

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A

L.A. App. No.32 of 2025

1. The Managing Director, TIDC, Industry Building, 3rd Floor, Gurkhabasti,
P.S. New Capital Complex, District: West Tripura.

.....Appellant

_V_E_R_S_U_S_

1. Sri Pradip Kumar Chakraborty, son of late Bidhu Ranjan Chakraborty,
resident of R.K. Nagar, P.S. Bodhjungle, P.O. Khas Noagaon, District:
West Tripura.

.....Respondent

2. The Land Acquisition Collector, West Tripura, P.O. Agartala, P.S. West
Tripura, District: West Tripura, PIN-799001.

.....Pro-forma-respondent

For Appellant(s)	:	Mr. Rajib Saha, Advocate.
For Respondent(s)	:	Mr. U. K. Majumder, Advocate.
		Mr. S. Lodh, Advocate.
		Mr. D. Sarma, Addl. G.A.
Date of hearing	:	24.11.2025
Date of delivery of Judgment and order	:	26.11.2025
Whether fit for reporting	:	YES/NO

HON'BLE JUSTICE DR. T. AMARNATH GOUD
_F_I_N_A_L_O_R_D_E_R_

Heard both the parties.

[2] This is an appeal filed under Section-54 of the Land Acquisition Act, 1894 read with Order-XLI of Civil Procedure Code, 1908 against the judgment and award dated 02.08.2023 passed in Misc L.A. 02 of 2016 by the learned L.A. Judge, Court No.1, West Tripura, Agartala.

[3] The facts in brief are that, in reference to the prayer made by the claimant-respondent in the present appeal, an L.A. Reference case was instituted before the learned Court of L.A. Judge, West Tripura, Agartala, claiming the enhancement of the compensation amount, allowed by the learned L.A. Collector at the time of acquiring the land from the claimant-respondent. The present appellant had appeared in the said reference case and contested the same. After full fledged trial of the case and hearing the arguments advanced by all the parties, the learned L.A. Judge passed the award dated 02.08.2023 whereby and

whereunder, the compensation was enhanced to the rate of Rs. 8,00,000/- (Rupees eight lakh only) per kani.

[4] Having heard the learned counsel appearing for the parties and gone through the material evidence on record, the learned Court below has observed as under:

“In the result, the petition under Section 18 of the Land Acquisition Act, 1894 as referred by the L.A. Collector, West Tripura, Agartala is allowed on contest. The referring claimant namely, Sri Pradip Kr. Chakraborty is entitled to get compensation for the acquired land at the rate of Rs.8,00,000/- (Rupees eight lacs) per kani. The compensation shall be added with 30% solatium under Section 23(2) of the L.A. Act and 12% interest under Section 23(i) (A) of the L.A. Act from the date of notification under Section 4 of the said Act till the date of taking over the possession of the acquired land or the date of award whichever is earlier. The interest on the amount of compensation and solatium shall be at the rate of 9% per annum over the enhanced amount of compensation granted for the acquired land from the date of taking over the possession, till one year and @ rate of 15% per annum from the date of expiry of 1 (one) year till the date of payment of the enhanced amount of compensation. The amount so paid earlier as compensation under Section 11 of the L.A. Act shall be adjusted with the amount awarded by way of enhancement.”

[5] Having been aggrieved by and dissatisfied with the aforesaid impugned judgment and award dated 02.08.2023, passed by the learned L.A. Judge, the appellant begs to prefer this instant appeal before this Court.

[6] Mr. R. Saha, learned counsel appearing for the appellant has submitted that the impugned Judgment and award dated 02.08.2023 suffers from illegality and has erred in both facts and law and passed the impugned Judgment and Award most illegally. The learned Court below has failed to appreciate the provisions of law and facts as well as the evidence on record and came to the erroneous conclusion of award. The learned Court below did not consider the fact that the acquired land was 'Tilla' class of land and was situated far from the main road as well as the market. The learned Court below did not consider that the land acquired did not have amenities of modern facilities like electricity, water supply, telephone, post office, market, school, hospital, Govt. office etc. In the present case no settlement map was proved to show the exact location of the acquired land.

