HIGH COURT OF TRIPURA
AGARTALA

LA APP NO.66 OF 2024

The Executive Engineer
Vs.
Sri Pradip Saha and anr.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

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

For the Respondent(s) : Mr. A. De, Advocate.
Mr. P.S. Roy, Advocate.

28.11.2024

Order

This present appeal has been filed under Section 54 of the Land Acquisition Act, 1894 against the Judgment dated 31 08.2019 passed by the Land Acquisition Judge, Court No.3, West Tripura Agartala in Misc(LA)94 of 2015 wherein the learned L.A. Judge enhanced the awarded amount of compensation from Rs.24,00,000/- per kani to Rs.50,00,000/- per kani for Bastu(Tilla) class of land.

2. Heard Mr. P. Gautam, learned counsel appearing for the appellant.

3. Mr. Gautam, learned counsel appearing for the appellant, submits that the learned Court below has passed an order enhancing the compensation from Rs. 24,00,000/- per

kani to Rs. 60,00,000/- per kani for Bastu (Tilla) class of land without providing any reasons. He prays for the matter to be remanded back, giving both sides an opportunity to present their case and directing the Court below to pass a reasoned order based on the exhibits already available before it.

4. Heard both sides and perused the 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 deeds. Ownership has not been established and title deeds 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 claimants 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 deeds 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,

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if required, to amend the pleadings. The Court below is also directed to receive the title deeds, allow both sides to conduct chief and cross-examination, present arguments, and decide the matter as per the procedure.

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

JUDGE

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Suhanjit

RAJKUMAR SUHANJIT SINGHA

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