

**HIGH COURT OF TRIPURA
AGARTALA**

LA App.50 of 2025

*The Managing Director, TIDC,
Industry Building, 3rd Floor,
Gurkhabasti, P.S. New Capital Complex,
District: West Tripura*

.....Appellant

Versus

- 1. Sri. Ajoy Das, S/o Late Haripada Das,
Resident of East Champamura, P.S. East Agartala,
District - West Tripura.*
- 2. Smt. Basanti Rani Das, W/o Sri Manik Das,
D/o. Late Haripada Das, Resident of Badharghat, Agartala,
District - West Tripura.*
- 3. Smt. Jayanti Bala Das, W/o Sri Ratan Das,
D/o Late Haripada Das, Resident of Dukli, Maheshkhala,
District - West Tripura.*
- 4. Sri Bijoy Kr. Das, S/o Late Haripada Das,
Resident of East Champamura, P.S. East Agartala,
District - West Tripura.*

.....Respondents.

- 5. The Land Acquisition Collector, West Tripura,
P.O- Agartala, P.S. - West Agartala, District- West Tripura, Pin-799001.*

.....Proforma-Respondent

For Appellant(s)	:	Mr. B.N. Majumder, Sr.Advocate Mr. Rajib Saha, Advocate
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharya, G.A. Mr. D. Bhattacharya, Sr. Advocate Mr. Subrata Roy, Advocate Mr. Samar Das, Advocate Ms. Rashmi Bhattacharjee, Advocate

HON'BLE JUSTICE DR. T. AMARNATH GOUD

ORDER

26.03.2026

[1] Heard learned counsel for both the sides.

[2] This appeal has been filed under Section 54 of the Land Acquisition Act, 1894 read with Order XLI of Civil Procedure Code, 1908, against the judgment and award dated 29.08.2023 passed in case No. MISC (L.A.) 33 of 2016 seeking the following the reliefs:-

“(a) Admit this appeal condoning the delay of 606 days.

(b) Call for the records pertaining to CASE NO. MISC. (LA) 33 of 2016, from the Ld. Court of Land Acquisition Judge (Court No. 4), West Tripura Judicial District, Agartala;

(c) Pass an order for preparation of paper book;

(d) In the interim be kind enough to stay the impugned Judgement and award dated 29.08.2023, Case No. CIVIL MISC (L.A.) 33 of 2016, pending disposal of the appeal;

(e) After hearing the parties, be kind enough to set aside the Judgement dated 29.08.2023, Case No. MISC (L.A.) 33 of 2016, for the fair ends of justice.....”

[3] It is represented by Mr. R. Saha, learned counsel appearing on behalf of the appellant that in similarly situated bunch of matters, this Court has observed that those matters be remanded back to the learned trial Court for fresh adjudication since ownerships of the claimants were not established and issue was not framed separately on the point of ownership/title-deed of the claimant(s).

[4] In view of the submissions made on behalf of the appellant, this Court opines that since the case in hand pertains to payment of compensation and in identical appeals under Land Acquisition Act where issue of ownership was not decided framing any separate issue for proving the title and the ownership, were remanded back to the concerned LA Judge for re-examination on the point of ownership/title

deed of the claimants, accordingly, this matter also needs to be remanded back to the trial Court for the same reason.

[5] Hence, Since the issue was not framed by the learned trial Court regarding title and ownership of the claimants accordingly, the lower Court's order dated 29.08.2023 is set aside and the matter is remanded back to the trial Court for reconsideration by framing an issue on the point of title deed and to decide the ownership and, thereafter, pass an award in accordance with law. Both the parties would be at liberty to place relevant documents, if any, in support of their respective submissions before the concerned Court for consideration.

[6] It is needless to observe that in the event, if the land is acquired pertaining to the landlord, he would be entitled for fair and even a generous compensation in a given circumstance, but 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 money.

[7] With the above observation and direction, the matter is remanded back and accordingly, the instant appeal is disposed of. As a sequel, miscellaneous application(s) pending, if any, shall also stand closed.

DR. T. AMARNATH GOUD, J

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