

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

L.A. App. No.14 of 2025

1. The Deputy Chief Engineer (Con-2), N.F. Railway, Agartala, West Tripura.

.....Appellant

_V_E_R_S_U_S_

1. Sri Chandan Bhowmik, son of Jatra Mohan Bhowmik, resident of Manubazar, P.O. & P.S. Manubazar District- South Tripura, PIN-799143

.....Respondent-claimant

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

.....Respondent

For Appellant(s)	:	Mr. B. Majumder, Deputy SGI.
For Respondent(s)	:	Mr. T. D. Majumder, Sr. Advocate Ms. R. Debbarma, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

17.11.2025

Heard.

[2] This is an appeal filed under Section-54 of the Land Acquisition Act, 1894 against the judgment and award dated 19.09.2023 passed in CM (LA) 102 of 2022 by the learned Land Acquisition Judge, South Tripura, Sabroom.

[3] The appellants have prayed for 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 19.09.2023 passed in in CM (L.A.) 102 of 2022 by the learned L.A. Judge, South Tripura, Belonia shall not be set-aside;

(iii) Call for the records of case no in CM (L.A.) 102 of 2022 from the court of the learned L.A. Judge, South Tripura, Sabroom.

AND

(iv) After hearing both the sides may kindly set aside the impugned judgment and award dated 19.09.2023 passed in in CM (L.A.) 102 of 2022 by the learned L.A. Judge, South Tripura, Sabroom;

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.”

[4] As per the requisition of the appellant, the land of the respondent-claimant, was acquired by the respondent No.1 i.e. the Land Acquisition Collector, South Tripura, vide notification dated 07.01.2013 for construction of 'New Railway

line from Agartala to Sabroom'. Accordingly, the L.A. Collector, South Tripura, Sabroom, has awarded the compensation @ Rs. 7,20,000/- per kani for the land acquired and also enhanced the value of Rubber trees from Rs.900/- to 4000/- per rubber trees.

[5] Being aggrieved by the amount of compensation, the respondent-claimant, filed an application under Section-18 of the L.A. Act, 1894, for referring the matter to the L.A. Judge, South Tripura, Sabroom, and, accordingly, the same was referred to the court of learned L.A. Judge, South Tripura, Sabroom. Thereafter the learned L.A. Judge, South Tripura, Sabroom, after hearing both the parties, by its judgment dated 19.09.2023 has allowed the claim petition enhancing the award of compensation.

[6] Hence, this appeal.

[7] This Court in identical matters under the Land Acquisition Act has taken a view that since, the issue involved herein regarding the value of rubber trees was not decided properly and also not framing any other separate issue, this Court thinks it proper to remand back all such matters for proper adjudication and thus, remanded the matters of similar nature to the concerned authority.

[8] Accordingly, this matter also needs to be remanded back to the concerned Court. Accordingly, the order of the learned Court below dated 19.09.2023 stands set aside and the appeal is remanded back to the Court below for reconsideration of the matter by framing an issue on the point of value of rubber trees and, thereafter, pass an award in accordance with law.

[9] It is needless to observe that in the event, if the claim of the claimant regarding the value of trees is established, he would be entitled for fair and even a generous compensation in a given circumstances, but, it has be established beyond any shadow of doubt, otherwise 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.

[10] 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 stand closed.

DR.T. AMARNATH GOUD, J

A. Ghosh

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Date: 2025.11.20 16:45:40 +05'30'

