HIGH COURT OF TRIPURA
AGARTALA

L.A. App.17 of 2024

The Deputy Chief Engineer (Construction-1) N.F. Railway

……Appellant(s)

Versus

Shri Dilip Saha and another

……..Respondent(s)

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

For Respondent(s) : None

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

06.11.2024

This matter has been listed for final hearing. When the case is called, Mr. B. Majumder, learned Dy. SGI appears for the appellant. None is present on behalf of the respondents.

[2] The present appeal is filed by the appellant under Section 54 of the Land Acquisition Act, 1894 for setting aside the impugned judgment and award dated 26.08.2022 passed by the learned L.A. Judge, Sepahijala District, Bishalgarh in case No. Misc. (L.A.) 15 of 2015.

[3] It is the case of the appellant that as per the requisition of the appellant, the land in question situated under Mouja- Bishalgarh, Sub-Division-Bishalgarh, sheet No.4/p recorded in Khatian no.2698, Plot No. 2539/p land measuring 0.45 acres, of land was acquired by the respondent no.2 i.e. the Land Acquisition Collector, West Tripura, Agartala vide notification dated 04.07.2021 for construction of New Railway line from Agartala to Sabroom. Accordingly, the L.A. Collector, West Tripura, has awarded the compensation @ Rs. 11,00.000.00 per kani and thereafter, the matter was referred to the Court of learned L.A. Judge under Section 18 of the

L.A. Act. Subsequently, the L. A. Judge by its judgment dated 26.08.2022 enhanced the amount of award @ Rs. 14,00,000.00 per kani. Being aggrieved and dissatisfied with the judgment and award dated 26.08.2022 passed by the learned L.A. Judge, Sepahijala District, Bishaslgarh, Tripura, in case no. Misc (L.A.) 15 of 2015, the appellant has preferred the instant appeal.

[4] It is brought to the notice of this Court that the Court below has enhanced the award of compensation for the acquired land in question from @ Rs.11,00,000/- per kani to @ Rs.14,00,000/- per kani and there is no reason expressed on enhancement though reliance has been placed on Exhibit-1(sale-deed) relating to some other property. The Court below could have examined whether the claimant is the owner of the land in question and any title-deed it that regard, had been placed on record marking as exhibit. Learned Court below has not framed any such issue to that effect and on the point of ownership of the claimant, nothing has been dealt with.

[5] In view of the same, the impugned judgment and award dated 26.08.2022 passed by the Court below is set aside and the matter is remanded back for fresh adjudication in accordance with law.

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.