

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A

L.A. App. No.24 of 2024

Shri Dhananjoy Debnath

.....Appellant

_V_E_R_S_U_S_

The Deputy Chief Engineer (Construction), N.F. Railway and Another

.....Respondents.

For Appellant(s) : Mr. S. Bhattacharjee, Advocate.

For Respondent(s) : Mr. B. Majumder, DSGI.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

29.01.2025

Heard S. Bhattacharjee, learned counsel appearing for the appellant also heard Mr. B. Majumder, learned DSGI, appearing for the respondents.

[2] The present appeal has been filed under Section-54 of the Land Acquisition Act, 1894 against the judgment and order dated 19.10.2023 passed in CM LA 30 of 2022 by the learned Land Acquisition Judge, South Tripura, Sabroom.

[3] The facts in brief are that, the land of the claimant was acquired by the respondent No. 2 for the respondent No.1 for construction of railway line in the year 2012. A land measuring 0.95 acres were acquired from the claimant and did not assessed the amount of 205 Nos. of 7 years old rubber trees which were standing on the acquired land and only assessed 190 Nos. of 7 years old rubber trees. The respondent No. 2 passed the award for the land @ of Rs.78,000/-per Kani and assessed the value of 190 Nos., rubber tree at the rate which is determined for 7 years old rubbers tree as per rate chart of the Revenue Department, Govt. of Tripura but in the assessment sheet wrote the age of the Rubber trees at 6 years.

[4] Being dissatisfied with the said award the appellant made a request to the respondent No. 2 to refer his case in the court of the learned L.A. Judge, South Tripura for determination of the just market value of the acquired land and trees standing on the acquired land. Accordingly, the respondent No. 2 referred the said matter to the learned land acquisition Judge, South Tripura, Belonia for adjudication. But during the pendency of the case a new Court was established at Sabroom and the case of the claimant was transferred in the Court of the learned Land Acquisition Judge, South Tripura, Sabroom for adjudication.

[5] Thereafter, the learned L.A. Judge passed its award. At the time of passing the award the learned LA Judge determined the value of the acquired land @ of Rs. 10,00,000/- per Kani when at the time of acquisition the market value of the acquired land was Rs. 13,25,000/- per Kani. Thereafter deducted 40% from the awarded amount of the land, thus the net awarded amount is Rs.6,00,000/- per kani, when the Hon'ble Supreme Court of India in its judgment specifically states that when land is acquired for the purpose of construction of railway line the deduction shall be 20%. The Ld. L.A Judge below also did not allow the yearly escalation of land value as laid down by Hon'ble Supreme Court. The learned L A Judge also awarded an amount of Rs. 2,500/-per rubber tree of 7 years of old when the rates chart shows that the rate of 7 years old rubber tree was Rs. 10,000/- at the time of acquisition. The said chart was accepted by the Hon'ble High Court of Tripura in various cases but the learned LA Judge did not take into consideration the said chart also did not appreciate that the respondent No.2 passed the award considering the age of the rubber trees at 7 years when the plea of age of rubber trees as 7 year is also not denied by the respondents in their written objection. Hence, this appeal.

[6] Being aggrieved and dis-satisfied with the judgment and award dated 19.10.2023 passed in CM LA 30 of 2022 by the learned Land Acquisition Judge, South Tripura, Sabroom, the appellant has preferred the instant appeal.

[7] 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 L.A. 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 learned L.A. Collector to show that the L.A. 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. the 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.

[8] In view of the above observation, this Court is of the opinion that the present matter be remanded back by setting aside the impugned order dated

19.10.2023 passed by the learned Court below. The Court below shall re-examine the matter by giving opportunity to both sides for filing relevant documents and mark exhibits and also frame additional issues on the alienable right, title and interest. The claimant shall also produce any such document claiming him to be the lawful owner of the land in question by placing title deed, if any. The claimant is also at liberty to adduce any other relevant documents in support of his claim.

[9] In that view of the matter, the present appeal is remanded back and is, accordingly, disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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