HIGH COURT OF TRIPURA
AGARTALA
LA.App 84 of 2024

The Managing Director, TIDC

---Petitioner(s)

Versus

Sukharai Debbarma And Ors.

---Respondent(s)

For Appellant(s)	:	Mr. B. N Majumder, Sr. Advocate. Mr. Rajib Saha, Advocate.
For Respondent(s)	:	None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

09.12.2024

This is an appeal against the judgment and award dated 02.04.2022 passed by the Ld. LA Judge, Court No. 1, West Tripura, Agartala in Case No. Misc (LA) 35 of 2016.

[2] It is the case of the appellant that in reference to the prayer made by the claimant-respondent in the present appeal, a L.A. Reference case was instituted before the Ld. Court of L.A. Judge, West Tripura, Agartala claiming the enhancement of the compensation amount, allowed by the L.A. Collector at the time of acquiring the land from the claimant- respondent. The present appellant had appeared in the said reference case and contested the same. After full fledged trial of the case and hearing the arguments advanced by all the parties, the Ld. L.A. Judge below passed the award dated 02.04.2022 whereby and where under the compensation was enhanced to the rate of Rs. 6,00,000/- (Rupees six lakh only) per kani. Having been aggrieved by and dissatisfied with the aforesaid impugned judgement and award dated 02.04.2022, passed by the Ld. L.A. Judge below, the appellant begs to prefer this instant appeal before this Hon'ble Court.

[3] Heard.

[4] 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 and 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.

[5] In view of the above observation, this court is of the opinion that present matter be remanded back by setting aside the impugned order dated 02.04.2022 of the 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 owners 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.

[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

HIGH COURT OF TRIPURA