

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A

L.A. App. No.21 of 2024

The Deputy Chief Engineer (Construction)

.....Appellant

_V_E_R_S_U_S_

Abdul Rahim & Another

.....Respondents.

For Appellant(s) : Mr. B. Majumder, DSGI.

For Respondent(s) : Mr. P.S. Roy, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

06.02.2025

Heard.

[2] The present appeal has been filed under Section-54 of the Land Acquisition Act, 1894 against the judgment and order dated 02.08.2023 passed in Misc (LA) 215 of 2015 by the learned Land Acquisition Judge, Sepahijala District, Bishalgarh, Tripura.

[3] The facts in brief are that, as per requisition of the appellant the land of the respondent-claimant, hereinafter referred to as the respondent, situated under Mouja-Bishalgarh, Sub-division-Bishalgarh, Sheet No.5/p, recorded in Khatian No.6557/1, 2,4, C.S. Plot No.4141/23989 land measuring 0.10 acres land was acquired by the respondent No.2 i.e. the Land Acquisition Collector, West Tripura, Agartala, vide notification dated 28.06.2011 for construction of new railway line from Agartala to Sabroom. Accordingly, the L.A. Collector, West Tripura, has awarded the compensation @Rs.14,00,000.00/- 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 thereafter, the learned L.A. Judge by its judgment dated 02.08.2023 enhanced the amount of award @ Rs.25,00,000.00 per kani.

[4] Being aggrieved by and dis-satisfied with the judgment and award dated 02.08.2023 passed in Misc (LA) 215 of 2015 by the learned Land Acquisition Judge, Sepahijala District, Bishalgarh, Tripura, the appellant has preferred the instant appeal.

[5] At the threshold, Mr. B. Majumder, learned DSGI, appearing for the appellant herein, has represented before this Court that the point involved in this appeal is already covered by this Court wherein, the learned Court below without

framing the issue for examining the title deed and mark them as exhibit and not appreciating the ownership on the strength of the said document only relied upon the revenue entries i.e. the Khatian, awarded the compensation.

[6] 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.

[7] In view of the above observation, this Court is of the opinion that the present matter be remanded back by setting aside the impugned order dated 02.08.2023 passed by the learned Court below. The Court below 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 him to be the lawful owner of the land in question by placing title deed, if any. The claimant is also at liberty to adduce any other relevant documents in support of his claim.

[8] 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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