[7] The learned Reference Court failed to appreciate that every judgment must be read as applicable to the particular facts proved, or assumed to

be proved. A case is only an authority for what it actually decides. In LA Appeal No. 64 of 2021 affirming the judgment delivered by the learned L.A. Judge (Court No.2), West Tripura, Agartala in Misc. (L.A.) 178 of 2014 on 30.07.2018 wherein the learned L.A. Judge (Court No. 2), West Tripura, Agartala enhanced the price of the acquired land from Rs. 60,000/-, per kani to Rs. 8,00,000/- per kani.

[8] It has been contended that the learned Reference Court failed to appreciate that the class of Land, involved in the Judgment dated 15.02.2023, delivered by the Hon'ble High Court of Tripura in L.A. Appeals No. 64 of 2021 affirming the judgment delivered by the Ld. L.A. Judge (Court No.2), West Tripura, Agartala in Misc. (L.A.) 178 of 2014 on 30.07.2018, is different from the one involved the instant reference case.

[9] The Court vide Judgment dated 15.02.2023, delivered L.A. Appeal No. 64 of 2021 affirming the judgment delivered by the Ld. L.A. Judge (Court No.2), West Tripura, Agartala in Misc. (L.A.) 178 of 2014 on 30.07.2018 decided the compensation for Viti (Tilla) class of land, whereas, the class of land involved in the instant reference is Tilla, simplicitor. Viti is a Bengali word. Viti means where people reside by constructing hut i.e. dwelling hut. Viti (tilla) class of land means a home constructed on a tilla for residence. Therefore the class of land relatable to the case in hand that of L.A. Appeal No. 64 of 2021 are completely different class of land and therefore the judgment of L.A. Appeal No. 64 of 2016 has no application at all. The learned court below failed to appreciate that every judgment must be read as applicable to the particular facts proved or assumed to be proved. A case is only on authority for what it actually decides.

[10] The learned Court has also wrongly held that considering all factors including the increasing trend of land rate in the State of Tripura, the claim of the referring claimant will be justified if the rate of compensation for the acquired land is enhanced from Rs. 60,000/- per kani to Rs. 8,00,000/- per kani. The fact that even in the same village or locality, no two lands command the same market value. The value of lands shall be determinable depending on many factors. The jurisdiction to entertain the present appeal preferred under Section-54 of the Land Acquisition Act, 1894, read with Order-XLI of Civil Procedure

Code, 1908, challenging the Judgment and award dated 02.08.2023, passed by the learned L.A. Judge, Court No. 1, West Tripura, Agartala in Case No. MISC (L.A.) 02 of 2016.

[11] The acquired land of this notification is Bagan (Tilla) class of land and situated far from the main road and at the time of acquisition, the acquired land had no potential value as claimed by the referring claimant for enhancement of compensation. It is also added that there were no amenities of modern facilities like as electricity, water supply, telephone, post office, market, school, hospital, Govt. office etc. So, the assessment done by the learned L.A. Collector was reasonable which was done considering the market value of the land at the relevant point of time. Hence, the claim of the referring claimant for enhancement of the amount of compensation is not tenable in the eye of law and the same is liable to be rejected in limine. The learned L.A. Collector also denied the claim of the referring claimant for enhancement and rightly awarded compensation considering the prevailing market price, the condition and status of the acquired land. It has been further averred that the referring claimant is not entitled to get further compensation at enhanced rate for the acquired land. The L.A. Collector has granted sufficient compensation in favour of the referring claimant considering all aspects.

