

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A

L.A. App. No.01 of 2025

The Land Acquisition Collector and Another

.....Appellants

_V_E_R_S_U_S_

Smti. Dipanjali Debnath and Another

.....Respondents

For Appellant(s) : Mr. D. Sarma, Addl.G.A.

For Respondent(s) : Mr. A. Das, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

03.04.2025

Heard.

[2] This present appeal has been filed against the judgment dated 26.06.2024 passed by the learned Land Acquisition Judge, North Tripura, Dharmanagar in Civil Misc(L.A.) 17 of 2014 under Section-54 of the L.A. Act, 1894.

[3] The facts in brief are that, the Land Acquisition Officer of the North Tripura District, Dharmanagar by issuing Notification No.F.9(1)-REV/ACQ/2011 dated 07-09-2011 and declaration No. No.F.9(1)-REV/ACQ/I/2011 dated 17.10.2011 under Section-4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") acquiring land measuring 0.06 acres appertaining to RS Plot No. 1739p, 6784p and 1708/6780p under Khatian No.1, from the referring claimant for construction of approach to proposed bridge over river Juri on Tilthai Anandabazar road. Possession of the land was taken and award was passed @ 10,50,000/- per kani for the Nal and Bastu class of the acquired land of the claimant. An amount of Rs.1,79,275/- in all has been paid to the referring claimant including the price of the land along with additional amount @ 12% per-annum on the market value assessed by the LA Collector for the period commencing on and from Civil Misc. (LA)-17/2014 the date of notification under section 4(1) of the Act to the date of taking over of possession of the land and solatium @30% on such market value in consideration of the compulsory nature of acquisition.

[4] That being dissatisfied with the award of the Collector, the respondent-claimant filed an application to the L. A. Collector for reference under Section-18 of the Act for enhancement of compensation. On receipt of the

reference, notices were issued to the parties. The referring-claimant appeared and filed his claim statement. It has been pleaded by him that acquisition of his land caused the rest part of land valueless and unusable for which he should further be compensated for this affected part. It is also stated that the acquired land is quite fertile, well situated and well connected to different facilities and it is also usable for commercial purpose. It is also stated that the value of the land has been determined at lower side without considering necessary factors by the L. A. Collector. According to the referring claimant he is entitled to get rate of the acquired land @ 80,00,000/- per kani plus all other statutory benefits.

[5] The opposite-party L.A. Collector of the North Tripura District, Dharmanagar and Executive Engineer, PWD, Dharmanagar, North Tripura claimed that after due consideration of the prevailing market rate of the acquired land, the amount of compensation for the acquired land was determined. According to the Opposite parties, the compensation so determined is fair & reasonable which represents the correct market price of the acquired land. After hearing the learned L.A. Judge allowed the reference.

[6] Being aggrieved by and dis-satisfied with the same, the present appeal has been preferred by the appellant for redress.

[7] 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.

[8] In view of the above observation, this Court is of the opinion that ends of justice would be met if the present matter is remitted back by setting aside the impugned order dated 26.06.2024 passed by the L.A. Judge, North Tripura,

Dharmanagar and accordingly, the same is ordered. The competent authority 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 to be the lawful owner of the land in question by placing title deed, if any. The claimants are also at liberty to adduce any other relevant documents in support of their claim.

[9] 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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