

**HIGH COURT OF TRIPURA
AGARTALA
LA.App. No. 04 of 2025**

1. The Dean,
Central Agriculture University, Lembuchara, Agartala, West Tripura.

-----Appellant.

Versus

1. Smt. Aparna Debnath,
W/o Sri Tapesb Debnath, R/o- Shibnagar, Chittaranjan Road, P.S. East
Agartala. District- West Tripura.

----- Respondent (Claimant)

2. The Land Acquisition Collector,
South Tripura, Belonia.

.....Respondent.

For the Appellant(s)	:	Mr. B. Majumder, Dy.SGI.
For the Respondent(s)	:	None.
Date of hearing	:	12.03.2025.
Date of delivery of Judgment & Order	:	12 / 03/2025.
Whether fit for reporting	:	NO

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

Heard Mr. B. Majumder, learned Dy. SGI appearing for the
appellant. None appears for the respondents.

[2] This present appeal has been filed under Section 54 of the Land
Acquisition Act, 1894, against the Judgment and Award dated 17.08.2024

passed in Civil Misc. (L.A) No. 02 of 2018 by the learned Land Acquisition Judge, West Tripura, Agartala.

[3] The brief facts of the case is that, the referring claimant's (respondent no1. herein) land was acquired by the L. A Collector, (Respondent No.2 herein) by a notification No. F.9(19)-REV/SEQ/VI/08 dated 13.01.2009 under Section 4 of the L.A. Act, 1894 for the purpose of construction and development of Fishery College at Lembuchara under Sadar Sub-Division. The Compensation of the acquired land was assessed by the L.A. Collector, West Tripura, Agartala at the rate of Rs. 2,87,500/- per acre i.e. Rs. 1,15,000/- per kani and total amount of Rs. 3,22,441/- only with other statutory benefits was awarded in favour of the referring claimant. Being dissatisfied, the referring claimant prayed reference to the learned L.A. Judge, and accordingly, the same was referred to the court of learned L.A. Judge, West Tripura, Agartala. Thereafter, the learned L.A. Judge, West Tripura, Agartala after hearing both the parties, by its judgment dated 17.08.2024 has allowed the claim petition enhancing the award of compensation at the rate of Rs.7,00,000/- per kani and also awarded Rs. 10,00,000.00/- cost as of existing construction situated in the acquired land. Hence, this appeal. The relevant portion of the Judgment and Award dated 17.08.2024 passed in Civil Misc. (L.A) No. 02 of 2018 is quoted herein below:-

"ORDER"

In the result, the application of the referring claimant Smti Aparna Debnath for enhancement of Award is allowed.

It is hereby directed that the referring claimant is entitled to get compensation @ Rs.7,00,000/- (Rupees Seven Lakh) only per kani for the acquired land. The referring claimant is also entitled to get a lump sum compensation of Rs.10,00,000/- towards the cost of existing construction on the acquired land. Referring claimant Smti Aparna Debnath shall also get 30% solatium and 12% further enhanced amount of compensation upon the said enhanced value of land computing from the date of notification under Section 4 of the L.A Act, 1894 till the date of Award by the L. A. Collector, or the date of taking possession of the acquired land whichever is earlier, as per Section 23 (2) and Section 23(1-A) of the L.A Act respectively. The referring claimant will

further get interest @ 9% per annum from the date of taking over possession for one year and thereafter, @ 15% per annum after expiry of said one year time till the date of payment upon the enhanced amount of compensation as per Section 28 of the L.A Act/As per decision of the Hon'ble Supreme Court of India in Mehrawal Khewaji Trust, Faridkot & Others Vrs. State of Punjab & Others, reported in 2012 AIR SCW 2822, the interest will also be counted on additional amount as awarded under Section 23(1-A) of the L.A Act and upon the solatium awarded under Section 23 (2) of the Act.

The amount so paid earlier as compensation under Section 11 of the L.A Act shall be adjusted with the amount awarded by way of enhancement in this case....."

[4] Being aggrieved and dissatisfied with the order dated 17.08.2024 passed in Civil Misc (LA) Case No. 02 of 2018 by the Learned Land Acquisition Judge, West Tripura, Agartala, the appellant herein approached this Court seeking the following reliefs:-

"(i) Admit the instant appeal;

(ii) Issue notice upon the respondents to show cause as to why the impugned judgment/award dated 17.08.2024 passed in CM (L.A.) 02 of 2018 by the learned L.A. Judge, West Tripura, Agartala shall not be set-aside;

(iii) Call for the records of case no. CM.(L.A.) 02 of 2018 from the court of the learned L.A. Judge, West Tripura, Agartala.

AND

(iv) After hearing both the sides may kindly set aside the impugned judgment and award dated 17.08.2024 passed in CM (L.A.) 02 of 2018 by the learned L.A. Judge, West Tripura, Agartala;

AND

(v) Pass any other order/orders and/or direction/directions as may deem fit and proper having regard to the facts and circumstances of the case."

[5] Mr. B. Majumder, learned Dy.SGI appearing for the appellant submits before this Court that the land of the referring claimant was acquired by the LA Collector as per requisition of the appellant, for the purpose of construction and development of Fishery College at Lembuchara under Sadar Sub-Division. The Compensation of the acquired land was assessed by the L.A. Collector, West Tripura, Agartala at the rate of Rs. 2,87,500/- per acre i.e. Rs. 1,15,000/- per kani and total amount of Rs. 3,22,441/- only with other statutory benefit was awarded in favour of the referring claimant. Thereafter,

the referring claimant prayed reference to the learned L.A. Judge, and accordingly, the same was referred to the court of learned L.A. Judge, West Tripura, Agartala. After that the learned L.A. Judge, West Tripura, Agartala, by its judgment dated 17.08.2024, allowed the claim petition enhancing the award of compensation at the rate of Rs.7,00,000/- per kani and also awarded Rs. 10,00,000.00/- cost as of existing construction situated in the acquired land.

[6] Mr. Majumder, learned Dy.SGI, also submits that one can get higher amount what he has placed on record and that should be appropriate evidence and only after appreciating the evidence on record Trial Court is entitled to enhance or reduce the compensation. So, straightway without any evidence one cannot get single penny. At last he prays before this court to allow his appeal.

[7] It is seen from the order passed by the learned Court below that no proper reasoning is given for enhancement of compensation and no document has been exhibited for establishment of ownership and the title deeds are not exhibited, since they are not marked the said issue has not been decided. In the absence of the same, this Court feels that the Court below needs to look into this aspect. Accordingly, the order dated 17.08.2024 passed by the Court below is set aside, and the matter is remanded back to the learned L.A Court for framing issue on the point of title deed and providing an opportunity, if required, to amend the pleadings and mark the title deeds if any, and decide the matter as per procedure as expeditiously as possible by giving an opportunity to both sides.

[8] It is needless to observe that in the event, if the land is acquired pertaining to the landlord, he would be entitled for fair and even a generous

compensation in a given circumstance, 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.

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 also stand closed.

JUDGE

HIGH COURT OF TRIPURA



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Paritosh

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