

**HIGH COURT OF TRIPURA  
AGARTALA**

**L.A. APP. No.117/2019**

Agartala Municipal Corporation, Represented by Commissioner, Agartala Municipal Corporation, having its office at Paradise Chowmuhoni, Agartala, P.O. - Agartala, District-West Tripura.

----Appellant(s)

Versus

1. Niranjan Ghosh, S/o. Lt. Jogendra Ghosh, South Dhaleswar, Water Supply Road, P.O. -Agartala College, Dist- West Tripura.
2. Land Acquisition Collector, West Tripura, having its office Akhaura Road, Old Secretariat building, P.O.- Agartala, District-West Tripura.

-----Respondent(s)

**Along with**

**L.A. APP. No.119/2019**

Agartala Municipal Corporation, Represented by Commissioner, Agartala Municipal Corporation, having its office at Paradise Chowmuhoni, Agartala, P.O. - Agartala, District-West Tripura.

----Appellant(s)

Versus

1. Niranjan Ghosh, S/o. Lt. Jogendra Ghosh, South Dhaleswar, Water Supply Road, P.O. -Agartala College, Dist- West Tripura.
2. Land Acquisition Collector, West Tripura, having its office Akhaura Road, Old Secretariat building, P.O.- Agartala, District-West Tripura.

-----Respondent(s)

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For Appellant(s)	: Mr. T.D. Majumder, Sr. Advocate, Ms. K. Debbarma, Advocate.
For Respondent(s)	: Mr. P. Gautam, Advocate, Mr. G.S. Bhattacharjee, Advocate.

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**HON'BLE THE CHIEF JUSTICE MR. INDRAJIT MAHANTY**

Date of hearing and judgment : **18<sup>th</sup> November, 2021.**

Whether fit for reporting : **YES.**

**JUDGMENT & ORDER (ORAL)**

Both these appeals arise in common background. They have been heard together and disposed of by this common judgment.

2. Heard learned counsel for the respective parties. It is undisputed fact that the private respondent was the recorded owner of Hal plot Nos.4300, 4298/P, 4307, 4306 and 4297/2272 of Mouja-Jogendranagar, Tehshil-Jogendranagar which was acquired by the Land Acquisition Collector for the present appellant Agartala Municipal Corporation on 11.07.2012. A total of 5 nos. of acquisition notices were issued to the private respondent stating that his total land measuring 0.320 acres, i.e. (0.0100 + 0.1200 + 0.1350 + 0.0300 + 0.0300), in total measuring 16 gandas had been acquired by the appellant-Corporation. It would be also relevant to note herein that one kani equals 20 gandas and 2.5 kani equals 1 acre. The acquired plot of land No.4297/2772 is a vitti (tilla) class of land. The acquired plot No.4300/P is a tilla class of land. The acquired plot No.4298/P is a tilla class of land and the acquired plot No.4307/P and 4306/P are also

tilla class of land. In the present two connected cases we are concerned with plot No.4297/2772 and 4306/P totaling 0.04 acres.

3. Separate land acquisition proceedings were initiated for all the five notifications against which references were also filed by the claimant-respondent and appeals thereafter had also been carried before this Court. It appears that L.A. Appeals No.117, 118, 119, 120 and 121 of 2019 were filed by the appellant. Admittedly from the aforesaid five appeals, three appeals namely L.A. Appeal Nos.118, 120 and 121 of 2019 have already been disposed of affirming the orders passed by the Land Acquisition Judge. Therefore, in the present case, we are dealing with L.A. Appeal Nos.117 and 119 of 2019. In the three connected L.A. Appeals it appears that the Hon'ble Single Judge of this Court have already held that the L.A. Judge while assessing the valuation of the land had made an estimate and the estimate determined by the L.A. Judge at the rate of Rs.25 lakhs per kani was affirmed. Accordingly, the learned counsel for the private respondent submits that since the other appeals filed by the Agartala Municipal Corporation have been dismissed, the present appeals may similarly be dismissed. However, he draws the attention of this Court to one factual error which appears to have crept in to the orders/judgment being cited to the effect that the claimant had failed to bring on evidence that the sale deeds

which were produced by it to try and establish the value of the land was situated close to the vicinity of the acquired land is erroneous. Learned counsel for the private respondent submits that the sale deeds which were duly exhibited as Exhibit-1 & 2 and more importantly the said land was purchased by the Agartala Municipal Corporation itself from the neighbour of the land loser for construction of a water tank and the said valuation of the land by the Agartala Municipal Corporation was @ Rs.80 lakhs per kani. Admittedly, he fairly submits that no appeal has been preferred by the private respondent in the matter but he submits that this document itself could more than justify the determination made by the learned Land Acquisition Judge in the present reference which has been challenged before this Court. Therefore, for the reasons as noted hereinabove this Court accepts the contention advanced by the learned counsel for the private respondent and dismisses the appeals in view of the dismissal of other appeals at the behest of the Agartala Municipal Corporation arising out of the selfsame notifications.

4. With such observations and directions, the present appeals stand dismissed. The Registry is directed to release the amount deposited by Agartala Municipal Corporation including interest accrued, if any, in favour of the private respondent in accordance with the decree.

5. Stay order, if any, stands vacated.

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

Send the lower court records forthwith.

**(INDRAJIT MAHANTY), CJ**

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HIGH COURT OF TRIPURA



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