

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 68 of 2024

Sri Brajendra Roy and Ors

---Appellant(s)

Versus

**The Deputy Chief Engineer Con-1,
N.F. Railway, Badharghat, Agartala and Anr**

---Respondent(s)

For Appellant(s)	:	Mr. D. Deb, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

27.11.2024

Heard learned counsel appearing for the parties.

[2] This is an appeal on behalf of the Referring Claimants-Appellants under section 74 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFTCLAR & R Act), 2013 against the judgment & award dated 06/01/2023 passed by the Land Acquisition Rehabilitation & Resettlement Authority, Agartala, Tripura in Case No. L.A 105/2017 enhancing fair compensation @ Rs. 6,90,000/- (Rupees Six Lakhs Ninety Thousand) only per kani.

[3] It is the case of the referring-claiming-appellants that the land of the referring-claimant-appellants measuring 1.050 acres classified as Nal in 2 plots bearing No. 6234 & 6235/p recorded in khatian No. 1976/1 at mouja Charipara sheet No.1 & 2. Tehsil Badharghat, P.S- Amtali, District- West Tripura was acquired by the L.A Collector for the project Agartala-Akhaura New Railway line. The L.A Collector determined the value of the acquired land @Rs.4,50,000/- per kani (0.40 acre) only vide Apportionment Serial No. 116 in L.A Case No. 03/SDR/2017. The L.A Collector issued the notice dated 11/08/2017 for taking over possession of the acquired land and the award of compensation.

[4] On receipt of the notice dated 11/08/2017 most of the referring-claimant-appellants and the predecessor of some of the referring-claimant-appellants being dissatisfied with the award of compensation by the L.A Collector filed application u/s 64 of RFCTLARR Act, 2013 and sought for reference. Accordingly the L.A Collector referred the matter before the LAR & R Authority for re-determination of compensation out of which the case No. L.A 105/2017 was registered. In the said case L.A 105/2017 the referring-claimants-appellants submitted joint claim statement stating the market value of the acquired was more than Rs. 1,25,00,000/- per kani.

[5] The LAR & R Authority after recording the evidences and hearing the parties in Case No. L.A 105/2017 by the award dated 06/01/2023 enhanced the value of the acquired land @ 6,90,000/- per kani from Rs.4,50,000/- which is on the much lower side.

[6] Being aggrieved by the said award dated 06/01/2023 passed by the LAR & R Authority the present appeal has been preferred by the referring-claimant-appellants.

[7] On the contrary, learned counsel appearing for the respondents has contended before this court that the impugned order dated 06.01.2023 is just and proper and needs no interference from this court and further prayed to dismiss the appeal.

[8] Heard both sides.

[9] After perusing the record, this court is of the view that the learned court below has not verified whether the claimants are the real owners of the question in land. Moreover, no proper document has been exhibited to claim the title while claiming the compensation. Therefore, this court opines that to meet the proper ends of justice one more opportunity may be given to the parties to establish their case before the learned court below. Accordingly, it is ordered. Therefore, the impugned judgment dated 06.01.2023 is set aside and the matter is remanded back for fresh adjudication in accordance with law. The court below shall re-examine the matter by giving opportunity

to both sides for filing relevant documents and also frame additional issues on title deeds. The appellants shall also produce any such document claiming them to be the lawfully owners of the land in question by placing title deed, if any. The appellants are also at liberty to adduce any other relevant documents supporting their claim.

[10] 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.

Dipak

JUDGE



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