

Party Name : PCCF&ANR Vs BILLAL MIAH

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THE HONBLE MR JUSTICE U. B. SAHA

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Heard Mr. G. S. Bhattacharjee Learned counsel for the appellants as well as Mr. R. Debnath learned counsel for the respondent claimant.

This appeal is preferred against the judgment and award dated 13.11.2009 passed by the learned L. A. Judge, West Tripura, Agartala, Court No.4, in Misc. L.A. No. 05 of 2006.

The land involved in this appeal measuring 0.22 acre of Naal class of land under Mouja North Charilam, Khatian No. 1303, R.S. Plot No. 869 was acquired under Notification No. F.9(7)-Rev/Acq/XIV/2002 dated 5.4.2002 for establishment of Shipahijala Wild Life Sanctuary under Bishalgarh Sub-division, Tripura West which was published in the local daily "Tripura Darpan" on 25.4.2002 and Declaration was issued under Section 6 of the L.A. Act vide Notification No. F.9 (7)-Rev/Acq/XIV/2002 dated 12.6.2002.

The L. A Collector passed award @ Rs. 30,000/- per kani along with admissible interests. Being dis-satisfied with the award of the L.A. Collector, the referring claimant made an application for reference to the court of the L.A. Judge under Section 18 of the L.A. Act which was ultimately referred. The learned L.A Judge considering the submission of the parties enhanced the award and held that the referring claimant is entitled to a compensation for the acquired land @ Rs.90,000/- per kani.

Being aggrieved by the judgment and award of the learned L. A. Judge, the appellants have preferred the instant appeal.

When the appeal was taken up for hearing, the learned counsel appearing for the parties submit that the instant appeal is fully covered by the judgment of this Court dated 2.3.15 passed in LA App No. 40 of 2009 wherein the aforesaid appeal was dismissed holding that the learned LA Judge did not commit any wrong in enhancing the award from Rs. 30,000/- to Rs.90,000/-

In view of the above submission of the learned counsel for the parties it is not necessary for this court to give any detailed reason for disposing of the instant appeal as the land involved in the instant appeal is not only similarly situated but also acquired by the same notification and in both these appeals, the present respondent is the referring claimant.

This court has also gone through the common judgment passed in L.A. Appeal No. 40 of 2009 and in other appeals from which it appears that the instant appeal is fully covered by the earlier judgment of this Court delivered in L.A appeal No. 40 of 2009.

In view of the above, the instant appeal is dismissed.

Send down the L.C. records