

**HIGH COURT OF TRIPURA
AGARTALA**

L.A. APP 52 OF 2025

Chief Commissioner of State Tax, Government of Tripura,
PN Complex, Gurkhabasti, Agartala, West Tripura

----Appellant

Versus

1. Sri Nishikanta Chakraborty, son of Nani Chakraborty,
resident of Churaibari, P.O. + P.S. Churaibari, District-North
Tripura.

2. The Land Acquisition Collector, North Tripura,
Dharmanagar.

.... Respondents

For Appellant(s)	:	Mr. P. Gautam, Sr. GA
For Respondent(s)	:	None
Date of hearing & delivery of Judgment & Order	:	05.02.2026
Whether fit for reporting	:	Yes / No

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

05/02/2026

This is an appeal preferred by the appellant being aggrieved by the judgment dated 07.01.2025 passed by the learned Land Acquisition Judge, North Tripura, Dharmanagar, in case No. Civil Misc.(L.A.) 01 of 2018. In filing the appeal, the appellant has prayed for the following reliefs:

- “(i) To admit the appeal;
(ii) To issue notice to the parties;
(iii) To pass necessary order setting aside the impugned Judgment and Award dated 07.01.2025 passed by the Ld. LA Judge, North Tripura, Dharmanagar, in case No. Civil Misc (LA) 01 of 2018;
(iv) 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) 01 of 2018 till disposal of the appeal filed by the appellant for ends of justice.”

2. It is seen from the note of the Interlocutory application that the respondent No.1 refused to receive the notice. In view of

the same, the condonation application (I.A. 1 of 2025) was also heard and disposed. Now the matter came up for hearing. Accordingly, heard Mr. P.Gautam, learned senior GA appearing for the appellant. There is no representation from the respondent No.2.

3. Shortly stated, under Notification No. F.9(1)-REV/ACQ/1/2008, dated 18.01.2008 and Declaration No. F.9(1)-REV/ACQ/1/2008, dated 18.01.2008, the land of the respondent no. 1 measuring 0.07 acres of Khatian No. 3127 under Plot Nos. 5575/9023 and 2257/9028 of Mouja- Churaibari was acquired for construction of upgradation of Churaibari Checkpost with an award of Rs.5,25,361/-. Against the said award, the referring-claimant filed an application to the LA Collector, North Tripura, for enhancement of the award. On reference, notice was issued and referring claimant filed claim statement. Upon consideration, learned LA Judge, North Tripura, by its judgment dated 07.01.2025 enhanced the award to the tune of Rs.32,00,000/- per kani. Challenging the same, the appellant is before this Court.

4. It is the contention made by the learned counsel for the appellant, that no title deed nor any document in support of the claim has been placed on record, and without verifying the ownership document, the awarded compensation has been enhanced. Learned counsel 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.

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

6. It becomes immense necessary that the learned trial court before considering that the claimant is the owner, 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, he has to be appropriately compensated, but in the event, if the person claiming compensation fails to prove his ownership, he shall not be paid a single rupee from the government exchequer, as no unauthorized person is entitled for any bonanza.

7. In view of the above, the judgment and award dated 07.01.2025 passed by the learned L.A. Judge, North Tripura, Dharmanagar, in case No. Civil Misc.(L.A.) 01 of 2018, is set aside, and the matter is remanded back to the learned trial Court directing to reconsider the matter giving an opportunity to both

sides for filing all documents in terms of their title deeds and to adduce evidence and proceed as per law.

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

JUDGE



SAIKAT KAR

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