

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 70 of 2024

Shri Nani Gopal Debnath

---Appellant(s)

Versus

**The Dy. Chief Engineer (Construction)
N.F. Railway, Badharghat, Railway Station and Anr.**

---Respondent(s)

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

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 10.01.2019 passed by the Learned Land Acquisition Judge - 2, Gomati Tripura, Udaipur, in Case No. Misc. (L. A.) 09 of 2017.

[3] It is the case of the appellant that the Government of Tripura for the purpose of construction of Majumder Agartala to Sabroom Railway line at Mouja- Tepania, under Shalgara, Udaipur Sub-Division, has acquired the land of R.S. Khatian No.842, Hal Plot No. 1307/P, Nature- Nal, area-0.23 acres of land of the appellant vide Notification No. F.9 (17)-REV/ACQ/IX/2009, dated 16.12.2009. The appellant submitted relevant assessment note and authenticated valuation chart, issued by the S.D.M, Certified copy of the sale deed No. I- 214 dated 03.08.2011, sale deed No. 1-340 dated 18.02.2005 sale deed No. 1-2968 dated 22.12.2004 Sale deed No. 1-323 dated 19.02.2009, Khatian No. 842 of Tepania Mouja and certified copy of the settlement map in support of his claim and also examined himself. The learned Land Acquisition Judge, Gomati Tripura, Udaipur, on 10.01.2019, after the purported appreciation of the evidence determined the rate of the land under Plot Nos. 1307/P, under Khatian No.842, under Mouja- Tepania @ Rs. 3, 00,000/- per kani. The claimant will get 30% solatium and 12% yearly enhancement over the enhanced amount

from the date of Notification under Section 4 of the L.A. Act, till the date of taking over the possession or award whichever is earlier. The Solatium shall be carry interest @ 9% per annum from the date of possession till one year and @ 15% per annum from the date of expiry of one year till the date of payment of enhanced amount. Against that, Judgment dated 10.01.2019, the appellant filed this appeal for enhancement of the award.

[4] On the contrary, learned counsel appearing for the respondents has contended before this court that the impugned order dated 10.01.2019 is just and proper and needs no interference from this court and further prayed to dismiss the appeal.

[5] Heard both sides.

[6] After perusing the record, this court is of the view that the learned court below has not verified whether the claimant is the real owner 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 10.01.2019 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 claimant shall also produce any such document claiming him to be the lawfully owner of the land in question by placing title deed, if any. The claimant is also at liberty to adduce any other relevant documents supporting his claim.

[7] 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.

JUDGE

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