

**HIGH COURT OF TRIPURA
AGARTALA
W.P (C). No.634 of 2025**

Smt. Kanan Bala Sutradhar, W/o- Sri Chitta Ranjan Sutradhar,
resident of Village : Chandrapur Coloney No.7 PO- Chandrapur T Coloney,
PS : Radhakishorepur District- Gomati, Tripura.

.....**Petitioner(s)**

Versus

1.The Land Acquisition Collector, District: Gomati Tripura, Udaipur,
PO Radhakishorepur-799120.

2. The Deputy Chief Engineer, Construction 1, NF Railway, Agartala,
799001, Tripura

.....**Respondent(s)**

For the Petitioner(s)	:	Mr. D K Daschawdhury, Advocate.
For the Respondent(s)	:	Mr. B. Majumder. Dy.S.G.I Mr. P. Gautam, Sr. G.A. Mr. K. De, Addl.G.A.
Date of hearing	:	13.11.2025.
Date of delivery of Judgment & Order	:	13/11/2025.
Whether fit for reporting	:	YES.

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
JUDGMENT & ORDER(ORAL)**

13.11.2025

[1] Heard Mr. DK Daschawdhury, learned counsel appearing for the petitioner. Also heard Mr. P. Gautam, learned Sr. G.A. assisted by Mr. K. De, learned Addl. G.A. appearing for the respondents-State.

[2] This present petition has been filed under Section 226 of the Constitution of India seeking the following reliefs :-

- “(1) Admit this petition;
- (ii) Issue notice upon the Respondents;
- (iii) Call for relevant documents from possession of the respondent-1 if considered necessary;
- (iv) Issue writ of Certiorari asking the respondent-1 to show cause as to why his decision dated 08.01.2025 and memorandum dated 05.08.2025 passed in case No. 06/2021 U/S 28A of the LA Act, 1894 shall not be quashed;
- (v) Issue writ of mandamus asking the respondent-1 to show cause as to why he shall not refer the case of the petitioner to Learned LA Judge, District Gomati for redetermination of compensation of the acquired land of the petitioner taking into consideration the award dated 28.05.2019 passed by learned L. A Judge, District: Gomati, Tripura in case No. Misc. (LA) 41 of 2016.”

[3] The brief facts of the case is that land measuring 0.03 acres surveyed in plot no.2271, classified as Nal, recorded in Khatian No. 182 of mouza Dakshin Chandrapur belonging to the petitioner was acquired vide notification No. 09(12)/REV/ACQ/IX/2010 dated 26.10.2010 for construction of Railway line from Agartala to Sabroom. Later on, the petitioner herein received compensation with objection. Being aggrieved, the petitioner submitted a petition for referring the case to the Land Acquisition Judge as per provision of Section 18 of the LA Act, 1894. Meanwhile, learned LA Judge, Gomati District, Tripura, passed award dated 28.05.2019 in case No. Misc(LA) 41 of 2016 as referred under Section 18 of the LA Act, 1894 in the same mouja and paid compensation in higher rate. Having aware of the aforementioned award of learned LA Judge, the petitioner herein on 04.07.2019 submitted a petition for enhancement of the compensation. But, after long period of five years, the LA Collector passed an order on 08. 01.2025, rejecting the prayer of the petitioner with regard to the enhancement of compensation as per provision of Section 28 A of the LA Act, 1894. Being dissatisfied with the decision of the LA Collector, the petitioner submitted another written application on 16.06.2025 requesting to refer the case to the LA. Judge, Gomati District. But, instead of referring the same, the respondent No. 1 i.e. LA Collector by issuing a memorandum dated 05.08.2025 rejected the petition of the petitioner. Hence, this petition.

[4] Mr. DK. Daschawdhury, learned counsel submits before this Court that by a notification dated 26.10.2010 for construction of Railway line from Agartala to Sabroom, the respondent no.1 acquired the land from the

petitioner. The petitioner received compensation with objection. He further submits that the petitioner filed a petition for referring the case to the LA Judge. But, the same was not referred to the LA Judge.

[5] He, therefore, contends before this Court that on 28.05.2019 in another case the learned LA Judge, passed compensation in higher rate for same mouja and land acquired under same notification wherein, learned LA Judge, determine the value of the land @ Rs. 10,00,000/-per kani, LA Collector determine the value of the land @ Rs. 4,00,000/- per kani. He, therefore filed a petition for re-determination of the value of the land in consonance with the decision of the learned LA Judge. But, the same was rejected by an order dated 08.01.2025. At last, he submitted a written application dated 16.06.2025 under Section 28 A of the LA Act, 1894 requesting the respondent No.1 for referring the matter to the learned LA Judge, but, instead of doing so, the above respondent by a memorandum dated 05.08.2025 rejected the petition. He, thereafter prayed to allow his petition by issuing a direction to the LA Collector to refer the matter to LA Judge under Section 28 A (3) of the LA Act, 1894.

[6] On the other hand, Mr. P. Gautam, learned Sr. G.A. submits before this Court that on 08.01.2025, LA Collector passed an order wherein it has been specifically mentioned that as per field inquiry it is found that land of the petitioner herein and the land of the enclosed judgment are not adjacent. Therefore, taking all aspects of the matter, this present petition is disposed of without enhancement of the rate. He further contended that it is necessary to determine if the petitioner is owner and having proper title deeds. Compensation cannot be awarded or enhanced to an unauthorized person. And , he prayed to dismiss the petition.

[7] Heard both sides.

[8] The matter pertaining to payment of compensation. This Court in similar cases under Land Acquisition Act has taken a view that since, the issue of ownership was not decided framing any separate issue for proving the title and the ownership, this Court remanded all such matters to the concerned forum.

[9] For the purpose of reference the relevant provisions under Section 28 A of the LA Act. 1894 is extracted as under :

[28A. Re-determination of the amount of compensation on the basis of the award of the Court.-(1) Where in an award under this Part, the Court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 11, the persons interested in all the other land covered by the same notification under section 4. sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Court:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.]

[10] It is seen from the order passed by the respondent under Sections 18 and 28A of the LA. Act, 1894, that the respondent has not dealt with the issue of eligibility and has not determined. A mere disposal rejecting the applications of petitioner without reasoning is unjust. As per Section 28A (3) the respondent needs to act and comply with the requirements. However, the findings of this Court in this Judgment needs to be considered by the respondent while dealing with the case of the petitioner.

[11] Accordingly, this matter also needs to be remanded back to the appropriate forum. Since, the issue regarding title and ownership of the claimant has not been framed. Accordingly, this matter is disposed of directing the LA Collector to refer the matter in terms of Section 18 of the LA Act, 1894 to the Court of the learned LA Judge. This Court also directs that both the LA Collector as well as the LA Judge, while referring the matter and deciding the same shall look into the issue of ownership and accordingly, examine the title deed in order to determine a fair compensation in favour of the claimant (petitioner herein) provided the petitioner is eligible. The said decision be taken as expeditiously as possible in accordance with law.

[12] 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.

[13] With the above observation and direction, the impugned orders are set aside and the petition is remanded back and accordingly, the same is disposed of.

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

DR. T. AMARNATH GOUD, J