

THE HIGH COURT OF TRIPURA
AGARTALA

L.A. App 4 of 2012

1. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
P.O. Kunjaban, District West Tripura
2. The Chief Engineer.
Public Works Department (Roads & Building)
New Secretariat Complex, Khejurbagan,
Agartala, District- West Tripura.
3. The Executive Engineer.
Public Works Department (Roads & Building),
Capital Complex Division, Kunjaban Extension,
P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- V E R S U S -

Sri Keshab Chandra Banik
S/o Sadhyanya Kumar Banik
Kunjaan, P.O. Kunjaban
P.S. East Agartala
Dist. West Tripura

.....Claimant-Respondent

For the appellants : G.A. Mr. D.C. Nath, Advocate.

For the respondent : Mr. R. Debnath, Advocate

In LA. App. No. 5 of 2012

1. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- V E R S U S -

Smt. Bijan Majumder,
wife of Biman Majumder,
Abhoynagar, P.O. Abhoynagar,
P.S. East Agartala, Dist: West Tripura.

.....Claimant-Respondent

For the appellants : G.A.

For the respondent : Mr. R. Debnath, Advocate

In LA. App. No. 6 of 2012

1. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- VERSUS -

1. Sri Gouranga Chakraborty,
Son of Ananda Charan Chakraborty,
2. Pyari Mohan Debnath,
Son of Tarak Chandra Debnath,

Both are residents of village Jagatpur, P.S. East Agartala, Dist: West
Tripura.

.....Claimant-Respondents

For the appellants : G.A., Mr. D. C. Nath, Advocate.

For the respondents : Mr. R. Debnath, Advocate

In LA. App. No. 8 of 2012

2. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.

3. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- V E R S U S -

1. Manik Lal Dhar,
Son of Lt. Sukhendra Narayan Dhar,
2. Sri Gour Narayan Dhar,
Son of Lt. Sukhendra Narayan Dhar,
3. Smt. Chitra Dhar,
Daughter of Lt. Sukhendra Narayan Dhar,
4. Smt. Anuradha Dhar,
Daughter of Lt. Sukhendra Narayan Dhar,

All are residents of Jayanagar, Dashamighat, P.O. Agartala, P.S. West
Agartala, Dist: West Tripura.

.....Claimant-Respondents

For the appellants : G.A., Mr. D. C. Nath, Advocate.
For the respondents : Mr. R. Debnath, Advocate

In LA. App. No. 77 of 2011

1. Manik Lal Dhar,
Son of Lt. Sukhendra Narayan Dhar,
2. Sri Gour Narayan Dhar,
Son of Lt. Sukhendra Narayan Dhar,
3. Smt. Chitra Dhar,
Daughter of Lt. Sukhendra Narayan Dhar,
4. Smt. Anuradha Dhar,
Daughter of Lt. Sukhendra Narayan Dhar,

All are residents of Jayanagar, Dashamighat, P.O. Agartala, P.S. West
Agartala, Dist: West Tripura.

.....Appellants

- V E R S U S -

1. Land Acquisition Collector,
Government of Tripura, Agartala, West Tripura,
2. The Executive Engineer, PWD.

Government of Tripura, Public Works Department, Capital Complex,
Division, P.O. Kunjaban, Agartala, District-West Tripura.

..... Respondents

For the appellants : G.A., Mr. D. C. Nath, Advocate.
For the respondents : Mr. R. Debnath, Advocate

In LA. App. No. 9 of 2012

3. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- VERSUS -

Smt. Sumati Singh Roy,
Wife of Lt. Babul Singh Roy,
Abhoynagar, P.S. East Agartala, Dist: West Tripura.

.....Claimant-Respondent

For the appellants : G.A., Mr. D. C. Nath, Advocate.
For the respondents : Mr. R. Debnath, Advocate

