

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 52 of 2024

**The Deputy Chief Engineer Construction,
N.F. Railway, Agartala, West Tripura**

---Appellant(s)

Versus

Shri Naresh Das and Anr.

---Respondent(s)

For Appellant(s)	:	Mr. B. Majumder, Deputy SGI
For Respondent(s)	:	Mr. A. Acharjee, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

27.11.2024

Heard learned counsel appearing for the parties.

[2] This is an appeal under Section 54 of the LA Act, 1894 against the judgment and order dated 25.09.2023 passed in Misc.(LA) 40 of 2016 by the Learned L.A. Judge, Gomati Judicial District, Udaipur.

[3] It is the case of the appellant that as per the requisition of the appellant the land of the respondent-claimant, here-in-after referred to as the respondents, situated under Mouja- Dakshin Chandrapur, Sub-Division-Udaipur, Tehshil-Matabari, recorded in Khatian no.1963, C. S. Plot Nos. 3577, 4902, land measuring 0.14 acres, classified as tilla class of land was acquired by the respondent no.2 i.e. the Land Acquisition Collector, South Tripura vide notification No.F.9(12)- REV/ACQ/IX/2010 dated 27.11.2010 for construction of New Railway line from Agartala to Sabroom. Accordingly, the L.A. Collector, South Tripura, has awarded the compensation @ Rs. 1, 20,000.00 per kani. Thereafter, the matter was referred to the court of learned L.A. Judge, Gomati District, Tripura, under Section 18 of the L.A. Act. Thereafter, the L. A. Judge by its judgment dated 25.09.2023 enhanced the amount of award @ Rs. 6,25,000.00 per kani.

[4] Being aggrieved and dis-satisfied with the judgment and award dated 25.09.2023 passed by the learned L.A. Judge, Gomati Tripura, Udaipur in case no. C.M. L.A. 40 of 2016, the appellant has preferred the instant L.A. Appeal.

[5] Heard learned counsel for the parties.

[6] After perusing the record, this court is of the view that the learned court below has not verified whether the claimants are the real owners of the question in land. Moreover, no proper document has been exhibited to claim the title while claiming the compensation. Therefore, this court opines that to meet the proper ends of justice one more opportunity may be given to the parties to establish their case before the learned court below. Accordingly, it is ordered. Therefore, the impugned judgment dated 25.09.2023 is set aside and the matter is remanded back for fresh adjudication in accordance with law. The court below shall re-examine the matter by giving opportunity to both sides for filing relevant documents and also frame additional issues on title deeds. The claimants shall also produce any such document claiming him to be the lawfully owner of the land in question by placing title deed, if any. The claimants are also at liberty to adduce any other relevant documents supporting their claim.

[7] With the above observation and direction, this present appeal is remanded back and accordingly, the same is disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

Dipak