

**HIGH COURT OF TRIPURA
AGARTALA**

L.A. APP 59 OF 2025

The Deputy Chief Engineer (Con-2), NF Railway,
Agartala, West Tripura

----Appellant

Versus

1. Sri Arup Sarkar, son of It. Brojendra Sarkar, resident of Sukantapalli, P.O. + P.S. Manubazar, Sabroom, District-South Tripura, Pin-799143.

2. Smt. Basubala Sarkar @ Basurani Sarkar, wife of It. Brojendra Sarkar, resident of Sukantapalli, P.O. + P.S. Manubazar, Sabroom, District-South Tripura, Pin-799143.

3. Smt. Maya Sarkar, wife of It. Krishnadhan Sarkar, resident of Sukantapalli, P.O. + P.S. Manubazar, Sabroom, District-South Tripura, Pin-799143.

4. Sri Hriday Sarkar, son of It. Krishnadhan Sarkar, resident of Sukantapalli, P.O. + P.S. Manubazar, Sabroom, District-South Tripura, Pin-799143.

5. Sri Antar Sarkar, son of It. Krishnadhan Sarkar, resident of Sukantapalli, P.O. + P.S. Manubazar, Sabroom, District-South Tripura, Pin-799143.

6. The Land Acquisition Collector, South Tripura, Belonia, Pin-799155.

.... Respondents

For Appellant(s)	:	Mr. B. Majumder, Deputy SGI
For Respondent(s)	:	None
Date of hearing & delivery of Judgment & Order	:	16.02.2026
Whether fit for reporting	:	Yes / No

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

This is an appeal preferred by the appellant being aggrieved by the judgment and award dated 19.12.2023 passed by the learned Land Acquisition Judge, South Tripura, Sabroom, in case No. C.M.(L.A.) 117 of 2022. In filing the appeal, the appellant 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 19.12.2023 passed in CM (L.A.) 117 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.) 117 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 19.12.2023 passed in CM (L.A.) 117 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..”

2. It is seen from the note of the Interlocutory application that notices have been duly served upon the respondent-claimants. Despite receipt of notice, there is no representation from the respondent-claimants. Learned Deputy SGI, appearing for the appellant has submitted that there is urgency in this matter. Considering the above submission, the matter is taken up for hearing in absence of the respondents.

3. Shortly stated, as per the requisition of the appellant, the land of the claimant-respondents was acquired by the respondent no.2 i.e. the Land Acquisition Collector, South Tripura, vide notification dated 07.01.2013 for construction of 'New Railway line from Agartala to Sabroom'. Accordingly, the L.A. Collector, South Tripura, Sabroom, has awarded the compensation @ Rs. 1,75,000/- per kani for nal class of land. Being aggrieved by the amount of compensation, the respondent-claimants, filed an application under Section 18 of the L.A. Act, 1894, for referring the matter to the L.A. Judge, South Tripura, Sabroom, and, subsequently, the same was referred to the court of learned L.A. Judge, South Tripura, Sabroom. Thereafter the learned L.A. Judge,

South Tripura, Sabroom, after hearing both the parties, by its judgment dated 19.12.2023 has allowed the claim petition enhancing the award of compensation at the rate of Rs.14,40,000/- per kani and also awarded Rs.20,000/- for severance of land. 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(s) is/are the owner(s), 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 losers of land in the process of acquisition, they are to be appropriately compensated, but in the event, if the persons claiming compensation fail to prove their ownership, they 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 19.12.2023 passed by the learned L.A. Judge, South Tripura, Sabroom, in case No. C.M.(L.A.) 117 of 2022, 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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