HIGH COURT OF TRIPURA
AGARTALA

LA App.24 of 2025

The Deputy Chief Engineer (Con-2),
N.F. Railway, Agartala, West Tripura

……..Appellant –Opposite Party(s)

Versus

1. ***Sri. Pata Kumar Tripura***
   son of late Niradhan Tripura, resident of Manubazar,
   PO + P.S. Manubazar, District- South Tripura-799143

2. ***Smt. Pata Laxmi Tripura,***
   D/O. late Niradhan Tripura,

3. ***Smt. Rama Laxmi Tripura,***
   W/O. Late Prasenjit Tripura,

4. ***Sri Sanjit Tripura,***
   son of late Prasenjit Tripura,

5. ***Sri Pranjit Tripura,***
   son of late Prasenjit Tripura,

6. ***Smt. Kabita Tripura,***
   D/O. late Prasenjit Tripura,

All are resident of Village Kaladhepa, Manubazar, P.O. + P.S. Manubazar, District- South Tripura- 799143.

……Respondent-Claimant(s)

7. ***Land Acquisition Collector,*** *South Tripura, Belonia*

……..Respondent(s)

For Appellant(s)	:	Mr. Bidyut Majumder, Dy.SGI
For Respondent(s)	:	Mr. Tapas Datta Majumder, Sr. Adv. Mr. Dalit Kalai, Advocate Ms. Rimi Debbarma, Advocate Mr. Keneth L. Debbarma, Advocate

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HON'BLE JUSTICE DR. T. AMARNATH GOUD

<u>ORDER</u>

03.04.2026

[1] Heard learned counsel for both the sides.

[2] This appeal has been filed under Section 54 of the Land Acquisition Act, 1894 against the judgment and award dated 07.10.2023 passed in case No. Civil Misc.(L.A.) 106 of 2022 seeking the following the reliefs**:-**

> "(i) Admit the instant appeal;
>
> (ii) Issue notice upon the respondents to show cause as to why the impugned judgment/award dated 07.10.2023 passed in Civil Misc. (L.A) 106 of 2022 by the learned L.A. Judge, South Tripura, Sabroom shall not be set-aside,
>
> (iii) Call for the records of case no Civil Misc. (L.A.) 106 of 2022 from the court of the learned L.A. Judge, South Tripura, Sabroom.
>
> AND
>
> (iv) After hearing both the sides may kindly set aside the impugned judgment and award dated 07.10.2023 passed in Civil Misc. (L.A) 106 of 2022 by the learned L.A Judge, South Tripura, Sabroom;
>
> 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 ……..……."

[3] It is represented by Mr. Bidyut Majumder, learned Dy.SGI appearing on behalf of the appellant that in similarly situated bunch of matters, this Court has observed that those matters be remanded back to the learned trial Court for fresh adjudication since ownerships of the claimants were not established and issue was not framed separately on the point of ownership/title-deed of the claimant(s).

[4] In view of the submissions made on behalf of the appellant, this Court opines that since the case in hand pertains to payment of compensation and in identical appeals under Land Acquisition Act where issue of ownership was not decided framing any separate issue for proving the title and the ownership, were remanded back to the concerned LA Judge for re-examination on the point of ownership/title deed of the claimants, accordingly, this matter also needs to be remanded back to the trial Court for the same reason.

[5] Hence, since the issue was not framed by the learned trial Court regarding title and ownership of the claimants, accordingly, the lower Court's order dated 07.10.2023 is set aside and the matter is

remanded back to the learned trial Court for reconsideration by framing an issue on the point of title deed and to decide the ownership and, thereafter, to pass an award in accordance with law. Both the parties would be at liberty to place relevant documents, if any, in support of their respective submissions before the concerned Court for consideration.

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

[7] With the above observation and direction, the matter is remanded back and accordingly, the instant appeal is disposed of. As a sequel, miscellaneous application(s) pending, if any, shall also stand closed.

DR. T. AMARNATH GOUD, J

HIGH COURT OF TRIPURA
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