

**HIGH COURT OF TRIPURA
AGARTALA**

Cont. Cas(C) No.99 of 2023

Mrs. Smriti Rani Paul

..... Petitioner(s).

V E R S U S

Sri Bikash Das and others

..... Respondent(s).

Cont. Cas(C) No.100 of 2023

Mrs. Smriti Rani Paul

..... Petitioner(s).

V E R S U S

Sri Bikash Das and others

..... Respondent(s).

For Petitioner(s) : Mr. K. Datta, Advocate.

For Respondent(s) : Mr. A. R. Barman, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

18/08/2023

Cont. Cas(C) No.99 of 2023 and Cont. Cas(C) No.100 of 2023

are being heard and decided together by this common order since both the petitions relate to the same petitioner and involves similar cause of action relating to non-compliance of the same nature of order.

[2] Reference is made to the order dated 31st May, 2023 by which the petitioner was allowed to convert the writ petitions into contempt petitions as essentially the prayer was for compliance of the orders passed in WP(C) No.312 of 2023 and WP(C) No.313 of 2023. The said order is reproduced hereunder:

"Let WP(C) No.313 of 2023 be tagged along with the present writ petition, i.e. WP(C) No.312 of 2023 as they both relate to similar grievances. The writ petitioner is common. The grievance is in

relation to non-registration of sale deed of the auction property in both the cases and handing over of possession in respect of the two auction properties which the petitioner claims to have purchased on payment of Rs.14,01,000/- and Rs.7,01,000/- respectively. The auctions were conducted by the officials of the Punjab National Bank, respondents herein. It is submitted that this Court in the first round of litigation has vide order dated 24.01.2023 in WP(C) No.56 of 2023 and WP(C) No.57 of 2023 disposed of the writ petitions directing the petitioner to prefer a representation before the concerned officials of the Punjab National Bank who in turn were directed to consider the representation of the petitioner within a period of two months from the date of receipt of the copy of the order. It is submitted that representations have duly been made vide Annexure-6 to WP(C) No.312 of 2023 on 15.12.2022 and Annexure-7 to WP(C) No.313 of 2023 on 04.02.2023 respectively to the Branch Manager, Punjab National Bank, Mantribari Road, Agartala, West Tripura which have also been received. However, no decision has been taken or communicated to the petitioner on his representation.

Given the nature of grievances, it appears that a second round of litigation for the same cause would not be proper. As such, learned counsel for the petitioner is permitted to convert the instant writ petitions into contempt petitions.

Let the conversion be made by the learned counsel for the petitioner by Friday (02.06.2023) and name of the concerned officials be also inserted against the designations of the respective respondents.

Office to undertake fresh stamp report and renumbering of the petitions.

The matters be listed on 21.06.2023."

- [3] After conversion of the contempt writ petitions, notices were issued upon the respondents No.1 to 3 under registered cover with A/D and speed post and apart from that, under ordinary process upon respondents No.2 and 3. Mr. A. R. Barman, learned counsel has appeared for all the respondents in both the cases when the matter was taken up on 19th July, 2023. The order dated 19th July, 2023 is also extracted hereunder for proper appreciation:

"Let Cont.Cas(C) No.100 of 2023 be tagged along with this instant contempt petition as they both relate to the same petitioner and with similar cause of action relating to non-compliance of the same nature of order. The operative part of the order is quoted hereunder:

"4. Case of the petitioner, in short, is that the petitioner being the highest bidder of the auction process paid Rs.14,01,000/- and accordingly, a sale certificate had been duly issued by the respondents. But the respondents had neither registered the property in the name of the petitioner nor did they handover the possession of the same to her. The petitioner being dissatisfied by

the conduct of the respondents submitted representation dated 22.11.2017 and legal notice dated 17.03.2018 but to no good. Aggrieved thereby, the petitioner filed the present writ petition. Hence, this case.

5. In view of the same, without expressing any opinion on merits, this writ petition is disposed of by directing the respondents to consider the representation of the petitioner within a period of 2(two) months from the date of receipt of the copy of this order."

Mr. A. Roy Barman, learned counsel appearing for the respondents No.1 to 3 in both the cases submits that because of the District Administration being engaged in the General Assembly Elections held in the earlier part of the year, necessary processing of the representation of the petitioner for handing over the possession of the auction property could not be carried out. Requests have been made to the District Administration to extend help but response is awaited. He however submits that the respondents expressed unqualified apology for the delay in compliance of the order. They however also undertake to ensure that the order under offence is complied with within a short time. It is submitted that appropriate directions may be issued to the District Magistrate, Khowai, Tripura to ensure assistance to the Bank in handing over the possession of the auction property to the petitioner. Learned counsel for the respondents further submits that 4(four) weeks' time may be granted, the order would be complied with and a show-cause showing compliance would be filed by the next date.

Having heard learned counsel for the petitioner and the respondents, this Court is inclined to grant one indulgence to the respondents to comply with the order. In case any request has been made by the Bank officials to the District Magistrate, Khowai, the same be duly addressed in accordance with law so that the orders of the Court are complied with without any further delay.

Let both the matters appear on 18.08.2023.

The name of Mr. A. Roy Barman shall be reflected in the cause list henceforth."

[4] Today, when the case is taken up, Mr. A. Roy Barman, learned Counsel for the respondents submits on instructions that in both the matters the District Administrative Machinery has assured cooperation but due to the Independence Day function on 15th August, 2023, they have assured to provide police force, if necessary, for handing over the possession of the auction property in favour of the petitioner after 15th August, 2023. He also submits that 4(four) weeks time may be granted to ensure that the possession is handed over in favour of the petitioner. So far as the exercise of registration of the auctioned sold property is concerned, Mr. Barman, learned counsel for the respondents, submits that it is subject to cooperation

from the petitioner who has to purchase the stamp paper after payment of duty and coordinate with the respondent-officials. Therefore, an endeavour would be made to comply with the order in full so far as registration part is also concerned, but subject to cooperation of the petitioners.

[5] Mr. K. Datta, learned counsel for the petitioner submits that they would be extending full cooperation in handing over and taking over the possession of the property and for registration of the property which has been auctioned/purchased by them.

[6] Having regard to the categorical statements made by learned counsel for the respondents on instructions, this Court, for the present, is satisfied that the contempt petitions can be disposed of giving time from today till 30th September, 2023 to the respondents to comply with the order under offence and to hand over the possession of the property to the petitioner. Subject to cooperation from the petitioner, the respondents would also endeavour to ensure that the registration of the properties auctioned/purchased by the petitioner are also done within the same time. The respondents shall file an affidavit showing compliance of the order as above in the aforesaid terms on or before 30th September, 2023. In case the respondents fail to comply with the first part of the order regarding handing over of the possession of the property to the petitioner, the petitioner is at liberty to file an interlocutory application to revive the instant contempt petitions.

[7] Let it be made clear that petitioner shall cooperate in the process of registration with the respondent-authorities and in case there is any deliberate delay on the part of the respondent-authorities to ensure the

registration of the property in favour of the petitioner thereafter, this may also be brought to the notice of the Court.

[8] With these observations, the instant contempt petitions are disposed of.

Pending application(s), if any, also stands disposed of.

Apareesh Kumar Singh
(APARESH KUMAR SINGH), CJ