

**HIGH COURT OF TRIPURA
AGARTALA**

L.A. App.86 of 2024

The Managing Director, TIDC

..... Appellant

Versus

Shri Babul Debnath and another

..... Respondents

For Appellant(s) : Mr. BN Majumder, Sr. Advocate
Mr. Rajib Saha, Advocate

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, read with Order XLI of Civil Procedure Code, 1908 against the Judgment and award dated 08.02.2022, passed by learned L.A. Judge, Court No. 4, West Tripura, Agartala in Case No. MISC (L.A.) 32 of 2016.

[3] The case of the appellant in brief is that in reference to the prayer of the claimant, a L.A. Reference case was instituted before the learned 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 appellant herein had appeared in the said reference case and contested the same. On completion of trial of the

case and hearing the arguments advanced by all the parties, the learned L.A. Judge below passed the award dated 08.02.2022 whereby and where under the compensation was enhanced to the rate of Rs. 5,00,000/- (Rupees five lakh only) per kani. Being aggrieved by and dissatisfied with the aforesaid impugned judgment and award dated 08.02.2022, passed by the learned L.A. Judge below, the appellant has preferred this instant appeal.

[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 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 view that the present matter be remanded back by setting aside the impugned order dated 08.02.2022 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.

[6] 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.

[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

Sabyasachi. G.

**SABYASACHI
GHOSH**

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