

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App No. 26 of 2025

The Member, Dy. Secretary (I/C) Tripura State Council for Science & Technology, Gorkhabasti, Agartala, District West Tripura.

.....Appellant(s).

Versus

1. Sri Dilip Chandra Paul, S/O. Kalidas Paul resident of A.D Nagar, P.S. A.D. Nagar, District West Tripura.

2. Smti. Shefali Kar (Paul), W/O. Sri Dilip Chandra Paul resident of A.D. Nagar, P.O & P.S. A.D. Nagar, District West Tripura.

3. The Land Acquisition Collector, West Tripura, Agartala. Respondents

.....Respondent(s)

For the Appellant(s)	: Mr. Pradyumna Gautam, Sr. G.A.
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For the Respondent(s)	: Mr. Asutosh De, Advocate Mr. Mintu Deb Roy, Advocate Ms. Manasi Roy, 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 under Section 54 of the
Land Acquisition Act, 1894 against the Judgment dated 28.02.2022

passed by the Land Acquisition Judge, Court No.1, West Tripura, Agartala in Misc (LA) 171 of 2016 wherein the learned LA Judge enhanced the awarded amount of compensation from Rs.57,00,000/- per kani to Rs. 1,50,00,000/- per kani.

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

“(a) To admit the appeal,

(b) To issue notice to the parties;

(c) To pass order setting aside the impugned Judgement & Award dated 28.02.2022 passed by the Ld. LA Judge, West Tripura, Agartala in Misc. (LA) 171 of 2016, with cost.

(d) To grant stay order against the Judgement & Award dated 28.02.2022 passed by the Ld. LA Judge, West Tripura, Agartala in Misc. (LA) 171 of 2016 till disposal of the connected appeal filed by the appellant for ends of justice.”

[4] Mr. P. Gautam, learned Sr. G.A. on behalf of the appellant submits before this Court that learned LA Judge did not consider that 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 28.02.2022 passed by the Land Acquisition Judge, Court No.1, West Tripura, Agartala in Misc (LA) 171 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 was not 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 28.02.2022 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.



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