

**HIGH COURT OF TRIPURA
AGARTALA
LA APP NO.35 OF 2022**

Smt. Anjana Das Choudhury,
W/o Sri Teetu Choudhury,
Of Doulbhari (Damdama); Sabroom,
P.O.- Sabroom: P.S. Sabroom;
District-Sourth Tripura,
Pin-799145.

..... **Appellant(s)**

Vs.

1. The Deputy Chief Engineer (Construction-2),
N.F. Railway, Agartala, West Tripura,
Badharghat Railway Station, P.O.- Siddhi Ashram,
P.S.- Amtali, District-West Tripura.

2. The Land Acquisition Collector
South Tripura, Belonia, P.O.- Belonia,
P.S.- Belonia; District:-South Tripura,
Pin-799155.

..... **Respondent(s)**

LA APP NO.36 OF 2022

Smt. Shibani Majumder,
W/o. Sri Samir Majumder,
Of Anandapara, Sabroom,
P.O.- Sabroom; P.S. Sabroom;
District- South, Tripura Pin-799145.

..... **Appellant(s)**

Vs.

1. The Deputy Chief Engineer (Construction-2),
N.F. Railway, Agartala, West Tripura,
Badharghat Railway Station, P.O.- Siddhi Ashram,
P.S.- Amtali, District-West Tripura.

2. The Land Acquisition Collector
South Tripura, Belonia, P.O.- Belonia,
P.S.- Belonia; District:-South Tripura,
Pin-799155.

..... **Respondent(s)**

For the Appellant(s) : Mr. N. Majumder, Advocate.
Mr. Dcosta Ivo Manuel Simon, Advocate

For the Respondent(s) : Mr. B. Majumder, Deputy SGI.

Date of hearing : 17.11.2025.

Date of delivery of
Judgment & Order : 26/11/2025.

Whether fit for reporting : NO.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

JUDGMENT AND ORDER

1. Heard Mr. Dcosta Ivo Manuel Simon, learned counsel, and Mr. N. Majumder, learned counsel appearing for the appellant as well as Mr. B. Majumder, learned Deputy SGI appearing for the respondents.
2. Originally, the L.A. Appeal No.35 of 2022 was filed for enhancement of the award passed by the learned Land Acquisition Judge, South Tripura, Belonia, in reference to Case No. L.A. (Ref) 143 of 2019, vide judgment dated 24.03.2022 and L.A. Appeal No.36 of 2022 was filed for enhancement of the award passed by the learned Land Acquisition Judge, South Tripura, Belonia in L.A. (Ref.) No. 176 of 2019, vide judgment dated 15.02.2022.
3. *The brief facts of L.A. Appeal No.35 of 2022 is that, in accordance with the provisions of the Land Acquisition Act, 1894, respondent No.2, i.e., the L.A. Collector, acquired land for the requiring Department, N.F. Railway (Appellant No.1), for the purpose of "Construction of New Railway line from Agartala to Sabroom at Mouja Sabroom under Sabroom Sub-Division," vide Notification No.F.9(06)-REV/ACQ/XII/12 dated 17.06.2015 and declaration No.F.9(06)-REV/ACQ/XII/12 dated 06.07.2013.*
4. Total land measuring 1.20 acres belonging to the claimant-appellant was acquired. The land was under Khatian No. 1347, Hal Plot No.

512/4576 classified as 'Tilla' class, along with standing rubber trees and other valuable trees. The claimant-appellant demanded compensation @ Rs.40,00,000/- per kani for the land and also sought compensation for trees damaged for construction of the railway line.

5. The L.A. Collector awarded compensation @ Rs.2,00,000/- per kani and further awarded compensation for destruction of trees along with statutory interest. A total of Rs.8,96,275/- was awarded for the acquired 1.20 acres of land, along with solatium and statutory interest, and Rs.80,275/- for destruction/damage of rubber trees at the rate of Rs.325/- per tree.

6. The claimant-appellant raised objections before the L.A. Collector regarding inadequacy of the compensation. Accordingly, the Collector referred the matter under Section 18 of the L.A. Act for determination of market value. The learned L.A. Judge, vide impugned judgment dated 24.03.2022, enhanced the compensation to Rs.6,40,000/- per kani and Rs.5,000/- per rubber tree.

