HIGH COURT OF TRIPURA
AGARTALA
LA APP NO.84 OF 2023

Sri Sourav Choudhury

……**Appellant**(**s**)

Versus

The Managing Director, Tripura Industial Development Corporation Ltd. and anr

…….**Respondent**(**s**)

For the Appellant(s) : Mr. D.C. Roy, Advocate.

For the Respondent(s) : Mr. P. Gautam, Advocate.

Date of hearing and delivery of Judgment & Order : 28.11.2024

Whether fit for reporting : NO.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
J U D G M E N T & O R D E R(ORAL)

This appeal has been filed under Section 54 of Land Acquisition Act, 1894 against the Judgment dated 22.05.2023 and award/decree dated 23.05.2023 passed by learned Land Acquisition Judge, Shri S.B. Das, Court No.4, West Tripura, Agartala in case No.Misc.(L.A) No.75 of 2017.

2. Heard Mr. D.C. Roy, learned counsel appearing for the appellant as well as Mr. P. Gautam, learned counsel appearing for the respondents.

3. Mr. D.C. Roy, learned counsel appearing for the appellant submits that the award of compensation as determined by the Court below is on the lower side and the same needs to be enhanced considering the market value and the geographical condition of the land.

4. Heard and perused the evidence on record.

5. It is seen from the order passed by the Court below and also from the record that no issue has been framed with regard to the title deed. Ownership has not been established and title deed are not placed on record and thus there was no occasion to mark them as exhibits. Without there being any issue on the titles and without examining the said document, it cannot be construed that the claimant are the owners and they are entitled for compensation. It is also seen that it not stated by the L.A. Collector that he has examined the title deed and the same has been received by him and they are the part of the record at the time of awarding of compensation. In the absence of the same, this Court feels that the Court below needs to look into this aspect. Accordingly, the order passed by the court below is set aside, and the matter is remanded to the learned L.A. Court for framing issues on the title deeds and providing an opportunity, if required, to amend the pleadings. The Court below is also directed to receive the title deed, allow both

sides to conduct chief and cross-examination, present arguments, and decide the matter as per the procedure.

6. With the above observation and direction, this present appeal stands disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

HIGH COURT OF TRIPURA
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suhanjit

RAJKUMAR SUHANJIT SINGHA

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