

**HIGH COURT OF TRIPURA
AGARTALA**

LA.App 85 of 2023

Anjali Paul and Ors.

---Appellant(s)

Versus

The Executive Engineer PWD and Anr.

---Respondent(s)

For Appellant(s)	:	Mr. S. Bhattacharjee, Advocate.
For Respondent(s)	:	Mr. P. Gautam, Sr. GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

03.04.2025

This is an appeal under Section 54 of the LA Act, against the Judgment dated 29.05.2023 passed by the Ld. Land Acquisition Judge, (Court No.4), West Tripura, Agartala, in Misc (LA) No.95 of 2015 for enhancement of the compensation.

[2] It is seen from the record that admittedly the court below has passed an award enhancing the compensation from Rs.2,40,000/- per kani to Rs.38,50,000/- per kani. Now the appellant has approached this court for seeking enhancement of the award of compensation.

[3] On the contrary, learned Sr. GA appearing for the respondents has submitted before this court that the impugned order is just and proper and needs no interference from this court. He further prayed to dismiss the appeal.

[4] Heard.

[5] This court has come across recently in many instances of Land Acquisition matters in the state of Tripura where even without examining the title deeds and also on the strength of the LA Collector's report, compensation has been awarded. It is strange to learn that there is no finding, any report or any document to place before this Court or before the LA Collector to show that the LA Collector has

examined the title deeds with regard to the ownership and also the possession of the claimant. On the strength of the revenue record (i.e. khatian), it cannot be said that the persons in possession and claiming the compensation are the real owners having alienable right. Unless there is a specific document to prove the alienable right, title and interest upon the said land, it cannot be construed that the claimants are the lawful owners of the property and are entitled for compensation.

[6] In view of the above observation, this court is of the opinion that present matter be remanded back by setting aside the impugned order dated 29.05.2023 of the learned court below. The court below shall re-examine the matter by giving opportunity to both sides for filing relevant documents and also frame additional issues on alienable right, title and interest. The claimant shall also produce any such document claiming him to be the lawfully owners of the land in question by placing title deed, if any. The claimant is also at liberty to adduce any other relevant documents supporting his claim.

[7] With the above observation and direction, this present appeal is remanded back and accordingly, the same is disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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