



**HIGH COURT OF TRIPURA  
AGARTALA**

***LA App.78 of 2025***

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

***.....Appellant –Opposite Party(s)***

***Versus***

- 1. Sri Chinta Tripura @ Cinta Kumar Tripura  
son of late Matahari Tripura,***
- 2. Smt. Mangalti Tripura,  
wife of late Matahari Tripura,***
- 3. Sri Rahim Tripura,  
son of late Matahari Tripura,***
- 4. Smt. Champa Bati Tripura,  
daughter of late Matahari Tripura  
(All are legal heirs of late Matahari Tripura),  
Resident of village-Manubazar, P.O. & P.S. Manubazar,  
Sabroom, South Tripura-799143.***

***.....Respondent-Claimant(s)***

- 5. Land Acquisition Collector, South Tripura, Belonia, PIN- 799155***

***.....Respondent(s)***

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For Appellant(s) : Mr. Bidyut Majumder, Dy.SGI

For Respondent(s) : Mr. Kohinoor N. Bhattacharya, G.A.

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**HON'BLE JUSTICE DR. T. AMARNATH GOUD**

**FINAL ORDER**

**14.05.2026**

[1] When the case is called, Mr. B. Majumder, learned Dy. SGI appears on behalf of the appellant. Respondent -LA Collector is duly represented by Mr. Kohinoor N. Bhattacharya, learned G.A.

[2] It is seen from the Registry's note dated 13.05.2026 that in compliance with the order of this Court dated 27.03.2026 post-admission notices were issued upon the respondent-claimants by 'Dasti' and in this regard, a proof of service of notice in respect of the said respondents has accordingly been submitted by the appellant side. But, despite service of notice, there is no representation on behalf of the respondent-claimants.

[3] This appeal has been filed under Section 54 of the Land Acquisition Act, 1894 against the judgment and award dated 14.12.2023 passed in case No. CM L.A. 116 of 2022 seeking the following the reliefs:-

“(i) Admit the instant appeal;

(ii) Issue notice upon the respondents to show cause as to why the impugned judgment/award dated 14.12.2023 passed in CM (L.A.) 116 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.) 116 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 14.12.2023 passed in CM (L.A.) 116 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. ....”

[4] It is represented by Mr. Bidyut Majumder, learned Dy.SGI 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). He further contends that the same principle as laid down by this Court in the said bunch matters, has also been affirmed by the Hon'ble Supreme Court of India in *Civil Appeal No.0 of 2026 @ SLP (Civil) Nos.27590 of 2025 D/d 06.05.2026* in relating to some other High Court's matter.

[5] 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.

[6] 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 14.12.2023 is set aside and the matter is remanded back to the learned trial Court for reconsideration by framing an issue on the point of title deed and to decide the ownership and, thereafter, to 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.

[7] 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.

[8] 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**

*Sabyasachi G.*

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