

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 58 of 2024

The Member Dy. Secretary (I/C)

---Petitioner(s)

Versus

Dilip Ch Paul and Ors

---Respondent(s)

For Appellant(s)	:	Mr. B. Bhattacharjee, Sr. Advocate. Mr. Soumyadeep Saha, Advocate.
For Respondent(s)	:	Mr. A. De, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

29.11.2024

Heard learned counsel appearing for the parties.

[2] This is an appeal under Section 54 of the Land Acquisition Act, 1894 against the Judgment and Award dated 17.12.2021 passed in Misc. LA 170 of 2016 by the Ld. Land Acquisition Judge, Court No.2, West Tripura, Agartala.

[3] It is the case of the appellant that by way of 'Reference' under Section 18 of the Land Acquisition Act, 1894, for short, hereinafter referred as the 'L.A. Act' made by the L.A. Collector, West Tripura, Agartala for determination of valuation of the acquired land on account of acquisition of land measuring 0.0450 acre belonged to the respondent No.1 (referring claimant), for the purpose of construction of Vigyangram (Science City) under Sadar Sub-Division. Total land measuring 0.0450 acre of plot No. 28979 under khatian No. 2087 was acquired by the L.A. Collector, West Tripura, Agartala and the value of the land has been assessed @Rs.57,00,000/- per kani and thereby calculated the amount of compensation to the tune of Rs.8,53,021/- (Rupees Eight Lac Fifty-Three thousand five hundred and sixty) only.

[4] The respondent No.1 (referring claimant) stated that the acquired land is developed and located at Agartala City and the land is situated just opposite the Agartala Sabroom Road near power house. The communication facilities are available for 24

hours and it is well equipped with all modern facilities and the land has/had very much potential for commercial use.

[5] It is also stated that the L.A. Collector also ignored the sale documents of nearby lands and value of the land is increasing day by day and that the then market value of the acquired land was not considered by the L.A. Collector. The referring claimant claimed the value of land @ Rs.2,50,00,000/- per kani.

[6] The respondent No.2 (O.P.) the L.A. Collector through counter statement has stated that the claim statement filed by the respondent No.1 (claimant) side is not maintainable and that the land was acquired after due compliance with necessary statutory formalities. That the L.A. Collector after due consideration of mandatory provisions of the L.A. Act determined the compensation at the highest side of the prevailing market price. The L.A. Collector, therefore, prays for making the award made by them final and absolute.

[7] It is the further submitted by the counsel for the appellant that the court below not considering the title of the claimant and on the strength of the statements made before the Ld. LA Collector award has been fixed. When the matter has been preferred before the LA Judge seeking enhancement under the statute, the LA Judge exorbitantly enhanced the amount without being satisfied with regard to the alienable right, title and interest of the claimant. It is further contended that the documents which were exhibited before the learned court below do not justify the said enhancement and prayed to set aside the said enhancement order passed by the LA Collector by allowing the appeal.

[8] On the contrary, Mr. A. De, learned counsel appearing for the respondent-claimant submitted before this Court that the scope of the case before this Court is very limited. According to Mr. De, learned counsel as per Section 18 of the Land Acquisition Act, 1894, (for short LA. Act) it is not just on the part of the authority to say to that the court below has not examined the title/ownership document and he further prayed to

confine the case under Section 18 of the L. A Act, for enhancement by dismissing the case of the appellant.

[9] Heard both sides.

[10] This court has come across recently in many instances of Land Acquisition matters in the state of Tripura where even without examining the title deeds and also on the strength of the LA Collector's report, compensation has been awarded. It is strange to learn that there is no finding, any report or any document to place before this Court or before the LA Collector to show that the LA Collector has examined the title deeds with regard to the ownership and also the possession of the claimant. On the strength of the revenue record (i.e. khatian), it cannot be said that the persons in possession and claiming the compensation are the real owners having alienable right. Unless there is a specific document to prove the alienable right, title and interest upon the said land, it cannot be construed that the claimants are the lawful owners of the property and are entitled for compensation.

[11] In view of the same, this court is inclined to believe the submission as advanced by Mr. D. Bhattacharjee, learned senior counsel for the appellant rejecting the submission of Mr. A. De, learned counsel for the claimant-respondent.

[12] Though it is a case under reference under Section 18 of the LA Act, it becomes necessary to note that if a person who is a land lord, is entitled for compensation may be more generously. But unless the ownership is proved, making a payment to unauthorised person seems contrary to law. In such cases, whether it falls under Section 18 of the LA Act or the compensation can be determined by the LA Collector, the amount that would be awarded to the claimant(s) becomes an unjust payment.

[13] In view of the above observation, this court finds force in the submission made by Mr. D. Bhattacharjee, learned senior counsel and remands back the present case by setting aside the impugned order dated 17.12.2021 of the learned court below. The

[14] With the above observation and direction, this present appeal is remanded back and accordingly, the same is disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

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