

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

L.A. App. No.77 of 2023

The Inspector General BSF, Tripura Frontier

.....Appellant

_V_E_R_S_U_S_

Sri Parimal Paul and 2 Others

.....Respondents

For Appellant(s) : Mr. B. Majumder, Deputy SGI.

For Respondent(s) : Mr. P.S. Roy, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

29.11.2024

Heard Mr. B. Majumder, learned Deputy SGI, appearing for the appellant also heard Mr. P.S. Roy, learned counsel appearing for the respondents.

This is an appeal filed under Section-54 of the Land Acquisition Act, 1894 against the judgment and order dated 07.11.2022 passed in case No. L.A.(Ref.) 20 of 2018 by the learned Land Acquisition Judge, South Tripura, Belonia.

[2] The facts in brief are that the learned L. A. Collector, South Tripura Belonia vide declaration No.9(12)- REV/ACQ/XII/2007 dated 08.05.2007 acquired land measuring 1.10 acres of tilla class of land from plot No.1411/5224/p under comprised Khatian No.1483 of Mouja- Baspadua, T. K. Sarashima Under Belonia for establishment of BSF, BOP, Sarasima.. Thereafter, the learned L. A. Collector, South Tripura vide award dated 30.08.2017 awarded @Rs. 40,000/- per kani for the acquired land and also awarded compensation for trees and crops along with statutory interest, but being aggrieved with the said award, the claimant prayed for reference U/S. 18 of the L. A. Act, 1894 and accordingly the matter has been referred to the learned L. A. Judge, South Tripura, Belonia for further adjudication. After completion of trial, the learned L. A. Judge vide award dated 07.11.2022 in L.A.(Ref.) 20 of 2018 awarded an amount of Rs. 80,000/- for per kani, and enhanced the valuation of different types of trees.

[3] Being aggrieved with the aforesaid judgment and award dated 07.11.2022 passed by the learned L. A. Judge, South Tripura Belonia, the appellant, i.e. requiring department preferred this appeal before this Court.

[4] Being heard and perusing the material evidence on record, this Court is of the considered opinion that the learned Court below failed to indicate the proper

reasoning at the time of deciding the case in hand. Moreover, no proper document has been exhibited to claim the title while claiming the compensation. Therefore, this Court opines that to meet the ends of justice, one more opportunity needs to be given to both the parties to establish their case before the learned Court below and accordingly, the same is ordered.

[5] As such, the judgment and order of the learned Court below stands set aside and the matter is remanded back to the Court below for proper adjudication in accordance with law. The learned Court below shall re-examine the matter by affording opportunity to both the parties for filing relevant documents and also frame additional issues on title deeds. The parties are at liberty to produce any such documents claiming their relief as prayed for and also to be the lawful owner of the land in question by placing title deed, if any.

[6] With the above observation and direction, the present appeal stands disposed of by remanding the matter for fresh adjudication. As sequel, miscellaneous application, pending if any, shall stand closed.

T. AMARNATH GOUD, J