

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App No. 30 of 2024

The Union of India
.....Appellant.
Versus
Shri Shyamal Chandra Das and others
.....Respondents

For the Appellant(s)	:	Mr. B. Majumder, Dy.SGI.
For the Respondent(s)	:	Mr. P.S. Roy, Advocate. Mr. S.S. Debnath, Advocate.
Date of hearing & delivery of Judgment & Order	:	30/01/2025
Whether fit for reporting	:	YES/NO

**BEFORE
HON'BLE MR. JUSTICE T. AMARNATH GOUD
J U D G M E N T & O R D E R (Oral)**

Heard Mr. B. Majumder, learned Dy. SGI appearing for the appellant. Also heard Mr. S.S Debnath, learned counsel appearing for the respondents-claimants and Mr. P.S. Roy, learned counsel appearing for the respondent- L.A. Collector.

[2] This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894, against the judgment and order dated 25.07.2023 passed in Misc (L.A.) 06 of 2017 by the learned Land Acquisition Judge, Court No.1, West Tripura, Agartala.

[3] The case in brief is 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 2759, Plot No. 4214/P, land measuring 0.12 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-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 was referred to the LA. Judge. Thereafter, the learned L.A. Judge, West Tripura, Agartala, by its judgment dated 25.07.2023 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 25.07.2023 passed by the learned L.A. Judge, West Tripura, Agartala, Court No.1 in case no. Misc L.A. 06 of 2017, the appellant has preferred the instant appeal.

The relevant portion of the judgment and award dated 25.07.2023 in Misc. (L.A.) 06 of 2017 is extracted hereunder:

"O=R=D=E=R"

In the result, the application of the referring claimants for enhancement of award is allowed. It is hereby declared that the referring claimants are entitled to get compensation @ Rs.25,00,000/- (Rupees Twenty five Lakh) per kani for the acquired Nal class of land. The referring claimants will also get 30% solatium and 12% further enhanced amount of compensation upon the said enhanced land value computing

from the date of notification under Section 4 of L.A. Act, 1894 till the date of award by the Collector or the date of taking possession of land whichever is earlier, as per Section 23(2) and Section 23(1-A) of the Act respectively. The referring claimants will further get interest @ 9% per annum from the date of taking over possession for one year and thereafter @15% per annum after expiry of said one year till the date of payment upon said enhanced amount of compensation as per Section 28 of the Act. As per law laid down by the Hon'ble Supreme Court in *Mehrawal Khewaji Trust, Faridkot & ors. V. State of Punjab & ors.*, 2012 AIR SCW 2822, the interest will also be counted on additional amount as awarded under Section 23(1-A) above and upon the solatium awarded under Section 23(2) of the Act. The referring claimants will also get Rs.1,000/- as cost under Section 27 of the Act. The Opp. Party no.1 is also made jointly and severally liable to make the payment of compensation along with Opp. Party no.2. The amount already paid shall be adjusted against the compensation enhanced."

[4] Being aggrieved and dissatisfied with the award dated 25.07.2023 in Misc. (L.A.) 06 of 2017 by the Learned Land Acquisition Judge, West Tripura, Agartala, the appellant herein approached this court seeking the following reliefs:-

"(i) Admit the instant appeal;

(ii) Issue notice upon the respondents to show cause as to why the impugned judgment/award dated 25.07.2023 passed by the learned L.A. Judge, West Tripura, Agartala, Court No.1 shall not be set-aside;

(iii) Call for the records of case no. Misc. L.A. 06 of 2017 from the court of the learned L.A. Judge, West Tripura, Agartala, Court No.1.

AND

(iv) After hearing both the sides may kindly set aside the impugned judgment and award dated 25.07.2023 passed Misc. L.A. 06 of 2017 by the learned L.A. Judge, West Tripura, Agartala, Court No.1....."

[5] Heard the submissions made at the Bar. It is brought to the notice of this Court by the learned counsel for the parties that there was no material placed before the Court below while granting compensation and in similarly situated appeals, this Court remanded back such matters to the Court below giving liberty to the both sides to file relevant documents more particularly, claimants were asked to file title deeds of the ownership

documents as khatians are only the revenue records and any entries therein, cannot be treated as sale-deed on the strength of which, it can be said that a person in possession claiming compensation is the real owner having alienable rights. 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.

[6] In view of the above, this Court is of the view that the present matter be remanded back by setting aside the impugned order dated 25.07.2023 in Misc. (L.A.) 06 of 2017 passed by the Learned Land Acquisition Judge, West Tripura, Agartala. 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 claimants shall also produce any such document claiming them to be the lawful owners of the land in question by placing title deed, if any. The claimants are also at liberty to adduce any other relevant documents supporting their claim.

[7] 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.

[8] 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.

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