In LA. App. No. 13 of 2012

4. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- VERSUS -

1. Sri Pradip Dhanuk,
S/o- Lt. Ramprasad Dhanuk,
Resident of Indranagar, Jagatpur,
P.O. Indranagar, P.S. East Agartala.
2. Sri Dilip Kr. Dhanuk,
S/o- Lt. Ramprasad Dhanuk,
Resident of Indranagar, Jagatpur,
P.O. Indranagar, P.S. East Agartala.
3. Smt. Maya Dhanuk,
Wife of Krishna Dhanuk,
D/o- Lt. Ramprasad Dhanuk,
Resident of Indranagar, Jagatpur,
P.O. Indranagar, P.S. East Agartala.
4. Smt. Chhaya Dhanuk,
Wife of Narayan Dhanuk,
D/o- Lt. Ramprasad Dhanuk,
Resident of Indranagar, Jagatpur,
P.O. Indranagar, P.S. East Agartala.
5. Smt. Jayanti Dhanuk,
D/o- Lt. Ramprasad Dhanuk,
Resident of Indranagar, Jagatpur,
P.O. Indranagar, P.S. East Agartala.
6. Smt. Gita Dhanuk,
D/o- Lt. Ramprasad Dhanuk,
Resident of Indranagar, Jagatpur,
P.O. Indranagar, P.S. East Agartala.
7. Smt. Papu Dhanuk,
D/o- Lt. Ramprasad Dhanuk,
Resident of Indranagar, Jagatpur,
P.O. Indranagar, P.S. East Agartala.

.....Claimant-Respondents

For the appellants	: G.A., Mr. D. C. Nath, Advocate.
For the respondents	: Mr. R. Debnath, Advocate

In L.A. App. No. 15 of 2012

5. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.

Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- V E R S U S -

Sri Monoranjan Roy Karmakar,
Son of Dinabandhu Roy Karmakar,
Kunjaban, P.O. Kunjaban, P.S. East Agartala, Dist: West Tripura.

.....Claimant-Respondent

For the appellants : G.A., Mr. D. C. Nath, Advocate.
For the respondents : Mr. R. Debnath, Advocate

In LA. App. No. 33 of 2012

6. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- V E R S U S -

1. Sri Bhabatosh Das Chowdhury.
- 2(a). Smt. Sankari Das Chowdhury,
Wife of Lt. Paritosh Das Chowdhury,
- 2(b). Sri Manimoy Das Chowdhury,
Son of Lt. Paritosh Das Chowdhury.
3. Sri Priyatosh Das Chowdhury,
- 4(a) Smt. Susmita Das Chowdhury (Sarkar)
Wife of Lt. Prantosh Das Chowdhury,
- 4(b). Sri Ankur Das Chowdhury (minor),
Son of Lt. Prantosh Das Chowdhury,
5. Smt. Alaka Das Chowdhury.
6. Smt. Bebi Das Chowdhury.
- 7(a). Sri Deepjoy Chowdhury,
Son of Nandan Chowdhury.

7(b). Smt. Nandini Chowdhury,
Wife of Rajat Acharjee.

All are resident of Village- Jogendranagar, P.O. Jogendranagar, Dist:
West Tripura.

.....Claimant-Respondents

For the appellants : G.A., Mr. D. C. Nath, Advocate.
For the respondents : Mr. K. N. Bhattacharji, Sr. Advocate.
Mr. R. Debnath, Advocate

In LA. App. No. 60 of 2012

7. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- V E R S U S -

Smt. Laxmi Das,
D/o Mukunda Chandra Das,
W/o- Santosh Ghosh, Nandannagar, P.O. Nandannagar, P.S. East Agartala,
Dist: West Tripura.

.....Claimant-Respondent

For the appellants : G.A., D. C. Nath, Advocate.
For the respondent : Mr. G. S. Bhattacharji, Advocate

In LA. App. No. 61 of 2012

8. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- VERSUS -

1. Gouranga Chandra Paul,
Son of Lt. Kanai Chandra Paul,
of Debramthakur Para, Nandannagar, P.O. Nandannagar, Agartala, P.S.
East Agartala, Dist: West Tripura.
2. Sri Gopal Chakraborty,
Son of Lt. Dharma Das Chakraborty.
3. Smt. Banashree Chakraborty,
D/o- Sri Gopal Chakraborty.
4. Sri Mithun Chakraborty,
Son of Sri Gopal Chakraborty

All are residents of Debramthakur Para, Nandannagar, P.S. East
Agartala, P.O. Nandannagar, Agartala, Dist: West Tripura

.....Claimant-Respondents

For the appellants	: G.A., D. C. Nath, Advocate.
For the respondents	: Mr. G. S. Bhattacharji, Advocate

CO(FA). No. 8 of 2012
In L.A. Appl.No. 61 of 2012

1. Gouranga Chandra Paul,
Son of Lt. Kanai Chandra Paul,
of Debramthakur Para, Nandannagar, P.O. Nandannagar, Agartala, P.S.
East Agartala, Dist: West Tripura.
2. Sri Gopal Chakraborty,
Son of Lt. Dharma Das Chakraborty.
3. Smt. Banashree Chakraborty,
D/o- Sri Gopal Chakraborty.
4. Sri Mithun Chakraborty,
Son of Sri Gopal Chakraborty

All are residents of Debramthakur Para, Nandannagar, P.S. East
Agartala, P.O. Nandannagar, Agartala, Dist: West Tripura

.....Appellants.

