



**HIGH COURT OF TRIPURA
AGARTALA
LA.App No. 46 of 2026**

1. **Sri Apurba Sarkar**, S/o Late, Abani Sarkar of West Indranagar High School, District- West Tripura.

2. **Sri Sankar Kumar Paul**, S/o- Sri Sukumar Ch. Paul of Chitta Ranjan Road, Agartala, District- West Tripura

.....**Appellants.**

Versus

1. **The In- Charge HR-ER, ONGC**, Badharghat, West Tripura, Pin 799014.

2. **The Land Acquisition Collector**, West Tripura District, Agartala, Pin – 799001.

.....**Respondents.**

For Appellant(s)	:	Mr. B. Debnath, Advocate. Mr. A. Baidya, Advocate. Ms. M. Debnath, Advocate. Ms. M. Debbarma, Advocate.
For Respondent(s)	:	Mr. P. Gautam, Sr.G.A Mr. Kohinoor N. Bhattacharyya,G.A.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

ORDER

13.07.2026

- [1] This appeal has been filed under Section 54 of the Land Acquisition Act, 1894 against the judgment and order dated 18.03.2026 passed by the Land Acquisition Judge, Court No.2, West Tripura, Agartala, in Misc (LA) 27 of 2019.
- [2] The land of the appellants was acquired for the purpose of construction of ONGC drill site and waste pit, and the appellants had been awarded a sum of Rs.11,48,045/-(Eleven Lakhs Forty-Eight Thousand Forty-Five) along with

statutory benefits by the L.A Collector West Tripura, Agartala. Being dissatisfied reference was made before the Ld. LA judge Agartala, West Tripura Court No 2. After considering evidence and documents submitted by the parties Ld. LA Judge passed judgment and award on 18/03/2026 and awarded compensation of Rs. 10,00,000/- (Ten Lakhs) per Kani along with stationary benefits. Being aggrieved, by the impugned judgment and award the appellants prefer this appeal.

[3] Mr. A. Baidya, learned counsel appearing for the appellants submits before this Court that the learned Court below most erroneously awarded Rs.10 lac per kani as the learned Court below failed to properly determine the true market value of the acquired land and also failed to consider the sale instances relied by the claimants. Thus, he prayed before this Court to allow his appeal by enhancing the award of compensation.

[4] On the other hand, Mr. P. Gautam, learned Senior Govt. Advocate submits before this Court that since, the appellants failed to produce proper documents before this Court and without any valid title deed it is not justifiable to enhance the award of compensation. Hence, he prayed before this Court to dismiss the appeal.

[5] Heard and perused the evidence on record.

[6] According to this Court, the learned court below awarded compensation without framing an issue to the extent of deciding whether the claimants are the lawful land owner to receive the said compensation or whether they are unauthorized person claiming for the compensation and, since, the matter was not decided considering the said issue straightway the Court below has awarded compensation .

[7] It is also observed by this Court that in identical matters number of such appeals were disposed of remanding the matter to the Trial Court for framing an issue on the point of owner ship and then, to award compensation upon the authorized person.

[8] Admittedly, in this appeal there is no issue framed as rightly pointed out by the counsel for the respondent-State and there is no reasoning as per the evidence that the claimants are the authorized persons to receive the compensation under the capacity of the lawful owner. This Court, in earlier matters observed that if land of a lawful owner is acquired he is obviously entitled for a generous compensation. Since, day by day the land is getting extinguished and it is utilized for better purpose and benefit of the society. But, at the same time this Court is of the view that unless it is decided that the recipient of the claim-amount is holding a valid alienable title, it cannot be said that he is entitled for claiming the compensation and any entry in the khatian cannot be treated as document for ownership of the land and it is only an entry in revenue records. An unauthorized person cannot be paid a single rupee from the public exchequer.

[9] Accordingly, the matter needs to be remanded back setting aside the impugned order dated 18.03.2026 passed by the Trial Court, to frame an issue on the point of ownership and to decide the case receiving documents, if any, and also the argument by giving an opportunity to both sides as per procedure. The said decision be taken as expeditiously as possible in accordance with law.

[10] With the above observation and direction, the impugned order dated 18.03.2026 passed in Misc (LA) 27 of 2019 is set aside and the appeal is remanded back and accordingly, the same is disposed of.

[11] As a sequel, stay if any, stands vacated. Pending application(s), if any, also stands closed.

DR. T. AMARNATH GOUD, J