

HIGH COURT OF TRIPURA
AGARTALA
LA APP NO.48 OF 2025

The Deputy Chief Engineer (Con-2),
N.F. Railway, Gurkhabasti, Agartala, West Tripura.

... APPELLANT-OPPOSITE PARTY.

VERSUS

1. Tazul Islam,
S/O Abdul Choban.
2. Jahenara Begam,
W/O Lt. Ichab Ali.
3. Marupa Begam,
daughter of Lt. Ichab Ali.
4. Majeda Begam,
Daughter of Lt. Ichab Ali.
5. Manoyara Begam,
Daughter of Lt. Ichab Ali.
6. Md. Hanif,
Son of Lt. Ichab Ali.
7. Billal Hossain,
Son of Ichab Ali
8. Kamal Hossain.
Son of Lt Ichab Ali.
9. Alyea Begam,
daughter of Lt. Abdul Choban.
10. Ayesha Khatun,
daughter of Lt. Abdul Choban.
11. Nurul Islam,
son of Lt Abdul Choban
12. Shirajul Islam,
son of Lt Abdul Choban.



13. Peyara Begam,
Daughter of Lt. Abdul Choban,

14. Saykul Islam,
S/o Lt. Abdul Choban.

All are resident of Village-Raghunathpur, P.S-Bishalgarh, District-Sepahijala. Pin-799102

...RESPONDENT-CLAIMANT(S)

15) Land Acquisition Collector, West Tripura, Agartala, (Now Sepahijala District, Bishramganj.

.....RESPONDENT

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Present:

For the Appellant(s) : Ms. B. Majumder, Deputy SGI.

For the Respondent(s) : Mr. S. Saha, Advocate.

12.12.2025

Order

1. This present appeal has been filed against the judgment and award dated 15.05.2024 passed in Misc.(L.A.) 33 of 2018 by the learned Land Acquisition Judge, Sepahijala District, Bishalgarh.

2. The brief fact of this case is that, as per the requisition of the appellant, the land of the respondent-claimants, hereinafter referred to as the respondents, situated under Mouja-Bishalgarh, recorded in Khatian No. 998/1, 2 & 3, Plot Nos. 4472, 4475, 5114(p), 4426(p), 4427, 4458, 4459, 5344, 4428/12612 and 4683 under Sheet No. 5/p, land measuring 0.87 acres, classified as Nal and Viti (Nal) land, was acquired by respondent No. 2, i.e., the Land Acquisition Collector, South Tripura, vide notification dated 28.06.2011 for construction of the "New Railway Line from Agartala to Sabroom." Accordingly, the L.A. Collector, South Tripura, Sabroom,

awarded compensation @ Rs. 14,00,000/- per kani for 'Nal' class of land and Rs. 25,00,000/- per kani for 'Viti' class of land.

3. Being aggrieved by the amount of compensation, the respondentS filed an application under Section 18 of the L.A. Act, 1894, seeking reference of the matter to the L.A. Judge, Sepahijala District, Bishalgarh, for determination of proper compensation. Thereafter, the learned L.A. Judge, Sepahijala District, Bishalgarh, after framing issues and hearing both parties, by judgment dated 15.05.2024 allowed the claim petition and enhanced the value of 'Nal' class land to Rs. 25,00,000/- per kani and enhanced the value of 'Viti' class land to Rs. 30,00,000/- per kani.

4. Being aggrieved and dissatisfied with the judgment and award dated 15.05.2024 passed by the learned L.A. Judge, Sepahijala District, Bishalgarh, in Misc.(L.A.) 33 of 2018, the appellant has preferred the instant appeal seeking to set aside the impugned judgment and award dated 15.05.2024.

5. It is seen from the record that, despite service of notice, there is no representation on behalf of the unofficial respondents.

6. Heard Mr. B. Majumder, learned Deputy SGI, appearing for the appellant, as well as Mr. S. Saha, learned counsel appearing for the official respondent.

7. This matter pertains to payment of compensation. This Court, in identical appeals under the Land Acquisition Act, has taken the view that since the issue of ownership was not decided by framing any separate issue for proving title and ownership, such matters were remanded to the concerned L.A. Judge.

8. Accordingly, this matter also needs to be remanded back to the trial Court, since the issue regarding title and ownership of the claimants was not framed by the learned trial Court. Therefore, the order dated 15.05.2024 passed by the lower Court 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 deciding the ownership, and thereafter passing an award in accordance with law.

9. It is needless to observe that, in the event the land is acquired belonging to the landlord, he would be entitled to fair and even generous compensation in a given circumstance; but unless it is decided that the recipient of the claim amount holds a valid, alienable title, it cannot be said that he is entitled to claim compensation. An unauthorized person cannot be paid even a single rupee from public money.

10. With the above observations and directions, the appeal is remanded back and is accordingly disposed of. As a sequel, miscellaneous application(s), if any, shall also stand closed.

DR. T. AMARNATH GOUD, J

Suhanjit

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