

**HIGH COURT OF TRIPURA
AGARTALA**

**LA.App 89 of 2023
With CO(FA) 18 of 2023**

**The Executive Officer,
Sonamura Nagar Panchayat,
Sonamura Sepahijala Tripura**

---Appellant(s)

Versus

Sri Chandan Kumar Roy and Ors.

---Respondent(s)

For Appellant(s)	:	Mr. D. Bhattacharjee, Sr.Advocate. Mr. S. Saha, Advocate.
For Respondent(s)	:	Mr. Asuthosh De, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

14.02.2025

This is an appeal under Article 54 of the Land Acquisition Act, 1894 against the Judgment and order dated 19.04.2023 passed by the Ld. Land Acquisition Judge, Sonamura, Sepahijala District in case No.Misc(LA) 01 of 2019.

[2] It is the case of the appellant that for the public purpose namely for "Construction of Samar Chowdhury Smriti Bidya Niketan", under Sonamura Sub-Division, District- Sepahijala, certain land is required. Accordingly, under due process, land acquisition was initiated. While ascertaining compensation to the land owner in this case, by way of 'Reference' under Section 18 of the Land Acquisition Act, 1894, (for short, hereinafter referred as the 'L.A. Act') made by the L.A. Collector, Sepahijala District, Sonamura, for determination of valuation of the acquired land measuring 1.3800 Acres was assessed @ Rs. 5,00,000/- per Acre along with solatium and interest and thereby calculated the amount of compensation to the tune of Rs.9,75,631/- (Rupees nine lacs seventy five thousand six hundred thirty one) only. By impugned judgment dated 19-04-2023 the Ld. L.A. Judge, Sepahijala District, Sonamura, passed his verdict enhancing the market price of the

acquired land from Rs. 5,00,000/- per Acre to Rs.25,00,000/- (Rupees Twenty five lakhs) only per Acre.

[3] Being aggrieved, the instant Appellant (original Opposite Party no.1) preferred this Appeal.

[4] Heard.

[5] This court has come across recently in many instances of Land Acquisition matters in the state of Tripura where even without examining the title deeds and also on the strength of the LA Collector's report, compensation has been awarded. It is strange to learn that there is no finding, any report or any document to place before this Court or before the LA Collector to show that the LA Collector has examined the title deeds with regard to the ownership and also the possession of the claimant. On the strength of the revenue record (i.e. khatian), it cannot be said that the persons in possession and claiming the compensation are the real owners having alienable right. 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 19.04.2023 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. It is needless to mention here that once the documents are placed on record the learned court below shall expedite the matter.

[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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