.e. the claimant-respondents and the cross-objectors herein, received compensation fixed by the L.A. Collector under protest and prayed for referring the claims to the L.A. Judge for determination of the actual market price at the date of acquisition and accordingly, the L.A. Collector made reference under Section 18 of the L.A. Act before the learned L.A. Judge, South Tripura, Udaipur and pursuant to such reference the particular L.A. cases as mentioned above were registered in the Court of the learned L.A. Judge, South Tripura, Udaipur. The referring claimants i.e. the land owners after appearance before the learned L.A. Judge submitted their claim statements contending that the land acquired is situated by the side of Agartala-Sabroom Highway and the land is very potential land, fit for use of commercial purpose and further contended that for acquisition of land for telephone exchange and staff quarters at Jolaibari, compensation was given @ ₹8.00 lakh per kani in the year 2000 and further contended that Sub Divisional Magistrate, Belonia issued a valuation certificate in favour of one

Bindu Rani Majumder of Jolaibari and that valuation certificate, showing the land of Bindu Rani Majumder was given at a price of ₹22.00 lakh per kani and all those lands were situated very near to the acquired land and therefore, the claimants prayed for compensation @ ₹22.00 lakh per kani.

6. On the other hand, L.A. Collector as well as the requiring department i.e. the appellants herein, submitted counter statement justifying the assessment made by the L.A. Collector. They *inter alia* contended that while fixing the compensation various recent sale transactions were taken into consideration and it was found that the price was ranging from ₹21,818/- to ₹3,20,000/- per kani. The market value of the acquired land was fixed after hearing both side and considering all relevant documents of transactions and so there was nothing to interfere in the assessment made by the L.A. Collector and the claimant-land-owners were not entitled to get any higher price.

7. The Records of the particular L.A. cases show that one of the claimant-petitioners was examined on behalf of the claimants in the particular case and on behalf of the L.A. Collector also one witness was examined. The claim statements as well as the evidence of the claimants and the documents exhibited are same and identical in all the cases. So, on the prayer of learned counsel of both sides, L.A. Appeal No.93/2008 and its connected L.C. record is taken up as the lead case for decision of all the L.A. appeals and the connected cross-objections.

8. On examination of the L.C. record of Misc.(LA) 11/2004 in connection with L.A. appeal No.93/2008 it appears that one of the claimant-land-owners namely Dhananjoy Majumder was examined on behalf of the claimants and the claimants proved the following documents:-

Exbt.1-Photocopy of abatement statement dated 25.11.2000.

Exbt.2-Photocopy of valuation certificate in the name of Bindu Rani Majumder.

Exbt.3-Photocopy of Sale-deed no.1-457 dated 18.3.93.

Exbt.4-Photocopy of Sale-deed no.1-1445 dated 12.7.93.

Exbt.5-Photocopy of Sale-deed No.1-19 dated 3.1.92.

Exbt.6-Khatian no.2810 of Jolaibari Mouja.

Exbt.7 (series)-2(two) maps of Jolaibari Mouja.

Exbt.8-Certified copy of Assessment Note dated 29.7.94 in respect of acquisition of Jolaibari Telephone Exchange and Staff Quarter in support of his claim.

9. On behalf of L.A. Collector, one witness Chitta Ranjan Mandal, an Amin of office of L.A. Collector was also examined as OPW-1 and the witness proved the assessment note of L.A. Collector which is marked as Exbt.A.

10. Learned counsel Mr.Lodh appearing for the appellant-Union of India submitted that L.A. Collector fixed the price of the land considering the prices appeared in comparable sale transactions and the learned L.A. Judge only taking into consideration the sale-deed dated 03.01.1992 (Exbt.5) has fixed the compensation in all the cases which was not justified. He has further submitted that the land is situated by the side of Agartala-Sabroom Highway but it cannot be said that it is so potential that it should be valued @ ₹3,20,000/- per kani. He has also submitted

that the cross objections filed by the claimant-land-owners has no merit and those should be rejected.

11. Learned Sr. counsel Mr. Chakraborty, on the other hand, has submitted that the acquired land is situated by the side of Agartala-Sabroom Highway at Jolaibari and it is very near to Jolaibari market. Referring to Exbt.7 and 8 he has further submitted that for the purpose of construction of telephone exchange and staff quarters in the year 1994 same 'Nal' class of land was acquired at Mouja Jolaibari by the side of Agartala-Sabroom road and Exbt.8 shows that L.A. Collector fixed compensation @ ₹5.00 lakh per kani for the land and that acquired land has been recorded in Khatian No.2810 in the name of the Telephone Bhavan of the Govt. of India and those plot nos. if compared to the plot nos. of the acquired lands, would show that it is only intervened by a few plots of land in both sides of the road and so the price of the acquired land which is mostly 'Nal' class of land should fetch at least @ ₹5.00 lakh per kani at the date of acquisition. Referring to Exbt.2 a valuation certificate issued by the Sub Divisional Magistrate on 23.04.2004, learned Sr. counsel submitted that the valuation for the land of Bindu Rani Majumder was fixed @ ₹22.00 lakh per kani and so the valuation in the case of the claimants may be fixed at the same rate of Exbt.2.

