

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 91 of 2023

**The Land Acquisition Collector,
Sepahijala District, Bishramganj and Another.**

---Appellant(s)

Versus

Harun Miah and Ors.

---Respondent(s)

For Appellant(s)	:	Mr. P. Gautam, Advocate.
For Respondent(s)	:	Mr. Sankar Bhattacharjee, Advocate.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Order

11.03.2025

This is an appeal under Section 54 of the Land Acquisition Act, 1894 read with Order XLI of the Code of Civil Procedure Code, 1908 for quashing/setting aside the judgment dated 12.01.2022 passed by the Learned LA Judge, Sepahijala District, Sonamura in Misc.LA 16 of 2015.

[2] It is the case of the appellant that by a Notification dated 13.11.2008, the Government of Tripura, on the requisition of the Deputy Commissioner, Agartala, West Tripura District sought for acquisition of land of the respondents required for the purpose construction of Sonamura Motor Stand under Sonamura Sub-Division, within Mouja Khedabari, Sheet No.5/P of Khatian No.201 appertaining to plot No.5316/P, 5316/P Nal measuring 1.25 acres owned by the respondent Nos.4, 5 & 6. Subsequently, an Award of compensation of the acquired land at the rate of Rs.3,00,000/- per kani i.e., a total compensation of Rs.38,53,828/- along with 30% solatium and 12% interest (additional compensation) was passed by the LA Collector, Sepahijala, Bishramganj. Being aggrieved & dissatisfied with the Award, the respondents submitted an application under Section 18 of the Land Acquisition Act before the appellant, to refer their matter to the Learned L.A. Judge, Sepahijala District, Sonamura, for assessment of the compensation of the acquired land, as the referring-claimants claiming inter alia that the

market value of the land has not been properly assessed since the market value of the acquired land would be about Rs.40,00,000/- per kani. Thereafter, the appellant has filed his Counter Statement inter alia stating that the land of the respondents was acquired by the Government by giving Notification under Section 4 of the L.A. Act on 13.11.2008 and declaration under Section 6 of the L.A. Act was issued on 13.01.2009 for construction of Sonamura Motor Stand, as per requisition of the requiring Department, Deputy Commissioner, Office of the Joint Transport Commissioner, Agartala, West Tripura. That, the Learned L.A. Judge, Sepahijala District, Sonamura after hearing the parties & scrutinizing the documents allowed the reference & passed a Judgment on 12.01.2022. Aggrieved by the impugned judgment, the present appeal has been filed by the appellant.

[3] Heard.

[4] 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.

[5] 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 12.01.2022 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.

[6] 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.

B.Palit, J

T. Amarnath Goud, J



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