

HIGH COURT OF TRIPURA
AGARTALA
LA APP NO.77 OF 2025

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

.....Appellant-Opposite Party.

Vs.

1. Sri Jaharlal Nath,
S/o. Late Lalit Mohan Nath,
Resident of Jalefa(Ramji Para),
P.S.- Sabroom, P.O.,
Jalefa Bazar, District-South Tripura-799145.

.....Respondent-Claimant.

2. Land Acquisition Collector,
South Tripura, Belonia-799155.

.....Respondent.

Present:-

For the Appellant(s) : Mr. B. Majumder, Deputy SGI

For the Respondent(s) : Mr. P. Gautam, Sr. G.A.
Mr. Kohinoor N. Bhattacharjee, G.A.
Mr. B. Banerjee, Advocate.
Ms. R. Majumder, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
FINAL ORDER

19.02.2026

1. Heard Mr. B. Majumder, learned Deputy SGI appearing for the appellant as well as Mr. P. Gautam, learned Sr. G.A., and Mr. B. Bannerjee, learned counsel appearing for the respondents.

2. This present appeal has been filed against the Judgment and award dated 30.11.2023 passed in C.M. L.A.01 OF 2022 by learned Land Acquisition Judge, South Tripura, Sabroom seeking 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 30.11.2023 passed in CM (L.A.) 01 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.) 01 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 30.11.2023 passed in CM (L.A.) 01 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.”

3. The matters pertaining to payment of compensation. This Court, in identical appeals under the Land Acquisition Act, has taken a view that since the issue of ownership was not decided by framing any separate issue for proving title and ownership, this Court remanded all such matters to the concerned LA Judge.

4. Accordingly, this matter also needs to be remanded back to the trial Court, since the issue regarding title and ownership of the claimants was not framed by the learned trial Court. Accordingly, the lower Court's order dated 30.11.2023 is set aside, and the appeal is remanded back to the trial Court for reconsideration of the matter by framing an issue on the point of title deed, to decide the ownership, and thereafter to pass an award in accordance with law.

5. It is needless to observe that, in the event the land acquired pertains to the landlord, he would be entitled to fair and even generous compensation in a given circumstance. However, unless it is decided that the recipient of the claim amount holds a valid alienable title, it cannot be said that he is entitled to claim compensation. An unauthorized person cannot be paid a single rupee from public money.

6. With the above observations and directions, the appeal is remanded back and, accordingly, the same is disposed of. As a sequel, miscellaneous application(s), if any pending, shall also stand closed.

DR. T. AMARNATH GOUD, J

Suhanjit

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