- VERSUS -

1. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.

Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Respondents.

For the appellants : Mr. K. N.Bhattacharji, Sr. Advocate.
Mr. R. Debnath, Advocate.
For the respondents : G.A.

In LA. App. No. 73 of 2012

1. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- VERSUS -

Smt. Kalyani Bhattacharji,
W/o- Sri Ajit Kumar Bhattacharji,
P.O. Kunjaban, Agartala, P.S. East Agartala, Dist: West Tripura.

.....Claimant-Respondent

For the appellants : G.A., D. C. Nath, Advocate.
For the respondent : Mr. R. Debnath, Advocate

In LA. App. No. 91 of 2012

2. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- VERSUS -

1. Smti. Jyoti Bala Saha,
W/o- Lt. Lurendra Kumar Saha.

2. Shri Dhirendra Kumar Saha,
S/o- Lt. Surendra Kumar Saha.

3. Shri Ramendra Saha,
S/o- Lt. Surendra Kumar Saha

4. Shri Khagendra Saha,
S/o- Lt. Surendra Kumar Saha

5. Shri Ahindra Kumar Saha,
S/o- Lt. Surendra Kumar Saha

6. Shri Ashish Kumar Saha,
S/o- Lt. Surendra Kumar Saha

7. Smti. Manjushri Saha,
W/o- Shankar Saha,
D/o- Lt. Surendra Kumar Saha

All are residents of Uttar Jogendra Nagar, (Madhyapara), P.O.
Jogendranagar, P.S. East Agartala, West Tripura.

.....Claimant-Respondents

For the appellants : G.A., D. C. Nath, Advocate.
For the respondents : Mr. S. Bhattacharji, Advocate

In LA. App. No. 92 of 2012

1. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- V E R S U S -

1. Sri. Ramu Sarkar,
S/o- Lt. Ramesh Chandra Sarkar,
2. Smti. Anju Sarkar,
D/o- Lt. Ramesh Chandra Sarkar.
3. Smti. Rekha Sarkar,

D/o- Lt. Ramesh Chandra Sarkar.

4. Smti. Gopa Sarkar(Das).
D/o- Lt. Ramesh Chandra Sarkar.
5. Sri. Ratan Kr. Sarkar,
S/o- Lt. Ramesh Chandra Sarkar.
6. Sri. Rabindra Sarkar,
7. S/o- Lt. Ramesh Chandra Sarkar.

All are residents of Ujan Abhoynagar, P.O. Ujan Abhoynagar, P.O.
East Agartala, Dist: West Tripura.

.....Claimant-Respondents

The Land Acquisition Collector, West Tripura, Agartala.

.....Pro- Respondent.

For the appellants	: Mr. T. K. Roy, Sr. Advocate. G.A., S. Chakraborty, Advocate.
For the respondents	: Mr. K.N. Bhattacharji, Sr. Advocate Mr. R. Debnath, Advocate. Ms. S. Deb Gupta, Advocate.

In LA. App. No. 93 of 2012

3. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- V E R S U S -

1. Ramu Sarkar,
S/o- Rames Ch. Sarkar.

.....Claimant-Respondent

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

.....Pro- Respondent.

3. Smt. Jyostana Sarkar,
W/o- Lt. Umesh Ch. Sarkar.
4. Shri Uttam Kr. Sarkar.
5. Shri Tapan Kr. Sarkar.
6. Shri Swapan Kr. Sarkar.

