

**HIGH COURT OF TRIPURA
AGARTALA**

L.A. APP 71 OF 2025

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

----Appellant-Opposite Party

Versus

- 1. Smt. Sambha Laxmi Tripura,** wife of It. Sabdar Kumar Tripura, resident of Gardhang, P.O.Bhuratali, P.S. Manubazaar, Sabroom, District-South Tripura, PIN- 799143.
- 2. Smt. Abhalakshi Tripura,** daughter of It. Sabdar Kumar Tripura, resident of Gardhang, P.O.Bhuratali, P.S. Manubazaar, Sabroom, District-South Tripura, PIN- 799143.
- 3. Smt. Chikan Sri Tripura,** daughter of It. Sabdar Kumar Tripura, resident of Gardhang, P.O.Bhuratali, P.S. Manubazaar, Sabroom, District-South Tripura, PIN- 799143.
- 4. Smt. Subitra Tripura,** daughter of It. Sabdar Kumar Tripura, resident of Gardhang, P.O.Bhuratali, P.S. Manubazaar, Sabroom, District-South Tripura, PIN- 799143.
- 5. Smt. Puthi Mala Tripura,** daughter of It. Sabdar Kumar Tripura, resident of Gardhang, P.O.Bhuratali, P.S. Manubazaar, Sabroom, District-South Tripura, PIN- 799143.
- 6. Smt. Ful Pati Tripura,** daughter of It. Sabdar Kumar Tripura, resident of Gardhang, P.O.Bhuratali, P.S. Manubazaar, Sabroom, District-South Tripura, PIN- 799143.
- 7. Sri Rabi Dhan Tripura,** son of It. Sabdar Kumar Tripura, resident of Gardhang, P.O.Bhuratali, P.S. Manubazaar, Sabroom, District-South Tripura, PIN- 799143.
- 8. Sri Rahim Chandra Tripura,** son of It. Sabdar Kumar Tripura, resident of Gardhang, P.O.Bhuratali, P.S. Manubazaar, Sabroom, District-South Tripura, PIN- 799143.
- 9. Sri Alindra Tripura,** son of It. Sabdar Kumar Tripura, resident of Gardhang, P.O.Bhuratali, P.S. Manubazaar, Sabroom, District-South Tripura, PIN- 799143.
- 10. Sri Surendra Tripura,** son of It. Sabdar Kumar Tripura, resident of Gardhang, P.O.Bhuratali, P.S. Manubazaar, Sabroom, District-South Tripura, PIN- 799143.
- 11. Sri Hari Mohan Tripura,** son of It. Sabdar Kumar Tripura, resident of Gardhang, P.O.Bhuratali, P.S. Manubazaar, Sabroom, District-South Tripura, PIN- 799143.
- 12. Sri Chandra Mohan Tripura,** son of It. Sabdar Kumar Tripura, resident of Gardhang, P.O.Bhuratali, P.S. Manubazaar, Sabroom, District-South Tripura, PIN- 799143.

13. Sri Rakesh Mohan Tripura, son of It. Sabdar Kumar Tripura, resident of Gardhang, P.O.Bhuratali, P.S. Manubazaar, Sabroom, District-South Tripura, PIN- 799143.

.... Respondent-Claimants

14. Land Acquisition Collector, South Tripura, Belonia, PIN- 799155.

----- Respondent

For Appellant(s)	:	Mr. B. Majumder, Deputy SGI
For Respondent(s)	:	Mr. TD Majumder, Sr. Advocate Ms. B. Kaipeng, Advocate
Date of hearing & delivery of Judgment & Order	:	09.03.2026
Whether fit for reporting	:	No

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
Judgment & Order (Oral)

This is an appeal preferred by the appellant-opposite party being aggrieved by the judgment and award dated 20.01.2024 passed by the learned Land Acquisition Judge, South Tripura, Sabroom, in case No. CM L.A. 72 of 2022, whereby the amount of compensation has been further enhanced by the learned L.A. Judge. In filing the appeal, the appellant-opposite party has prayed for 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 20.01.2024 passed in CM (L.A.) 72 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.) 72 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 20.01.2024 passed in CM (L.A.) 72 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.”

2. Heard Mr. B. Majumder, learned Deputy SGI appearing for the appellant-opposite party. Also heard Mr. TD Majumder, learned senior counsel assisted by Ms. B. Kaipeng, learned counsel appearing for respondent No.8.

3. It is the contention made by the learned counsel for the appellant-opposite party, Mr. Majumder, Dy. SGI, that the Court below has not considered or framed any issue on the point as to *whether the claimant-respondent has acquired any right, title and interest over the acquired land*. It has been further submitted that no title deed nor any document in support of her claim has been placed on record, and no such exhibit has been marked nor any evidence was addressed except relying on the khatians and the same cannot be treated as title deed. He further placed reliance on several judgments passed by this Court wherein this Court in all matters disposed of the appeals by setting aside the order passed by the L.A. Judge remanding the same to the concerned Court directing the L.A. Judge to reconsider the matter by framing an issue on the point *whether the claimants are owners of the subject lands and did they prove their ownership by placing oral and documentary evidence*, and pass similar order by disposing of the appeal.

4. I have perused the entire record including the judgment and award passed by the learned Tribunal.

5. It becomes immense necessary that the learned trial court before considering that the claimants are the owners, ownership documents need to be examined and exhibited and

since the same is not on record, this court finds that the matter needs re-examination. Accordingly, the matter is remanded back to the learned trial Court directing the L.A. Judge to frame an issue on the point of title deeds to decide the ownership and thereafter give an opportunity to both sides and decide the matter by adducing evidences as per procedure. This Court is further of the opinion that in the event if the land-owner is found to be looser of land in the process of acquisition, the land owner has to be appropriately compensated, but in the event, if the person claiming compensation fails to prove the ownership, he/she shall not be paid a single rupee from the government exchequer, as no unauthorized person is entitled for any bonanza.

6. In view of the above, the judgment and award dated 20.01.2024 passed by the learned L.A. Judge, South Tripura, Belonia, in case No. CM(L.A.) 72 of 2022, is set aside, and the matter is remanded back.

7. Consequently, the appeal stands disposed. Pending application(s), if any, also stands disposed.

JUDGE

SAIKAT KAR Digitally signed by
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