

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 69 of 2024

Md. Abdul Alim

---Appellant(s)

Versus

The L.A. Collector and Anr.

---Respondent(s)

For Appellant(s)	:	Mr. D. Deb, Advocate.
For Respondent(s)	:	None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

27.11.2024

Heard learned counsel appearing for the parties.

[2] This is an appeal under Section 54 of the LA Act, 1894 against the judgment and Nil award dated 30.04.2024 passed in Misc.(LA) 01 of 2017 by the Learned L.A. Judge, Sepahijala District, Sonamura.

[3] It is the case of the appellant that the land of the referring-claimant-appellant measuring 1.27 acres had been acquired for construction of motor stand as per notification vide No. F.9(16)-Rev/ACQ/VIII/07. Initially notice dated 18/03/2008 of acquisition of land and to receive compensation was issued to the vendor of the referring-claimant-appellant namely Upendra Ch. Das. Subsequently on 11/11/2008, the referring-claimant-appellant made representation to the D.M & Collector, West Tripura for awarding compensation in his name. Accordingly the L.A Collector awarded compensation of Rs.8.76,249/- for the land measuring 1.27 acres to the referring-claimant-appellant. The referring-claimant-appellant on 05/02/2015 submitted objection in writing against the amount of compensation awarded by the L.A Collector, West Tripura being much less. On 17/03/2017 The L.A Collector, Sepahijala District referred the L.A Case No. 01/SNM/2008 to the Court of Ld. District Judge, Sepahijala District, Sonamura, Tripura u/s 18 of the L.A Act, 1894 for assessment of the award of

compensation out of which the Case No. Misc L.A 01/2017 was registered in the Court of Ld. L.A Judge (Ld. District Judge) Sepahijala District, Sonamura, Tripura. The Ld. L.A Judge (Ld. District Judge) Sepahijala District, Sonamura, Tripura ultimately passed the judgment and Nil award dated 30/03/2024 in Case No. Misc (L.A) 01/2017. Being aggrieved by the said judgment and Nil award dated 30/03/2024 passed by the Ld. L.A Judge (Ld. District Judge) Sepahijala District, Sonamura the present appeal has been preferred by the referring-claimant-appellant..

[4] Heard.

[5] After perusing the record, this court is of the view that the learned court had rejected the plea of the claimant herein but has failed to indicate the reasons. 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 30.04.2024 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 appellant 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 appellant is also at liberty to adduce any other relevant documents supporting his claim.

[6] 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

Dipak