

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

L.A. App. No.71 of 2024

Sri Sakhi Charan Sarkar

.....Appellant

_V_E_R_S_U_S_

Sri Pabitra Sarkar & Others

.....Respondents

For Appellant(s) : Mr. N. Chowdhury, Advocate.

For Respondent(s) : None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

14.11.2024

Heard Mr. N. Chowdhury, learned counsel appearing for the appellant.
None appears for the respondents.

[2] This is an appeal filed under Section-54 of the Land Acquisition Act, 1894 preferred by the referring claimant against the judgment and award dated 03.09.2024 in connection with case No. Civil Misc.(LA) 04 of 2018 passed by the learned Land Acquisition Judge, West Tripura, Agartala, Court No.4.

[3] The Government of Tripura in the Revenue Department by a notification .F.9(3)-REV/ACQ/XIV/10 dated 23/03/2010 was pleased to acquired land measuring 1.21 acres of land under Mouja- Madhuban for the construction of 400 K.V Sub-Station at Madhuban. The originally the acquired land was Govt. khas land but more than 50 years back the Appellant started to possessed the land and in the year 2006 the appellant after causing huge expense planted rubber trees over the acquired land after obtaining permission from Rubber Board. Thereafter, the claimant respondent no. 1 & 2 was able to collect an allotment order from the concerning authority in respect of the acquired land though they never possessed the acquired land in any point of time. However, since the respondent claimant have got allotment, the L.A. Collector awarded Rs. 10,27,478/- for value of land and accordingly respondent no. 1 & 2 received the awarded compensation of Rs.10,27,478/- for the acquired land.

[4] But since the appellant had been possessing the acquired land by planting rubber trees, notice was issued by the office of the L.A Collector, West Tripura, Agartala on 18.06.2011 and 14.11.2012 upon the appellant as occupier, being found only interested person, the value of 560 nos. rubber trees was awarded to

the appellant and the appellant received awarded amount of Rs. Rs. 5,60,000/- for damage cost of rubber trees. Thereafter being dissatisfied with the awarded compensation the 26 interested persons of the acquired land of the same mouja preferred 26 nos. Writ Petitions WP(C) 1110 of 2017 to WP(C) 1136 of 2017) before this Court. On 11/09/2017 all the cases was consolidated for disposal by a common judgment and accordingly on the basis of under taking extended by the learned Advocate General the cases was disposed with a direction to reassessment of damage by the concerning L.A. Collector. As per direction of this Court the present appellant is considered to get compensation towards award @Rs. 4,017/- per rubber trees amounting to Rs. 22,49,520/- for damage of 560 nos rubber trees of the appellant. Since the appellant already received Rs. 5,60,000/- on earlier occasion, the rest balance amount of Rs. 16,89,520/- is lying payable to the appellant.

[5] But unfortunately the claimant respondent no. 1 & 2 raised an objection against for making payment to the present counter claimant, the L.A Collector, West Tripura referred the matter before the Ld. L.A Judge, West Tripura for determining the entitlement of the cost of the balance amount of rubber trees Rs. 16,89,520/-. The said reference Under Section 30 of the L.A Act was registered as Misc. (L.A) 04 of 2018 and after holding enquiry Ld. L.A. Judge, disposed the reference Under Section 30 with a direction that the balance compensation amount (value of rubber trees) Rs. 16,89,520/- shall be divided equally among the appellant and respondent claimants. The respondent claimants are not entitled to get enhance amount cost of the rubber trees which was awarded by the L.A Collector to the Appellant.

[6] Hence, the present appeal has been preferred by the appellant before this Court for redress.

[7] This Court having heard the learned counsel appearing for the appellant, prima facie opined that there is no material evidence placed before the learned Court below to convince the Court on the point of title deeds to say that the appellant is the claimant who is before this Court for the relief sought for. In absence of any documentary evidence, it cannot be construed that the appellant is having alienable rights and title of interest upon the property and to say that he is entitled for claiming any compensation, as prayed for.

[8] In view of the same, the impugned judgment and award passed by the learned Court below stands set aside and the case of the appellant is remanded back

to the learned Court below for fresh adjudication on the strength of the documents that would be submitted by the parties and also to frame the issue and examine the same. Both the parties are at liberty to place sufficient evidence before the Court below and make their respective arguments.

[9] With the above observation and direction, the present appeal preferred by the appellant is remanded back to the learned Court below and thus, disposed of. As a sequel, miscellaneous application(s), pending, if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