7. Aggrieved thereby, the appellant filed the present appeal numbered as L.A. Appeal No.35 of 2022. After hearing, this Court disposed of the appeal on 26.04.2023, affirming the award dated 24.03.2022 of the learned L.A. Judge. Thereafter, the appellant filed an interlocutory application vide No. I.A. No.02 of 2023, on 19.06.2023 for adducing additional evidence. The said application was dismissed on 20.07.2023 with the observation that the main appeal had already attained finality and the litigation had reached quietus. A Review Petition No.42 of 2023 was then filed to review the judgment dated 26.04.2023. The same was dismissed as the review petitioner could not satisfy the Court regarding maintainability. It was also noted that the documents sought to be introduced were available earlier but were not produced, showing laches on the part of the petitioner.

8. *The brief facts of The brief facts of L.A. Appeal No.36 of 2022* are that in accordance with the L.A. Act, the respondent No.2, i.e., the L.A. Collector, acquired land for the requiring department, N.F. Railway (appellant No.1), for construction of a new railway line from Agartala to Sabroom at Mouja Sabroom under Sabroom Sub-Division, vide notification

dated 17.06.2013. A total of 0.80 acres of land belonging to the claimant-petitioner was acquired by the Government for the requiring department. The acquired land relates to Hal Plot No. 512 under Khatian No. 1348, classified as tilla land, along with standing rubber trees and other valuable trees. The owner-claimant (appellant herein) claimed compensation at the rate of Rs.40,00,000/- per kani for the acquired land and also claimed compensation for the trees damaged by the respondents during construction of the new railway line.

9. The learned L.A. Collector allowed compensation at Rs.2,00,000/- per kani for tilla class land and awarded Rs.5,97,625/- for the acquired 0.80 acre of land along with solatium and statutory interest, and Rs.53,625/- for destruction of rubber trees @ Rs.325/- per tree.

10. The claimant-appellant raised objections before the L.A. Collector regarding inadequacy of the compensation. Accordingly, the Collector referred the matter under Section 18 of the L.A. Act for determination of market value. After hearing the learned counsel appearing for the parties and upon perusal of the materials on record, the learned Land Acquisition Judge observed as under:-

“12. The claimant shall get compensation for the acquired Tilla class of land at the enhanced rate @ Rs.6,40,000/- (Rupees six lakh forty thousand) per kani. The claimant shall get compensation @ Rs.5,000/- per Rubber tree for 165 Nos. of 6 years old Rubber tree. The claimant is also entitled to all other admissible statutory benefits. The claimant will also get Rs.1000/- as cost under section 27 of the Act. The Opposite Parties are liable to make the payment.”

11. Aggrieved thereby, the appellant filed the appeal, registered as L.A. Appeal No. 36 of 2022. After hearing, this Court disposed of the appeal on 20.07.2023, affirming the award dated 15.02.2022 passed by the learned L.A. Judge. It is seen from the record that an application for adducing additional evidence was filed on 28.06.2023, but as the main appeal had already been heard on merits and disposed of, the said I.A. No. 02 of 2023 also stood disposed.

12. Aggrieved thereby, the appellant approached the Hon'ble Supreme Court by filing Civil Appeal No(s).3163 of 2025 (arising out of SLP(C) No.9302/2024), along with Civil Appeal No(s).3164-3166 of 2025

(arising out of SLP(C) Nos.9307-9309/2024). The Hon'ble Supreme Court, vide order dated 18th February 2025, remanded the matter for reconsideration under Order XLI Rule 27 CPC. The order of the Hon'ble Supreme Court is reproduced herein below:-

“.....3. On perusal of the impugned judgments, we find that the High Court did not exercise the power conferred under Section 54 of the Land Acquisition Act, 1894 read with Section 96 of the Code of Civil Procedure, 1908 [hereinafter referred to as “the Code”] as the issues of fact and law have not been considered independently. In deciding the appeal under the aforementioned provisions, the High Court is the final Court of fact and law. Unfortunately, on perusal of the impugned judgments, we find that the High Court has merely reproduced the views expressed by the Reference Court verbatim. It also did not take into consideration the applications filed by the appellants under Order XLI Rule 27 of the Code, seeking permission to file additional evidence.

4. Taking into consideration the aforesaid facts, the impugned judgments passed by the High Court are stands set aside and the matter(s) remanded to the High Court for fresh consideration.....”

