

**THE HIGH COURT OF TRIPURA
AGARTALA**

L.A.APP No. 84 OF 2008

APPELLANTS :

1. The State of Tripura,
(to be represented by the
Secretary to the Government
of Tripura, Department of Forests,
Agartala).
2. The Conservator of Forests,
(Wild Life), Government of Tripura,
Agartala.

BY ADVOCATE :

Mr. D. C. Nath,
- Versus -

RESPONDENT :

Md. Jafar Ali
S/O. Md. Abdul Ajij,
of Uttar Charilam,
P.S. Bishalgarh,
District- West Tripura,

BY ADVOCATE :

Mr. R. Debnath,

C.O.(FA) NO. 14 OF 2008

CROSS OBJECTOR :

Md. Jafar Ali
S/O. Md. Abdul Ajij,
of North Charilam,
P.S. Bishalgarh,
District- West Tripura,

BY ADVOCATE :

Mr. R. Debnath,
- Versus -

APPELLANT-O.Ps. :

1. The State of Tripura,
(to be represented by the
Secretary to the Government
of Tripura, Department of Forest,
Agartala).
2. The Principal Chief Conservator of Forest,
(Wild Life), Government of Tripura,
Aranya Bhawan, Pandit Nehru Complex,
Agartala, Tripura.

BY ADVOCATES :

Mr. D. C. Nath,

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

Date of hearing and delivery
of Judgment and Order : **20.01.2015.**

Whether fit for reporting : **No.**

JUDGEMENT AND ORDER(ORAL)

Both the appeals and cross objection mentioned above are taken up together for disposal on the prayer of the learned counsel of both side.

2. Heard learned counsel, Mr. D. C. Nath for the State-appellants and learned counsel, Mr. R. Debnath for the claimant- respondent.

3. It is submitted by learned counsel, Mr. D. C. Nath that this case is a covered case of the judgment dated 17.06.2013 passed by this Court in L.A.APP No. 37 of 2007 along with C.O.(FA) No. 16 of 2007.

4. Learned counsel, Mr. R. Debnath for the claimant-respondent fairly conceded that it is a covered case and out of same Notification lands were acquired, which is the subject matter of both these cases. So, the present appeal and cross-objection are disposed of in the same term of the direction given by this Court in L.A.APP No. 37 of 2007 along with C.O.(FA) No. 16 of 2007. The direction given by this Court in L.A.APP No. 37 of 2007 along with C.O.(FA) No. 16 of 2007, reads as follows :-

"11. Considering the entire facts and circumstances, particularly keeping in mind that the learned L.A. Judge did not consider the Sale deed produced by the appellant-L.A. Collector, and upon consideration of the sale deed (Exhibit-1) produced by the respondent-cross objector as claimant, which was registered in the year 1992, it would meet justice if the market value is determined @ Rs.86,000/- per kani. More so, in L.A.APP 34 of 2007, L.A.Appeal No. 35 of 2007 and LA Appeal 36 of 2007 arising out of the common judgment dated 02.01.2007 passed by the learned L.A. Judge which is under challenge, this Court has already determined the market value of the land @ Rs.86,000/- per kani. Accordingly, it would meet justice if the impugned judgment is modified to the extent that the market value of the land in question is determined @ Rs.86,000/- per kani for the acquired land together with solatium and interest as per the L.A.Act. However, if any amount is already paid on account of the market value for the acquired land, then that should be deducted from the present awarded compensation. Accordingly, it is ordered."

5. This appeal and cross objection also shall be guided by the above direction given in the aforesaid cases and accordingly, the appeal along with cross objection stand disposed of in terms of the order passed in L.A.APP No. 37 of 2007 along with C.O.(FA) No. 16 of 2007.

6. Send down the lower court record along with a copy of this judgment.

JUDGE