

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App No. 18 of 2024

The Deputy Chief Engineer (Construction-1), N.F. Railway,
Gurkhabasti
.....Appellant(s).
Versus
Sri Gautam Ghosh and another
.....Respondents

For the Appellant(s)	: Mr. Bidyut Majumder, Dy. SGI.
For the Respondent(s)	: Mr. Anjan Kanti Pal, Advocate.

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD**

ORDER

10.07.2025

[1] This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894, against the judgment and order dated 27.06.2022 passed in Misc (L.A.) 25 of 2015 by the learned Land Acquisition Judge, Sepahijala Tripura, Bishalgarh.

[2] The case in brief is that, as per the requisition of the appellant the land of the respondent-claimant, here-in-after referred to as the respondents, situated under Mouja-Bishalgarh, Sheet No.4/p, recorded in Khatian no.2777, C. S. Plot No.

2777/24298, land measuring 0.10 acres, classified as tilla class of land was acquired by the respondent no.2 i.e. the Land Acquisition Collector, West Tripura vide notification dated 27.07.2011 for construction of New Railway line from Agartala to Sabroom. Accordingly, the L.A. Collector, West Tripura, has awarded the compensation @ Rs. 27,50,000/- per acre i.e. 11,00,000/- per kani. Thereafter, the matter was referred to the court of learned L.A. Judge, West Tripura, under Section 18 of the L.A. Act and subsequently, the L. A. Judge by its judgment dated 27.06.2022 enhanced the amount of award @ Rs. 14,00,000/- per kani. Being aggrieved and dissatisfied with the judgment and award dated 27.06.2022 passed by the learned L.A. Judge, Sepahijala District, Bishalgarh, Tripura in case no. Misc L.A. 25 of 2015, the appellant has preferred the instant appeal seeking following reliefs:

"(i) Admit the instant appeal,

(ii) Issue notice upon the respondents to show cause as to why the impugned judgment/award dated 27.06.2022 passed by the learned L.A. Judge, Sepahijala District, Bishalgarh shall not be set-aside;

(iii) Call for the records of case no.Misc. L.A. 25 of 2015 from the court of the learned L.A. Judge, Sipahijala District, Bishalgarh.

AND

(iv) After hearing both the sides may kindly set aside the impugned judgment and award dated 27.06.2022 passed by the learned L.A. Judge, Sipahijala District, Bishalgarh....."

[3] Heard the submissions made at the Bar. It is brought to the notice of this Court that no issues were framed on the alienable right, title and interest of the claimant over the property while granting compensation and in similarly situated appeals, this Court remanded back such matters to the Court below giving

liberty to the both sides to file relevant documents more particularly, claimants were asked to file title deeds of the ownership documents without which, it cannot be said that a person in possession claiming compensation is the real owner having alienable rights. Thus, additional issues need to be framed on alienable right, title and interest of the claimant(s) over the property in question.

[4] In view of the above, this Court is of the view that the present matter be remanded back by setting aside the impugned order and award dated 27.06.2022 passed in Misc (L.A.) 25 of 2015 by the learned Land Acquisition Judge, Sepahijala Tripura, Bishalgarh, and, accordingly, the same is ordered. 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 and interest. The claimant(s) shall also produce any such document claiming him/them to be the lawful owner(s) of the land in question by placing title deed, if any. The claimant(s) would also be at liberty to adduce any other relevant documents supporting the claim. Once the documents are placed on record, the Court shall expedite the matter.

[5] It is needless to observe that in the event, if the land is acquired pertaining to the landlord, he is 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.

[6] With the above observations and directions, this matter is remanded back and accordingly, the appeal is disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.



JUDGE

Sabyasachi G.

SABYASACHI GHOSH

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