13. Since both the appeals are remanded back by the Hon'ble Supreme Court, the same are heard and taken up together for disposal by this common judgment and order. When the case is called, learned counsel for both the appeals are common and present. Heard both sides and perused the records.

14. Learned counsel for the appellant submitted that separate interlocutory application had been filed enclosing third party sale deeds in support of their claim. Their grievance is that compensation awarded to similarly placed localities is higher whereas the compensation granted to the appellant is on the lower side.

15. On the other hand, learned Deputy SGI appearing for the respondents submitted that the appellant had played fraud on the judiciary and obtained orders from Hon'ble Supreme Court by suppressing true facts.

16. Heard and perused the evidence on record.

17. Hon'ble Supreme Court while passing its Judgment dated 18th February 2025, remanded the matter for reconsideration stated that “the High Court did not exercise the power conferred under Section 54 of the Land Acquisition Act, 1894 read with Section 96 of the Code of Civil

Procedure, 1908”. Let us quote Section 54 of the Land Acquisition Act, 1894 and Section 96 of the Code of Civil Procedure, 1908:-

“Section 54 of the L.A. Act.

54:- Appeals in proceedings before Court .Subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908), applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to [the Supreme Court] subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908 (5 of 1908), and in Order XLV thereof.]

Section 96 of the Code of Civil Procedure

Appeal from original decree.- (1) Save where otherwise expressly provided in the body of this Code or by any other law for the time being in force, an appeal shall lie from every decree passed by any Court exercising original jurisdiction the Court authorized to hear appeals from the decisions of such Court.

(2) An appeal may lie from an original decree passed ex parte.

(3) No appeal shall lie from a decree passed by the Court with the consent of parties.

(4) No appeal shall lie, except on a question of law, from a decree in any suit of the nature cognisable by Courts of Small Cause, when the amount or value of the subject-matter of the original suit does not exceed three thousand rupees.

18. In view of the observations made by the Apex Court, it becomes necessary to clarify that during the earlier round of proceedings, the claimants had not produced any title deeds before this Court. Unless the claimants are able to satisfy this Court regarding their ownership having alienable title on land and their lawful entitlement to award, they cannot claim compensation, particularly when the findings of the Reference Court on title were not challenged by the Land Acquisition Collector or the official respondents.

19. This Court has consistently taken the view that, while land-losers are entitled to fair, transparent, just and even generous compensation, more so in a scenario of continuously escalating land value, such compensation can be granted only to genuine owners who establish their absolute title. A khatian or entry revenue record, by itself, does not confer title. Therefore, when the Land Acquisition Collector has not disputed ownership and the matter reaches this Court for determination of compensation, the Court must ensure that public funds are not disbursed to

an unauthorized person. This Court feels that since the amount is involving public money, an unauthorized person cannot be paid a single rupee.

20. It is also evident from the record that the counsel for the appellant was heard in main appeal i.e. LA. No.35 of 2022 and he invited the Judgment dated 26.04.2023. The appellant has also thereafter, filed an application seeking withdrawal of the compensation vide I.A. No.03 of 2024, and the awarded amount was withdrawn vide order dated 22.04.2024. The withdrawal was not made under any protest. Hence, the litigation had already attained finality, and no further claim survives.

21. The appellant filed again an I.A. No.02 of 2023 seeking to receive additional evidence by filing additional documents dated 19.06.2023. This application is filed after the disposal of the main appeal i.e. L.A. Appeal No.35 of 2022. It is pertinent to note that the additional evidence cannot be adduced once the appeal is disposed. Therefore, the application has been dismissed on 20.07.2023. The appellant also preferred a Review Petition No.42 of 2023 to review the Judgment on the strength of the documents for comparison which were earlier available but same were not filed. The order passed in the Review in CPC is as under:-

“Heard Mr. N. Majumder, learned counsel appearing for the review petitioner. This review petition is filed by the petitioner under Section 114 of Civil Procedure Code, 1908 read with under Section 151 for review of the judgment and order dated 26.04.2023 passed by the Hon’ble High Court in LA. Appeal 35 of 2022.

