

**JHIGH COURT OF TRIPURA
AGARTALA**

LA.App 9 of 2025

Smt. Bijita Majumder

---Appellant(s)

Versus

Land Acquisition Collector And Another

---Respondent(s)

For Applicant(s)	:	Mr. Suman Bhattacharjee, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

07.03.2025

This is an appeal under Section 54 of the LA Act, 1894 against the judgment and award dated 06.07.2023 passed in CM LA 13 of 2022 by the learned LA Judge, South Tripura, Sabroom.

[2] The respondent No. 1 acquired the land of the appellant measuring 0.27 acres classified as Tilla, for the respondent no. 2 for construction of railway line. The respondent No. 1 assessed the value of the acquired land to the tune of Rs.2,44,132/- when at the time of acquisition the market value of the similar class of land was Rs. 84,11,429/- per kani and the value of the acquired land was Rs.56,77,715/- But the learned L.A Judge determined the value of the land @ Rs 6,50,000/- after deducting @ 35%. The Ld. Court below also did not awarded benefits under Section 23(1A), 23(2) and 28 of the L.A. Act, 1894 on the value of the trees standing on the acquired land. Hence, this appeal.

[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 06.07.2023 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.

[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.

JUDGE

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