

**HIGH COURT OF TRIPURA
AGARTALA
LA. App.66 of 2025**

The Deputy Chief Engineer (Con-2) N.F. Railway, Agartala, West Tripura. Pin -799003.

.....Appellant(s)

Versus

1. Sri. Jatindra @ Jatindra Kumar Tripura, S/o Late. Laxmi Charan Tripura resident of Paschim Jalefa, P.S. Sabroom, P.O. Jalefa Bazar, Dist-South Tripura. Pin-799145.

.....Respondent-Claimant

2) Land Acquisition Collector, South Tripura, Belonia, Pin-799155.

.....Respondent

For the Appellant(s)	:	Mr. B. Majumder, Dy. S.G.I.
For the Respondent(s)	:	Mr. P. Gautam, Sr. G.A. Mr. Suman Bhattacharjee, Advocate.

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
ORDER**

27.02.2026

- [1] When the case is called , both parties are present before this Court.
- [2] This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894, against the Judgment and Award dated 12.01. 2024 passed in C.M L.A. No. 39 of 2022 seeking the following reliefs :-

- (i) Admit the instant appeal;
- (ii) Issue notice upon the respondents to show cause as to why the impugned judgment/award dated 12.01.2024 passed in CM.LA. 39 of 2022 by the learned L.A. Judge, South Tripura, Sabroom shall not be set-aside;

(iii) Call for the records of case no. CM. LA. 39 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 12.01.2024 passed in CM LA. 39 of 2022 by the learned L.A. Judge, South Tripura, Sabroom”.

[3] Brief facts of the case is that as per the requisition of the appellant, the land of the respondent-claimant, was acquired by the Land Acquisition Collector, South Tripura, by a notification for construction of 'New Railway line from Agartala to Sabroom. Accordingly, the L.A. Collector, South Tripura, Belonia has awarded the compensation @ Rs. 3,30,000.00 lacs per kani for the land acquired. Being aggrieved by the amount of compensation, the respondent- claimant, filed an application under Section 18 of the L.A. Act, 1894, for referring the matter to the L.A. Judge, South Tripura, Sabroom and accordingly, the same was referred to the court of learned L.A. Judge, South Tripura, Sabroom. Thereafter, the learned L.A. Judge, South Tripura, Sabroom after hearing both the parties, by its judgment dated 12.01.2024 allowed the claim petition enhancing the award of compensation. Hence, this appeal.

[4] The present appeal is filed by the appellant pointing out the infirmities committed by the Trial Court that the compensation has been awarded without framing an issue to the extent of deciding whether the respondent-claimant is the lawful land owner to receive the said compensation or whether he is an unauthorized person claiming for the compensation and, since, the matter was not decided considering the said issue straightway the Court below has awarded compensation and aggrieved by the same, the present appeal is filed making the submission as a major ground for consideration .

[5] Admittedly, in this appeal there is no issue framed as rightly pointed out by the counsel for the appellant and there is no reasoning as per the evidence that the respondent-claimant is the authorized person to receive

the compensation under the capacity of the lawful owner. This Court, in earlier matters observed that if land of a lawful owner is acquired he is obviously entitled for a generous compensation. Since, day by day the land is getting extinguished and it is utilized for better purpose and benefit of the society. But, at the same time this Court is of the view that 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 exchequer.

[6] Heard and perused the evidence on record.

[7] After concluding the argument, Mr. Suman Bhattacharjee, learned counsel appearing for the respondent- claimant prayed before this Court that liberty may be given to avail remedies for compensation to be paid for the trees that are damaged as they are raised by the claimant through cultivation in the Government Khas land and he would take chance for approaching the concerned authority.

[8] The said request is declined by this Court observing that, since the claimant is a trespasser and once he trespasses into the Government land then penal provisions under criminal law shall attract and it is a very clear cut admission that he made claim and some amounts were disbursed and as an evidence when it is there on record, it is not possible for the claimant to take U-turn and pleaded not guilty and is liable to be prosecuted under the penal provision.

[9] Learned counsel, Mr. Suman Bhattacharjee, requested before this court that the claimant not be prosecuted under any penal provision as he is a tribal and he is not aware of any such actions, but this type of arguments cannot be accepted & an ignorance of law is of no excuse. Considering this submission made by learned counsel for the respondent-

claimant, to exonerate his client from this criminal liability, this Court takes a lenient view and closes the matter at this end on this said point.

[10] As for the reason stated *supra*, considering the judgment passed by this court in earlier matter Vide LA. Appeal No. 67 of 2023 dated 05.09.2024, this Court is of the opinion that compensation need not to be paid to any person who is not an owner of the land and, if, compensation is claimed for the trees on a Government land, the claimant becomes a trespasser since there was no authorization and thus, there cannot be any legitimate expectation. Accordingly, the appeal stands allowed and the order passed by the trial court stands set aside

[11] In view of above, the impugned order dated 12.01.2024 is set aside and the appeal is disposed of.

[12] As a sequel, stay if any, stands vacated. Pending application(s), if any, also stands closed.

DR. T. AMARNATH GOUD, J

Paritosh

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