It is submitted by the counsel for the review petitioner that he produced certain documents by filing a separate petition under Order XLI Rule 27 of CPC, 1908 in LA Appeal 35 of 2022 for granting leave of documents and acceptance as documents. He further submitted that the instant review petition has supplementary/additional documents but in absence of documentary evidence the Hon’ble Court upheld the judgment and award passed by the LA. Judge which required to be reviewed. The documents submitted by way of a petition under Order XLI Rule 27 of Civil Procedure Code, 1908 read with Section 151 of the Code ibid, for granting leave and acceptance of additional documents i.e. production of supplementary/ additional documents may kindly be allowed and for re-hearing the LA Appeal 35 of 2022 for meeting the ends of justice.

Mr. N. Majumder, learned counsel for the review petitioner, as it appears to this court, could not satisfy this court when asked about the maintainability of the case. Further, it is also revealed that the documents which the counsel for the review petitioner wants this court to add for rehearing the LA Appeal 35 of 2022 were not produced by him earlier during adjudication of the said appeal and when they were very much available with the petitioner. There are laches on the part of the petitioner. Now, at this

juncture, this court cannot allow this review petition to be reopened for the mistake committed on the part of the review petitioner.

In view of the above discussion the instant review petition stands dismissed.

22. As seen from the above, the appellant has not made out a case for review and thus the said petition stood dismissed by order dated 03.07.2023.

23. Aggrieved thereby, the appellant preferred an SLP before the Hon'ble Supreme Court but it appears that the appellant has not represented and not put forth correct facts before the Hon'ble Supreme Court. It appears from the record that, SLP(C) No.9302/2024 relating to Shibani Majumder (L.A. Appeal No.36 of 2022) and SLP(C) Nos.9307–9309/2024 relating to Smt. Anjana Das Choudhury (L.A. Appeal No.35 of 2022) were heard and decided together. However, in the case of Smt. Shibani Majumder, an application for adducing additional evidence (I.A. No.02 of 2023) was filed on 28.06.2023, before disposal of the main appeal on 20.07.2023. In contrast, Smt. Anjana Das Choudhury filed the application for additional evidence only on 19.06.2023, after disposal of the main appeal on 26.04.2023. Thus, the factual matrix placed before the Hon'ble Supreme Court was not accurate or identical. This strengthens the contention of the respondents that the appellant attempted to mislead the Court.

24. The counsel for the respondents on this point submitted before this Court that the petitioners has played fraud on judiciary and suppressing the true facts and obtained orders from the Hon'ble Supreme Court on 18.02.2025. It is also seen from the records that the additional evidences which the appellant is relying are pertaining to the year 2010 and afterward. The documents which the appellant tried to rely upon by filing the Interlocutory application are Field Enquiry report Dated 14.07.2015, Deed No. 1-622 dated 10.11.2010, Deed No. 1-443 dated 05.12.2011, Deed No. 1-183 dated 08.04.2011, Map of Mouja-Doulbari Sabroom T.K., Cost of Analysis-of Rubber Trees issued by Rubber Production Commissioner, Rubber Board, Ministry of Commerce, Govt. of India and Land Acquisition Special Form No.11, the same were all available long before the proceedings

commenced and nothing prevented the appellant from placing them on record during the pendency of the appeal.

25. As discussed above, in the case of Smt. Shibani Majumder (L.A. Appeal No.36 of 2022) application for adducing additional evidence (I.A. No.02 of 2023) was filed on 28.06.2023, before disposal of the main appeal on 20.07.2023.

26. Further, this Court is of the considered opinion that since the main appeal i.e. L.A. Appeal No.35 of 2022 relating to Smt. Anjana Das Choudhury had already attained finality on 26.04.2023, no additional evidence can be entertained thereafter. The documents sought to be introduced were already in existence and available to the appellant prior to disposal of the appeal. Thus, there is clear laches, and the said attempt is abuse of the process of the Court.

27. Accordingly, the appeal of Smt. Anjana Das Choudhury i.e. L.A. Appeal No.35 of 2022 stands dismissed, affirming the earlier judgment dated 26.04.2023.

28. In so far as the Smt. Shibani Majumder case i.e. L.A. Appeal No.36 of 2022 is concerned, the same is remanded back to the Trial Court as desired by the learned counsel for the appellant and also to meet the ends of just by giving a fair opportunity to both sides to adduce evidence and to frame an issue on the point of title deeds/owner ship and to decide the case as per procedure. Accordingly, the said appeal is disposed of by remanding it back to the Trail Court.

29. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

DR. T. AMARNATH GOUD, J