

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 32 of 2024

The Union of India

---Petitioner(s)

Versus

Sri Krishna Kumar Baishya

---Respondent(s)

For Appellant(s)	:	Mr. B. Majuder, Deputy SGI
For Respondent(s)	:	Mr. Partha Sarathi Roy, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

29.01.2025

This is an appeal under Section 54 of the Land Acquisition Act, 1894 against the judgment and order dated 21.07.2023 passed in Misc.(LA) 261 of 2016 by the learned Land Acquisition Judge, Court No.1, West Tripura, Agartala.

[2] It is the case of the appellant that 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 1549, Plot No. 4300, land measuring 0.24 acres, 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 ACP of 6 Bn. BSF under Sadar Sub-divisioin 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, underSection 18 of LA.Act the matter has been referred to LA.d.LA.Judge. Thereafter, the learned L.A. Judge, West Tripura, Agartala, by its judgment dated 21.07.2023 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 dissatisfied with the judgment and award dated 21.07.2023 passed by the learned L.A. Judge, West Tripura, Agartala, Court No.1 in case no. Misc L.A. 261 of 2016, the appellant has preferred the instant appeal

[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 allowed and remanded back by setting aside the impugned order dated 21.07.2023 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 allowed and accordingly, the same is disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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