

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 11 of 2025

The Member Deputy Secretary IC

---Petitioner(s)

Versus

Shri Samir Kumar Dey and Ors.

---Respondent(s)

For Appellant(s)	: Mr. Haradhan Sarkar, Advocate.
For Respondent(s)	: Mr. Mangal Debbarma, Addl. GA Mr. Samar Das, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Order

25.08.2025

[1] This is an appeal under Section 74 of the Right to Fair Compensation and Transparency in Land, Acquisition, Rehabilitation and Resettlement Act, 2013 against the Judgment and Award dated 13.09.2024 passed by the Ld. Land Acquisition Judge, West Tripura, Agartala, Court No.2 in Misc. (L.A) 177 of 2016.

[2] It is the case of the appellant that the L.A. Collector, West Tripura, Agartala after considering all aspect, the value of acquired land was assessed at Rs.57,00,000/- per kani and it was a Bhati (Tilla) class of land and situated far from the road having no potential value and there were no amenities of modern facilities available over the acquired land.

[3] But the Ld. Land Acquisition Judge, West Tripura, Agartala, Court No.2, (Ld S.D.Singh), in Misc. (L.A)177 of 2016 enhancing the awarded amount from Rs.57,00,000/- per kani to Rs. 1,50,00,000/- per kani for Vitti (Tilla) class of land for the acquired land with 12% interest on the enhanced amount of compensation compounding from the date of notification u/s 4 of the L.A Act up to the date of award by L.A. Collector or the date of taking possession of acquired land whichever is earlier as per Section 23(2) and Section 23(1-A) of the said Act respectively. The refereeing claimant will further get interest at the rate of 9% per annum from the date of taking over possession for one year and thereafter at the rate of 15% per annum after expiry of said one year till payment upon the said excess amount of compensation as per Section 28 of the L.A Act. The Ld.L.A Judge has passed the awarded of compensation based on the prevailing market value, whereas the acquisition of land was notified in the year 2012.

[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 remanded back by setting aside the impugned order dated 13.09.2024 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 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

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