- Sl.No. 4 to 6 are sons of Lt. Umesh Ch. Sarkar, at Rampur, Kalikapur, P.O. Ramnagar, P.S. West Agartala, Dist: West Tripura.
7. Smt. Mira Rani Sarkar (Das),
W/o- Shri Paresh Ch. Das, D/o- Lt. Umesh Ch. Sarkar.
of Moharcherra, P.O. & P.S. Kalyanpur, Dist: West Tripura.
8. Smt. Mallika Rani Sarkar,
W/o- Shri Barun Das,
D/o- Lt. Umesh Ch. Sarkar
Of Karaiban, P.O. Majlishpur, P.S. Jirania, Dist: West Tripura.
9. Smti. Anju Sarkar (Chakraborty),
W/o- Samar Rn. Chakraborty,
D/o- Lt. Ramesh Ch. Sarkar
Of Malancha Niwas, P.O. Kunjaban, P.S. West Agartala, Dist: West Tripura.
10. Smt. Rekha Sarkar(Nandi),
W/o- Sri Bijan Krishna Nandi,
D/o- Lt. Ramesh Ch. Sarkar,
Resident of Melaghar, Sonamura, West Tripura.
11. Smt. Gopa Sarkar (Das),
W/o- Sri Montosh Ch. Das,
D/o- Lt. Ramesh Ch. Sarkar,
Resident of Teliamura (Near Old T.R.T.C. Bas Stand), P.S. Tellimura,
Dist: West Tripura.
12. Sri Rabindra Sarkar.
13. Sri Ratan Kr. Sarkar.

Son of late Ramesh Ch. Sarkar, resident of Abhoynagar, P.O. Abhoyanagar, P.S. East Agartala, Dist: West Tripura, PIN-799005.

For the appellants	: Mr. B. Dutta, Advocate.
For the respondents	: Mr. K.N. Bhattacharji, Sr.Advocate
	Mr. R. Debnath, Advocate.
	Ms. S. Deb Gupta, Advocate.

In LA. App. No. 106 of 2012

4. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex, Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division, Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- VERSUS -

Sri Radharaman Das,
S/o Lt. Agni Kr. Das,
79 tilla, P.S. East Agartala, Kunjaban, Dist: West Tripuar.

For the appellants : Mr. D. C. Nath, Advocate.

For the respondent : Mr. P.B. Dhar, Advocate.

In LA. App. No. 16 of 2013

5. The State of Tripura
represented by the Secretary to the Government of Tripura, Public Works
Department (Roads & Building), Capital Complex, Agartala.
2. The Chief Engineer.
Public Works Department (Roads & Building) New Secretariat Complex,
Khejurbagan, Agartala, District- West Tripura.
3. The Executive Engineer.
Public Works Department (Roads & Building), Capital Complex Division,
Kunjaban Extension, P.O. Kunjaban, Agartala, District-West Tripura.

..... Appellants

- V E R S U S -

Smt. Tara Bala Saha,
W/o Lt. Nagendra Ch. Saha,

Sri Shankar Saha @ Shankar Lal Saha,
S/o- Lt. Nagendra Ch. Saha,

Sri Sambu Ch. Saha,
S/o- Lt. Nagendra Ch. Saha.

All are residents of Kunjaban, P.O. Kunjaban, P.S. East Agartala,
Dist: West Tripura.

For the appellants : Mr. D. C. Nath, Advocate.

For the respondent : Ms. S. Deb Gupta, Advocate.

**B E F O R E
THE HON'BLE MR. JUSTICE U. B. SAHA**

Date of hearing & : 12.08.2015
delivery of the judgment :
Whether fit for reporting : No

JUDGEMENT AND ORDER(oral)

[1]. The challenge in all these appeals are the judgment and award dated 12.01.2011 and 13.01.2011 respectively passed in Misc LA. No. 48 of 2005, the judgment and award dated 11.02.2011 and 21.02.2011 respectively in Misc LA. No. 92 of 2005, the judgment and award dated 10.09.2010 and 20.09.2010 respectively in Misc LA. No. 59 of 2005, the judgment and award dated 06.04.2011 in Misc LA. No. 79 of 2005, the judgment and award dated 05.10.2010 in Misc LA. No. 89 of 2005, the judgment and award dated 07.04.2011 in Misc LA. No. 47 of 2005, the judgment and award dated 11.01.2011 and 12.01.2011 respectively in Misc LA. No. 45 of 2005, the judgment and award dated 25.11.2010 in Misc LA. No. 55 of 2005, the judgment and award dated 09.03.2011 in Misc LA. No. 57 of 2005, the judgment and award dated 11.03.2011 in Misc LA. No. 60 of 2005, the judgment and award dated 30.07.2011 in Misc LA. No. 81 of 2005 passed by the learned LA Judge, West Tripura, Agartala, Court No. 2, the judgment and award dated 21.09.2010 in Misc LA. No. 69 of 2005 passed by the learned LA Judge, West Tripura, Agartala, Court No. 3, the judgment and award dated 27.11.2010 in Misc LA. No. 58 of 2005 passed by the learned LA Judge, West Tripura, Agartala, Court No. 2, the judgment and award dated

