

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 43 of 2024

Sri Gurudayal Laskar

---Appellant(s)

Versus

Sri Nityananda Bhowmik (Debnath)

---Respondent(s)

For Appellant(s)	:	Mr. Suman Bhattacharjee, Advocate. Mr. Prasenjit Shil, Advocate.
For Respondent(s)	:	Mr. Sankar Bhattacharjee, Advocate. Mr. Subhendu Noatia, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Order

04.08.2025

[1] This is an appeal under Section 54 of the LA Act, against the judgment passed by the Ld. LA Judge, Sonamura, Sepahijala, Tripura on 13.03.2024.

[2] It is the case of the appellant that the land of the appellant was acquired by the L.A Collector. The said land was exchanged by the father of the appellant from one son and one wife of the original owner Maidur Ali Master and the predecessor of the respondent also got some land from the two sons and another wife of the original owner. After the death of the father of the appellant the said land was recorded in the name of the appellant and L.A Collector initially passed the award in his favour. Thereafter, the respondent raised his claim regarding the said acquired land. The L.A Collector referred the said case before the learned L.A Judge under Section 30 of the L.A. Act. The learned L.A. Judge, Sepahijala Tripura, Sonamura, passed the Judgment declaring the Respondent as the owner of the acquired land. Hence, this Appeal.

[3] Heard.

[4] In the present case in hand, both parties appeared before this court to claim their respective shares, and the matter was referred under Section 30 of the Land Acquisition (LA) Act, 1894, to determine their proportionate shares. When this issue came up for consideration before this court, both sides failed to present a valid title deed that their predecessor had passed on to the present claimants. An exchange deed cannot be treated as a title deed. Unless the owner has a valid and alienable title, they cannot pass on a better title to third parties. 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.

[5] In light of this, it is immensely necessary for the trial court to examine the matter based on the said title document and then decide the matter in accordance with law. In the event that the parties claim any adverse title, it is always open to them to take steps before the appropriate civil court on the point of adverse possession.

[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 13.03.2024 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 claimants shall also produce any such document claiming them to be the lawfully owners of the land in question by placing title deed, if any, and adduce evidence.

[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.

JUDGE

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