

**HIGH COURT OF TRIPURA
AGARTALA
LA. App.70 of 2025**

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

.....**Appellant(s)**

Versus

- 1. Smt. Jaya Tripura, W/o. Late Rammani Tripura.***
- 2. Smt. Pusta Laxmi Tripura, D/o. Late Rammani Tripura***
- 3. Smt. Jamuna Tripura, D/o. Late Rammani Tripura***
- 4. Smt. Saraswati Tripura, D/o. Late Rammani Tripura***
- 5. Sri. Sanu Tripura S/o. Late Rammani Tripura***

All are legal heirs of Late Rammani Tripura and resident of Village Kaladepa, P.O. & P.S. Manubazar, Sub-Division Sabroom, Distrit- South Tripura, Pin-799143.

- 6. Smt. Chaya Rani Debnath, W/o. Late Himgshu Debnath***
- 7. Smt. Sapna Debnath, D/o. Late Himgshu Debnath***
- 8. Smt. Saraswati Sarkar, D/o. Late Himangshu Debnath***

(Sl.No.6 to 8 are Legal heirs of Permissible land occupier Late Himanghu Debnath)

All are resident of Village Kaladepa, P.O. & P.S. Manubazar, Sub-Division Sabroom, Distrit- South Tripura, Pin-799143.

.....**Respondent-Claimants**

- 9) 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. Kohinoor N. Bhattacharrya, G.A. Mr. T.D. Majumder, Sr. Advocate. Mr. B. Kaipeng, Advoate.

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

29.01.2026

[1] This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894, against the Judgment and Award dated 06.12.2023 passed in CM L.A. No. 57 of 2022 seeking the following reliefs :-

*“(1) Admit the instant appeal,
(ii) Issue notice upon the respondents to show cause as to why the impugned judgment/award dated 06.12.2023 passed in CM (L.A.) 57 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. (L.A.) 57 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 06.12.2023 passed in CM (L.A.) 57 of 2022 by the learned L.A. Judge, South Tripura, Sabroom;

AND

(v) Pass any other order/orders and/or (v) Pass direction/directions as may deem fit and proper having regard to the facts and circumstances of the case.”

[2] The brief facts of the case is that as per the requisition of the appellant, the land of respondent-claimants, acquired by respondent-Land Acquisition Collector, South Tripura, vide notification dated 07.01.2013 for construction of 'New Railway line from Agartala to Sabroom. Accordingly, the L.A. Collector, South Tripura, Sabroom, has awarded the compensation @ Rs. 1,75,000/- per kani. Being aggrieved by the amount of compensation, the respondent-claimants, 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 LA Judge South Tripura. Thereafter, the learned L.A. Judge, South Tripura, Sabroom, after hearing both the parties, by its judgment dated 06.12.2023 has allowed the claim petition enhancing the award of compensation at the rate of Rs.14,40,000/- per kani and also enhanced the value of standing trees. Hence, this appeal.

[3] Heard learned counsel appearing for both the parties.

[4] Mr. B. Majumder, learned Deputy SGI appearing for the appellant submits that the Trial Court awarded the impugned compensation without framing an issue to the extent of deciding whether the respondent-claimant is the lawful owner of the land and entitled to receive the said compensation or whether he is an unauthorized person claiming compensation. The said issue was not decided and the Court below straightway awarded compensation. Being aggrieved by the same, the present appeal has been filed. Learned Deputy SGI further submits that in identical matters, a number of such appeals were disposed of by remanding the matters to the Trial Court for framing an issue on the point of ownership and thereafter to award compensation. Accordingly, he prays to remand the present matter in terms of his said argument.

[5] Admittedly, in the present appeal no such issue has been framed, as rightly pointed out by the learned Deputy SGI appearing for the appellant, and there is also no reasoning based on the evidence to hold that the respondent-claimant is an authorized person to receive compensation in the capacity of a lawful owner. To prove ownership, the claimant ought to have produced the title deed or equivalent document(s) of the said property. Mere recording of his name in the khatian is not sufficient, as the same is only a revenue record and not a proof of ownership. This Court, in earlier matters, has observed that if the land of a lawful owner is acquired, he is obviously entitled to appropriate compensation, particularly since day by day land is getting extinguished and is being utilized for better purposes and for the benefit of society. However, at the same time, this Court is of the view that unless it is decided that the recipient of the claim amount holds a valid and alienable title, it cannot be said that he is entitled to claim compensation. An unauthorized person cannot be paid a single rupee from the public exchequer.

[6] Accordingly, the matter needs to be remanded back. Thus, the present appeal is allowed by setting aside the impugned order dated

06.12.2023 passed by the Trial Court, with a direction to frame an issue on the point of ownership and to decide the case after receiving documents, if any, and after hearing arguments by giving opportunity to both sides, in accordance with procedure. The said decision shall be taken as expeditiously as possible in accordance with law.

7] With the above observations and directions, the impugned order is set aside and the appeal is remanded back and accordingly stands disposed of.

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

DR. T. AMARNATH GOUD, J

suhanjit

RAJKUMAR
SUHANJIT SINGHA

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