

**HIGH COURT OF TRIPURA
AGARTALA
LA. App No. 35 of 2025.**

The Deputy Chief Engineer, (Con.2) N.F.Railway
Appellant (s)
Versus
Smt. Dayabati Tripura & Ors.
Respondent(s)

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

For Respondent(s) : None.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

ORDER

21.08.2025

[1] Heard Mr. B. Majumder, learned Dy. SGI appearing for the appellant.

[2] This appeal has been filed under Section 54 of the Land Acquisition Act, 1894, against the judgment and award dated 16.10.2023 passed in CM (L.A.) 69 of 2022 seeking the following the relief :-

(i) Admit the instant appeal;

(ii) Issue notice upon the respondents to show cause as to why the impugned judgment/award dated 16.10.2023 passed in CM (L.A.) 69 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. (L.A.) 69 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 16.10.2023 passed in CM (L.A.) 69 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."

[3] It is seen from the record that inspite of notices on the earlier occasion in I.A No. 01 of 2025, there was no representations for the respondents and again when the case is listed today, there has also been no representation from the respondents .

[4] The matters pertaining to payment of compensation. This Court in identical appeals under land acquisition act has taken a view that since, the issue of ownership was not decided framing any separate issue for proving the title and the ownership, this Court remanded all such matters to the concerned LA Judge.

[5] Accordingly, this matter also needs to be remanded back to the trial Court. Since, the issue was not framed by the learned trial Court regarding title and ownership of the claimants. Accordingly, the lower Court's order dated 16.10.2023 is set aside and the appeal is remanded back to the trial Court for reconsideration of the matter by framing an issue on the point of title deed and to decide the ownership and, thereafter, pass an award in accordance with law.

[6] 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.

DR. T. AMARNATH GOUD, J

Paritosh

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