

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 42 of 2024

Sri Joydeb Sulka Das and Ors.

---Petitioner(s)

Versus

The In-Charge, HR-IR, ONGC, Tripura Asset, Badharghat, Agartala

---Respondent(s)

For Appellant(s)	:	Mr. P.K. Dhar, Sr. Advocate. Mr. Rahul Debnath, Advocate. Ms. Priya Saha, Advocate.
For Respondent(s)	:	Mr. P. Gautam, Advocate. Mr. K. Debbarma, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

07.02.2025

This is an appeal under Section 54 of the LA Act, 1894 against the judgment and award dated 27.03.2024 passed by the Ld. LA Judge, Sepahijala District, Sonamura in Case No.Civil Misc(LA) 29 of 2014 dismissing the case of the referring claimant appellants and confirming the award passed by the learned Land Acquisition Collector, Sepahijala District.

[2] It is the case of the appellant that Late Charu Chandra Sukla Das, predecessor of the Referring Claimant Appellants, was possessing and enjoying the acquired land measuring 0.82 acre of Khatian No.592 of Mouja Khedabari under Sonamura Sub-Division which was acquired for construction of GCS of Respondent No.1 by Notification dated 25.03.2006. Land Acquisition Collector, Sepahijala District made award of compensation which was objected by the predecessor of the Referring Claimant Appellants and made prayer for referring the matter to the Learned Land Acquisition Judge, Sepahijala District, Sonamura for enhancement of the award and other similar cases also referred. The Learned Land Acquisition Judge, Sepahijala District, Sonamura passed Judgment and Award in similar different cases but in Case No. Civil Misc. (LA) 29 of 2014, the Learned Land Acquisition Judge, Sepahijala District,

Sonamura virtually dismissed the same confirming the award passed by the Learned Land Acquisition Collector, Sepahijala District and therefore, the Referring Claimant Appellants have preferred appeal under Section 54 of the L.A. Act against the said Judgment and Award dated 27.03.2024 passed in Civil Misc. (LA) 29 of 2014.

[3] Heard learned counsel for the parties.

[4] On the last occasion, learned counsel for the appellant made a prayer before this court to grant a reasonable time for ascertaining and procuring the original title deed/ownership document from his client. Today when the case is called for consideration, at the very outset, a copy of the sale deed purchased by the father of the appellants/claimants during 1964 is submitted by the learned counsel for the appellants. On course of the argument, he has also submitted before this court that for not proving the title before the learned court below, his case was dismissed. Aggrieved by the said order, he has approached before this court by way of filing the instant appeal. The appellant is also relying upon the said document for getting fair compensation from the respondents.

[5] After going through the record, this court thinks that the matter needs further examination and deciding the veracity of the title deed which is placed on record, it is not for this court to examine the document in this appeal stage. If a portion of land is acquired from a lawful owner, he is entitled for all benefits by fixing the fair compensation. In support of such document as an owner, the appellant relies upon the document for getting compensation. This court further opines that 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.

[6] In view of the above observation, this court is of the opinion that present matter be remanded back by setting aside the impugned order dated 27.03.2024 of the

learned court below. 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 to be the lawfully owners 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 claim.

[7] With the above observation and direction, 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.

HIGH COURT OF TRIPURA
JUDGE



सत्यमेव जयते

Dipak

DIPAK
DAS

Digitally signed by
DIPAK DAS
Date: 2025.02.11
16:37:42 +05'30'