

HIGH COURT OF TRIPURA
AGARTALA
LA APP. NO.55 OF 2025

The Managing Director, TIDC,
Industry Building, 3rd Floor, Gurkhabasti, P.S. New Capital Complex,
District: West Tripura

.....Appellant.

Vs.

1) Sri. Radheshyam Saha,
S/O. Late Nanigopal Saha,
Resident of Kamarpukur Par,
P.S. East Agartala,
Sub-Division Sadar, District West Tripura.

.....Respondent

2) The Land Acquisition Collector,
P.S. - West Agartala,
West Tripura, P.O- Agartala, District- West Tripura, Pin-799001.

.....Pro-Forma-Respondent.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Present:

For the Appellant(s) : Mr. B.N. Majumder, Sr. Advocate.
Mr. R. Saha, Advocate.

For the Respondent(s) : Mr. D. Sharma, Addl. G.A.
Mr. N. Chowdhury, Advocate.

05.12.2025

Order

1. Heard Mr. R. Saha, learned counsel appearing for the appellant, as well as Mr. N. Chowdhury, learned counsel appearing for the respondents.

2. The brief facts of this case are that, in reference to the prayer made by the claimant-respondent in the present appeal, an L.A. Reference case was instituted before the learned Court of the L.A. Judge, West Tripura, Agartala, claiming enhancement of the compensation amount

allowed by the L.A. Collector at the time of acquiring the land from the claimant-respondent. The present appellant had appeared in the said reference case and contested the same. After full-fledged trial of the case and hearing the arguments advanced by all the parties, the learned L.A. Judge below passed the award dated 16.08.2023, whereby and whereunder the compensation was enhanced to the rate of Rs. 8,00,000/- (Rupees eight lakh only) per kani.

3. Having been aggrieved by the judgment and award dated 16.08.2023, passed by the learned L.A. Judge, Court No. 1, West Tripura, Agartala, in Case No. MISC (L.A.) 38 of 2016, the appellant preferred this instant appeal before this Court seeking the following reliefs:—

“(a) Admit this appeal condoning the delay of 619 days.

(b) Call for the records pertaining to CASE NO. MISC. (LA) 38 of 2016, from the Ld. Court of Land Acquisition Judge (Court No. 1), West Tripura Judicial District, Agartala;

(c) Pass an order for preparation of paper book;

(d) In the interim be kind enough to stay the impugned Judgment and award dated 16.08.2023, Case No. CIVIL MISC (L.A.) 38 of 2016, pending disposal of the appeal;

(e) After hearing the parties, be kind enough to set aside the Judgment dated 16.08.2023, Case No. MISC (L.A.) 38 of 2016, for the fair ends of justice.

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

5. Accordingly, this matter also needs to be remanded back to the trial Court, since the issue regarding the title and ownership of the claimants was not framed by the learned trial Court. Accordingly, the lower Court's order dated 16.08.2023 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.

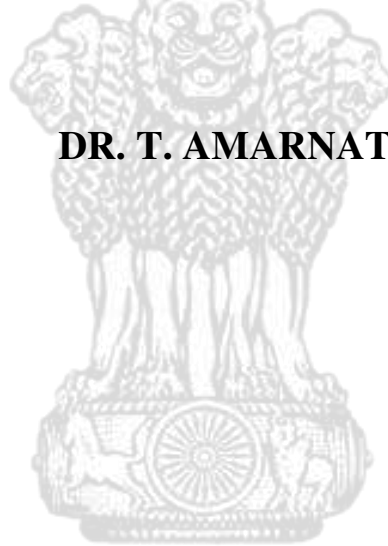
6. It is needless to observe that, in the event the land is acquired pertaining to the landowner, he would be entitled to fair and even generous compensation in a given circumstance, but unless it is decided that the recipient of the claim amount is holding a valid alienable title, it cannot be said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

7. With the above observation and direction, the appeal is remanded back, and accordingly the same is disposed of. As a sequel, miscellaneous application(s), if any, shall also stand closed.

DR. T. AMARNATH GOUD, J

Suhanjit

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