HIGH COURT OF TRIPURA
AGARTALA

L.A. App.56 of 2024

Shri Kamal Malakar and others

……Appellant(s)

Versus

The Deputy Chief Engineer (Construction) N.F. Railway and another

……..Respondent(s)

For Appellant(s) : Mr. R Paul, Advocate

For Respondent(s) : Mr. Bidyut Majumder, Deputy SGI
Mr. K. De, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

04.11.2024

The present appeal is filed by the appellants under Section 54 of the Land Acquisition Act, 1894 for setting aside the impugned judgment and award dated 07.05.2022 passed by the learned L.A. Judge, Sepahijala District, Bishalgarh in case No. Misc. (L.A.) 274 of 2016.

[2] It is the case of the appellants that their land under Brajapur Mouja, Bishalgarh, Sepahijala was acquired by the respondents pursuant to which, being dissatisfied with the compensation granted by the Ld. L.A Collector, Sepahijala, the appellants made a prayer under Section 18 of the Land Acquisition Act, 1894 for referring the matter to the learned Land Acquisition Judge, Sepahijala for enhancement of compensation. Though the learned L.A Judge enhanced the compensation and awarded Rs 3 lakhs per kani, but, according to the appellants the same is totally inadequate considering the value of the land. Being dissatisfied with the judgment and award passed by the learned L.A. Judge, Sepahijala District, Bishalgarh, the appellants have preferred the instant appeal.

[3] Heard learned counsel for the respective parties.

[4] On the preliminary objections made by the respondents, this Court heard this appeal at the stage of 'Admission'. From the submission made by the learned counsel appearing for the appellants, it is opined that prima facie, there is no material evidence placed before the learned L.A. Court to convince the Court on the point of title deeds to say that the appellants are the claimants who are before this Court seeking enhancement of compensation are the owners of the land. In the absence of relevant documents and on the strength of khatiyan, it cannot be construed that the claimants are having alienable rights and title of interest upon the property and to say that they are entitled for claiming any compensation.

[5] In view of the same, the impugned judgment and award passed by the Court below is set aside and the case of the appellants are remanded back for fresh adjudication on the strength of the documents that would be submitted by the parties. Both the parties are at liberty to place sufficient evidence before the Court below and make their respective arguments.

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

JUDGE

Sabyasachi. G.