

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 3 of 2025

**The 2nd-in-Command,
for Commandant, H.Q. 6th BN. BSF.**

---Appellant(s)

Versus

Sri Bimal Das and Anr.

---Respondent(s)

For Appellant(s)	:	Mr. B. Majumder, Deputy SGI.
For Respondent(s)	:	None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

03.04.2025

This is an appeal under Section 54 of the LA Act, 1894 against the Judgment dated 26.09.2024 passed in Misc (LA) 245 of 2016 by the Ld. Land Acquisition Judge, Court No.1, West Tripura, Agartala.

[2] It is the case of the appellant as per the requisition of the Appellant the land of the respondent-claimant, here-in-after referred to as the respondents, situated under Mouja-Ramnagar Sheet No.2/P, recorded in Khatian No 4291, Plot No. 4212(P)/10494 (0.038 Acres) and 4212/10573 (0.012 Acres), land measuring 0.050 acre, classified as Nal class of land was acquired by the respondent no. 2 i.e. the Land Acquisition Collector, West Tripura vide notification dated 21.02.2011 for the purpose of establishment of BOP Agartala Check Post (ACP) of 6 Bn. BSF under Sadar Sub-division in West Tripura District. Accordingly, the L.A. Collector, West Tripura, has awarded the compensation @ Rs. 37,50,000/- per acre i.e. 15,00,000.00 per kani. Thereafter, under Section 18 of LA.Act, 1894 the matter has been referred to L'd. LA. Judge. On reference the case was registered as Misc (LA) 245 of 2016 titled 'Shri Bimal Das V/s Second-In-Command, 6 Bn BSF (Now 42 Bn BSF)' before LA judge, Agartala (West Tripura). The Misc (LA) 245 of 2016 disposed of vide order dated 20/09/2018 passed by LA judge, Agartala (West Tripura) observing therein that the LA Collector in assessment note considered 3 (three) Nos. of sale deeds before deciding the quantum of compensation.

[3] On the other hand there is no contra material from the side of the claimant to justify the higher rate for compensation. Thus award given by the LA Collector is hereby affirmed. Sri Bimal Das (Claimant) on 17/05/2023 filed Civil Misc (Condonation) 22 of 2023 alongwith Civil Misc (Restoration) 12 of 2023 before LA Judge, Agartala, West Tripura requesting therein to condone the delay of 1646 days & further to restore the Case No. Misc (LA) 245/2016.

[4] Thereafter, LA judge, Agartala (West Tripura) vide order dated 11/01/2024 condoned delay of 1646 days and restored Misc (LA) 245 of 2016. OP No. 1 (Appellant herein) firstly received copy of restoration application of Misc (LA) 245 of 2016 on 09/02/2024. On examination of restored Misc (LA) 245 of 2016 it is found that claimant requested to grant compensation @ 01 Crore per kani i.e. 2.5 Crore per acre alongwith other monetary benefits alongwith interest @ 15% from the date of taking possession till payment of award. OP No. 2 i.e. LA Collector through Tehsildar filed examination in chief by way of affidavit on 11/06/2024. OP No. 1 (Appellant herein) filed written objections by way of affidavit on 18/09/2024 but due to late filing same were not taken on record by the L'd LA Judge.

[5] Thereafter, the learned L.A. Judge, West Tripura, Agartala, by its judgment dated 26.09.2024 enhanced the amount of award passed by the learned L.A. Collector, Agartala, West Tripura and the value of the land has been assessed @ Rs. 25,00,000/- per kani. Being aggrieved and dis-satisfied with the judgment and award dated 26.09.2024 passed by the learned L.A. Judge, West Tripura, Agartala, Court No.1 in case no. Misc L.A. 245 of 2016, the appellant has preferred the instant appeal.

[6] On the contrary, learned counsel appearing for the respondents has submitted before this court that the impugned order is just and proper and needs no interference from this court. He further prayed to dismiss the appeal.

[7] Heard.

[8] 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.

[9] 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 26.09.2024 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.

[10] 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

**DIPAK
DAS**

Digitally signed by
DIPAK DAS
Date: 2025.04.07
12:05:08 +05'30'