HIGH COURT OF TRIPURA
AGARTALA

LA APP NO.65 OF 2024

The Executive Engineer
Vs.
Sri Gopal Ch. Acharjee and anr.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Appellant(s) : Mr. P. Gautam, Advocate.

For the Respondent(s) : Mr. A. De, Advocate.

28.11.2024

Order

This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894, against the Judgment dated 29.08.2019 passed by the Land Acquisition Judge, Court No. 3, West Tripura, Agartala, in Misc(LA)103 of 2015, wherein the learned L.A. Judge enhanced the awarded amount of compensation from Rs. 24,00,000/- per kani to Rs. 50,00,000/- per kani for Bastu (Tilla) class of land.

2. Heard Mr. P. Gautam, learned counsel appearing for the appellant, as well as Mr. A. De, learned counsel appearing for respondent No.1.

3. Mr. Gautam, learned counsel appearing for the appellant, submits that the learned Court below whimsically enhanced the award of compensation from Rs. 24,00,000/-

per kani to Rs. 50,00,000/- per kani for Bastu (Tilla) class of land, without any discussion or findings as to why the amount was increased. Stating thus, learned counsel urges this Court to set aside the impugned Judgment and Award passed by the Court below.

4. On the other hand, Mr. A. De, learned counsel for respondent No.1, submits that the Award passed by the Court below is just and proper, and the enhancement of the Award is in accordance with the law.

5. Heard learned counsel for both parties and perused the evidence on record.

6. It is seen from the order passed by the Court below that while referring to the exhibits in Para 8 of the impugned judgment, the Court below has not dealt with the documents regarding the value of the sale deed. In Para-11, the Court below enhanced the amount of Rs.24 lakhs per kani, fixed by the L.A. Collector, to Rs.50 lakhs per kani, but no reasoning has been given. Hence, this Court feels that the order should have been reasoned for enhancing the compensation. Mere stating that the rates are increasing and fixing a notional amount from Rs.24 lakhs to Rs. 50 lakhs per kani by way of

enhancement cannot be appreciated. Therefore, the matter is remanded back.

7. Since this matter has been remanded for passing a reasoned order in dealing with the exhibits already marked, the scope of the remand is limited. The Court below is expected to pass a reasoned order as expeditiously as possible, preferably within a period of six (6) months from the date of passing this order.

8. Accordingly, this present writ petition stands disposed of. Any stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

Suhanjit

RAJKUMAR SUHANJIT SINGHA

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