11.02.2011 in Misc LA. No. 88 of 2005 passed by the learned LA Judge, West Tripura, Agartala, Court No. 2, the Judgment and award dated 30.07.2012 in Misc LA. No. 58 of 2007 passed by the learned LA Judge, West Tripura, Agartala, Court No. 4, the Judgment and award dated 23.08.2012 in Misc LA. No. 87 of 2005 passed by the learned LA Judge, West Tripura, Agartala, Court No. 5.

[2] Heard the learned counsel for the parties.

[3] All these appeals are preferred by the State appellants and the requiring department under Section 54 of the Land Acquisition Act, 1894. It is to be noted at the outset that the L.A. Collector did not prefer any appeal. Some of the claimant-respondents filed their cross –objection and claimant Manik Lal Dhar & ors also preferred an appeal being L.A. App 77 of 2011 for enhancement of the award.

[4] Admittedly, a notification under Section 4 of the Land Acquisition Act, for short hereinafter referred to as ‘the Act’, was issued on 29.5.2002 to acquire lands belonging to the claimant-respondents and others under Kunjaban mouja for construction of road from Governor’s House to Capital Complex, residential quarters and prestigious bungalow etc. within Capital Complex at Mouja Kunjaban under Sadar Sub-division adjacent to the new capital complex.

[5] In Misc. L.A. 48 of 2005, land measuring 0.20 acres of homestead class of land of plot No. 1992 under Khatian No.

535, Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 92 of 2005, land measuring 0.29 acres of homestead class of land of plot No. 2053 and 2059 and Khatian No. 697, Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 59 of 2005, land measuring 0.20 acres of viti class of land of plot No. 2048, Khatian No. 555, Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 79 of 2005, land measuring 0.20 acres of viti class of land of plot No. 2077/3976, Khatian No. 1186, Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 89 of 2005, land measuring 0.22 acres of plot No. 2057, Khatian No. 808, under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 89 of 2005, land measuring 0.10 acres of viti class of land of plot No. 2072, Khatian No. 827, Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 45 of 2005, land measuring 0.10 acres of homestead class of land of plot No. 2069, Khatian No. 378, Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 55 of 2005, land measuring 0.23 acres of viti class of land of plot No. 2058, Khatian No. 733, Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 57 of 2005, land measuring 0.20 acres of homestead class of land of plot No. 1980, Khatian No. 769, Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 60 of 2005, land measuring 0.20 acres of land of plot No. 2055, Khatian No. 517, Sheet No. 3/P under Sadar Sub-division,

West Tripura, was acquired. In Misc. L.A. 81 of 2005, land measuring 0.20 acres of land of plot No. 978, Khatian No. 510, Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 69 of 2005, land measuring 0.20 acres of land of plot No. 2051, Khatian No. 941, Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 58 of 2005, land measuring 0.40 acres viti class of land and 3.20 acres of homestead class of land of plot No. 1998 and 2067, Khatian No. 759, Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 88 of 2005, land measuring 1.20 acres viti class of land of plot Nos. 1993 /1994 /1997 /2044 /1999/ 3984, Khatian No. 1277 and 0.93 acres of homestead class of land of plot No. 2008/P, 1999 under Khatian 807/1,2 Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 58 of 2007, land measuring 0.20 acres of plot No. 2068, Khatian No. 822, Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired. In Misc. L.A. 87 of 2005, land measuring 0.20 acres of viti class of land (tilla) of plot No. 1989, Khatian No. 591, Sheet No. 3/P under Sadar Sub-division, West Tripura, was acquired.

[6] At the time of acquisition, L.A. Collector assessed the market value of the acquired land @ Rs. 2,36,000/- .

[7] While making assessment, the L.A. collector has taken into consideration the sale deed No. 1-511 dated

18.01.2002, Deed No. 1-1875 dated 20.10.2000, Deed No. 1-1946 dated 12.8.2000 and Deed NO. 1-749 dated 18.08.2000.

