HIGH COURT OF TRIPURA
AGARTALA

LA APP NO.60 OF 2017

The ICFAI University, Tripura, constituted by and under the Institute of Chartered Financial Analysts of India University, Tripura Act, 2004, having its address at Kamalghat, P.S. Lefunga, Sub-Division-Mohanpur, District- West Tripura, PIN-799210; represented by its Registrar, having his office at Kamalghat, P.S. Lefunga, Sub-Division-Mohanpur, District-West Tripura, PIN-799210.

---- Respondent- Appellant

Versus

1. **Smt. Sandhya Rani Debnath,**

2. **Smt. Malati Debnath,**

3. **Smt. Jotika Debnath,**

All of them are daughters of Late Manindra Debnath, residents of Fatikcherra, P.O- Kamalghat, P.S.-Sidhai(now lefunga), District-West Tripura.

.....***Claimant respondents***

4. **The Land Acquisition Collector**, West Tripura, having his office at Agartala, P.O-Agartala, P.S.-West Agartala, Sub-Division- Agartala, District –West Tripura.

.....Official respondent

For the Appellant(s) : Mr. Somik Deb, Adv.

For the Respondent(s) : Mr. Samarjit Bhattacharjee, Adv,

Date of hearing
and delivery of

Judgment & Order : 22.06.2020

Whether fit for reporting : NO.

HON'BLE MR. JUSTICE ARINDAM LODH

J U D G M E N T & O R D E R(ORAL)

Heard Mr. Somik Deb, learned counsel appearing for the appellant as well as Mr. Samarjit Bhattacharjee, learned counsel appearing for the respondents-land-losers who lodged a claim before the L.A. Collector demanding Rs.50,00,000/- per kani for acquisition of their land.

2. The facts in brief are that, the L.A. Collector, West Tripura vide notification dated 07.07.2006 acquired the land of the claimant-respondents measuring 1.20 acres for the purpose of construction of ICFAI University at Kamalghat under Sadar Sub-Division in West Tripura. The L.A. Collector awarded compensation of Rs.2,14,621/- for the acquired land @ Rs.55,000/- per kani for *Bagan (Tilla*) and *viti (Tilla)* class of land and Rs.50,500/- per kani for *Tilla* class of land.

3. Being aggrieved, the land-loser-claimants sought for reference under Section 18 of the L.A. Act before the learned L.A. Judge. Before the learned L.A. Judge, the claimants submitted their claim-application. The L.A. Collector, i.e., the respondent No.4 herein as well as the

requiring Department i.e., the appellant-ICFAI University contested the suit by filing their respective counter claim applications. The claimants adduced evidence. The representatives of the L.A. Collector and ICFAI University also adduced their respective evidences. Upon hearing the learned counsels and on consideration of the materials on records, the learned L.A. Judge had enhanced the compensation to Rs.1,20,000/- per kani for *Bagan (Tilla)* and *Viti (Tilla)* class of land and Rs.1,10,000/- for *Tilla class* of land along with all statutory benefits under the L.A. Act vide Judgment dated 27.07.2017 in connection with Misc.(L.A) 48 of 2012.

4. Being aggrieved of the said enhanced compensation, the appellant-ICFAI University has preferred the instant appeal.

5. Mr. Somik Deb, learned counsel for the appellant submits that the learned L.A. Judge had erroneously relied upon the exemplar as submitted by the claimants. He further submits that the learned L.A. Judge had failed to take note of the exemplar deeds as produced by the learned L.A. Collector. He submits that the land so acquired had no potentiality and those were barren land. No facilities and

amenities were available in and around the land. There was no electricity connection and no school. As such, the market price of the acquired land would not fetch the value as determined by the learned L.A. Judge. Learned counsel has urged to set aside the judgment and to maintain the compensation as awarded by the L.A. Collector.

6. On the other hand, Mr. S. Bhattcharjee, learned counsel for the claimant-respondents submits that the learned L.A. Judge has not committed any wrong. The acquired land would have fetched more than that of the award as assessed by the learned L.A. Judge.

7. I don't find any cross appeal filed by the claimant-respondents. As such, I am not inclined to entertain the submission of the learned counsel for the claimant-respondents. However, learned counsel submits that the land had great potentialities at the time of acquisition. The entire area was thickly populated and Government had under-taken many development activities in and around the area. There are number of schools. Fishery College and Agricultural University are also there. He further submits that the said plot of land is not far away from Agartala city, rather, it is in the vicinity of the city.

8. I have considered the rival submissions as advanced by the learned counsels appearing for the parties to the lis. I have also perused the judgment and other materials on record.

9. The learned Judge has not committed any wrong in relying upon the sale instances relied upon by the claimants. In my opinion, the importance and potentiality of the acquired land should not be disputed in any manner whatsoever. Therefore, I don't find any infirmity in the findings of the learned L.A. Judge to assess the compensation of the said plot of land @ Rs.1,20,000/- per kani for *Bagan (Tilla)* and *Viti (Tilla)* Class of land and Rs.1,10,000/- for the *Tilla* class of land.

10. Accordingly, the instant appeal is devoid of any merit and hence dismissed.

JUDGE

suhanjit