

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 90 of 2024

Shri Bijoy Debnath and Ors

---Petitioner(s)

Versus

In-Charge, HR-IR, ONGC Ltd and Anr.

---Respondent(s)

For Appellant(s)	:	Mr. P K Pal, Advocate.
For Respondent(s)	:	None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

06.01.2025

This is an appeal against the judgment and award dated 04.10.2024 passed by the Ld. LA Judge, Sonamura, Sepahijala in Misc (LA) 11 of 2021.

[2] It is the case of the appellants that the appellants are the owners & possessors and legal heirs of the total land measuring 1.38 acres under Khatian No.318/1, Mouja -Khedabari, T.K. Khedabari, Revenue Circle Sonamura, Sub-Division- Sonamura, District, Sepahijala and the Land Acquisition Collector, West Tripura, Agartala acquired the said land for construction of GCS at Trishna, Khedabari. The Land Acquisition Collector, Sepahijala District awarded @ Rs.80,000/- only per kani, which is not acceptable by the referring claimant. The land of the claimant-petitioners is situated near the Big motorable road which is known as Agartala-Sonamura road. Moreover, Khedabari is situated in a developed area having all modern civil amenities of life. Therefore, the land is a valuable land. Thereafter, reference was made by the Land Acquisition Collector, Sepahijala, Bishramganj, Tripura under Section 18 of the L.A. Act, 1984 at the instance of referring claimants vide Misc. (LA) 11 of 2011 for enhancement of the rate of the acquired land. But, the Ld. L.A. Judge, Sepahijala District by an Order dated 06.07.2017 dismissed for want of claim statement and confirmed the award of L.A. Collector. The petitioners preferred an L.A. Appeal before the Hon'ble

High Court of Tripura vide No.L.A. App 78 of 2023 for setting aside the Order dated 06.07.2017 passed by Ld. L.A. Judge, Sepahijala District in Misc. (LA) 11 of 2011.

[3] The Hon'ble High Court by an Order dated 05.02.2024, set aside the Judgement dated 06.07.2017 and the matter remanded back to the L.A. Judge, Sonamura, Sepahijala for fresh decision and all parties will appear before L.A. Judge on 11.03.2024 and on that date, the claim statement shall be submitted by the appellants before the L.A. Judge and the requiring department-respondent will also appear before this court on that date. As per direction of the this Court dated 05.02.2024 in L.A. App 78 of 2023, the appellants submitted the Claim Statement filed on 11.03.2024 before the Ld. L.A. Judge, Sonamura, Sepahijala District claiming to determine the compensation @ Rs.15,00,000/- per kani as per prevailing market value of the land within 200 Meter from the land of exemplar Sale Deed. But, the Ld. L.A. Judge, Sonamura, Sepahijala District did not consider the submissions of the instant appellants and passed a Judgement dated 04.10.2024 in Misc (LA) 11 of 2011 stating that the compensation awarded by L.A. Collector @ Rs.80,000/- per kani is proper and justified and rejected the case of Misc.(LA) 11 of 2011. The appellants herein specifically stated in the claim statement that the Ld. L.A. Judge, Sonamura determined compensation @ Rs.5,85,600/- per kani for the similarly situated land of the same Notification in another similarly situated land of the same Notification. But, in case of the appellants' case No.Misc. (LA) 11 cf 2011 most arbitrarily again rejected the claim of the appellants and deprived the appellants herein in getting proper compensation for the loss of their valuable land. Hence the instant appeal for redress.

[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 04.10.2024 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 claimants are also at liberty to adduce any other relevant documents supporting their 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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