

**THE HIGH COURT OF TRIPURA
AGARTALA**

LA APP 36 OF 2012

Commandant 1st Battalion T.S.R.,
P.O.-Gokulnagar,
P.S.- Bishalgarh, District-Sepahijala,
Tripura.

... Appellant.

- Vs -

1. Sri Tarini Biswas

2. Sri Nalini Biswas

All are sons of Late Joychandra Biswas,
Resident of village-Gakulnagar,
P.S. Bishalgarh, District-Sepahijala,
Tripura, Pin-799102.

3 (a) Smt. Milan Biswas,
W/o Lt. Kamini Biswas,
Vill & P.O. Nehal Chandra Nagar,
Bishalgarh, Sepahijala, Tripura.

3 (b) Smt. Rina Biswas (Sarkar),
W/o Sri Nirranjan Sarkar,
D/o Lt. Kamini Biswas, Vill- Kadamtali,
P.O. North Brajapur, P.O.Bishalgarh,
Distt. Sepahijala.

3 (c) Sri Subrata Biswas,
S/o Lt. Kamini Biswas,
Vill & P.O. Nehalchandranagar,
P.S. Bishalgarh, Sepahijala.

3 (d) Sri Debabrata Biswas,
S/o Lt. Kamini Biswas,
Vill & P.O. Nehalchandranagar,
P.S. Bishalgarh, Sepahijala.

3 (e) Smt. Lipi Biswas (Sarkar),
W/o Sri Tapan Sarkar,
D/o Lt. Kamini Sarkar, Vill-Belabar,
P.O. S.D.Mission, P.S. Amtali,
Distt. Tripura West.

3 (f) Sri Sambhu Biswas,
S/o Lt. Kamini Biswas,
Vill & P.O. Nehalchandranagar,
P.S. Bishalgarh, Sepahijala.

3 (g) Smt. Sukla Biswas (Sarkar),
 W/o Sri Ranjit Sarkar,
 D/o Lt. Kamini Biswas, Vill-Berimura,
 P.O.- Bamutia, P.S. Lefunga,
 Distt. West Tripura.

3 (h) Sri Ankur Biswas,
 S/o Lt. Kamini Biswas,
 Vill & P.O. Nehalchandranagar,
 P.S. Bishalgarh, Sepahijala.

.... Respondents.

CROSS OBJECTION(FA) 22 OF 2013

1. Sri Tarini Biswas

2. Sri Nalini Biswas

All sons of Late Joychandra Biswas,
 Resident of Village Gokulnagar,
 P.S. Bishalgarh, District-West Tripura,
 Pin-799102.

... Cross Appellants.

Vrs.

The Commandant 1st Bn. TSR,
 P.O. Gokulnagar, P.S. Bishalgarh,
 District-Sipahijala.

...Respondent.

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

IN LA APPEAL 36 OF 2012

For the appellant	: Mr. G.S. Bhattacharjee, Advocate.
For the respondents	: Mrs. P. Deb Paul, Advocate.

IN CO(FA) 22 OF 2013

For the Cross appellants	: Mrs. P. Deb Paul, Advocate.
For the respondents	: Mr. G.S. Bhattacharjee, Advocate.

Date of hearing and
delivery of judgment
& Order. : **15.10.2015.**

Whether fit for reporting : **No**

JUDGMENT & ORDER(ORAL)

This common judgment is passed in respect of the L.A. Appeal 36 of 2012 and Cross objection (FA) 22 of 2013.

2. Heard learned counsel Mr. G.S. Bhattacharjee for the appellant and learned counsel Mrs. P. Deb Paul for the respondents.

3. On the previous day, learned counsel, Mrs. P. Deb Paul submitted a copy of the judgment passed by the Single Bench of this Court in L.A. Appeal No.71 of 2011 and L.A. Appeal No.72 of 2011 along with Cross objections (common judgment) and it is submitted by the learned counsel that arising out of acquisition of land under same notification and mouja and for same purpose those L.A. Appeals were filed by the appellants and those L.A. appeals were disposed of by judgment dated 21.07.2015, wherein it was stated that the appellants already complied with the judgment dated 11.11.2009 passed in Misc.(LA) 40 of 2005 and in terms of that the L.A. Appeals were disposed of. Mrs. Deb Paul, learned counsel, therefore, prays for disposal of the present appeal and cross objection in terms of the judgment dated 21.07.2015 passed in L.A. Appeal 71 of 2011 and L.A. Appeal 72 of 2011.

4. Mr. Bhattacharjee, learned counsel for the appellant fairly submits that he was the engaged counsel in those two L.A. Appeals disposed of by the Single Bench of this Court and that the land of the present appeal was 'lunga' class of land whereas the land of those appeals were different and he has no objection if the present appeal is disposed of if it is found that similar judgment should be in both set of appeals.

5. I have meticulously gone through the judgment dated 21.07.2015 passed by the Single Bench of this Court in L.A. Appeal No.71 of 2011 and L.A. Appeal No.72 of 2011 along with cross objections and it appears that in an earlier reference case bearing No. Misc.(LA) 40 of 2005, by judgment dated 11.11.2009 award was passed by the L.A. Judge and that was complied with and not challenged by the L.A. Collector or the Requiring Department. It was submitted by Mrs. Deb Paul in those two appeals that the judgment passed in Misc. (LA) 40 of 2005 was complied with and in terms of that those two L.A. appeals were disposed of.

6. In the present case, after going through the evidence on record, I find that the claimant-respondents claimed that the acquired land was their homestead land but the Khatian was showing the class of land as 'lunga' land. In the cross examination of the claimants, it was not denied by the L.A. Collector or the Requiring Department that the stand of the claimants that it was homestead class of land was not correct. Under such circumstances, I find that the present case is also well covered by the judgment passed in L.A. Appeal No.71 of 2011 and L.A. Appeal No. 72 of 2011 i.e. the judgment dated 21.07.2015.

7. The present appeal and the cross objection, as prayed for, stand disposed of in terms of judgment dated 21.07.2015 passed by this Court in L.A. Appeal No.71 of 2011 and L.A. Appeal No.72 of 2011.

8. A copy of that judgment shall form part of this order and in terms thereof, the present appeal and cross objection stand disposed of.

9. Send back the L.C. records along with a copy of this judgment.

JUDGE