

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App No. 49 of 2025

Mr. Alfu Mia

.....Appellant.

Versus

The Deputy Transport Commissioner and another

.....Respondents

For the Appellant(s)	: Mr. Ashutosh De, Advocate Ms. Sampa Das Deb, Advocate Mr. Robel Hossain, Advocate Ms. Meena Ali, Advocate
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For the Respondent(s)	: None.
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**BEFORE
HON'BLE DR. JUSTICE T. AMARNATH GOUD**

ORDER

17.07.2025

[1] Heard Mr. A. De, learned counsel appearing on behalf of the appellant.

[2] This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894 against the Judgment and Order dated 12.03.2025 passed by the learned Land Acquisition Judge, Sepahijala District, Sonamura in connection with Misc. LA 01 of 2022 wherein the learned District Judge rejected the claim of the referring claimant to enhance the amount of compensation.

[3] It is the case of the appellant that for the purpose of construction of Sonamura Motor Stand, lands have been acquired. As a result, a number of land owners were affected. All the cases were sent to the learned L.A. Judge, Sonamura and in some cases, according to the appellant, Rs.40 lakhs per kani have been awarded by the learned L.A. Judge but, in the case in hand, the claimant appellant has been awarded NIL. It is also contended that as a result, the appellant claimant has been highly deprived of in not getting the just and fair compensation though, all the land fallen under same notification and for same purpose and all the land situated adjacent to the plot of the others. The appellant prayed for equal compensation as awarded in other cases i.e. Rs.40 lakh per kani.

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

- “i) Admit the appeal;
- ii) Call for records of Misc (LA) 01 of 2022 from the Ld. LA Judge, Sepahijala, Sonamura, Tripura;
- iii) Issue notice upon the respondents;
- iv) After hearing the parties, be pleased to allow this appeal and awarded compensation be made enhancing from NIL to Rs.40 lakhs per kani for the value of the land acquired along with solatium and other statutory benefits as per Land Acquisition Act, 1894.....”

[5] When the case is called, Mr. A. De, learned counsel appearing for the appellant made an attempt to produce the original/certified copies of the property-documents, according to him, the same were not brought on record before the trial Court for whatever the reason and in the event, if the claimant is found that he is the owner of the said property and a fair compensation is not paid, he would be deprived of his properties. The original documents placed by the learned counsel are returned to him and the Xerox copies of the said documents duly signed by him have been obtained, the same be tagged with record.

[6] However, without expressing any opinion on the merits of the case and on the documents placed by the claimant before this Court claiming right over the property, it is opined that all such documents may be examined by the concerned Court below and thus, the present matter be remanded back for re-examination in the light of title-deeds and the impugned order dated 12.03.2025 passed by the learned Land Acquisition Judge, Sepahijala District, Sonamura in Misc. LA 01 of 2022 be set aside. Accordingly, the same is ordered.

[7] 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 shall also produce any such document claiming him/her to be the lawful owner of the land in question by placing title deed, if any. The claimant is also at liberty to adduce any other relevant documents supporting his/her claim. Once the documents are placed on record, the Court shall expedite the matter.

[8] 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.

[9] 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.

JUDGE

Sabyasachi G.

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GHOSH

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