

**HIGH COURT OF TRIPURA
AGARTALA**

L.A. APP.NO.44 OF 2012

1. The State of Tripura,

Represented by the Secretary to the
Government of Tripura,
Transport Department, New Civil Secretariat Building,
P.O. Kunjaban, P.S. East Agartala,
District- West Tripura.

2. The Land Acquisition Collector,

West Tripura, Government of Tripura,
Old Secretariat Building,
P.O. Agartala, P.S. West Agartala,
District-West Tripura.

.. Appellants.

- Vrs -

1. Shri Kajal Kumar Dey,

2. Shri Shankar Chandra Dey,

3. Shri Pradip Kumar Dey,

4. Shri Tapan Kumar Dey,

5. Shri Kamal Kumar Dey,

6. Shri Kajal Kumar Dey,

7. Shri Amal Kumar Dey,

8. Shri Bimal Kumar Dey.

All are sons of Late Gopal Chandra Dey,
Residents of Banamalipur, Agartala Laxmi
Narayan Bari Road, P.O. Agartala, P.S. East Agartala,
District- West Tripura.

.. Respondents.

L.A. APP.NO.47 OF 2012

- 1. The State of Tripura,**
Represented by the Secretary to the
Government of Tripura,
Transport Department, New Civil Secretariat Building,
P.O. Kunjaban, P.S. East Agartala,
District- West Tripura.
- 2. The Land Acquisition Collector,**
West Tripura, Government of Tripura,
Old Secretariat Building,
P.O. Agartala, P.S. West Agartala,
District-West Tripura.

.. Appellants

- Vrs -

- 1. Shri Kajal Kumar Dey,**
Son of Late Gopal Chandra Dey,
Resident of Banamalipur, Agartala Laxmi
Narayan Bari Road, P.O. Agartala, P.S. East Agartala,
District- West Tripura.

.. Respondent.

L.A. APP.NO.52 OF 2012

- 1. The State of Tripura,**
Represented by the Secretary to the
Government of Tripura,
Transport Department, New Civil Secretariat Building,
P.O. Kunjaban, P.S. East Agartala,
District- West Tripura.
- 2.The Land Acquisition Collector,**
West Tripura, Government of Tripura,
Old Secretariat Building,
P.O. Agartala, P.S. West Agartala,
District-West Tripura.

.. Appellants

- Vrs -

- 1. Shri Dilip Kumar Dey,**

2 (a) Smt. Sheuli Dey,
W/o Lt. Shankar Ch. Dey.

2 (b) Sri Deepraj Dey,
S/o Lt. Shankar Ch. Dey.

2 (c) Smt. Nabanita Dey (Acharjee),
D/o Lt. Shankar Ch. Dey.

3 (a) Smt. Rekha Dey,
W/o Lt. Pradip Kr. Dey.

3 (b) Sri Subha Pratim Dey,
S/o Lt. Pradip Kr. Dey.

All are care of Sri Tapan Kr. Dey,
Residents of Banamalipur, Agartala Laxmi
Narayan Bari Road, P.O. Agartala, P.S. East Agartala,
District- West Tripura.

.. Respondents.

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

For the appellants : Mr.N. Majumder, Advocate.

For the respondents : Mr. B. Das, Sr. Advocate.
Mr. T.K.Dey, Advocate.

Date of hearing and : **02.02.2015**
delivery of judgment &
Order

Whether fit for reporting : **No**

JUDGMENT & ORDER(ORAL)

All the three L.A. cases, noted above, are taken up together for hearing and disposal on the prayer of learned counsel of both sides since the appeals have been filed challenging a common judgment dated 18.01.2010, passed by

learned L.A. Judge, Court No.2, West Tripura, Agartala in Case No. Misc. L.A. 28/05, Misc. L.A. 29/05 and Misc. L.A.36/05 along with some other connected L.A. cases.

2. Heard learned counsel Mr. N. Majumder for the appellants and learned Sr. counsel, Mr. B. Das assisted by learned counsel Mr. T.K. Dey for the respondents.

3. By a notification No. F.9(3)-REV/ACQ/VI/2002 dated 19.04.2002 made under Section 4 of the Land Acquisition Act, the L.A. Collector, West Tripura, Agartala acquired total 5.5868 acres of land at Mouja Agartala, Sheet No.22/P for the purpose of construction of Inter State Bus Terminus at Chandrapur, Agartala.

In due course after hearing the parties, L.A. Collector fixed compensation for 'Bastu' class of land @ Rs.20 lakh per kani, 'Viti, 'Nal' and other class of land @ Rs.10 lakh per kani and 'pukur' & 'doba' class of land @ Rs.8 lakh per kani. The compensation was paid to the land owners but the land owners received the compensation recording their protest that the adequate market price of the land was not given as compensation and hence, they prayed for referring the cases to the L.A. Judge for determination of the actual market price of the acquired land at the date of acquisition.

Accordingly, reference was made and learned L.A. Judge by impugned judgment dated 18.01.2010 referring to the submission of learned counsel of both sides, arrived at a conclusion that the land just adjacent to the Assam-Agartala Road should be classified as 'A' block and the land behind 'A' block should be classified as 'B' block and the land behind 'B' block should be classified as 'C' block and thereafter considering some earlier judgments fixed the price of the land of 'A' block @ Rs.30 lakh per kani, 'B' block @ Rs. 25 lakh per kani and 'C' block @ Rs. 20 lakh per kani.

4. On perusal of the impugned judgment dated 18.01.2010, I find learned L.A. Judge in para 20 of the judgment dealt with the price of the land in connection with Misc. LA 28 of 2005 which refers to LA appeal No.44 of 2012 and fixed the price of the acquired land @ Rs.30 lakh per kani since it was classified within 'A' block.

In para 21 of the judgment learned L.A. Judge dealt with the acquired land of Misc. LA 29/05 which relates to LA Appeal No.47/12, a part of the land assessed @ Rs. 30 lakh per kani in 'A' block and some part of land fell in 'B' block which was rated @ Rs.25 lakh per kani and some in 'C' block which was rated @ Rs.20 lakh per kani.

5. In respect of the land in connection with Misc. LA 36/05 which relates to LA Appeal No.52/12 as I find, the learned L.A. Judge in para 24 of the judgment has held that the acquired land of that case fell in 'B' block and therefore, fixed the price of the land @ Rs.25 lakh per kani. A careful perusal of that judgment makes it clear that based on the rate fixed by the learned LA Judge in some previous cases those rates of land were fixed in the judgment.

6. Learned counsel Mr. Majumder in course of hearing could not show any document on the basis of which it can be arrived that the learned L.A. Judge committed wrong while fixing the price of the acquired land considering the classification of land in different blocks. I find no infirmity in the judgment passed by learned L.A. Judge since the price of land is in the increase and since all those factors have been taken into consideration the appeals are found to be devoid of any merit and hence those are dismissed.

7. The parties to bear their own costs.

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

JUDGE