

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App No. 10 of 2024

NBCC (INDIA) Limited, (Formerly known as National Building
Construction Corporation Ltd.)

.....Appellant.

Versus

The Land Acquisition Collector and another

.....Respondents

For the Appellant(s) : Mr. K.K. Pal, Advocate.

For the Respondent(s) : Mr. Samarjit Bhattacharjee, Advocate.

Date of hearing
& delivery of Judgment & Order : 14/02/2025

Whether fit for reporting : YES/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. K.K. Pal, learned counsel for the appellant.

Also heard Mr. Samarjit Bhattacharjee, learned counsel for the
claimant-respondent.

[2] This present appeal has been filed under Section 54 of
the Land Acquisition Act, 1894 against the judgment and award
dated 30-09-2022 in case No. L.A.(Ref) 123/2019 passed by the

learned Land Acquisition Judge, South Tripura Judicial District, Belonia.

[3] The case in brief is that, the Land Acquisition Collector, South Tripura under Section 18 of the L.A. Act, 1894 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 @ Rs.15, 00,000/- per kani. Thereafter, the matter referred U/s 18 of the L.A. Act, 1894 before the Ld. Land Acquisition Judge and according to the appellant herein, the learned Land Acquisition Judge enhanced the value of 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 the instant L.A. appeal before this Court seeking following reliefs:

- (a) To admit the appeal;
- (b) To send for records of case No. L.A. (Ref) 123/2019 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 30-09-2022 in case No. L.A. (Ref) 123/2019 passed by the Ld. Land Acquisition Judge, South Tripura Judicial District, Belonia;"

[4] Heard the submissions made at the Bar. It is brought to the notice of this Court by the learned counsel for the parties that there was no material placed before the Court below while granting compensation and in similarly situated appeals, this Court remanded back such matters to the Court below giving liberty to

the both sides to file relevant documents more particularly, claimants were asked to file title deeds of the ownership documents as khatians are only the revenue records and any entries therein, cannot be treated as sale-deed on the strength of which, it can be said that a person in possession claiming compensation is the real owner having alienable rights. 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, this Court is of the view that the present matter be remanded back by setting aside the impugned order and award dated 30.09.2022 in case No. L.A.(Ref) 123/2019 passed by the learned Court of the Land Acquisition Judge, South Tripura, Belonia. 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 claimants shall also produce any such document claiming them to be the lawful owners of the land in question by placing title deed, if any. The claimants are also at liberty to adduce any other relevant documents supporting their claim. Once the documents are placed on record, the Court shall expedite the matter.

[6] It is needless to observe that in the event, if the land is acquired pertaining to the landlord, he is 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.

[7] With the above observations and directions, 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



Sabyasachi G.

SABYASACHI
GHOSH

Digitally signed by SABYASACHI
GHOSH
Date: 2025.02.14 16:44:38 +05'30'