[12] Mr. Saha, learned counsel further averred that the acquired land was till class of land and it was an abandoned place for which the selected site for the purpose of construction of industrial growth center. The learned Court below has rightly awarded a just and fair amount of compensation for the acquired land considering those facts. In the present case the land under acquisition should not be of same nature as the L.A. Collector in his assessment note has clearly mentioned that the lands proposed for acquisition were classified in three categories. In the first category Nal and Chara (Nal) class of land was valued at Rs.75,000/- per kani whereas in the 2nd category the Viti (Tilla) Chara (Tilla), Chankhala, Chankhala (Tilla) Tilla, Bagan (Tilla), Lunga and Gochar (Tilla) class of land were valued at Rs.60,000/- per kani and in the 3rd category Jungle, Bandh (Lunga) and path class of land were assessed at Rs.50,000/- per kani and pointed out that the plot of land acquired in this case come in within the

2nd category and therefore, the L.A. Collector had correctly assessed the value of the acquired land @Rs.60,000/- per kani.

[13] Mr. Lodh, learned counsel for the respondent has argued that the acquired land is situated under Mouja -R. K. Nagar Sheet No.1/P having high potential value and closer to Agartala Town. There are several important establishments situated around the acquired land which has increased the market value of such land since the year 2000. It is also argued that considering the fact of gradual increase of price of land in Tripura, at least an amount of Rs.60 lakh per kani would be the just and fair amount of compensation considering the potentiality of the acquired land in question. It is further argued by the learned Counsel that the entire acquired land had been using by the referring claimant for the purpose of agriculture as because there was no house on the acquired land and its adjacent area since the 1980 riot in Tripura. It is submitted by the learned Counsel that in the assessment note in Para-2 at para-6 the L.A. Collector himself admitted those facts. It has been further argued by the learned counsel that as the referring claimant has been lost his agricultural land due to the proposed acquisition, the referring claimant has been deprived of from his regular income from the acquired land by selling the agricultural production but unfortunately, the learned L.A. Collector, West Tripura, Agartala did not consider that vital fact at the time of assessment of the valuation of the acquired land and wrongly assessed the price of the acquired land.

[14] It has been further contended that admittedly, all the acquired plots of land had been using by their owners for the purpose of agriculture since the 1980 riot in the State of Tripura and as such, all the owners of the acquired plots of land are entitled to get similar price for their acquired land. To establish their point of view, learned counsel has placed reliance on some decisions of the Hon'ble Apex Court i.e. in *Balram Chandra v. State of U.P.* reported in (1995) 3 SCC 723 and *Ram Prakash Agarwal and Another v. Gopi Krishan (dead through LRs.) and Others*, reported in (2013) 11 SCC 296.

[15] In *Balram Chandra v. State of U.P.* reported in (1995) 3 SCC 723, the Hon'ble Apex Court has observed as under:

“3. The Collector after making enquiry and passing the award, is re-quired under s.11 to consider the questions of: (i) the true area of the land required for determination of the compensation; (ii) the compensation which in his opinion should be allowed for the land; and (iii) the appor-tionment of the compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively interested in receiving the compensation. On determination of such of these questions and making the award under s.11, the claimants, on receipt of notice, are entitled to receive it on protest and to make an application under s.18 of the Act with objections to the extent of the nature of the land, or the amount awarded or the persons entitled to receive compensation. When such an application within the limit prescribed under the proviso to s.18 is made, the Collector is required, under s.19 of the Act, to refer the objections with a statement with regard to the objections raised, to the Civil Court. Thereon, under s.20 of the Act, the reference Court is enjoined to give notice not only to the claimants but also to the Collector and persons interested in the land and the Court is required to go into the objections raised.”

[16] In *Ram Prakash Agarwal and Another v. Gopi Krishan (dead through LRs.) and Others*, reported in (2013) 11 SCC 296, the Hon’ble Apex Court observed as under:

“24. The said case required to be examined from another angle. Undoubtedly, the respondents did not make any application either under Section-18 or Section-30 of the 1894 Act to the Land Acquisition Collector. The jurisdiction of the reference Court vis-à-vis “persons interested” has been explained by this Court in *Shyamali Das v. Illa Chowdhury*, holding that the Reference Court does not have the jurisdiction to entertain any application of pro interesse suo, or in the nature thereof. The Court held as under (SCC p.304, Para-19)

“19. The Act is a complete code by itself. It provides for remedies not only to those whose lands have been acquired but also to those who claim the awarded amount or any apportionment thereof, a Land Acquisition Judge derives its jurisdiction from the order of reference. It is bound thereby. His jurisdiction is to determine adequacy or otherwise of the amount of compensation paid under the award made by the Collector.”

