

**HIGH COURT OF TRIPURA
AGARTALA
LA APP NO. 06 OF 2025**

The Member Dy. Secretary(I/C)
Vs.
Sri Sribash Ch. Sarkar and anr.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. D. Bhattacharjee, Sr. Advocate.
Mr. S. Saha, Advocate.

For the Respondent(s) : Mr. A. De, Advocate.
Mr. M. Deb Roy, Advocate.
Mr. S. Das Deb, Advocate.

28.05.2025

Order

This is an appeal filed under Section 54 of the Land Acquisition Act, 1894, against the Judgment and Award dated 06.04.2022 passed in Misc. LA 172 of 2016 by the learned Land Acquisition Judge, Court No. 2, West Tripura, Agartala.

2. The case arises from a reference under Section 18 of the Land Acquisition Act, 1894, concerning compensation for 0.0350 acre of land acquired by the Land Acquisition Collector, West Tripura, for the construction of Vigyan Gram (Science City). The L.A. Collector valued the land at Rs. 57,00,000/- per kani and awarded Rs. 6,63,450/- as compensation. The claimant (Respondent No. 1) contested the

valuation, asserting that the land, located in a prime commercial area of Agartala with modern amenities and good connectivity, was worth Rs. 2,50,00,000/- per kani. The Collector defended the award as fair and in line with prevailing market rates. However, the learned Land Acquisition Judge, by judgment dated 06.04.2022, enhanced the compensation by fixing the land value at Rs. 1,50,00,000/- per kani, leading to the present appeal.

3. Mr. D. Bhattacharjee, learned senior counsel, assisted by Mr. S. Saha, learned counsel appearing for the appellant, submitted before this Court that the Court below did not consider the title of the claimant, and based the award solely on the statements made before the learned Land Acquisition Collector. When the matter was brought before the Land Acquisition Judge seeking enhancement under the statute, the Judge enhanced the compensation amount exorbitantly without being satisfied regarding the claimant's alienable right, title, and interest. It was further contended that the documents exhibited before the learned Court below do not justify such enhancement. Accordingly, the learned Sr. counsel prayed for setting aside the enhancement order passed by the learned Land Acquisition Judge and allowing the present appeal.

4. On the contrary, Mr. A. De, learned counsel appearing for the respondent-claimant, submitted that the scope of the present case before this Court is very limited. According to him, under Section 18 of the Land Acquisition Act, 1894 (for short, the "LA Act"), it is not appropriate for the authority to argue that the Court below failed to examine the title or ownership documents. He prayed that the case be confined strictly within the scope of Section 18 of the LA Act, and that the appellant's case be dismissed.

5. Heard learned counsel appearing for both parties.

6. This Court has recently come across several instances in land acquisition matters in the State of Tripura where compensation has been awarded solely on the basis of the Land Acquisition Collector's report, without examining title deeds. It is surprising that no finding, report, or document was placed before this Court or before the L.A. Collector to establish that the title deeds regarding ownership and possession were properly examined. A revenue record (i.e., khatian) alone cannot prove that the person in possession and claiming compensation is the real owner with alienable rights. Without a specific document proving alienable right, title, and

interest over the land, it cannot be presumed that the claimants are lawful owners entitled to compensation.

7. In view of the above, this Court is inclined to accept the submission advanced by Mr. D. Bhattacharjee, learned senior counsel appearing for the appellant, and rejects the submission made by Mr. A. De, learned counsel for the claimant-respondent.

8. Though this is a reference case under Section 18 of the LA Act, it is necessary to emphasize that a person, even if entitled to compensation, must first establish ownership. Making payments to unauthorized persons would be contrary to law. Whether under Section 18 of the LA Act or through determination by the Collector, compensation paid without proof of ownership becomes an unjustified payment.

9. In light of the above observations, this Court finds merit in the submissions made by Mr. D. Bhattacharjee, learned senior counsel, and remands back the present case by setting aside the impugned order dated 06.04.2022 of the learned Court below. The Court below is directed to re-examine the matter, providing both parties an opportunity to file relevant documents, and to frame additional issues concerning alienable right, title, and interest. The claimant shall also produce any document establishing lawful ownership

of the land in question, such as a title deed. The claimant is further at liberty to adduce any other supporting documents. It is made clear that khatian cannot be treated as a title deed as it do not confer any title and cannot be treated as title deed. It is only an entry in revenue record and a supporting or secondary document. On the strength of the khatian entries no compensation can be awarded. Upon hearing both sides, the learned Court below shall fix the quantum of compensation and may also determine whether enhancement is justified. Needless to say, since the matter has already been considered once, it is expected that the Court below shall dispose of the matter expeditiously.

10. With the above observations and directions, the present appeal is remanded back and accordingly disposed of. As a consequence, any interim stay stands vacated. Pending applications, if any, also stand closed.

JUDGE