

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 762 of 2024

Smt. Surabhi Jamatia
Versus
The State of Tripura and Another
---Petitioner(s)
---Respondent(s)

WP(C) 763 of 2024

Sri. Sarma Dayal Jamatia
Versus
The State of Tripura and Another
---Petitioner(s)
---Respondent(s)

WP(C) 764 of 2024

Mr. Bijoy Lal Debbarma
Versus
The State of Tripura and Another
---Petitioner(s)
---Respondent(s)

WP(C) 765 of 2024

Shri Mangal Jamatia
Versus
The State of Tripura and Another
---Petitioner(s)
---Respondent(s)

WP(C) 766 of 2024

Smt. Kanak Lata Jamatia
Versus
The State of Tripura and Another
---Petitioner(s)
---Respondent(s)

WP(C) 767 of 2024

Mr. Amulya Debbarma
Versus
The State of Tripura and Another
---Petitioner(s)
---Respondent(s)

WP(C) 768 of 2024

Mr. Sukumar Debbarma
Versus
The State of Tripura and Another
---Petitioner(s)
---Respondent(s)

WP(C) 769 of 2024

Mr. Amar Singh Jamatia

---Petitioner(s)

Versus

The State of Tripura and Another

---Respondent(s)

WP(C) 770 of 2024

Mr. Bichitra Sadhan Jamatia

---Petitioner(s)

Versus

The State of Tripura and Another

---Respondent(s)

For Petitioner(s)	:	Mr. P Rathor,. Advocate. Mr. Babita Debbarma, Advocate. Mr. Nanda Gopal, Advocate.
For Respondent(s)	:	Mr. P. Gautam, Sr. GA. Mr. Kohinnor N.Bhattacharjee, GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

20.01.2025

Heard learned counsel appearing for the parties.

[2] At the very outset, it is represented by the counsel for the petitioners that since the subject matter of all the writ petitions mentioned above came out the similar facts and circumstances, all may be heard and disposed of together. Having heard so, all the matters are clustered together as the facts involved are similar in nature and can be disposed of a common judgment.

[3] This is a petition under Section 226 of the Constitution of India for seeking the following relief(s):

- a. *Issue writ in the nature of mandamus calling upon the respondents to proceed as per statutory provisions of the Land Acquisition Act, 1894 in respect of land of the petitioner acquired for public purpose and direct the respondents to refer the matter to L.A. Judge as per provision of section 18 of the Land Acquisition Act, 1894 within a period fixed by the Hon'ble Court.*
- b. *After hearing the parties to pass any other order or orders as may be deemed fit and proper for the end of justice.*

[4] It is the case of the petitioner that the petitioner was the owner in Title and possession of the acquired Land. The respondents for the purpose of construction of approach road towards new capital Complex near Gowala Basti Agartala for public purpose had acquired the land of the petitioner. The respondent no.2 in the course of processing the acquisition process had passed an award in the name of one Smt. Shyama Debbarma, the pre-decessor-in-interest of the petitioner and other claimants and unable to decide who is entitled to the initial award had deposited the awarded compensation before L.A Judge, West Tripura, Agartala and referred the matter to L.A. Judge, W. Tripura, Agartala. The petitioner along with other petitioners filed an application before the permanent Lok Adalat, Agartala and the said authority by its order directed the petitioner and other claimants to approach the L.A. Judge (Addl. District Judge, Court no.2) West Tripura, Agartala to be added as a party in the section 30 of L.A. Act petition. The L.A. Judge (Addl. District Judge, Court no.2) West Tripura, Agartala after recording of evidence came to the conclusion that petitioner along with other claimants are the owner in title to the extent of their share of the acquired land and are entitled to the compensation to the extent of their respective share. The petitioner accepted the award compensation to the extent of his share under protest and filed a prayer for reference as per section 18 of the Land Acquisition act, 1894 on 08/09/2022 and also a reminder dt:12-06-2023. In spite of filing the prayer for reference to the collector West Tripura more than 2 (two) years ago, the respondent did not refer the matter to the L.A. Judge, West Tripura and in spite of several visit by the petitioner to the office of the respondent no.2. The petitioner having found the respondents inactive in performing their statutory duties under compulsion to redress his grievances approached this Court for seeking relief(s).

[5] On the contrary, it is represented by the counsel for the respondents that the petitioner has no locus standi over the case and further prayed to dismiss the petition.

[6] Heard both sides.

[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 LA 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 LA Collector to show that the LA 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. khatian), it cannot be said that the persons in possession and claiming the compensation are the real owners having alienable right and title. Unless there is a specific document (i.e. title deed, sale deed or any legal document, succession certificate obtained from court of law) 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] Since the matter is related to the public money, it should reach to the hands of the lawful or the authorized owner. If the same is disbursed to the unauthorized person, there will be great deficit in the public exchequer.

[9] Though it is a case under reference under Section 18 of the LA Act, it becomes necessary to note that if a person who is a land lord, is entitled for compensation may be more generously. But unless the ownership is proved, making a payment to unauthorised person seems contrary to law. In such cases, whether it falls under Section 18 of the LA Act or the compensation can be

determined by the LA Collector, the amount that would be awarded to the claimant(s) becomes an unjust payment.

[10] While taking a decision upon Section 18 of LA Act applications, the concerned authority, if forwarding the matters to the concerned LA Court, shall sensitize the LA court about the issue to be framed as title deeds as observed by this court while enclosing a copy of this judgment.

[11] In view of the above observation, the court below shall re-examine the matter by giving opportunity to both sides for filing relevant documents and also frame additional issues on alienable right, title deeds. The claimant shall also produce any such document claiming him to be the lawfully owners of the land in question by placing title deed, if any. The claimant is also at liberty to adduce any other relevant documents supporting his claim. Upon hearing the both sides, the learned court below shall fix the quantum of compensation or even enhancement of the compensation payable to the claimant may also be fixed. It is made clear that entries/names of claimants in Khatian cannot be treated as title deed. Entries in khatian are only revenue records but it does not confer title.

[12] The respondents to consider the application under section 18 of LA Act as expeditiously as possible in terms of the above observation.

[13] With the above observation and direction, the present writ petitions are disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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