

**THE HIGH COURT OF TRIPURA
AGARTALA**

LA APPL 111 OF 2008

Shri Nepal Chandra Ghosh,
Son of Late Suresh Chandra Ghosh,
Resident of : Subhash Park,
P.S.: Khowai, Dist.: West Tripura.

... Appellant.

- *V/s* -

1.The Land Acquisition Collector,
West Tripura, Agartala.

2.The State of Tripura,
Represented by the Secretary,
P.W.D., Govt. of Tripura,
Agartala.

... Respondents.

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

For the appellant : Mr. D. K. Biswas, Adv.

For the respondents : None.

Date of hearing & delivery
of Judgment & order : **04.07.2015**

Whether Fit for Reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

This appeal under section 54 of the Land Acquisition Act, 1894 is directed against the judgment and award dated 25.07.2008, passed by learned L.A. Judge, West Tripura, Agartala on a reference made under Section 18 of the L.A. Act in Case No. Misc.(LA) 46 of 2002.

2. Heard learned counsel, Mr. D. K. Biswas for the appellant. No representation on behalf of the respondents in spite of service of notice.

3. For the purpose of construction of permanent bridge over river Khowai, land measuring 0.370 acres of different class such as Bastu, Dokan, Chara, Pukur, Pukur Par etc. was acquired by notification under Section 4, dated 03.05.1989 followed by declaration under section 6, dated 04.10.1989 and compensation was determined by the L.A. Collector for the acquired land. Out of those 0.370 acres of land, the land belonged to the claimant appellant in Plot No.4343/P measuring 0.010 acre of Khatian No.1249 was also acquired which was Dokan viti class of land and compensation was awarded @ Rs.2.5 lakhs per kani.

4. Aggrieved, the claimant i.e. the appellant herein approached the L.A. Collector for reference under section 18 and accordingly a reference was made and learned L.A. Judge, in Misc. (LA) 46 of 2002 enhanced the compensation @ Rs. 4.8 lakhs per kani.

5. Dissatisfied the claimant-appellant preferred the present appeal under section 54 of the L.A. Act.

6. In course of hearing learned counsel Mr. Biswas has submitted that under the same notification land of several other adjacent plots were also acquired which consists land of Plot Nos. 4396/P, 4397/P, 4348/P, 4343, 4316/P, 4315/P, 4345/P, 4320/P,

4321/P. Those plots of land belonged to different persons situated adjacent to each other. Several references were made and though in the case of the petitioner L.A. Judge enhanced the rate to Rs. 4.8 lakhs per kani but in some other cases, the L.A. Judge enhanced the amount to Rs. 10 lakhs per kani. That determination made by the LA Judge was not challenged.

It is further submitted by learned counsel, Mr. Biswas that arising out of acquisition of land under same notification and Mouja three other L.A. appeals i.e. L.A. appeal No.01 of 2011, L.A. Appeal No. 02 of 2011 and L.A. Appeal No. 03 of 2011 were pending before this Court and by common judgment dated 05.06.2015 this Court awarded compensation @ Rs.10 lakhs per kani.

Learned counsel, Mr. Biswas submits that the rate determined by this Court in those L.A. appeals may fairly be applied in this case also. A certified copy of the judgment dated 05.06.2015 is placed on record.

7. On perusal of that judgment and after going through the records of this case, I find that the land belonged to the appellant of this case and the lands belonged to the different appellants of those L.A. appeals were adjacent to each other and were of similar nature. Therefore, without any hesitation I am of the view that this case also may be disposed of in terms of that judgment dated 05.06.2015.

8. The appellant is entitled to get compensation @ Rs. 10 lakhs per kani for the acquired land. The common judgment passed in L.A. Appeal No. 01 of 2011 to L.A. Appeal No. 3 of 2011 dated 05.06.2015 is made a part of this judgment. The present appeal accordingly stands disposed of.

9. Send back the LC records along with the copy of this judgment.

JUDGE