HIGH COURT OF TRIPURA
AGARTALA

LA.App 54 of 2024

Smt. Madhushri Tripura and Ors

---Appellant(s)

Versus

Land Acquisition Collector and Ors.

---Respondent(s)

For Appellant(s)	:	Mr. Suman Bhattacharjee, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

25.11.2024

Heard learned counsel appearing for the parties.

[2] This is an appeal under Section 54 of the Land Acquisition Act, 1894 against the award passed by the Ld. LA. Judge, South Tripura Belonia, passed in Case No.LA.(Ref) 107 of 2018 passed on 10.07.2020.

[3] It is the case of the appellants that the land of the predecessor-in-interest of the appellants and the proforma respondent was acquired by the respondent No. 1 for the respondent No. 2 and awarded compensation for the acquired land. Being dissatisfied with the said award the predecessor-in-interest of the appellants requested the respondent No.1 to refer his case to the L.d. L.A Judge for determination of the market price. Accordingly, the respondent No. 2 referred the matter of the appellant before the learned LA Judge, South Tripura, Belonia. Notice was issued to the predecessor-in- interest of the appellants but prior to issuance of notice the predecessor-in-interest of the appellants died leaving behind the present appellants and the proforma respondent. But the Ld. Court below only substituted the proforma respondent in place of the predecessor-in-interest of the plaintiff and without providing any opportunity to file the claim statement issues were framed and award was passed on merit in absence of claim statement and evidence from the side of the proforma respondent as claimant. The appellants filed an

application for setting aside the said award but it was also disposed of by the Ld. Court below as not maintainable as the judgment was passed on merit. Hence this appeal.

[4] 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, 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 is remanded back for fresh adjudication by framing additional issues on title deeds and 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. As a sequel, miscellaneous application(s) pending, if any, shall also stand closed.

HIGH COURT OF TRIPURA
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JUDGE

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