

**IN THE HIGH COURT OF TRIPURA
AGARTALA**

L.A. App. No.32 of 2015

&

L.A App. No.34 of 2015

In L.A. App. No.32 of 2015

The Union of India,
represented by the Officer
Commanding, 78 RCC [GREF],
C/O- 99 APO, Kunjaban,
Agartala, West Tripura

..... Appellant

By Advocate:

Mr. H. Deb, Asstt. S.G.,

- Versus -

1. **Sri Parimal Ch. Deb,**
son of Barada Kanta Deb,
Anandanagar, P.O. Anandanagar,
P.S. Sreenagar, Sub-Division-
Bishalgarh, District-West Tripura
2. **The Land Acquisition Collector,**
West Tripura, Agartala

..... Respondents

By Advocate:

Mr. Samarjit Bhattacharjee
Mr. P.K. Pal

In L.A. App. No.34 of 2015

The Union of India,
represented by the Officer
Commanding, 78 RCC [GREF],
C/O- 99 APO, Kunjaban,
Agartala, West Tripura

..... Appellant

By Advocate:

Mr. B. Majumder, CGC

- Versus -

1. **Sri Makhan Chakraborty,**
son of Manada Ranjan
Chakraborty, Anandanagar, P.O.
Anandanagar, P.S. Sreenagar,

Sub-Division-Bishalgarh, District-
West Tripura

2. **The Land Acquisition Collector,**
West Tripura, Agartala

..... **Respondents**

By Advocate:

Mr. Samarjit Bhattacharjee
Mr. P.K. Pal

Date of hearing & delivery of : **31.07.2018**
Judgment & Order

Whether fit for reporting :

YES	NO
	√

HON'BLE MR. JUSTICE S. TALAPATRA

JUDGMENT & ORDER (ORAL)

Heard Mr. H. Deb, learned Asstt. S.G. of India appearing for the appellant in L.A. App. No.32 of 2015 and Mr. B. Majumder, learned CGC appearing for the appellant in L.A. App. No.34 of 2015 as well as Mr. Samarjit Bhattacharjee, learned counsel appearing for the referring claimant-respondent No.1 and Mr. N. Choudhury, learned G.A. appearing for the respondent No.2.

[2] Both these appeals being L.A. App. No.32 of 2015 [The Union of India vs. Sri Parimal Chandra Deb & Anr.] and L.A. App. No.32 of 2015 [The Union of India vs. Makhan Chakraborty & Anr.] are combined for disposal by a common judgment as these appeals are squarely covered by a decision of this court rendered in the judgment and order dated 30.07.2018 delivered in L.A. App.35 of 2015 [Union of India vs. Ratan Chakraborty & Anr.]. L.A. App. No.32 of 2015 arises from the judgment and award dated 08.08.2013 delivered in Civil Misc.(LA) No.49 of 2007 by the Land Acquisition Judge, No.2, West Tripura, Agartala, whereas L.A. App. No.34 of 2015 arises from the judgment and award dated

08.08.2013 delivered in Civil Misc.(LA) No.47 of 2007 by the Land Acquisition Judge, No.2, West Tripura, Agartala.

[3] There is no dispute in respect of the quantum of land and their description. The grounds of objection as taken in both the appeals are common. The fundamental objection as raised is that the sale exemplar being the sale deed No.1-3606 dated 24.04.2000 cannot be treated as the sale exemplar for purpose of determining the land rate of the acquired land. Mr. Deb, learned Asstt. S.G. has submitted that the said land as demised in the sale deed dated 24.04.2002 [Exbt.1 series] is located in an advantageous position and in a commercial area. As such, that rate cannot be compared with the acquired land. Moreover, in L.A. App. No.34 of 2015, the amount of the acquired land is 0.06 acres which is comparably a large quantity of land inasmuch as the sale deed [Exbt.1] deals with a land measuring .02 acres. Similarly, in L.A. App. No.32 of 2015, the land, measuring 0.06, has been acquired. In both the cases, the land Acquisition Judge relied on the same sale exemplar. Mr. Deb, learned counsel Asstt. S.G. has submitted that the said comparison is totally untenable. This Court on the similar challenge and set up in the identical fact and circumstances has observed that the Land Acquisition Judge having due regard to the position of the acquired land vis-à-vis the land as demised in the sale deed dated 24.04.2000 [Exbt.1 series] has deducted 50% from the consideration value from the rate of the land as demised in the exemplar sale deed, though the Land Acquisition Judge has committed a little bit of aberration by observing that 25% is deducted for development cost whereas another 25% is deducted for the nature and placement in comparison with the land under Exbt.1 series.

[4] This court is inclined to inference with this finding converted deduction of 50% entirely as development cost. Hence, no blanket interference with such finding is not warranted. The said finding is equally applicable in the circumstances of this set of appeals inasmuch as the land is situated in contiguity and the same sale exemplars were used for determination of the land value.

[5] Mr. N. Choudhury, learned G.A. appearing for the respondent No.2 has contended clearly that the earlier decision in L.A. App. No.35 of 2015 totally covers this set of appeals. Thus, this court is inclined to accept the proposition in this regard as advanced by Mr. Choudhury, learned G.A. appearing for the respondent No.2 and Mr. Samarjit Bhattacharji, learned counsel appearing for the respondent No.1.

[6] Having compared the fact of these appeals with the fact in L.A. App. No.35 of 2015, this court is wholly satisfied that the judgment and order dated 30.07.2018 delivered in L.A. App. No.35 of 2015 squarely covers these appeals and hence, there is no merit in these appeals, subject to the alteration made in the observation returned by the Land Acquisition Judge.

In the result, these appeals are dismissed.

Prepare the decree [award] accordingly.

Send down the LCRs thereafter.

JUDGE