

**HIGH COURT OF TRIPURA
AGARTALA**

L.A. APP 76 OF 2025

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

----Appellant-Opposite Party

Versus

- 1. Sri Santa Kumar Tripura**, son of It. Rabi Chandra Tripura, resident of Chalitachhari, Sabroom, P.O. + P.S. Manubazaar, District-South Tripura, Pin-799143;
- 2. Smt. Satya Laxmi Tripura**, wife of It. Rabi Chandra Tripura, resident of Chalitachhari, Sabroom, P.O. + P.S. Manubazaar, District-South Tripura, Pin-799143;
- 3. Smt. Khukati Tripura**, daughter of It. Rabi Chandra Tripura, resident of Chalitachhari, Sabroom, P.O. + P.S. Manubazaar, District-South Tripura, Pin-799143;
- 4. Smt. Prabir Mala Tripura**, daughter of It. Rabi Chandra Tripura, resident of Chalitachhari, Sabroom, P.O. + P.S. Manubazaar, District-South Tripura, Pin-799143;
- 5. Smt. Kiran Mala Tripura**, daughter of It. Rabi Chandra Tripura, resident of Chalitachhari, Sabroom, P.O. + P.S. Manubazaar, District-South Tripura, Pin-799143;
- 6. Smt. Radha Laxmi Tripura**, daughter of It. Rabi Chandra Tripura, resident of Chalitachhari, Sabroom, P.O. + P.S. Manubazaar, District-South Tripura, Pin-799143;
- 7. Smt. Madha Laxmi Tripura**, daughter of It. Rabi Chandra Tripura, resident of Chalitachhari, Sabroom, P.O. + P.S. Manubazaar, District-South Tripura, Pin-799143;
- 8. Sri Uttam Tripura**, son of It. Rabi Chandra Tripura, resident of Chalitachhari, Sabroom, P.O. + P.S. Manubazaar, District-South Tripura, Pin-799143;
- 9. Smt. Santa Laxmi Tripura**, daughter of It. Rabi Chandra Tripura, resident of Chalitachhari, Sabroom, P.O. + P.S. Manubazaar, District-South Tripura, Pin-799143;
- 10. Smt. Anita Tripura**, daughter of It. Rabi Chandra Tripura, resident of Chalitachhari, Sabroom, P.O. + P.S. Manubazaar, District-South Tripura, Pin-799143;
- 11. Smt. Mamata Tripura**, daughter of It. Rabi Chandra Tripura, resident of Chalitachhari, Sabroom, P.O. + P.S. Manubazaar, District-South Tripura, Pin-799143;
- 12. Sri Subhajit Tripura**, son of It. Rabi Chandra Tripura, resident of Chalitachhari, Sabroom, P.O. + P.S. Manubazaar, District-South Tripura, Pin-799143;
- 13. Smt. Rumpi Tripura**, daughter of It. Rabi Chandra Tripura, resident of Chalitachhari, Sabroom, P.O. + P.S. Manubazaar, District-South Tripura, Pin-799143;

All are legal heirs of late Rabi Chandra Tripura

.... Respondent-Claimants

14. Land Acquisition Collector, South Tripura, Belonia, Pin-799155

----- Respondent

For Appellant(s)	:	Mr. B. Majumder, Deputy SGI
For Respondent(s)	:	Mr. P. Gautam, Sr. GA
Date of hearing & delivery of Judgment & Order	:	20.04.2026
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-opposite party being aggrieved by the judgment and award dated 20.09.2023 passed by the learned Land Acquisition Judge, South Tripura, Sabroom, in case No. CM L.A. 103 of 2022, 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 20.09.2023 passed in CM L.A. 103 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. 103 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 20.09.2023 passed in CM L.A. 103 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. Heard Mr. B. Majumder, learned Deputy SGI appearing for the appellant-opposite party. Also heard Mr. P. Gautam, learned senior GA appearing for respondent no.14. Despite service of notice upon the respondent-claimants, there is no representation on their behalf.

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*. Neither 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. I have perused the entire record including the judgment and award passed by the learned Tribunal.

5. In view of the submissions made by learned counsel for the appellant-OP, 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.

6. In view of the above, the judgment and award dated 20.09.2023 passed by the learned L.A. Judge, South Tripura, Sabroom, in case No. CM L.A. 103 of 2022, is set aside, and the matter is remanded back.

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

JUDGE



SAIKAT KAR Digitally signed by
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