[8] Being aggrieved by and dissatisfied with the award passed by the L.A Collector, the respondent-claimants preferred applications for reference under Section 18 of the Act. In their claim-petitions, some of the claimant-respondents claimed that the lands in question could not be valued at less than Rs.21 lacs per kani, while some respondent-claimants claimed from Rs.40 lacs to 60 lacs. According to them, without considering the factual position and demand, the L.A. Collector had fixed the rates of the acquired lands @ Rs. 2,36,000/- per kani. It is also contended by the claimant respondents that the acquired lands are situated within old Agartala Municipal area and also adjacent to G.B. market, medical college and State High Court building, banks, quarters etc.

[9] After receipt of the applications under Section 18 of the Act, the cases of the respondent-claimants were referred to the LA Judge, West Tripura, Agartala, (the reference court) for decision.

[10] In all these cases, the claimant-respondents stated that they have produced some sale instances and those sale instances were marked as Exbt. 1 series. In all these cases, the Reference court passed award relying on the judgment in Misc. LA No. 43 of 2005 and other L.A.Cases which was disposed of by a common judgment.

[11] Before the Land Acquisition Judge, the claimant-respondents had appeared and demanded from Rs.21 lacs to 60 lacs in their respective cases per kani on the same plea as stated supra. Making a counter-claim, the L.A. Collector has contended that the claim of the claimant-respondents is baseless and imaginary. According to the L.A. Collector, the acquired land is not at all a developed area, rather a village type area, outskirts of the town area. The land has no potentiality and the fixation of the market value by the L.A. Collector was done after taking into consideration of the comparable sale deeds and obviously based on market price.

[12] To establish their respective claims, the parties adduced their oral and documentary evidence.

[13] The L.A Judge considering the oral evidence and the sale deeds referred to finally awarded @ Rs.17 lacs per kani basing on the proximate date of sale instances. The claimant-respondents are also allowed 30% solatium over the valuation of the said land as per provision of Section 23(2) of the L.A. Act and thereafter, there shall be increase at the rate of 12% on the market value as provided under Section 23(1-A) of the L.A. Act from the date of notification till the date of award, i.e., the amount awarded and they are also entitled to 9% interest per annum under Section 28 of the said Act from the date of taking over possession for a period of 1 (one) year and 15% interest per annum till the date of payment of the

enhanced amount of compensation, i.e., the amount awarded by the impugned judgment.

[14] Being dis-satisfied with the said judgment and award, the state appellants preferred appeals and some of the claimant-respondents have filed their cross-objection.

[15] Mr. Roy, learned senior counsel appearing in one of the appeal would contend that though the claimant respondents in all the cases stated that they have deposited some sale instances, but facts remain that while they were examined by the Court, none of them stated that what are those sale instances and in absence of such statement, the sale instances cannot be marked as an Exbt. He further contended that the judgment passed in Misc. L.A. 43 of 2005 along with other cases has already been set aside by this Court and those matters were remitted to the reference court. Therefore, as the impugned judgments are passed relying on those judgments and sale instances in those cases, it would be proper to set aside the impugned judgments and remit the matter to the reference court for fresh decision.

[16] The learned counsel appearing on behalf of the State appellants would again contend that the learned L.A. Judge failed to determine the market value of the land in question. It is also contended that the learned L.A. Judge did not consider that the sale instances produced by the claimant-respondents are of the lands far away from the acquired land and not only

that, those sale instances are relating to small pieces of lands. Thus the same cannot be the basis for determining the market value of the acquired lands. It is further contended that the lands involved in the sale instances as produced by the L.A. Collector are in better position and the quality and facilities are also better than the lands involved in the sale deeds produced by the claimant respondents.

[17] The learned counsel for the state appellants again contended that the lands involved in the sale instances produced by the claimant-respondents were sold just before five months of the notification under Section 4 of the L.A. Act and in all those sale instances, vendor is one person and also on the same date. Thus those sale instances should not be relied upon as those sale instances are suspicious and except those sale instances, no other sale instances was brought on record.

[18] Mr. Nath, Mr. Datta, learned counsel and Mr. Chakraborty, learned Addl. Govt. Advocate appearing for the state appellants in some of the appeals also adopted the submission of Mr. Roy. It is also contended by them that the acquired lands and the land involved in the sale instances produced by the claimant-respondents are not in the adjoining area rather far away from the acquired land. They further contended that in some of the cases, even the claimant-respondents were not examined in the court.

