

**HIGH COURT OF TRIPURA
AGARTALA**

L.A. App.87 of 2024

The Land Acquisition Collector

..... Appellant

Versus

Shri Khitendra Debnath and another

..... Respondents

For Appellant(s) : Mr. D. Sarma, Addl. G.A.

For Respondent(s) : None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

09.12.2024

Heard learned counsel for the applicant.

[2] The present LA appeal is filed under Section 54 of the Land Acquisition Act, 1894, against the Judgment and award dated 10.05.2024, passed by learned L.A. Judge, North Tripura, Dharmanagar in Civil Misc(L.A.) 04 of 2014.

[3] The case of the appellant as contended in the instant appeal in brief is that, the Land Acquisition Officer of the North Tripura District, Dharmanagar by issuing Notification No.F.9(1)-REV/ACQ/2011/ dated 07-09-2011 and declaration No. No.F.9(1)-REV/ACQ/I/2011 dated 17-10-2011 under section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") acquired land measuring 0.41 acres pertaining to RS Plot No. 2204p, 2205p, 2150p, 1739/6791, 1780p under Khatian No.1462, from the claimant

for construction of approach to proposed bridge over river Juri on Tilthai Anandabazar road. Possession of the land was taken and award was passed @ 10,50,000/- per kani for the Nal and Bastu class of the acquired land of the claimant. An amount of Rs.14,77,975/- in all has been paid to the Respondent claimant including the price of the land along with additional amount @ 12% per annum on the market value assessed by the LA Collector for the period commencing on and from the date of notification under section 4(1) of the Act to the date of taking over of possession of the land and solatium @30% on such market value in consideration of the compulsory nature of acquisition. Thereafter, being dissatisfied with the award of the Collector, the Respondent -claimant filed an application to the L. A. Collector for reference under section 18 of the Act for enhancement of compensation. On receipt of the reference, notices were issued to the parties.

[4] The referring-claimant appeared and filed his claim statement. It was pleaded by him that acquisition of his land caused the rest part of land valueless and unusable for which he should further be compensated for this affected part. It was also stated that the acquired land is quite fertile, well situated and well connected to different facilities and it is also usable for commercial purpose. It was further stated that the value of the land has been determined at lower side without considering necessary factors by the L. A. Collector. According to the referring claimant, he is entitled to get rate of the acquired land @ 80,00,000/- per kani plus all other statutory benefits. The Opposite Parties No.1 and 2 i.e. the L.A. Collector of the North Tripura District, Dharmanagar and the Executive Engineer, PWD (R&B), Dharmanagar, North Tripura claimed that after due consideration of the prevailing market rate of

the acquired land, the amount of compensation for the acquired land was determined. According to the Opposite Parties No.1 and 2, the compensation so determined is fair & reasonable which represents the correct market price of the acquired land. After hearing Learned L.A Judge allowed the reference. Being aggrieved, the opposite parties approached this Court by filing LA Appeal 23 of 2022 and this Court remitted the matter back to the Court below with the opinion that as the order passed by the learned LA Judge was unreasoned, the matter be decided on the strength of evidence with proper reasoning. Finally, the appellant being aggrieved by the impugned Award passed in Civil Misc (L.A) 04 of 2014 has preferred this appeal.

[5] 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 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.

[6] In view of the above observation, this Court is of the view that the present matter be remanded back by setting aside the impugned order dated 10.05.2024 passed by learned Court below. The Court below shall re-examine

the matter by giving opportunity to both sides for filing relevant documents and also frame additional issues on alienable right, title and interest. 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] It is needless to observe that in the event if the land is acquired pertaining to the landlord, he is entitled for fair and even a generous compensation in a given circumstance, but unless it is decided that the recipient of the claim-amount is holding a valid alienable title, it cannot be said that he is entitled for claiming the compensation. An unauthorized person cannot be paid a single rupee from the public money.

[8] 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

Sabyasachi. G.

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