Thus holding that (SCC p.304, para-19):

“19. It is not within his domain to entertain any application of pro interesse suo or in the nature thereof.”

The plea of the appellant therein, stating that the title dispute be directed to be decided by the Reference Court itself, since the appellant was not a person interested in the award, was rejected by this Court, observing that the Reference Court does not have the power to enter into an application under Order-I Rule-10 CPC.”

[17] I have perused the evidence led by the respective parties. I find that even at this stage of appeal, Order-XLI Rule-2, since it is continuous process, at this level objection has been raised by the learned counsel appearing for the appellant and submitted that they are not the owner and they are not

entitled for any compensation under the capacity of owner. Since it is a public money, it cannot be paid to a legitimate person have alienable title and ownership but not to any unauthorized person. It is settled law that in a land acquisition case the claimant is to prove his own case. Non-furnishing of any evidence to prove the distance between his land and the lands of those sale instances is fatal for the claimant-respondents. There is no evidence that the land value was increasing since long. I am at a loss to understand, wherefrom the learned L.A. Judge has got this evidence.

[18] In Avinash Dhavaji Naik case, the Supreme Court has held that in absence of any example of sale being available, the reference Court is required to take recourse to other methods of valuation. When the lands sought to be acquired are admittedly agricultural in nature, the State should bring on record the requisite information, viz., the nature of the crop, the annual average yield, availability of irrigation facilities, etc., so as to enable the reference Court to arrive at a correct decision in regard to grant of compensation under the Act. The potentiality of a land for the purpose of development as also for building purposes would depend upon a large number of factors. For the said purpose, the Court may not only have to bear in mind the purpose for which the lands were sought to be acquired but also the subsequent events to some extent. The price of the land may skyrocket depending upon the development as also future potentiality.

[19] It is settled principle that among all of the sale instances, the highest one is to be taken into account to determine the market price of any land under acquisition. I also find that the land is of alluvial and fertile in nature which would definitely fetch higher value, but, from the evidence on record, I do not find any substance to support the assessment of the market value of the said land as determined by the learned L.A. Judge. In my opinion, though the L.A. Act is an enactment aimed towards the welfare of the land-loosers yet, the Court should not be unmindful to the fact that the award should never be at the whims of the Court. It must consider the evidence as led by the parties, particularly the claimants i.e. land owners.

[20] This Court has consistently taken the view that, while land-losers are entitled to fair, transparent, just and even generous compensation, more so in a scenario of continuously escalating land value, such compensation can be granted only to genuine owners who establish their right, title, and interest. A khatian or revenue record, by itself, does not confer title. Therefore, when the Land Acquisition Collector has not disputed ownership and the matter reaches this Court for determination of compensation in its entirety, the Court must ensure that public funds are not disbursed to an unauthorized or non-entitled person. At the same time, a rightful owner who establishes his claim is entitled to receive compensation, which must be determined generously and reasonably, and in accordance with the settled principles governing land acquisition. This Court feels that since the amount is involving public money, an unauthorized person cannot be paid a single rupee.

[21] In view of the above observation, this Court is of the opinion that ends of justice would be met if the present matter is remitted back by setting aside the impugned judgment and award dated 02.08.2023 passed by the L.A. Judge, West Tripura, Agartala, and accordingly, the same is ordered. The competent authority shall re-examine the matter by giving opportunity to both sides for filing relevant documents and mark exhibits and also frame additional issues on the alienable right, title and interest. The claimant shall also produce any such document claiming to be the lawful owner of the land in question by placing title deed, if any. The claimants are also at liberty to adduce any other relevant documents in support of their claim.

[22] In that view of the matter, the present appeal is remanded back and is, accordingly, disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

DR.T. AMARNATH GOUD, J

A. Ghosh

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