12. The learned L.A. Judge considered the documents and discarded the documents i.e. Exbt.2 and Exbt.8 holding that those lands were far away. He has rightly did not consider the Sale-deeds marked as Exbt.3 and Exbt.4. Sale-deed dated 03.01.1992 i.e.

Exbt.5 was considered by L.A. Collector also but the price of that Sale-deed was not taken for fixing the price of the acquired land by the L.A. Collector. That Sale-deed dated 03.01.1992 i.e. Exbt.5 carries price @ ₹3,20,000/- per kani for 'Nal' class of land and that price was accepted by the learned L.A.Judge for fixing the price of the acquired land. Learned L.A. Judge as I find rightly did not consider the valuation certificate marked Exbt.2. Exbt.7 (series) are the maps of Mouja Jolaibari and the maps show that the plot of land mentioned in the valuation certificate is situated adjacent to Jolaibari market and there is nothing that the said plot of land was acquired for any purpose and compensation was paid @ ₹22.00 lakh per kani. Therefore, Exbt.2 cannot be taken into consideration for fixing the valuation of the acquired land and the learned L.A. Judge rightly discarded that document.

13. After having carefully gone through the documents i.e. Exbt.6, Exbt.7 (series) and Exbt.8, I find that in the year 1994 0.40 acres of land was acquired for the purpose of installation of telephone exchange and construction of staff quarters at Mouja Jolaibari by notification dated 02.03.1994. The assessment order dated 29.07.1994 has been proved as Exbt.8. Record shows that the assessment order was forwarded by the L.A. Collector to the learned L.A. Judge which contains the plot Nos.2366, 2367 and 2368 which were acquired for construction of telephone exchange and staff quarters at Jolaibari. Exbt.6 i.e. the Khatian No.2810 prepared in the name of the Telephone Bhavan of the Govt. of India for the said acquired land which contains the present Plot

Nos.4658, 4659/9586 and 4657/9587 and those plot of lands corresponds to previous plot of land i.e. 2366,2367 and 2368. Exbt. 7 (series), the maps produced by the claimants show that those plots of land acquired for the telephone exchange and staff quarters in the year 1994 and the plots of land acquired for the purpose of parking Lay-byes i.e. present acquired lands are situated by the side of the same main road running between Agartala to Sabroom at Jolaibari and those plots are intervened only by a few plots and not at a long distance. The present acquired lands are situated in the western side of the road and the plots of land acquired for the telephone exchange was in the eastern side of the road only intervened by some other plots. I do not understand how the price of lands of these two acquisitions would be different and what shall be the basis for taking such different view. It is admitted by learned counsel of both sides that Jolaibari market is situated to the north of the land acquired for the telephone exchange. Similarly, the present acquired land also situated is at a short distance from Jolaibari market and both the lands are situated by the side of the Highway.

14. It is an admitted position that in the year 1994, the L.A. Collector in connection with the acquisition for the telephone exchange and its staff quarters allowed compensation @ ₹5.00 lakh per kani. I cannot agree with the observation of the learned L.A. Judge that there is far distance between the present acquired land and the previous acquired land and therefore, the prices should be different. I find justification in the cross-objections for fixing the

price at the same rate as was awarded by the L.A. Collector for acquisition of land for the telephone exchange in the year 1994 @ ₹5.00 lakh per kani.

I find no merit in the L.A. appeals filed by the Union of India. Accordingly, all the appeals filed by the Union of India stands dismissed.

All the Cross-objections are allowed.

15. For the acquisition of land under notification dated 14.11.2002 and declaration dated 16.12.2002 of the acquired land for the purpose of parking Lay-bye at Jolaibari an average rate of ₹5.00 lakh per kani is allowed to the Cross-objectors.

16. The L.A. Collector and the requiring department are directed to pay compensation @ ₹5.00 lakh per kani for the acquired land with all other benefits as per direction given by the learned L.A. Judge in the respective impugned judgments.

17. All the L.A. appeals and the cross-objections are accordingly disposed of.

18. Costs to be borne by the respective parties.

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

JUDGE