

**HIGH COURT OF TRIPURA
AGARTALA
LA APP 9 OF 2016**

Anjan Kr. Roy

-----Appellant(s)

Versus

In Charge, HR-ER, ONGC Ltd. & Ors.

-----Respondent(s)

For Appellant(s) : Mr. D. Deb, Adv.

For Respondent(s) : Mr. A. L.Saha, Adv.

HON'BLE MR. JUSTICE ARINDAM LODH

Order

30/05/2018

This Land Acquisition Appeal has been filed under Section 54 of the Land Acquisition Act, 1894 against the judgment and decree dated 29.05.2014, passed by the learned L.A. Judge, [learned Addl. District Judge, Court No.2, West Tripura, Agartala] in case No. Misc. (LA) 18 of 2013.

2. I have heard the learned counsel, Mr. Dipak Deb appearing on behalf of the appellant. He submits that after reference being made, the land looser could not file claim statement despite 6(six) adjournments were granted. I have gone through the contents of the memo of appeal.

3. During the course of hearing before this Court, Mr. Deb, learned counsel has furnished a copy of judgment of the learned L.A. Judge who dealt with similar nature of cases where lands have been acquired under the same Mouja and same notification. In those cases, the learned L.A. Judge has delivered judgment and decree allowing compensation @ Rs.16,00,000/- (Rupees sixteen lakhs) per kani.

4. In the memo of appeal it has been stated that the learned counsel appearing on behalf of the land looser could not take appropriate steps at the appropriate time. In my opinion, a litigant should not suffer due to the conduct of the counsel. A counsel is also an officer of the Court. There is a maxim "*actus curiae neminem gravabit*" which means that a litigant should not suffer due to the act of the Court. Moreover, the legislatures have enacted the Land Acquisition Act for the benefit of the land losers who are to be compensated in a just and fair manner.

5. I also heard Mr. A.L. Saha, learned counsel appearing on behalf of the Oil and Natural Gas Corporation Ltd. who has submitted that the claimant-land looser was not at all diligent to the conduct of his case.

6. I have given my thoughtful considerations to the submissions. Keeping in view the object of the L.A. Act, it would be proper to remand back the matter to the learned L.A. Judge, [Addl. District Judge, Court No.2, West Tripura, Agartala] and accordingly I remand the same.

7. The appellant-claimant is directed to file claim statement before the Court of learned L.A.Judge [Addl. District Judge, Court No.2, West Tripura, Agartala] within a period 15(fifteen) days on receipt of the case record by the learned L.A. Judge.

8. It is made clear that, if, within the said period, the appellant fails to file claim statement, the learned L.A. Judge may pass appropriate order according to law.

9. With the aforesaid observation and direction, the appeal stands disposed of.

JUDGE

