

**HIGH COURT OF TRIPURA
AGARTALA
LA. App.04 of 2026**

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

.....*Appellant(s)*

Versus

1. Sri Nepal Chandra Shil
*S/o Late Bilash Chandra Shil, Resident of Khilpara, P.O & P.S- R .K. Pur,
District – Gomati, Tripura - 799120*

.....*Respondent- Claimant*

2. Land Acquisition Collector, Gomati District, Udaipur – 799120.

.....*Respondent(s)*

For the Appellant(s)	:	Mr. B. Majumder, Dy. S.G.I.
For the Respondent(s)	:	Mr. P. Gautam, Sr. G.A. Mr. DK Daschawdhury, Advocate. Mr. S. Talapatra, Advocate.

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

16.03.2026

[1] When the case is called , both parties are present before this Court.

[2] This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894, against the Judgment and Award dated 18.01. 2025 passed in Civil. Misc. (L.A.) No. 142 of 2013 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 18.01.2025 passed in Misc (L.A.) 142 of 2013 by the learned L.A. Judge, Gomati Judicial District, Udaipur shall not be set-aside;

(iii) Call for the records of case no Misc (L.A.) 142 of 2013 from the Court of learned L.A. Judge, Gomati Judicial District, Udaipur

AND

(iv) After hearing both the sides may kindly set aside the impugned judgment/award dated 18.01.2025 passed in Misc (L.A.) 142 of 2013 by the learned L.A. Judge, Gomati Judicial District, Udaipur.

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.

AND for this act kindness the humble appellant, as in duty bound shall ever pray.”

[3] The brief facts of the case is that, as per the requisition of the appellant the land of the respondent-claimant, here-in-after referred to as the respondent, measuring 0.34 acres in plot no.1699 and 0.43 acres in plot no. 1698 under khatian no. 1219 and 0.19 acres in plot no. 1694 under khatian no.151 in total 0.96 acres was acquired, by notification dated 06.02.2010 for construction of Agartala to Sabroom Railway line. Accordingly, the L.A. Collector, South Tripura, Sabroom, has awarded the compensation @Rs. 1,10,000/- per kani. Being aggrieved, by the amount of compensation, the respondent, filed an application under Section 18 of the L.A. Act, 1894, for referring the matter to the L.A. Judge, Gomati District, Udaipur, for determination of the proper compensation and, accordingly, the same was referred to the court of learned L.A. Judge, Gomati District, Udaipur, and after getting notice, the parties, appeared before the learned L.A. Judge and submitted their Claim/Counter statements and also examined their respective witnesses in support of their case. Thereafter, the learned L.A. Judge, Gomati District, Udaipur, after framing issues and also after hearing both the parties, by its judgment dated 16.09.2015 has allowed the claim petition and enhanced the amount of award from Rs 1,10,000/- to Rs. 9,00,000.00/- per kani. Being aggrieved and dis-satisfied with the judgment and award passed by the learned

L.A. Judge, Gomati District, Udaipur, the appellant has preferred an appeal before the Hon'ble High Court of Tripura bearing no. L.A. App. 52 of 2019 and the Hon'ble High Court of Tripura vide Judgment dated 20.08.2019 set aside the afore said judgment and thereafter, the referring Claimant filed Civil Appeal No.12200 of 2024 before the Hon'ble Supreme Court of India and the Hon'ble Supreme Court remanded the matter before the L A. Judge Gomati District with the observation that the parties are at liberty to adduce additional evidence as per law. Thereafter, the Ld. L A. Judge Gomati by its Judgment dated 18.01.2025 determined that the referring Claimant is entitled to get the Compensation at the rate of Rs. 8,20,000.00 per kani. Being aggrieved and dissatisfied with the Judgment and award dated 18.01.2025 the appellant herein before this Court.

[4] Heard and perused the evidence on record.

[5] The appeal is filed by the appellant pointing out the infirmities committed by the Trial Court that the compensation has been awarded without framing an issue to the extent of deciding whether the respondent-claimant is the lawful land owner to receive the said compensation or whether he is an unauthorized person claiming for the compensation and, since, the matter was not decided considering the said issue straightway the Court below has awarded compensation and aggrieved by the same, the present appeal is filed making the submission as a major ground for consideration .

[6] Learned counsel for the appellant further submits that in identical matters number of such appeals were disposed of remanding the matter to the Trial Court for framing an issue on the point of ownership and then, to award compensation upon the authorized person and prayed to remand the matter .

[7] Admittedly, in this appeal there is no issue framed as rightly pointed out by the counsel for the appellant and there is no reasoning as per

the evidence that the respondent-claimant is the authorized person to receive the compensation under the capacity of the lawful owner. This Court, in earlier matters observed that if land of a lawful owner is acquired he is obviously entitled for a generous compensation. Since, day by day the land is getting extinguished and it is utilized for better purpose and benefit of the society. But, at the same time this Court is of the view that 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 exchequer.

[8] Accordingly, the matter needs to be remanded back and thus, the present appeal is allowed setting aside the impugned order dated 18.01.2025 passed by the Trial Court, to frame an issue on the point of ownership and to decide the case receiving documents, if any, and also the argument by giving an opportunity to both sides as per procedure. The said decision be taken as expeditiously as possible in accordance with law.

[9] With the above observation and direction, the impugned order is set aside and the appeal is remanded back and accordingly, the same is disposed of.

[10] As a sequel, stay if any, stands vacated. Pending application(s), if any, also stands closed.

DR. T. AMARNATH GOUD, J

Paritosh

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