

**HIGH COURT OF TRIPURA
AGARTALA
LA. App No. 23 of 2025.**

***The Deputy Chief Engineer (Const.-2) N.F. Railway. Agt.
West Tripura.***

Appellant(s)

Versus

Sri Dhan Kumar Tripura & Ors.

Respondent(s)

For Appellant(s) : Mr. B. Majumder, Dy. SGI.

For Respondent(s) : Mr. T. D. Majumder, Sr. Advocate.
Mr. D. Kalai , Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

ORDER

07.07.2025

Heard learned counsel for the respective parties.

[2] The story, in brief, is that as per the requisition of the appellant, the land of the respondent-claimants, was acquired by the respondent Land Acquisition Collector, South Tripura, vide notification dated 17.09.2012 for construction of 'New Railway line from Agartala to Sabroom'. Accordingly, the L.A. Collector, South Tripura, Sabroom, has awarded the compensation @ Rs. 84,000/-per kani for the land acquired and Rs.90,210/- for trees and standing crops. Being aggrieved by the amount of compensation, the respondent claimants, filed an application under Section 18 of the L.A. Act, 1894, for referring the matter to the L.A. Judge, South Tripura, Sabroom, and, accordingly, the same was referred to the court of learned L.A. Judge, South Tripura, Sabroom. Thereafter,

the learned L.A. Judge, South Tripura, Sabroom, after hearing both the parties, by its judgment dated 16.09.2023 has allowed the claim petition enhancing the award of compensation. The relevant portion of the judgment and award is extracted below:-

"15. In view of the above observations, discussions and the laws enunciated by the Hon'ble Apex Court in the above cited cases, reference petition stands allowed to the following extent:

(a) The market value of acquired land is determined at the rate of Rs.2,00,000/- (two lac) per kani and after deduction of 20% therefrom, Claimants shall get compensation at the rate of Rs.1,60,000/- (One lac and sixty thousand) per Kani along with statutory benefits provided under the Act.

(b) Compensation, on account of damage due to severance of acquired land from other parts of land, is determined at Rs 20,000/- (twenty thousand).

(c) Claimant Dhan Kumar Tripura shall get compensation for damage of standing trees computing at the rate of Rs.2,500/- (Two thousand five hundred) per tree for 06 years old of 140 rubber trees, Rs.1000/- (One thousand) per tree for 03 Koroi trees, Rs.800/- (Eight hundred) per tree for 03 Jam trees, Rs.150/- (One hundred fifty) per tree for 02 Kanak trees and Rs.1000/- (One thousand) per tree for 15 Agar trees and meaning thereby for damage of such standing trees Claimant Dhan Kumar Tripura will have compensation of Rs.3,70,700/- (Rupees three lac seventy thousand and seven hundred).

Another Claimant Dudhu Kumar Tripura shall be compensated for damage of 140 rubber trees at the rate of Rs.2,500/- (Two thousand five hundred) per tree for 06 years old of 140 rubber trees and at the rate of Rs.1000/- (One thousand) per tree for 08 Agar trees. In aggregate, compensation for damage of trees in favour of Claimant Dudhu Kumar Tripura would stand at Rs.3,58,000/- (Rupees three lac and fifty eight thousand).

(d) Claimants shall also be paid a sum of Rs.5,000/- (five thousand) as costs assuming to have incurred in conducting proceedings of the instant case.

(e) In view of section 28 of the Act Claimants shall also be entitled to statutory benefits of interest on a total excess amount of compensation.

16. Respondents shall be liable to pay compensation awarded in adherence to the aforesaid terms within 03 (three) months from the date when a copy of this judgement and award will be made available to them.

17. The instant case is hereby disposed of on contest."

[3] Being aggrieved and dissatisfied with the aforesaid order, dated 16.09.2023 passed in CM (LA) 80 of 2022, the appellant herein before 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 16.09.2023 passed in CM.LA. 80 of 2022 by the learned L.A. Judge, South Tripura, Sabroom, shall not be set-aside;

(iii) Call for the records of case no. CM.LA. 80 of 2022 from the court of the learned L.A. Judge, South Tripura, Sabroom.

AND

(iv) After hearing both the sides may kindly set aside the impugned judgment and award dated 16.09.2023 passed in CM.LA. 80 of 2022 by the learned L.A. Judge, South Tripura, Sabroom;

AND

(v) Pass any other order/orders and/or direction/ directions as may deem fit and proper having regard to the facts and circumstances of the case."

[4] Heard and perused the evidence on record.

[5] It is seen from the order passed by the learned Court below that no proper reasoning is given for enhancement of compensation and no document has been exhibited for establishment of ownership of the respondent-claimants on the land in question. In the absence of the same, this Court feels that the Court below needs to look into this aspect. Accordingly, the order passed by the Court below is set aside, and the matter is remanded to the learned L.A Court for framing an issue on the point of title deed of the claimants. Learned Court below is further directed to provide an opportunity to both sides if required, to amend the pleadings and mark the title deeds if any, and decide the matter as per procedure as expeditiously as possible.

It is needless to observe that in the event if the land is acquired pertaining to the landlord, he would be 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.

With the above observation and direction, the appeal is remanded back and accordingly, the same is disposed of. As a sequel, miscellaneous application(s) pending, if any, shall also stand closed.

JUDGE

Paritosh

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GHOSH
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