

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

L.A. App. No.13 of 2025

Sri Shefal Bhowmik @ Shefal Chandra Bhowmik

.....Appellant

_V_E_R_S_U_S_

National Highway Infrastructure Development Corporation Ltd. & Anr.

.....Respondent

For Appellant(s)	:	Mr. D. Bhattacharya, Sr. Advocate. Mr. S. Das, Advocate. Ms. A. Chakraborty, Advocate.
For Respondent(s)	:	Mr. N. Majumder, Advocate. Mr. P. Gautam, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

27.06.2025

Heard.

[2] This is an appeal filed under Section-54 of the Land Acquisition Act, against the judgment and order dated 06.10.2023 passed by the learned Land Acquisition Judge, Court No.4, West Tripura, Agartala in connection with MISC (L.A.) 63 of 2017 for enhancement.

[3] The facts in brief are that the respondent No-2 by way of notification dated 12-02-2004 acquired landed property of the appellant for construction of bypass road from Khayerpur to Amtali. Accordingly respondent No-2 acquired a landed property measuring 0.085 acres classified as Nal plot of land vide No-5001/p, 5005/p under khatian No-2518. Whereby the total compensation is Rs.61,174/-has been granted in favour of the claimant/appellant. Being objected by the claimant/appellant the said has been referred before the Judge Land Acquisition, West Tripura, Agartala. The respondent No-1 and 2 appeared before the L.A. Judge and contested the said proceeding by filling counter statement against the same. After hearing the parties learned L.A. Judge passed the judgment on 06-10-2023 by enhanced the compensation for acquired land of amounting Rs.3,30,000/- per kani from Rs.2,00,000/-per kani along with other statutory benefits.

[4] Being aggrieved by and dissatisfied with the same, the appellant herein preferred this appeal for enhancement.

[5] In view of above and having heard the learned counsel appearing for the parties and also it is seen from order passed by the learned Court below that on the point title no issues were framed and since the claimants herein are seeking enhancement on the strength of the title deed, according to them, which is a registered partition deed and on the strength of the property that was in their possession according to the appellant was given by the Maharaja of the State of Tripura decades ago. The appellant's claim is that appropriate compensation to be granted. Learned counsel appearing for the respondent submits that in the absence of title deed they are not entitled for any compensation and the question of granting enhanced compensation does not arise.

[6] After hearing both sides, this Court is of the view that separate issue needs to be framed and accordingly, on the point of title the matter stands remanded back before the learned Court below and both the parties are at liberty to place appropriate documents before the Court below as per procedure and on receipt of the same, opportunity to be given to the both sides to adduce their respective evidence and then pass a reasoned order after hearing their arguments.

[7] In the event, if the Court convinced that the claimants are the owner, it is always open for the Court below to fix a fair compensation in terms of the judgments delivered by this Court. Accordingly, the appeal stands disposed of by remanding back the matter to the learned Court below for proper adjudication. As a sequel, miscellaneous application, pending if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh