

**HIGH COURT OF TRIPURA
AGARTALA
LA. App No. 16 of 2025.**

The Deputy Chief Engineer (Const.-2) N.F. Railway
Appellant (s)
Versus
Sri Pabitra Tripura & Ors.
Respondent(s)

For Appellant(s) : Mr. B. Majumder, Dy. SGI.
For Respondent(s) : Mr. T. D. Majumder, Sr. Advocate.
Mr. D. Kalai, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

ORDER

07.07.2025

Heard learned counsel for the respective parties.

[2] The story, in brief, is that as per the requisition of the appellant, the land of the respondent-claimants, were acquired by the respondent 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. 3,30,000/- per kani for the land acquired. Being aggrieved by the amount of compensation, the respondent claimants, 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

30.09.2023 has allowed the claim petition enhancing the award of compensation. The relevant portion of the judgment and award is extracted below:-

"21. In view of above observations, discussions, reasons for decisions and the laws enunciated by the Hon'ble Apex Court in the above cited cases, reference petition stands allowed to the following extent:

(a) The market value of acquired land is determined at the rate of Rs.20,00,000/- (Twenty lac) per kani and after deduction of 40% therefrom, the Claimants named above shall get compensation at the rate of Rs.12,00,000/-(Twelve lac) per Kani along with statutory benefits provided under the Act.

(b) Compensation for 04 numbers of Gamai trees are computed Rs.2000/-(4X500), 02 numbers of Litchi trees at Rs.2,000/-(2X1000), 02 numbers of Mango trees at Rs.2,000/-(2X1000), 01 number of Jackfruit tree at Rs.1,000/-(1X1000), 02 numbers of Jambura trees at Rs.600/-(2X300), 02 numbers of Betel nut trees at Rs.500/-(2X250), 14 numbers of Banana trees at Rs.840/-(14X60), 15 numbers of Shegun trees at Rs.15,000/-(15X1000), 01 number of Chamal tree at Rs.1000/-(1X1000) and 24 numbers of Kanak trees at Rs.6,000/-(24X250), and in aggregate, total compensation for damage of trees would be at Rs.30,940/-(Thirty thousand nine hundred forty).

(c) Compensation on the damage due to the removal of dwelling huts and structures and shifting thereof is determined and enhanced to Rs.35,000/-(Thirty five thousand).

(d) Compensation on account of damage of severance of acquired land from residue land is determined at Rs.20,000/-(twenty thousand).

(e) In addition to the above, Respondent No.1 shall pay statutory interest benefits in view of sections 23(1A)(2), 28 of the Act.

(f) Claimants shall also be paid a sum of Rs.5,000/-(five thousand) as costs assuming to have incurred in conducting proceedings of the instant case in view of section 27 of the Act.

22. Respondents shall be liable to pay compensation awarded in equal share in favour of Claimants after adjustment with previous payment in the aforesaid terms within 3 (three) months from the date when a copy of this judgement and award will be made available to them....."

[3] Being aggrieved and dissatisfied with the aforesaid order, dated 30.09.2023 passed in CM (LA) 115 of 2022, the appellant herein before this court seeking 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 30.09.2023 passed in CM (L.A.) 115 of 2022 by the learned L.A. Judge, South Tripura, Belonia shall not be set-aside;

(iii) Call for the records of case no CM (L.A.) 115 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 30.09.2023 passed in CM (L.A.) 115 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] Heard and perused the evidence on record.

[5] It is seen from the order passed by the learned Court below that no proper reasoning is given for enhancement of compensation and no document has been exhibited for establishment of ownership of the respondent-claimants on the land in question. In the absence of the same, this Court feels that the Court below needs to look into this aspect. Accordingly, the order passed by the Court below is set aside, and the matter is remanded to the learned L.A Court for framing an issue on the point of title deeds of the claimants. Learned Court below is further directed to provide an opportunity to both sides if required, to amend the pleadings and mark the title deeds if any, and decide the matter as per procedure as expeditiously as possible.

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.

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 also stand closed.

JUDGE

Paritosh

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