

**HIGH COURT OF TRIPURA
AGARTALA**

LA APP No.51 of 2025

Chief Commissioner of State Tax, Govt. of Tripura.
P.N. Complex, Gurkhabasti, Agartala, Tripura

.....Appellant

VERSUS

1. Sri Manmoth Nath Choudhury,
son of Kumud Nath Choudhury,
of Nayapara (Progati road)
PO & PS_ Dharmanagar, District- North Tripura.

2. The Land Acquisition Collector,
North Tripura, Dharmanagar

.....Respondents

For Appellant(s) : Mr. P. Gautam, Sr. G.A.

For Respondent(s) : Mr. Pijush Kanti Biswas, Sr. Advocate.
Mr. Pujan Biswas, Advocate.
Mr. S. Debbarma, Advocate.
Mr. S. Tripura, Advocate.
Mr. J. Rahaman, Advocate.
Mr. B. Tripura, Advocate.

Date of hearing and delivery
of judgment and order : 03.04.2026.

Whether fit for reporting : NO

HON'BLE JUSTICE DR. T. AMARNATH GOUD

JUDGMENT & ORDER (ORAL)

[1] This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894 against the Judgment dated 07.01.2025 passed by the Land Acquisition Judge, North Tripura, Dharmanagar in Civil Misc. (LA) 02 of 2018 wherein the learned LA Judge enhanced the awarded amount of compensation to Rs.32,00,000/- per kani.

[2] The present case arises out of land acquisition proceedings initiated by the Land Acquisition Collector, North Tripura District, for the purpose

of up-gradation of the Churaibari Check Post. By Notification dated 18.01.2008 and Declaration dated 18.02.2008 issued under the Land Acquisition Act, 1894, land measuring 0.07 acres under Khatian No. 3128, pertaining to Plot Nos. 5575/9022 and 5573/9027 of Mouja Churaibari, under Churaibari T.K., Dharmanagar Sub-Division, was acquired. Possession of the said land was taken and an award amounting to Rs.5,25,881/- was passed by the Land Acquisition Collector.

[3] Being dissatisfied with the said award, the claimant sought a reference under Section 18 of the Land Acquisition Act before the Land Acquisition Judge, North Tripura, Dharmanagar, contending that the compensation awarded was grossly inadequate. The claimant asserted that the acquired land was situated in a commercially potential area and claimed compensation at the rate of Rs.80,00,000/- per kani.

[4] The requiring department (appellant herein) contested the reference proceeding by supporting the award passed by the Land Acquisition Collector and contended that the compensation assessed was just, fair, and based on prevailing market rates. The Land Acquisition Collector also filed written objection reiterating that the award was determined upon due consideration of contemporaneous sale instances and other relevant factors and did not warrant any enhancement.

[5] During trial, the claimant adduced oral and documentary evidence in support of his claim. The requiring department examined one witness and exhibited documents, while the Land Acquisition Collector also examined a witness and produced documentary evidence in support of the award.

[6] Upon hearing the parties and considering the materials on record, the learned Land Acquisition Judge, North Tripura, Dharmanagar, by judgment dated 07.01.2025 passed in Civil Misc. (LA) 02 of 2018, enhanced the compensation to Rs.32,00,000/- per kani and also awarded statutory benefits.

[7] Being aggrieved and dissatisfied with the said judgment and enhancement of compensation, the appellant-requiring department has preferred the present appeal seeking the following reliefs:-

- “(a) To admit the appeal;*
- (b) To issue notice to the parties;*
- (c) To pass order setting aside the impugned Judgement and Award dated 07.01.2025, passed by the Ld. LA Judge, North Tripura, Dharmanagar, in case No. Civil Misc. (LA) 02 of 2018.*

(d) To grant stay order against the Judgment dated 07.01.2025 passed by the Ld. LA Judge, North Tripura, Dharmanagar, in case No. Civil Misc. (LA) 02 of 2018 till disposal of the appeal filed by the appellant for ends of justice.

(e) To pass such other order/orders as your Lordship may deem fit & proper.”

[8] Heard Mr. P. Gautam, learned Sr. G.A. appearing for the appellant as well as Mr. P.K. Biswas, learned Sr. counsel assisted by Mr. P. Biswas, learned counsel appearing for the respondent-claimant.

[9] Mr. Gautam, learned Sr. G.A., appearing for the appellant submits that the claimant-petitioner did not adduce any documentary evidence to establish his ownership, possession, or right, title and interest over the acquired land. It is further submitted that the learned L.A. Judge has whimsically and mechanically enhanced the compensation to Rs.32,00,000/- per kani, which is liable to be reduced.

[10] On the other hand, Mr. P.K. Biswas, learned Sr. counsel, submits that the right, title and interest of the claimant have already been established before the learned L.A. Judge and the same is an admitted fact. It is contended that the title of the land was never in dispute before the learned L.A. Judge. He further submits that the award passed by the learned L.A. Judge is just and proper and does not call for any interference. Learned Sr. counsel also submitted that the awarded amount has already been disbursed to the claimant herein .

[11] Heard and perused the record.

[12] In view of the submissions advanced by learned counsel for the parties and upon consideration of the materials on record, this Court finds that although it has been contended by the learned Sr. counsel for the respondent-claimant that the right, title and interest over the acquired land stood proved and was not in dispute before the learned L.A. Judge, such contention cannot be accepted in the absence of cogent documentary evidence, particularly valid title deed(s), on record. It is well settled that entries in revenue records, including Khatian, do not confer title and are merely indicative of possession. In matters involving disbursement of public money, proof of entitlement is required. While it must be ensured that the rightful owner is not deprived of compensation, it is equally necessary that compensation is not released without proper proof of title.

[13] Accordingly, the impugned judgment and award dated 07.01.2025 passed by the learned Land Acquisition Judge, North Tripura,

Dharmanagar in Civil Misc. (LA) 02 of 2018 is set aside to the limited extent indicated herein, and the matter is remanded back to the learned Land Acquisition Judge for fresh consideration on the issue of right, title and interest of the claimant. The claimant shall be afforded an opportunity to adduce proper documentary evidence, including title deed(s), in support of his claim. The learned Court below shall thereafter determine the entitlement of the claimant to receive compensation strictly in accordance with law. It is made clear that compensation shall be released only in favour of the person who is able to establish valid title over the acquired land.

[14] With the above observations and directions, the appeal stands disposed of. As a sequel, stay if any stands vacated. Pending application(s) if any also stands closed.

DR. T. AMARNATH GOUD, J.

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