

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A

L.A. App. No.13 of 2024

NBCC (India) Limited, (Formerly known as National Building Construction Corporation Ltd.) And Another

.....Appellants

_V_E_R_S_U_S_

The Land Acquisition Collector and Another

.....Respondents.

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

For Respondent(s) : Mr. S. Bhattacharjee, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

14.02.2025

Heard.

[2] This is an appeal filed under Section-54 of the Land Acquisition Act, 1894 against the judgment and award dated 24.06.2022 in connection with case No. L.A. (Ref.) 106 of 2019 passed by the learned L.A. Judge, South Tripura Judicial District, Belonia.

[3] The fact in brief are that the learned L.A. 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 under Section-18 of the L.A. Act before the learned L.A. Judge enhanced the value of land from Rs.15,00,000/- to Rs.74,41,860/- per kani without assigning any justified reason.

[4] Being aggrieved by and dis-satisfied with the judgment and award dated 24.06.2022, the present appeal has been preferred by the appellant herein for rederss.

[6] 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 L.A. 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 learned L.A. Collector to show that the L.A. 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. the 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.

[7] In view of the above observation, this Court is of the opinion that the present matter be remanded back by setting aside the impugned order dated 24.06.2022 passed by the learned Court below. The Court below shall re-examine the matter by giving opportunity to both sides for filing relevant documents and mark exhibits and also frame additional issues on the alienable right, title and interest. The claimant shall also produce any such document claiming him to be the lawful owner of the land in question by placing title deed, if any. The claimant is also at liberty to adduce any other relevant documents in support of his claim. However, it is made clear that once the documents are placed on record, the Court shall expedite the matter.

[8] In that view of the matter, the present appeal is remanded back and is, accordingly, disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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