

HIGH COURT OF TRIPURA
AGARTALA
LA.App No. 29 of 2023

1. The State of Tripura
Represented by the Executive Engineer, O/o the Executive Engineer, Jirania Division, PWD (R&B) Jirania, Government of Tripura.

-----Appellant.

Versus

- 1. Smt. Shanti Debnath**
D/o- Late Ganga Charan Debnath
- 2. Smt. Archana Debnath,**
D/o- Late Ganga Charan Debnath.
- 3. Smt. Gouri Debnath,**
D/o- Late Ganga Charan Debnath
- 4. Smt. Gita Debnath**
D/o- Late Ganga Charan Debnath.
- 5. Smt. Rita Debnath**
D/o- Late Ganga Charan Debnath
- 6. Smt. Manika Debnath**
Daughter in Law of Late Ganga Charan Debnath
- 7. Smt. Arpita Debnath**
Grand Daughter of Late Ganga Charan Debnath
Of Majlishpur,P.S Ranirbazar, West Tripura
- 8. The Land Acquisition Collector,**
O/o the District Magistrate & Collector
West Tripura District, Government of Tripura
Agartala, West Tripura.

----- Respondents.

For the Petitioner(s)	:	Mr. D. Sarkar, Advocate.
For the Respondent(s)	:	Mr. N. Chowdhury, Advocate. Ms. R. Chakraborty, Advocate.
Date of hearing & delivery of Judgment & Order	:	09 / 09 /2024
Whether fit for reporting	:	NO

**BEFORE
HON'BLE MR. JUSTICE T. AMARNATH GOUD**

J U D G M E N T & O R D E R (Oral)

Heard Mr. D. Sarkar, learned counsel appearing for the Appellant-State. Also heard Mr. N. Chowdhury, learned counsel appearing for the respondent Nos. 1 to 7. Ms. R. Chakraborty, learned counsel appears on behalf of respondent No. 8.

[2] This present appeal has been filed under Section 54 of the Land Acquisition Act, 1984, against the award dated 17.12.2021 passed in Misc (L.A) No.109 of 2016 by the Learned Land Acquisition Judge, West Tripura, Agartala, Court No.2.

[3] The Case of the appellant is that initially the LA. Collector awarded Rs.5,00,000/- per kani to the claimant-respondents for the acquisition of land for construction of RCC bridge over river Howrah on Ranirgaon to Jarul Bachai road via Kepramara. Thereafter, the respondent-claimants sought for reference and the learned court below considering all the evidences on records, justified the claim of the respondent-claimants and enhanced the rate of compensation for the acquired land from Rs.5,00,000/- to Rs. 15,00,000/- per kani only. The relevant portion of the judgment and order of the learned court below is extracted hereunder:-

"O R D E R

8. In the result, the claim of referring claimants stands awarded in the following terms :-

The referring claimants are entitled to get Rs. 15,00,000/- per kani only for the acquired land. They will also get 30% solatium and 12% interest on enhanced amount of compensation computing from the date of notification u/s 4 of the L.A. Act up to the date of award by L.A. Collector or the date of taking possession of acquired land whichever is earlier as per Section 23(2) and Section 23(1-A) of the said Act respectively. The referring claimants will further get interest @ 9% per annum from the date of taking over possession for one year and thereafter @ 15% per annum after expiry of said one year till payment upon the said excess amount of compensation as per Section 28 of the L.A. Act. As per law laid down by Hon'ble Supreme Court in Mehrawal Khewaji Trust vs State of Punjab reported in 2012 AIR SCW 2822, the interest will also be counted on additional amount as awarded u/s 23(1-A) above and upon the solatium awarded u/s 23(2) of the L.A. Act.

The case is disposed off on contest."

[4] Being aggrieved and dissatisfied with the order dated 17.12.2021 passed in Misc (L.A) No.109 of 2016 by the Learned Land Acquisition Judge, West Tripura, Agartala, Court No.2., the appellant herein approached this court seeking the following reliefs:-

i. Issue notice.

ii. Admit this appeal.

iii. Call for the records.

iv. After hearing both the parties be pleased to set aside/quash the award dated 17.12.2021 passed in Misc L.A 109 of 2016 by the Ld. Land Acquisition Judge, Court No.2, West Tripura, Agartala."

[5] Mr. D. Sarkar, learned counsel appearing for the appellant at the threshold made his submission that respondent-claimants are not entitled for any claim, since they have not established their ownership and no document has been proved though this point could not be verified or agitated by the LA Collector or the requisition department before the court below.

[6] On the other hand, Mr. N. Chowdhury, learned counsel appearing for the claimant-respondents failed to produce any document regarding the ownership of the said land.

[7] On a careful observation of the submissions of learned counsel for the appellant, this court is of the view that there is no embargo on the part of the appellant to make his submission before this Court when the matter involved public money which is to be disbursed to the claimants and the State cannot take up the matter in a casual manner in disbursing the amounts and with all responsibility it needs to verify the title deed and also documents which creates an entitlement upon the claimants to say that they are the owners and any entries on the support of the khatian i.e. revenue records cannot automatically creates a right and self styled Owner.

[8] Accordingly, the appeal is remanded back to the learned Court below to consider the title documents and also the areas that has been affected and then pass a reasoned order awarding compensation, if the claimants are entitled in accordance with law. Opportunity to be given to both sides to adduce evidence and also additional evidence to advance their arguments thereof.

[9] In view of the above, the appeal is disposed of and the matter is remanded back to learned Court below for fresh adjudication. As a sequel, miscellaneous application pending, if any, shall stand closed.



Paritosh

RAJKUMAR SUHANJIT SINGHA
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