

**HIGH COURT OF TRIPURA
AGARTALA**

L.A. App. No. 53 of 2023

The General Manager (Project),
National Highways Infrastructure
Development Corporation Ltd, (NHIDCL)
Ministry of Road, Transport & Highways,
A Government of India Undertaking,
PMU Office- Khowai, 2nd Floor (C/o, Jahar Nag),
Ganki, Khowai, PS- Khowai,
District-Khowai, Tripura, Pin-799201.

.....Appellant(s)

Versus

1) Sri Sunil Chandra Roy,
Son of Late Jatindra Kumar Roy,
Resident of Rabindranagar,
PS - East Agartala, PO - Renters Colony
District - West Tripura.

2) Sri Mahendra Kumar Roy,
Son of Nabin Chandra Roy,
Resident of Rabindranagar,
PS - East Agartala, PO - Renters Colony
District - West Tripura.

3) Sri Bhupesh Chandra Roy
Son of Prakash Chandra Roy
Resident of Rabindranagar,
PS - East Agartala, PO - Renters Colony
District - West Tripura.

4) Sri Pramod Chandra Roy,
Son of Dhwarika Mohan Roy,
Resident of Rabindranagar,
PS - East Agartala, PO - Renters Colony
District - West Tripura.

5) Sri Kumud Ranjan Roy,
Son of Kshetra Mohan Roy
Resident of Rabindranagar,
PS - East Agartala, PO - Renters Colony
District - West Tripura.

6) Sri Nirash Ranjan Roy,
Son of Jogendra Kumar Roy,
Resident of Rabindranagar,
PS - East Agartala, PO - Renters Colony
District - West Tripura.

7) Sri Sachindra Roy,
Son of Prakash Roy,
Resident of Rabindranagar,
PS - East Agartala, PO - Renters Colony

8) Sri Abani Roy

Son of Prakash Roy,
Resident of Rabindranagar,
PS – East Agartala, PO – Renters Colony
District – West Tripura.

.....Claimant-respondent(s)

9) The Land Acquisition Collector,

West Tripura District, Agartala.

.....Respondent(s)

For Appellant(s) : Mr. P. Majumder, Advocate.

For Respondent(s) : Mr. A. Acharjee, Advocate.

Date of hearing

& judgment : **28.03.2024**

Whether fit for reporting: **No**

HON'BLE MR. JUSTICE S. D. PURKAYASTHA

JUDGMENT & ORDER (ORAL)

Heard Mr. P. Majumder, learned counsel appearing for the appellant.

None is present for the claimant-respondent Nos.1 to 8.

Also heard Mr. A. Acharjee, learned counsel appearing for the respondent No.9 (L.A. Collector).

[2] A land area of 0.029 acre of plot number 5423/p of Khatian No.2143/3 of class viti(tilla) of Mouja- Dukli, Sheet No.2/P was acquired by the Government of Tripura, Revenue Department for construction of bypass road from Khayerpur to Amtali vide Notification bearing NoF.9(7)-Rev/Acq/XIV/04 dated 12.02.2004. The L.A. Collector after hearing the parties determined the compensation in the below noted rate for valuation of the lands:

<i>Classes of land</i>	<i>Valuation of land per Kani</i>
<i>'Bastu(Tilla)'</i>	<i>Rs.2,50,000/-</i>
<i>Viti(Nal), Viti(Tilla), Viti, Tilla.</i>	<i>Rs.2,25,000/-</i>
<i>Nal, Pukurpar (Nal), Pond(Nal), Doba(Nal),</i>	<i>Rs.2,00,000/-</i>
<i>Gopat and Path</i>	<i>Rs.20,000/-</i>

[3] Allowing those rates, the claimants were awarded compensation for valuation of the land of Rs.2,25,000/- per kani. Being aggrieved thereby the claimant Sri Sunil Chandra Roy prayed for reference before the Ld. L.A. Judge, West Tripura, Agartala. He claimed valuation of land @Rs.20,00,000/- per kani. During hearing before Ld. L.A. Judge, said Sri Sunil Chandra Roy examined himself and proved certified copy of sale deed bearing No.1-977 of 2002 dated 02.02.2002(Exbt.1) where Viti(tilla) class of land was sold for Rs.50,000/- i.e. @Rs.5,00,000/- per kani, but no map was submitted to show the distance of land of said sale exemplar from the acquired land. From the side of L.A. Collector, one Narendra Chandra Deb was examined and he proved certified copies of sale deed number 1-4503 dated 09.05.2000 (Exhibit-A), sale deed bearing number 1-338 dated 09.01.2001 (Exhibit-B), sale deed bearing number 1-216 dated 05.01.2001 (Exhibit-C), sale deed bearing number 1-6559 dated 19.07.2002 (Exhibit-D) and sale deed bearing number 1-538 dated 16.01.2003 (Exhibit-E), but he also did not prove any map in this regard.

[4] Mr. Majumder, learned counsel referred a judgment of this Court dated 14.03.2024 passed in L.A. App. No.52 of 2023 wherein compensation for land was determined @Rs.3,00,000/-

per kani in respect of a Nal class of land which was also acquired by same notification and for similar purpose. Mr. Majumder, learned counsel, therefore, submits that similar rate may be maintained in this present case. Mr. Acharjee, learned counsel also made similar submission.

[5] As already indicated above that from the side of claimant the sale exemplar under Exbt.1 was proved wherein the transaction took place for transfer of said land @Rs.5,00,000/- per kani, but Ld. L.A. Judge enhanced the compensation going beyond that rate too by determining the land valuation @ Rs.10 lakh per kani. Apart therefrom the claimants did not submit any map to show that land of Exbt.1 was closure to acquired land. Regarding 5 numbers of sale exemplars as submitted from the side of the LA Collector, 4 numbers of such exemplars are not relating to similar class of land like the present acquired land. Only Exhibit-E relates to Viti class of land which was transacted in the year 2003 @ Rs.1,58,000/- per kani and no map was also submitted by them to show the distance of said land from the acquired land. But at the same time, in L.A. App. No.30 of 2022 earlier this Court determined compensation of such Viti(tilla) class of land @Rs.3,00,000/- per kani in respect of same acquisition and thereafter in L.A. App. No.42 of 2023 decided on 23.02.2024 with L.A. App. No.48 of 2023, L.A. App. No.61 of 2023 and L.A. App. No.62 of 2023, similar rate was maintained by this Court for Nal and other classes of land too.

[6] Considering all these aspects, valuation of the acquired land is determined @Rs.3,00,000/- per kani. The impugned award dated 19.03.2022 as passed by the Ld. L.A. Judge, West Tripura, Agartala in Misc.(LA) 351 of 2016 is hereby interfered with. The claimants will now get compensation @Rs.3,00,000/- per kani for valuation of land alongwith other statutory benefits like solatium, additional compensation, interest, and cost in terms of the award passed by the Ld. L.A. Judge in said Misc.(LA) No.351 of 2016 dated 19.03.2022.

The appeal is accordingly allowed.

The pending application(s), if any, also stands disposed of.

Reconsign the LCRs with copy of this judgment.

JUDGE

SATABDI DUTTA

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