

HIGH COURT OF TRIPURA

A_G_A_R_T_A_L_A_

L.A. App. No.03 of 2024

The Deputy Chief Engineer (Construction-1)

.....Appellant

_V_E_R_S_U_S_

Smti. Sima Das Malakar and Another

.....Respondents

For Appellant(s) : Mr. B. Majumder, Deputy SGI.

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

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

29.11.2024

Heard Mr. B. Majumder, learned Deputy SGI, appearing for the appellant also heard Mr. P. Gautam, learned counsel appearing for the respondents.

[2] This is an appeal filed under Section-54 of the Land Acquisition Act, 1894 against the judgment and order dated 17.09.2019 passed in Misc (L.A.) 99 of 2014 by the learned Land Acquisition Judge, Sepahijala District, Bishalgarh.

[3] The facts in brief are 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- Brajapur, Tahasil-Brajapur Sheet No. I/P. recorded in Khatian No. 3114, C. S. Plot No 449/P, land measuring 0.05 acres, classified as Tilla class of land was acquired by the respondent No.2 i.e. the Land Acquisition Collector, West Tripura vide notification No. F.9 (7)-REV/ACQ/XIV/11 dated 24.06.2011 for construction of 'New Railway line from Agartala to Sabroom'. Accordingly, the L.A. Collector, West Tripura, has awarded the compensation @ Rs. 4,00,000/- per kani.

[4] Being aggrieved by and dissatisfied with the judgment and award dated 17.09.2019 passed by the learned L.A. Judge, Sepahijala District, Bishalgarh, Tripura, in case no. Misc (LA) 99 of 2014, the appellant has preferred the instant appeal.

[5] Being heard and perusing the material evidence on record, this Court is of the considered opinion that the learned Court below failed to indicate the proper reasoning at the time of deciding the case in hand. Moreover, no proper document has been exhibited to claim the title while claiming the compensation. Therefore, this Court opines that to meet the ends of justice, one more opportunity needs to be given

to both the parties to establish their case before the learned Court below and accordingly, the same is ordered.

[6] As such, the judgment and order of the learned Court below stands set aside and the matter is remanded back to the Court below for proper adjudication in accordance with law. The learned Court below shall re-examine the matter by affording opportunity to both the parties for filing relevant documents and also frame additional issues on the title deed. The parties are at liberty to produce any such documents claiming their relief as prayed for and also to be the lawful owner of the land in question by placing title deed, if any.

[7] With the above observation and direction, the present appeal stands disposed of by remanding the matter for fresh adjudication. As sequel, miscellaneous application, pending if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

