

**HIGH COURT OF TRIPURA
AGARTALA
LA.App No. 22 of 2024**

**The Deputy Chief Engineer (Construction –II)
N.F. Railway, Agartala, West Tripura**

.....Appellant.

Versus

1. Smt. Sumati Das @ Sumita Das.

W/o- Tapan Das, Resident of Village Sarashima, P.O Sarashima,
P.S Belonia, District- South Tripura Late Ganga Charan Debnath

**2. Sri Tapan Das, Resident of Village
Sarashima, P.O Sarashima, P.S Belonia, District South
Tripura.**

.....Respondent-Claimants.

3. The Land Acquisition Collector, South Tripura, Belonia.

----- Respondent.

For the Appellant(s)	:	Mr. B. Majumder, Dy.SGI.
For the Respondent(s)	:	Mr. S.S. Debnath, Advocate.
Date of hearing & delivery of Judgment & Order	:	30/01/2025
Whether fit for reporting	:	YES/NO

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

J U D G M E N T & O R D E R (Oral)

Heard Mr. B. Majumder, learned Dy. SGI appearing for
the appellant. Also heard Mr. S.S Debnath, learned counsel
appearing for the claimant-respondent No.1.

[2] This present appeal has been filed under Section 54 of
the Land Acquisition Act, 1984, against the judgment and order

dated 25.01.2023 passed in L.A (Ref) No.06 of 2020 by the Learned Land Acquisition Judge, South Tripura, Belonia.

[3] 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-Sarashima, Sub-Division-Belonia, recorded in Khatian no.2010, C. S. Plot No. 1433/6425/p land measuring 0.22 acres, of land was acquired by the respondent no.2 i.e. the Land Acquisition Collector, South Tripura, Belonia vide notification dated 06.07.2011 for construction of New Railway line from Agartala to Sabroom. Accordingly, the L.A. Collector, South Tripura, Belonia, has awarded the compensation @ Rs. 5,50,000.00 per kani. That, thereafter the matter was referred to the court of learned L.A. Judge, West Tripura, under Section 18 of the L.A. Act thereafter, the L. A. Judge by its judgment dated 25.01.2023 enhanced the amount of award @ Rs. 7,50,000.00 per kani.

The relevant portion of the judgment and award dated 25.01.2023 in LA (Ref) No. 06 of 2020 is extracted hereunder:

"AWARD

11. The claimants shall get compensation for the acquired land at the enhanced rate @ Rs.7,50,000/- (Rupees Seven lakhs fifty thousand) per kani. The claimants shall also get compensation in enhanced rate @ Rs.10,000/- per Rubber tree for 4 Nos. of 10 years old Rubber trees and @ Rs.300/- per Rubber trees for 10 Nos. of 1 year old Rubber trees. The claimants are also entitled to all other admissible statutory benefits. The claimants will also get Rs. 1000/- as cost under section 27 of the Act. The Opposite Parties are liable to make the payment....."

[4] Being aggrieved and dissatisfied with the award dated 25.01.2023 passed in Misc L.A (Ref) No.06 of 2020 by the Learned Land Acquisition Judge, South Tripura, Belonia, the appellant herein approached this court seeking the following reliefs:-

"i. Admit the instant appeal.

ii. ii) Issue notice upon the respondents to show cause as to why the impugned judgment/award dated 25.01.2023 passed by the learned L.A. Judge, South Tripura, Belonia shall not be set-aside;

(iii) Call for the records of case no. L.A. (Ref) 06 of 2020 from the court of the learned L.A. Judge, South Tripura, Belonia.

AND

(iv) After hearing both the sides may kindly set aside the impugned judgment and award dated 25.01.2023 passed in L.A. (Ref) 06 of 2020 by the learned L.A. Judge, South Tripura, Belonia.

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....."

[5] Heard the submissions made at the Bar. It is brought to the notice of this Court by the learned counsel for the parties that there was no material placed before the Court below 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 as khatians are only the revenue records and any entries therein, cannot be treated as sale-deed on the strength of which, it can be said that a person in possession claiming compensation is the real owner having alienable rights. 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.

[6] In view of the above, this Court is of the view that the present matter be remanded back by setting aside the impugned order dated 25.01.2023 passed in L.A (Ref) No.06 of 2020 by the

Learned Land Acquisition Judge, South Tripura, Belonia. 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 claimants shall also produce any such document claiming them to be the lawful owners of the land in question by placing title deed, if any. The claimants are also at liberty to adduce any other relevant documents supporting their claim.

[7] 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.

[8] With the above observation and direction, this present appeal is remanded back and accordingly, the same is disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

Sabyasachi G.

SABYASACHI
GHOSH

 Digitally signed by SABYASACHI GHOSH
Date: 2025.01.31 16:00:14 +05'30'