[19] Learned counsel appearing for the claimant respondents while countering the submission of Mr. Roy and Mr. Nath submit that the Reference court rightly determined the market value of the acquired lands and according to them, lands involved in the sale instances produced by them are nearer to the acquired land. It is also contended that the acquired lands are in better condition than the lands involved in the sale instances produced by them.

[20] However, the learned counsel appearing for the claimant-respondents fairly submitted that the judgments involved in these appeals are basically delivered on the basis of the judgment passed in Misc. L.A. 43 of 2005 and other L.A. cases- a common judgment which has already been set aside by this court on 11.8.2015 in L.A. Appeal 19 of 2011 and others. It is also submitted by the learned counsel for the respondent-claimants that the photo copy of the sale deed No. 1-10686 dated 11,12,2001m 1-10687 dated 11,12,2001m 1-10689 dated 11.12.2001 and Deed No. 1-10690 of the same date were also the subject matter in Misc. L.A. No. 19 of 2011. As admittedly, this Court has already set aside the basic judgment relying which the impugned judgment in these appeals were delivered, it would not be proper for this court to express any opinion on merit of the facts.

[21] This court has gone through the order sheet of the Reference court as well as the evidence adduced by the parties and the impugned judgment. Neither in the order sheet nor in

the judgment it is mentioned that the sale instances produced by the claimant- respondents were exhibited. Only in the chief of the claimant-respondents it is mentioned that the sale deeds in the Firsti are admitted to evidence and marked as Exbt.1 series. No where the claimant-respondents have stated what are those sale instances, what are their numbers and what are the location of the lands. At the time of hearing of these appeals, when asked by this court, a map is placed before this court prepared by the settlement authority relating to sheet No.3 of Kunjaban mouja, Tahashil Indranagar. This Court is not taking the said map either as evidence or a record, but it is taken only to see the location of the acquired lands and the sale instances. The said map is perused by this court. It would not be proper for this court to mention as to whether lands are betterly situated or the sale instances produced by the claimant-respondents are in better position.

[22] This Court does not propose to express any opinion on merit, particularly regarding the determination of the market value, but as it appears that in the instant cases, neither the vendor nor the vendee of the sale instances were examined though by this time it is settled by the Apex Court that even in absence of the vendor or vendee, the sale instances can be considered by the Reference court. But here in these cases, though sale instances were marked as Exbt. 1 series, but it is no where mentioned in the judgment whether the sale instances which are referred to in the judgment are

Ext. 1 series or not. The claimant-respondents who examined them also did not mention which sale deeds they have produced in their chief and what are the numbers of those sale deeds and where is the location of the lands involved in those sale deeds.

[23] In view of the above, this Court is of considered opinion that neither the claimants nor the Land Acquisition Officer had adduced any legally admissible evidence in proof of the market value prevailing as on the date of notification or in rebuttal. It is also admitted position that neither party produced any survey map before the reference court for proving their own case, particularly what is the distance between the acquired land and the sale instances produced by the parties.

[24] It is also mentioned that the reference court marked the sale instances of both the claimants and the land Acquisition Officer on production and merely marked the sale deeds without examining either the vendor or vendee to bring on record the circumstances in which the sale deeds came to be executed and the distance of the lands to the acquired lands, the nature of the respective lands and whether they would offer comparable sales to determine just and fair market value to the acquired land. In the absence of such relevant and material evidence, it would be difficult to determine compensation in respect of the acquired land. The appeals are allowed accordingly and the cross objection is dismissed.

The award and decree of the Reference Court is hereby set aside and the cases are remitted to the reference court for disposal in accordance with law.

[25] The parties are directed to appear before the reference court on 21.9.2015.

[26] Parties are also at liberty to adduce such legal evidence as is necessary to determine true and correct market value of the land prevailing as on the date of the notification. Reference court is directed to consider and dispose of these cases within six months from 21.9.2015 after giving opportunity to all the parties.

[27] The money deposited by the appellants, if lying with the Registry without disbursement, may be refunded to the appellants on being submitted application for withdrawal of the same and if any amount of deposited money has been withdrawn by the respondent claimants, that would be subject to the decision of the reference court.

[28] In view of the order passed in all the state appeals, the L.A. Appl 77 of 2011 is also dismissed.

JUDGE

Mdn/A