

**HIGH COURT OF TRIPURA
AGARTALA
LA APP. NO.87 OF 2023**

The Managing Director, Tripura Industrial Development Corporation Ltd.

.....Appellant(s)

Versus

Smt.Reshmi Bhattacharjee(Sharma Roy) and anr.

.....Respondent(s)

For the Appellant(s) : Mr. S. Deb, Sr. Advocate.
Mr. S. Datta, Advocate.

For the Respondent(s) : Mr. R.K.P. Singh, Advocate.
Mr. R. Bhattacharjee, Advocate.

Date of hearing and delivery of
Judgment & Order : 26.09.2024

Whether fit for reporting : NO.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)**

This present appeal has been filed challenging the Award dated 28.07.2022 passed by the learned L.A. Judge, West Tripura in Misc.(L.A.)179 of 2015.

2. The brief fact of this case is that vide notification dated 29.10.2010, the land mentioned in the schedule of the plaint was acquired from the referring claimant-respondent. The learned L.A. Collector determined the market value of those land as under:-

i. Nal & Chara(Nal)- Rs. 75,000/-(per kani)

ii. Bhiti(Tilla), Chara(tilla) Chankhala, Chankala(Tilla), Tilla, Bagan(Tilla), Lunga@Gochar(Tilla)-Rs.60,000/-(per kani).

3. The respondent claimant was not satisfied with the determination of the market value by the L.A. Collector and preferred reference under Section 18 of the said Act. The case was registered as Misc.(LA) No.179 of 2015 before the L.A. Judge, West Tripura. The learned L.A. Judge after hearing the parties and considering the evidence on record fixed the compensation of the acquired land at Rs.6.00 lakhs per kani as well as awarded Rs.3 crores 18 lakhs only for the standing rubber trees on the acquired land along with statutory reliefs.

4. Aggrieved thereby the appellant-opposite party has preferred this appeal.

5. Heard Mr. S. Deb, learned Sr. counsel assisted by Mr. S. Datta, learned counsel appearing for the appellant-opposite party as well as Mr. R.K.P. Singh, learned counsel appearing for the referring claimant-respondent.

6. Mr. S. Deb, learned Sr. counsel appearing for the appellant-Opposite Party submits that the learned L.A. Judge committed error in determining the market value of the land @ Rs.6.00 lakhs per kani. No reasons whatsoever have been given in making award of Rs.6.00 lakhs per kani for the acquired land. The learned Court below also committed an error while awarding

Rs.3 Crores 18 lakhs for standing rubber trees without furnishing any reason whatsoever.

7. On the other hand, Mr. R.K.P. Singh, learned counsel appearing for the claimant submits that the compensation as given against the acquired land is on the lower side and they have also filed a cross objection bearing No.CO(FA) No.5 of 2024 before this Court against the said Award.

8. Heard and perused the evidence on record.

9. It is seen from the record that though in the khatain the name of the claimant is shown against the acquired land but no title deed/sale deed or any such document proving her ownership over the subject land has been placed on record. To the query of the Court, learned counsel appearing for the claimant has also submitted that apart from the khatian, no other document(s) proving the ownership of the claimant over the acquired land has been placed on record.

10. In view of the above circumstance, the present matter is remanded back before the Court below. It is open for the claimant to place all relevant title deed document(s) to make a claim in her support before Court below. This Court on earlier occasion has observed that the entries in khatain which is a revenue record are only an entry and does not confer any title as the owner of the property. Both the parties herein are at

liberty to place sufficient evidence and raise objection(s) before the Court below.

11. With the above observation both the appeal and the cross objection as mentioned by the claimant-counsel are disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

Suhanjit

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