



TRHC010012252025

HIGH COURT OF TRIPURA
AGARTALA
L.A. APP 53 OF 2025

The Officer Commanding, BRO, 78 RCC (GREF), C/O 99
APO, Agartala, West Tripura District

----Appellant-Opposite Party

Versus

1. Sri Khagendra Rabi Das, son of late Bisweswar Rabi Das, resident of Bishalgarh, near Motorstand, P.S. Bishalgarh, District-Sepahijala, Tripura, Pin-799102;

2. Sri Birendra Rabi Das, son of late Bisweswar Rabi Das, resident of Bishalgarh, near Motorstand, P.S. Bishalgarh, District-Sepahijala, Tripura, Pin-799102;

3. Sri Bishu Rabi Das, son of late Bisweswar Rabi Das, resident of Bishalgarh, near Motorstand, P.S. Bishalgarh, District-Sepahijala, Tripura, Pin-799102;

4. Sri Krishna Rabi Das, son of late Bisweswar Rabi Das, resident of Bishalgarh, near Motorstand, P.S. Bishalgarh, District-Sepahijala, Tripura, Pin-799102;

5. Smt. Sumitra Rabi Das, wife of Rajkumar Rabi Das, resident of Bishalgarh, near Motorstand, P.S. Bishalgarh, District-Sepahijala, Tripura, Pin-799102;

6. Smt. Suchitra Rabi Das, wife of Gobinda Das, resident of Bishalgarh, near Motorstand, P.S. Bishalgarh, District-Sepahijala, Tripura, Pin-799102;

7. Smt. Chabi Rabi Das, wife of Bhagabati Rabi Das, resident of Bishalgarh, near Motorstand, P.S. Bishalgarh, District-Sepahijala, Tripura, Pin-799102;

8. Smt. Kabita Rabi Das, wife of Babul Rabi Das, resident of Bishalgarh, near Motorstand, P.S. Bishalgarh, District-Sepahijala, Tripura, Pin-799102;

9. Smt. Bhagabati Rabi Das, wife of Shyuamal Rabi Das, resident of Bishalgarh, near Motorstand, P.S. Bishalgarh, District-Sepahijala, Tripura, Pin-799102;

(The respondent-claimant No.1 is representing all the legal heirs of Bisweswar Rabi Das on the strength of General Power of Attorney)

.... Respondent-Claimants

10. Land Acquisition Collector, West Tripura (now Sepahijala District, Bishramganj-799103)

----- Respondent

For Appellant(s)	:	Mr. B. Majumder, Deputy SGI
For Respondent(s)	:	Mr. P. Gautam, Sr, GA
Date of hearing & delivery of Judgment & Order	:	11.05.2026
Whether fit for reporting	:	Yes

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 21.03.2024 passed by the learned Land Acquisition Judge, Sepahijala District, Bishalgarh, in case No. Misc.(LA) 28 of 2011, 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 21.03.2024 passed in Misc (L.A.) 28 of 2011 by the learned L.A. Judge, Sepahijala District, Bishalgarh, shall not be set-aside;
- (iii) Call for the records of case no. Misc (L.A.) 28 of 2011 from the court of the learned L.A. Judge, Sepahijala District, Bishalgarh.

AND

- (iv) After hearing both the sides may kindly set aside the impugned judgment and award dated 21.03.2024 passed in Misc (L.A.) 28 of 2011 by the learned L.A. Judge, Sepahijala District, Bishalgarh;

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. P. Gautam, learned senior GA appearing for the respondent.

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-respondents are entitled to seek the compensation. No title deed nor any document in support of their 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. The counsel for the respondent in all fairness submits that he has placed before the court the khatians and would place the documents in respect of their claim before the learned trial Court, and sought for permission of this Court to file all such relevant documents.

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

6. In view of the submissions made by learned counsel of both sides, this Court considering the earlier judgments passed in the matters of similar in nature dispose the present appeal by setting aside the Order passed by the trial Court and remand the matter back 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. It is pertinent to note that this Court is 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. The Hon'ble Apex Court in ***Vadiyala Prabhakar Rao and Ors. vs. The Government of Andhra Pradesh***, reported in ***2026 INSC 450***, while dealing with the issue-in-question has opined that *revenue records, mutation entries, or tax receipts do not establish title or ownership of property. Such documents serve only fiscal purposes and cannot be used to prove ownership against government claims.* The Hon'ble Apex Court has further opined that *revenue entries may suggest possession but do not create, confer, or extinguish title.* Para 16, of the said judgment, reads as follows:

“16. Let us summarise the precedents on Revenue Entries and their legal effect on the question of title:

16.1 Entries in Revenue Records or Jamabandi serve only a "fiscal purpose". Their primary function is to enable the person whose name is mutated in the records to pay the land revenue in question.

16.2 A Revenue Record is not a document of title and does not confer any ownership or title upon the person whose name appears in it. Further, mutation does not create or extinguish title and has absolutely no presumptive value regarding title.

16.3 The mere acceptance of municipal or agricultural taxes, or the granting of a bank loan based on these records, does not stop the State from challenging the ownership of the land.

16.4 While they do not prove title, Revenue Records can raise a presumption regarding possession. Maintenance and custody of Revenue Records is the exclusive domain of the Patwari, and it is not uncommon that Revenue Records are often tinkered with by him to suit the exigencies.

16.5 Stray or solitary entries recorded for a single year do not raise a presumption of rights and cannot be relied upon against a long, consistent course of revenue entries in favour of another party.

16.6 The creation of fabricated records in collusion acts as a camouflage to defeat the legal rights of the actual tiller, and the Government is not bound by them.”

8. In view of the above proposition of law, the judgment and award dated 21.03.2024 passed by the learned L.A. Judge, Sepahijala District, Bishalgarh, in case No. Misc.(L.A.) 28 of 2011, is set aside, and the matter is remanded back.

9. Consequently, the appeal stands disposed. As a sequel, pending application(s), if any, also stands disposed.

JUDGE



**SAIKAT
KAR**

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