

05.03.2024
Court No.3
S/L. No. 9 to 14
Sourav/
Suvayan

FA 14 of 1999
With
CAN 3 of 2023

Ramendra Chowdhury
Vs.
State of West Bengal & Ors.

Mr. Debasish Kundu, Sr. Adv.
Mr. Saumyen Datta
Mr. Rajendra Nath Banik
... for the appellant.

Mr. Ramchandra Guchhait
... for the State.

With
FA 51 of 2001

State of West Bengal & Ors.
Vs.
Rabindra Nath Bhattacharjee

Mr. Ramchandra Guchhait
... for the State.

Mr. Debasish Kundu, Sr. Adv.
Mr. Saumyen Datta
Mr. Rajendra Nath Banik
... for the respondent.

With
FA 15 of 1999
With
CAN 6 of 2023

Rabindra Nath Bhattacharjee
Vs.
State of West Bengal

Mr. Debasish Kundu, Sr. Adv.
Mr. Saumyen Datta
Mr. Rajendra Nath Banik
... for the appellant.

Mr. Ramchandra Guchhait
... for the State.

With

FA 53 of 2001

The State of West Bengal

Vs.

Rabindra Nath Bhattacharya

Mr. Ramchandra Guchhait

... for the State.

Mr. Debasish Kundu, Sr. Adv.

Mr. Saumyen Datta

Mr. Rajendra Nath Banik

... for the respondent.

With

FA 54 of 2001

The State of West Bengal

Vs.

Ramendranath Chowdhury

Mr. Ramchandra Guchhait

... for the State.

Mr. Debasish Kundu, Sr. Adv.

Mr. Saumyen Datta

Mr. Rajendra Nath Banik

... for the respondent.

With

FAT 1917 of 1999

The State of West Bengal

Vs.

Ramendra Nath Chowdhury

Mr. Ramchandra Guchhait

... for the State.

Mr. Debasish Kundu, Sr. Adv.

Mr. Saumyen Datta

Mr. Rajendra Nath Banik

... for the respondent.

**In Re: CAN 3 of 2023 in FA 14 of 1999 &
CAN 6 of 2023 in FA 15 of 1999**

1. Heard.

2. In paragraph 2 at page no. 11 of the order dated 19.04.2023 as passed in FA 14 of 1999 and FA 15 of 1999, the date “22.10.1984” be substituted by the date “29.08.1980”. In the same paragraph, the date “02.06.1987” be substituted by the date “17.11.1987”. In paragraph 4 at page no. 12, the figure “50 per cent” be substituted by the figure “60 per cent”. In the last line of paragraph 7, the following word be added after a comma after the word ‘effect’ “if 50 per cent of the awarded amount is not deposited before the Registrar General of this Court”.
3. This order shall form part of the judgment dated 19.04.2023 as passed in FA 14 of 1999 and FA 15 of 1999.
4. Accordingly, **CAN 3 of 2023** and **CAN 6 of 2023** are disposed of.

**In Re: FA 51 of 2001 with FA 53 of 2001 with
FA 54 of 2001 with FAT 1917 of 1999**

1. Heard Mr. Debasish Kundu, learned Senior Counsel appearing for the land looser/respondents and Mr. Ramchandra Guchhait, learned Counsel appearing for the State.
2. It is contended by learned Counsel for the appellants/State that these appeals are covered

by the decision of this Court in FA 203 of 2013 disposed on 22.11.2017 [(2017) SCC Online CAL 18181; (2017) 5 CHN 507(DB); (2018) 181 AIC 808; (2018) 1 CAL L.J 559]. It is also submitted by learned Counsel for the State that the State has preferred no appeal against the judgment passed by the learned Additional District Judge, Darjeeling after remand in the aforesaid case i.e., FA 203 of 2013.

3. Mr. Kundu, learned Senior Counsel appearing for the land looser (respondents) in all appeals submits that Mr. Guchhait, learned Counsel for the State is fair enough to admit the position of law and it is also strenuously submitted by him that land looser in the present appeals by the State are of the same locality which is covered by the judgment of this Court passed in FA 203 of 2013.
4. On perusal of the aforesaid judgment and the appeal memo in the present case, we are satisfied that the judgment passed by the co-ordinate Bench in FA 203 of 2013 and other appeals on 22.11.2027 squarely covers the facts of the present appeal.
5. In the present appeals different points are raised, *inter alia*, the multiplier to be applied

should be 10 instead of 8; deduction towards cultivation cost to reduce from 60 per cent to 20 per cent; quantum of loss of earnings and solacium are to be revisited in terms of the market value as decided in FA 203 of 2013 disposed of on 22.11.2017.

6. Regard being had to such facts and submissions and our satisfaction to the effect that judgment passed in FA 203 of 2013 and other appeals squarely covers the field so far as the present appeal is concerned, we remand the matter to the learned Additional District Judge, 1st Court, Darjeeling to revisit the matters in the appeal in the light of the judgment passed by the co-ordinate Bench of this Court in FA 203 of 2013 and other appeals on 22.11.2017 (Supra).
7. The entire exercise be completed within a period of six months from the date of receipt of records from this Court. The parties are directed not to indulge in any unnecessary adjournments in the matter. In revisiting the matters on remand, learned Additional District Judge, 1st Court, Darjeeling shall be guided by the exercise made by that Court in Land Acquisition Case No. 2 of 1997 after the remand by the co-ordinate Bench

in FA 203 of 2013 and other appeals disposed of on 22.11.2017 (Supra).

8. Learned Additional District Judge, 1st Court, Darjeeling is directed to do the needful for directing the payment of at least 50% of the original awarded amount along with interest during the pendency of the matters on remand on filing of proper application to that effect, if the amount of 50 per cent of that award is not deposited within the Registrar General of this Court.
9. Accordingly, the impugned judgments in these appeals are set aside and the matter is remanded.
10. The records be sent down immediately to the learned Trial Court through special messenger at the cost of the land loser.
11. Accordingly, the appeals being **FA 51 of 2001, FA 53 of 2001, FA 54 of 2001** and **FAT 1917 of 1999** are disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)