

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

L.A. App. No.02 of 2025

1. NBCC (India) Limited, (Formerly known as National Buildings Construction Corporation Ltd.) represented by its Chairman-cum-Managing Director NBCC Bhawan, Lodhi Road, New Delhi.
2. The Deputy General Manager, NBCC (India) Limited Jackson Gate Building, Agartala, P.S. East Agartala, District: West Tripura.

.....Appellants

_V_E_R_S_U_S_

1. The Land Acquisition Collector, South Tripura, Belonia.
.....Respondent-opposite party
2. Sri Subodh Nath, S/O late Jagadish Chandra Nath, Vill-Kalinagar, (Aryya Samaj), P.O. & P.S. Belonia, Sub-Division-Belonia, District- South Tripura, PIN-799155

.....Respondent-referring claimant

For Appellant(s)	:	Mr. K. K. Pal, Advocate.
For Respondent(s)	:	Mr. T. D. Majumder, Sr. Advocate Ms. R. Debbarma, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

17.11.2025

Heard.

[2] This is an appeal filed under Section-54 of the Land Acquisition Act, 1894 against the judgment and award dated 26.04.2022 in case No. L.A. (Ref.)122 of 2019 passed by the learned Land Acquisition Judge, South Tripura Judicial District, Belonia.

[3] The appellant has prayed for the following reliefs:

- “(a) To admit the appeal.
(b) To send for records of case No. L.A. (Ref.)122/2019 from the file of Ld. Land Acquisition Judge, South Tripura, Belonia.
(c) To issue notice upon the respondents.
(d) Upon hearing the parties Your Lordship may set aside the impugned judgment and award dated 26.04.2022 in case No. L.A. (Ref.) 122/2019 passed by the Ld. Land Acquisition Judge, South Tripura Judicial District, Belonia.”

[4] The facts in brief are that the learned L.A. Collector, South Tripura under Section-18 of the L.A. Act acquired the land of the referring claimant for construction of Indo Bangla Boarder Fencing work for National interest of security and peaceful enjoyment Indian Nation. The L.A. Collector, South Tripura

determined the value of the acquired land @15,00,000/- per kani. Thereafter, the matter referred under Section-18 of the L.A. Act before the learned L.A. Judge and the learned L.A. Judge enhanced the value of the land from Rs.15,00,000/- to Rs.74,41,860/- per kani without assigning any justified reasons. The NBCC has challenged the said impugned enhanced amount by preferring L.A. Appeal before this Court.

[5] This Court in identical appeals under the Land Acquisition Act has taken a view that since, the issue of ownership was not decided framing any separate issue for proving the title and the ownership, this Court remanded all such matters to the concerned authority.

[6] Accordingly, this matter also needs to be remanded back to the concerned Court. Since, the issue was not framed by the learned Court below regarding title and ownership of the claimants. Accordingly, the order of the learned Court below dated 26.04.2022 stands set aside and the appeal is remanded back to the Court below for reconsideration of the matter by framing an issue on the point of title deed and to decide the ownership and, thereafter, pass an award in accordance with law.

[7] It is needless to observe that in the event, if the land in question is acquired pertaining to the landlord, he would be entitled for fair and even a generous compensation in a given circumstances, 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 for claiming the compensation. An unauthorized person cannot be paid a single rupee from the public money.

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

DR.T. AMARNATH GOUD, J

A. Ghosh

ANJAN GHOSH Digitally signed by ANJAN GHOSH
Date: 2025.11.20 16:45:06 +05'30'