HIGH COURT OF TRIPURA
AGARTALA

LA.App 76 of 2024

The Deputy Chief Engineer (Con-2),
NF Railway, Agartala, West Tripura

---Appellant(s)

Versus

Sri Chandan Bhowmik and Anr.

---Respondent(s)

For Appellant(s)	:	Mr. B. Majumder, Deputy SGI.
For Respondent(s)	:	Mr. T. D. Majumder, Sr. Advocate. Mr. Rimi Debbarma, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

03.04.2025

This is an appeal under Section 54 of the LA Act, 1894 against the Judgment dated 25.09.2023 passed in Civil Misc (LA) 67 of 2022 by the Ld. Land Acquisition Judge, South Tripura, Sabroom.

[2] It is the case of the appellant as per the requisition of the appellant, the land of the respondent-claimant, was acquired by the respondent no.2 i.e. the Land Acquisition Collector, South Tripura, vide notification dated 07.01.2013 for construction of 'New Railway line from Agartala to Sabroom'. Accordingly, the L.A. Collector, South Tripura, Sabroom, has awarded the compensation @ Rs. 1,75,000/- per kani for the land acquired and Rs.1,91,200/- as damage of standing trees. Being aggrieved by the amount of compensation, the respondent, filed an application under Section 18 of the L.A. Act, 1894, for referring the matter to the L.A. Judge, South Tripura, Sabroom, and, accordingly, the same was referred to the court of learned L.A. Judge, South Tripura, Sabroom. Thereafter the learned L.A. Judge, South Tripura, Sabroom, after hearing both the parties, by its judgment dated 25.09.2023 has allowed the claim petition enhancing the award of compensation. Hence, this appeal.

[3] On the contrary, learned counsel appearing for the respondents has submitted before this court that the impugned order is just and proper and needs no interference from this court. He further prayed to dismiss the 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 25.09.2023 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.

[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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