

**HIGH COURT OF TRIPURA
AGARTALA
LA. App.47 of 2025**

1. *Executive Engineer, PWD*, NH Division, Agartala. Govt. of Tripura.
2. *Land Acquisition Collector*, West Tripura District, Agartala (Now Sepahijala District).

.....Appellant(s)

Versus

1. *Anil Plantations Private Limited*, Owner of Harishnagar Tea Estate, of Bishalgarh, P.S-Bishalgarh, District- Sepahijala represented by its Manager.
2. *Union of India represented by Officer in Charge*, Rear Ex SETUK, C/o 99 APO, Salbagan, West Tripura, Agartala.

.....Respondent(s)

For the Appellant(s)	:	Mr. Raju Datta, Advocate.
For the Respondent(s)	:	Mr. B. Majumder, Dy. SGI.
		Mr. Debarun Singh Kunwar, Advocate.
		Mr. S. S Debnath, Advocate.
		Mr. Manoj Debnath, Advocate.

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

08.01.2026

[1] Heard learned counsel appearing for both the parties.

[2] This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894, against the Judgment and Order dated 07.02.2020 passed in Misc. L.A. 75 of 2015 seeking the following reliefs :-

“(i) Admit the instant appeal;
(ii) Call for the records.
(iii) Issue notice upon the Respondent and after hearing be pleased to set aside the Judgment dated 07.02.2020 passed in Misc. (LA) No. 75 of 2015 by the Ld. Land Acquisition Judge, Sepahijala District, Bishalgarh”.

[3] The brief facts of the case is that LA Collector made a reference under Section 18 of Land Acquisition Act, 1894 before the learned Land Acquisition Judge for determination of the amount of compensation on account of acquisition of land measuring 5.06 acre appertaining to Khatian No.22/1, vide plot No.2677/P, of Mouja - Gakulnagar Tehsil, Bishalgarh, Sepahijala District which belonged to the referring claimant (respondent) herein. For the purpose of construction of Camp for bye pass under Bishalgarh Sub-Division, LA Judge, Sepahijala District, Bishalgarh without according an opportunity to cross examine PW.1 or submitting examination in chief on behalf of the appellant, and without giving any reasonable opportunity to the appellants to present their witnesses or advance any arguments, LA Judge wrongly relying upon a Sale Deed marked as Exhibit No.1 passed the impugned Judgment on 07.02.2020 in case No. Misc (LA) 75/2015. Hence this appeal.

[4] Heard and perused the evidence on record.

[5] This Court opines that there was no urgency for the Trial Court to decide the case on 07.02.2020. The Trial Court while recording the evidence of PW1 found that there was no representation for cross examination and the Court has not chosen to give an opportunity to the Opposite Parties (appellants herein) to cross examine the matter or further to place evidence on their part and, on the very same day i.e., 07.02.2020 the final judgment has been passed.

[6] This Court is not in a position to understand what was the great urgency that the Trial Court has hurriedly passed the order on the very same day by closing the evidences. Without making any comments about the manner in which the matter has been decided, this Court, accordingly, remands

the matter to the concerned Court below by setting aside the impugned order dated 07.02.2020. It is made clear that all such proceedings which are consequential to order dated 07.02.2020 will have no effect to the Trial Court to proceed with the matter. Learned Trial Court shall decide the matter giving reasonable opportunity to both the sides as per procedure.

[7] During the course of arguments order copy is placed relating to disposal of CRP No. 79 of 2024 and CRP No.75 of 2024 dated 20.09.2024 which pertains to the steps taken by the parties before the Executing Court regarding attachment of the moveable properties for said compensation which is made by the LA Judge on 07.02.2020. Since, these are all consequential proceedings of 07.02.2020, this Court is of the opinion that the consequential proceedings to the impugned order dated 07.02.2020 will not come in the way of the judicial proceedings and the same can go on without referring to the subsequent development.

[8] This Court in identical matters number of such appeals remanded the same to the Trial Court for framing an issue on the point of ownership and then, to award compensation upon the authorized person.

[9] Accordingly, this matter also needs to be remanded back to the appropriate forum. Since, the issue regarding title and ownership of the claimant has not been framed. Accordingly, this matter is remanded back to the learned LA Judge. This Court also directs that the LA Judge, while deciding the same shall look into the issue of ownership and accordingly, examine the title deed in order to determine a fair compensation in favour of the claimant (respondent herein) provided the claimant is eligible. The said decision be taken as expeditiously as possible in accordance with law.

[10] 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 exchequer.

[11] 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.

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

DR. T. AMARNATH GOUD, J



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