

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 20 of 2024

The Deputy Chief Engineer (Construction-1) N.F Railway

---Appellant(s)

Versus

Bahar Mia Majumder And Anr.

---Respondent(s)

For Appellant(s)	:	Mr. B. Majumder, Deputy SGI.
For Respondent(s)	:	Mr. Rajiv Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

03.04.2025

This is an appeal under Section 54 of the LA Act, 1894 against the Judgment dated 10.03.2022 passed in Misc (LA) 211 of 2015 by the Ld. Land Acquisition Judge, Sepahijala District, Bishalgarh.

[2] It is the case of the appellant 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, Sub-Division-Bishalgarh, sheet No.5/p recorded in Khatian no.2913/1, C. S. Plot No. 5293 land measuring 0.04 acres, of 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. 25,00,000.00 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 10.03.2022 enhanced the amount of award @ Rs. 30,00,000.00 per kani.

[3] Being aggrieved and dissatisfied with the judgment and award dated 10.03.2022 passed by the learned L.A. Judge, Sepahijala District, Bishalgarh,

Tripura, in case no. Misc L.A. 211 of 2015, the appellant has preferred the instant appeal.

[3] On the contrary, learned counsel appearing for the respondents has submitted before this court that the impugned order is just and proper and needs no interference from this court. He further prayed to dismiss the appeal.

[4] Heard.

[5] 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. 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 observation, this court is of the opinion that present matter be remanded back by setting aside the impugned order dated 10.03.2022 of the learned court below. 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 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.

[7] 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

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