

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A

L.A. App. No.25 of 2025

Member, Dy. Secretary (I/C) and Another

.....Appellants

_V_E_R_S_U_S_

Sri Swapan Lal Singha and Another

.....Respondents

For Appellant(s) : Mr. D. Sarma, Addl. G.A.

For Respondent(s) : Mr. A. De, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

01.12.2025

Heard.

[2] This is an appeal filed under Section-54 of the Land Acquisition Act, 1894, against the judgment and award dated 30.05.2022 passed in Misc (L.A.) 162 of 2016 by the learned L.A. Judge, West Tripura, Agartala, Court No.4.

[3] The fact of this case, in brief, reference under Section-18 of the Land Acquisition Act, 1894, for short, hereinafter referred as the 'L.A. Act' made by the L.A. Collector, West Tripura, Agartala for determination of valuation of the acquired land on account of acquisition of land measuring 0.15 acre comprised in Khatian No.35023 appertaining to plot Nos. 28973, 28960 and 28964 of Viti (Tilla) and Viti (Nal) classes situated at Mouja Badharghat, Sheet No. 5(3)/P under Badharghat Tehasil, West Tripura District, belonged to the Respondents/referring claimants, for the purpose of construction of Vigyangram (Science City) under Sadar Sub-Division vide Notification dated 05.06.2012, under Section-4 of the L.A. Act followed by declaration vide No. F.09 (1)-REV/ACQ/XIV/12 dated 18.07.2012.

[4] According to the Respondent/referring claimants total land measuring 0.15 acre classified as Viti (Tilla) and Viti (Nal) of plot Nos. 28973, 28960 and 28964 under khatian No. 35023 were acquired by the L.A. Collector, West Tripura, Agartala and the value of the land has been assessed @ Rs. 1,42,50,000/- per acre along with 30% solatium and interest @ 12% per annum w.e.f. 08.06.2012 to 07.09.2012 and thereby calculated the amount of compensation to the tune of Rs.28,43,402/- (Rupees twenty eight lacs forty three thousand four hundred and two) only. The referring claimants further stated that the acquired lands are

developed and located at Agartala City in the vicinity of Dukli Block, ONGC Complex, State Horticulture Garden and Siddhi Ashram Tri-Junction. The land is situated just opposite of the Agartala Sabroom Road near power house. The communication facilities are available for 24 hours and it is well equipped with all modern facilities and the land has / had very much potential for commercial use. It is also stated that the L.A. Collector also ignored the sale documents of nearby lands and value of the land is increasing day by day and that the then market value of the acquired land was not considered by the L.A. Collector. The referring claimant claimed the value of land @ Rs.2,50,00,000/- per kani.

[5] No separate counter statement has been filed on behalf of the O.P. No.1 i.e. the requiring department. The O.P. No.2 the L.A. Collector through counter statement has stated that the claim statement filed by the claimant side is not maintainable and that the land was acquired after due compliance with necessary statutory formalities. The L.A. Collector after due consideration of mandatory provisions of the L.A. Act determined the compensation at the highest side of the prevailing market price. It is also contended that the acquired land was Viti Tilla class of land situated far from the road having no potential value and there were no amenities of modern facilities like electricity. The L.A. Collector, therefore, prays for making the award made by them final and absolute.

[6] After hearing the Ld. LA Judge, West Tripura, Agartala after appreciation of evidence pleased to observed as under:

"9. As per the claim petition the claimed amount is Rs.2,50,00,000/- per kani as modern amenities are available near the acquired land which increased the value of the land. Such contention has been supported by the evidence of the PW1 i.e. the referring claimant Sri Swapan Lal Singha himself, but no substantive piece of evidence could be adduced to substantiate such claim.

On perusal of the covered judgment passed by this Court in Misc.

L.A. 174 of 2016 regarding assessment and fixation of market value of the acquired land, it has been found that for the similar acquisition under same notification an amount of Rs.1,50,00,000/-has been fixed as a prevailing market price of the acquired land at the time of acquisition. It is also found that this Court while passing said judgment relied on the judgment passed by Ld. L.A. Judge, Court No.2, in Misc. L.A. 170 of 2016 wherein said Ld. Court fixed the market value of the acquired land on the basis of the registered sale deeds exhibited in this case as Ext.2 series, 3 series and 4 series. Thus, no one will be prejudiced if the market price of the acquired land of this case is fixed as awarded or was fixed in the covered judgment mentioned above @ Rs. 1,50,00,000/- per kani. Moreover, the O.Ps of this case also failed to adduce

any substantive evidence to justify the award given by the L.A. Collector; rather they have also relied upon the judgment submitted by the referring claimant side.”

[7] Being aggrieved by and dis-satisfied with the same, the present appeal has been preferred before this Court for redress.

[8] 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 L.A. 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 learned L.A. Collector to show that the L.A. 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. the 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.

[9] 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 order dated 30.05.2022 passed by the learned 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 claimants 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.

[10] 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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