

**JHIGH COURT OF TRIPURA
AGARTALA**

Review Pet.12 of 2025

Smti Bipula Baidya Majumder

---Petitioner(s)

Versus

The Dy. Chief Engineer (Construction) and Anr.

---Respondent(s)

For Petitioner(s)	:	Mr. Suman Bhattacharjee, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

13.03.2025

This is an application under Section 14 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 for reviewing the order dated 29.01.2025 passed in L.A.App 39 of 2024.

[2] It is the case of the petitioner that the petitioner filed an appeal under Section 54 of the L. A. Act, 1894 against the award passed by the learned L.A. Judge, South Tripura, Sabroom bearing no. L.A. App. 39 of 2024. The case was listed on 29. 01. 2025 before this Court. On that date, as many as six L.A. appeals of the Ld. Advocate of the petitioner were listed before this Court, out of them five filed against the award passed exercising the power under Section 18 of the L.A. Act, 1894 and one award was passed under Section 30 of the L.A. Act, 1894. At the time of hearing of L.A. App. 39 of 2024, the learned Advocate of the petitioner prayed for remanding the said appeal including L.A. App. 16 of 2024, L.A. App. 24 of 2024 and L.A. App. 25 of 2024, which were listed at serial number 24, 16, 20 and 21 respectively of the cause list. Apart from that the Ld. Advocate of the petitioner had another case bearing No. L.A. App. 41 of 2024 which was listed at item No. 25 of the Cause list dated 29.01.2025. The learned Advocate of the petitioner prayed before this Court that he did not press the appeal, bearing No. L.A. App. 41 of 2024, which was listed at item number 25 of the Cause list

dated 29.01.2025. But after getting the certified copy of both the orders, it was found that due to bonafide omission similar order was passed in L.A. App. 41 of 2025 and L.A. App. 39 of 2024, while the Ld. Advocate of the petitioner prayed for remanding the said appeal to proof his right, title and interest over the acquired land. Hence this review petition is filed by the petitioner.

[3] Today when the case is called for consideration, at the very outset, learned counsel for the petitioner submitted before this court that LA.App 39 of 2024 may also be remanded back to the learned court below for fresh trial as similarly situated matters have already been remanded back earlier by this court.

[4] Learned Deputy SGI, appearing for the respondents, has no objection to the said prayer made by the counsel for the petitioner.

[5] In view of the said submission, the present petition stands allowed. The order dated 29.01.2025 passed in LA 39 of 2024 stand set aside remanding back the LA.App 39 of 2024 before the learned court below for fresh trial. The learned 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. The claimant is also at liberty to adduce any other relevant documents supporting his claim.

[6] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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