

**HIGH COURT OF TRIPURA
AGARTALA
LA APP NO.110 OF 2023**

Sri Suresh Ch. Debnath

.....Appellant(s)

Versus

The Land Acquisition Collector and anr.

.....Respondent(s)

For the Appellant(s) : Mr. Arjun Acharjee, Advocate.

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

Date of hearing and delivery of
Judgment & Order : 13.02.2025.

Whether fit for reporting : NO.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)**

This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894, read with Order XLI of the Civil Procedure Code, 1908, for enhancement of the award dated 09.07.2021, passed by the learned Land Acquisition Judge, South Tripura, Belonia, in case No. L.A.(Ref) 17 of 2019, whereby the learned L.A. Judge affirmed the compensation of Rs.1,25,000/- per kani, as awarded by the SDM, Belonia.

2. The brief facts of this case are that the respondents herein, by way of Notification No. F.9(04)REV/ACQ/XII/2012, dated 28-04-2012, acquired a plot of land measuring 0.30 acres, classified

as 'Nal' class of land, under Mouja-Uttar Sonaichari and T.K. Sarashima, vide Khatian No. 140, Plot No. 1833/2586/P. The said plot of land, owned by the appellant-claimant, was acquired by the Government of Tripura for the development of a new railway line from Agartala to Sabroom. The L.A. Collector awarded compensation at Rs.1,25,000/- per kani for the acquired land. Dissatisfied with the said compensation amount, an appeal was filed for enhancement of the award before the learned L.A. Judge, who affirmed the compensation awarded by the L.A. Collector. Being aggrieved by the same, the claimant-appellant has filed this appeal for enhancement of the impugned award dated 09.07.2021, passed by the learned L.A. Judge, South Tripura, Belonia, in L.A.(Ref) No.17 of 2019.

3. Heard Mr. A. Acharjee, learned counsel appearing for the appellant-claimant, as well as Mr. B. Majumder, learned Deputy SGI, appearing for the State-respondent.

4. The appellant has made a claim solely on the basis of the khatian, which is a revenue record. The L.A. Collector, according to the appellant, has paid the compensation amount. Not being satisfied, the appellant approached the L.A. Judge, who rejected the enhancement. Aggrieved thereby, the appellant has preferred this further appeal before this Court.

5. It is seen from the record that the appellant's claim is based only on entries in the khatian, which is a revenue record and not a '*title deed*'. The Lower Court has also not framed any issue on this point. No '*sale deed*' or title documents have been marked as exhibits, and there is no supporting evidence. The appellant has also not categorically stated in the pleadings regarding ownership and flow of '*title*'. Since the appellant is not entitled to claim the amount, the question of seeking any enhancement does not arise. This Court is not convinced by the claim made by the appellant. Accordingly, the case fails and is dismissed.

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

JUDGE

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