

**HIGH COURT OF TRIPURA  
AGARTALA**

WP(C) 549/2021

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For Petitioner(s)	:	Mr. DK Das Choudhury, Advocate
For Respondent(s)	:	Mr. D. Sarma, Addl. GA

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**HON'BLE MR. JUSTICE ARINDAM LODH**  
**Order**

**31/08/2021**

Heard Mr. DK Das Choudhury, learned counsel appearing for the petitioners as well as Mr. D. Sarma, learned Additional GA appearing for the respondents.

In this writ petition, the petitioner has challenged the order dated 29.04.2021 passed by the learned LA Collector, Gomati District, Udaipur in case No. 3 of 2021 (Annexure 4 to the writ petition).

It is reflected from the order dated 29.04.2021 that the petitioner has filed an application under Section 28-A of the LA Act, 1894 for redetermination of the amount of compensation on the basis of the judgment and award dated 07.11.2017 passed by the learned LA Judge in case No. Misc. LA 01 of 2016. It is apparent from the order dated 29.04.2021 that the LA Collector sought no application under Section 18 of the LA Act and he rejected the application of the petitioner filed under Section 28-A of the LA Act, 1894.

It is observed that the petitioner had filed an application under Section 28-A of the LA Act, 1894.

In my opinion, it is the obligation of the LA Collector, as emphasized under Section 28-A of the LA Act, to re-determine the compensation and, if he finds no merit, then, he may refer the matter to the learned LA Judge and for this purpose no fresh application is required.

Accordingly, the writ petition stands disposed of with a direction upon the LA Collector that the LA Collector will re-determine the award in terms of the compensation determined in case No. Misc. LA 1 of 2016

passed by the learned LA Judge in his judgment and award dated 07.11.2017, else, he may refer the matter to the learned LA Judge for re-determination of the compensation.

The learned Additional GA may furnish a copy of this order to the LA Collector for further order by the LA Collector within a period of 2 weeks from today.

The petitioner shall also appear before the LA Collector within a period of 2 weeks after obtaining the certified copy of this order. The LA Collector after receipt of this order shall restore the case filed before him to pass necessary order, as observed here-in-above by this Court.

With the said observation and direction, the instant writ petition stands disposed.

**JUDGE**

*Saikat*