

HIGH COURT OF TRIPURA

AGARTALA

LA.App. No. 42 of 2025

1. The Deputy Chief Engineer (Con-2),

N.F. Railway, Gurkhabasti, Agartala, West Tripura.

-----Appellant (Opposite Party).

Versus

1. Sri Keshab Lal Banik,

Son of Sri Chandra Nath Banik, resident of Raghunathpur, P.S Bishalgarh,
District- Sepahijala, Pin- 799102.

----- Respondent (Claimant)

2. The Land Acquisition Collector,

West Tripura District, Agartala, Now Sepahijala District, Bishramganj.

.....Respondent.

For the Appellant(s)	:	Mr. B. Majumder, Dy.SGI.
For the Respondent(s)	:	Mr. P K Biswas, Sr. Advocate.
		Mr. P. Majumder, Advocate.
		Mr. S. Saha, Advocate.
		Mr. R. Nath, Advocate.

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD**

ORDER

15.09.2025

[1] Heard Mr. B. Majumder, learned Dy. SGI appearing for the appellant. Also heard Mr. P. Majumder, learned counsel appearing for the claimant-respondent.

[2] This appeal has been filed under Section 54 of the Land Acquisition Act, 1894, against the judgment and award dated 24.05.2024 passed in Misc. (L.A) 23 of 2018 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 24.05.2024 passed in Misc. (L.A.) 23 of 2018 by the learned L.A. Judge, Sepahijala District, Bishalgarh shall not be set-aside;
AND
(iii) Call for the records of case no. Misc. (L.A.) 23 of 2018 from the court of the learned L.A. Judge, Sepahijala District, Bishalgarh.
AND

(iv) After hearing both the sides may kindly set aside the impugned judgment and award dated 24.05.2024 passed in Misc. (L.A.) 23 of 2018 by the learned L.A. Judge, Sepahijala District, Bishalgarh

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] The matter 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.

[4] 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. Accordingly, the lower Court's order dated 24.05.2024 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.

[5] 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.

[6] 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

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