

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App No. 27 of 2025

The Managing Director, TIDC, Industry Building, 3rd Floor, Gurkhabasti,
Police Station: New Capital Complex, District: West Tripura

.....Appellant(s).

Versus

- 1) **Sri. Nitai Deb,**
 - 2) **Sri. Biswanath Deb,**
Both s/o- Late Abani Kanta Deb.
 - 3) **Smt. Bina Deb,**
W/o Late AbaniKanta Deb.
 - 4) **Smt. Anjana Deb,**
D/o Late Abani Kanta Deb.
- All are residents of R. K. Nagar, P.S- Bodhjungnagar,
P.O. - Khas Noagaon, District- West Tripura.

.....Respondents.

- 5) **The Land Acquisition Collector,**
West Tripura, P.O- Agartala, P.S. - West Agartala,
District- West Tripura, Pin-799001.

.....Pro-forma-Respondent.

For the Appellant(s)	: Mr. B.N. Majumder, Sr. Advocate Mr. Rajib Saha, Advocate
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For the Respondent(s)	: Mr. Uttam Kumar Majumder, Advocate Mr. Sankar Lodh, Advocate Mr. D. Goswami, Advocate
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BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
ORDER

03/11/2025

[1] Heard learned counsel appearing for the respective parties.

[2] This present appeal has been filed against the judgment and award dated 07.08.2023 passed by the learned L.A. Judge, Court No.1, West Tripura, Agartala in case No. MISC (L.A.) 12 of 2016.

[3] By filing the instant appeal, the appellant herein seeks for the following reliefs:

“(a) Admit this appeal condoning the delay of 510 days.

(b) Call for the records pertaining to Case No. Misc. (L.A.) 12 of 2016, from the Ld. Court of Land Acquisition Judge (Court No. 1), West Tripura Judicial District, Agartala,

(c) Pass an order for preparation of paper book;

(d) In the interim be kind enough to stay the impugned Judgement and award dated 07.08.2023, Case No. CIVIL MISC (L.A.) 12 of 2016, pending disposal of the appeal;

(e) After hearing the parties, be kind enough to set aside the Judgement dated 07.08.2023, Case No. MISC (L.A.) 12 of 2016, for the fair ends of justice.”

[4] Mr. R. Saha, learned counsel on behalf of the appellant submits before this Court that learned LA Judge passed the award in the higher side with higher interest and did not consider the land value of the property and more so, the claimant(s) had not adduced any documentary evidence to prove that they are the owner and possessor of

the acquired land or they were having right, title, interest over the acquired land. He, therefore, urges this Court to set aside the impugned judgment dated 07.08.2023 passed by the learned L.A. Judge, Court No.1, West Tripura, Agartala in case No. MISC (L.A.) 12 of 2016.

[5] Upon hearing the submissions made at the Bar and on perusal of record, this Court is of the view that the matter pertains to payment of compensation and in identical appeals under Land Acquisition Act, this Court has taken a view that since, the issue of ownership needs to be decided framing any separate issue for proving the title and the ownership, all such matters be remanded back to the concerned LA Judge for fresh adjudication. This Court is of the opinion that if the possession of a person is not backed by a legal title or formal tenancy, he will not be entitled to compensation for the land itself. 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 claimant(s). Accordingly, order of the Court below dated 07.08.2023 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] 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(s)

shall also produce any such document claiming him/her/them to be the lawful owner of the land in question by placing title deed, if any. The claimant(s) is/are also at liberty to adduce any other relevant documents supporting the claim. Once the documents are placed on record, the Court shall expedite the matter.

[7] 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.

[8] With the above observations and directions, 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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