

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App No. 08 of 2025

The Commissioner and Secretary, Department of
Industries & Commerce, Agartala West Tripura
.....Appellant.
Versus

Smt. Ratna Baidya (Biswas) and another
.....Respondents

For the Appellant(s) : Mr. Pradyumna Gautam, Sr. G.A.

For the Respondent(s) : Mr. Tapash Datta Majumder, Sr. Advocate.
Mr. Dalit Kalai, Advocate.
Ms. Rimi Debbarma, Advocate.
Mr. Keneth L. Debbarma, Advocate.

Date of hearing & delivery
of Judgment & Order : 23/05/2025

Whether fit for reporting : 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. P. Gautam, learned Sr. G.A. appearing on behalf of the appellant. Also heard Mr. T.D. Majumder, learned senior counsel assisted by Mr. D. Kalai, learned counsel appearing for the claimant-respondent.

[2] This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894 against the judgment dated

06.07.2022 passed by the Land Acquisition Judge, South Tripura, Belonia in LA (Ref.) 05 of 2020 wherein the LA Judge enhanced the awarded amount of compensation from Rs. 1,05,000/- per kani to Rs.7,50,000/- per kani.

[3] By filing the instant appeal, the appellant herein seeks for the following reliefs:

- “(a) To admit the appeal;
- (b) To issue notice to the parties;
- (c) To pass necessary order by way of setting aside the perverse and impugned Judgement dated 06.07.2022 passed by the Ld. LA Judge, South Tripura, Belonia, in case No. LA(Ref.) 05 of 2020.
- (d) To grant stay order against the Judgement dated 06.07.2022 passed by the Ld. LA Judge, South Tripura, Belonia, in case No. LA(Ref) 05 of 2020 till disposal of the connected appeal filed by the appellant for ends of justice.
- (e) To pass such other order/orders as your Lordship may deem fit & proper.”

[4] Mr. P. Gautam, learned Sr. G.A. on behalf of the appellant submits before this Court that learned LA Judge did not consider that the claimant had not adduced any documentary evidence to prove that she is the owner and possessor of the acquired land or she was having right, title, interest over the acquired land. He, therefore, urges this Court to set aside the impugned judgment dated 06.07.2022 passed by the Land Acquisition Judge, South Tripura, Belonia in LA (Ref.) 05 of 2020.

[5] During the course of argument, Mr. T.D. Majumder, learned senior counsel appearing for the claimant-respondent has placed some documents claiming right over the property. It is also contended on behalf of the claimant that the while considering the

acquisition of the adjacent plot belonging to the brother of the claimant, the learned LA Judge awarded the compensation in enhanced rate by its order dated 14.11.2017 passed in case No. L.A. (Ref.) 01 of 2015 but, the same has never been challenged by the appellant authority by preferring any appeal. Learned senior counsel draws the concern of this Court against the manner in which, the appellant authority is working.

Therefore, it is left to the wisdom of the appellant authority to look into the matter and to take appropriate steps if so advised.

[6] However, without expressing any opinion on the documents placed by the claimant before this Court claiming right over the property, it is opined that all such documents may be examined by the concerned Court below and thus, the present matter be remanded back for fresh adjudication by setting aside the impugned order and award dated 06.07.2022 passed by the Land Acquisition Judge, South Tripura, Belonia in LA (Ref.) 05 of 2020. Accordingly, the same is ordered.

[7] 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/her 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 supporting his/her claim. Once the documents are placed on record, the Court shall expedite the matter.

[8] 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.

[9] With the above observations and directions, 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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