

**HIGH COURT OF TRIPURA
AGARTALA**

L.A. App.38 of 2024

The Deputy Chief Engineer (Construction- 1), NF Railway

..... Appellant(s)

Versus

Shri Mukta Mohan Jamatia and another

..... Respondent(s)

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

For Respondent(s) : Mr. P. Gautam, Sr. G.A.

Date of hearing and delivery
of judgment and order : 17.01.2025.

Whether fit for reporting : Yes/No.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

JUDGMENT & ORDER (ORAL)

The present appeal is filed under Section 54 of the Land Acquisition Act, 1894 against the judgment and order dated 19.01.2023 passed in Misc. (L.A.) 14 of 2018 by the learned Land Acquisition Judge, West Tripura, Agartala.

[2] It is seen from record that notices have been served upon the respondents No.1 & 2. Mr. P. Gautam, learned Sr. G.A. appears on behalf of respondent No.2 i.e. LA Collector but, there is no representation on behalf of the claimant-respondent No.1. Record reveals that though the notice has been served upon the said respondent No.1, there is no representation on all the occasions. The matter has come up for final hearing.

[3] Heard Mr. B. Majumder, learned Dy. SGI appearing for the appellant- NF Railway. Also heard Mr. P. Gautam, learned Sr. G.A. appearing for respondent- LA Collector.

[4] It is brought to the notice of this Court by the learned counsel appearing for the parties that the subject-matter involved in the present appeal is squarely covered by the orders of this Court in the several Land Acquisition appeals wherein, this Court has observed that even without examining the title deeds and only on the strength of khatian, compensation has been awarded. There has been no finding, any report or any document to be placed 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 the possession of the claimant. On the strength of the khatians which are the entries in revenue record, it cannot be said that the persons in possession claiming the compensation are the real owners 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.

[5] 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 19.01.2023 passed by 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 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 claim.

[6] 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.

[7] 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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