

**HIGH COURT OF TRIPURA
AGARTALA**

WA 106 of 2022

**Tripura Employees Coordination Committee
(H.B. Road) and Anr.**

---Petitioner(s)

Versus

The State of Tripura and Ors.

---Respondent(s)

For Appellant(s)	: Ms. R. Purkayastha, Advocate.
For Respondent(s)	: Mr. D. Sharma, Addl. GA.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

ORDER

22.11.2023

This is an appeal under Rule-2 Chapter V-A of the High Court Rules read with Article-26 of the Constitution of India against the judgment and order dated 21.07.2022 passed by the Hon'ble Single Judge in WP(C)598 of 2022.

[2] It is the case of the appellants is that the appellant is No. 1 is a coordination of the State Govt. Employees of different departments and also Non Government Teachers Association are a part of the organisation. On the basis of an application by the appellate Govt. of Tripura decided to lease out land measuring 0.045 acre in CS Plot No.2352/P of Khatian No.6/2 of Mouja Teliamura under Khowai Sub-Division for the purpose of office accommodation of TECC Teliamura Local Committee. Accordingly, on 6th February 1987 a lease deed was executed between the Secretary General, Tripura Employees Coordination Committee, Agartala and the Under Secretary, Revenue Department, Govt. of Tripura for a period of 30 years. After completion of the aforesaid lease period on 6th February,

2017 the Secretary TECC (H.B Road) Teliamura Sub-Division Committee made a prayer to the respondent No.2 against which the DM & Collector, Khowai Tripura kept mum. In the middle part of May 2022 the appellant No.2 received a copy of the order sheet dated 10.05.2022 passed by the respondent No.3 in regard to proceeding under Section 51 of TLR & LR Act, 1960. The said order sheet itself reflect that the proceeding under Section 15(1) of TLR & LR Act, 1960 has been drawn up in reference to letter No.F.39(106)-REV/2017. Petitioner in objection stated that the LD. SDM i.e. respondent No.3 has no jurisdiction to draw up the proceeding under Section 15 of TLR & LR Act as the petitioner are not an unauthorised occupant or trespasser of the land and also demanded to supply copy of the letter dated 11th April, 2022 by which the proceeding was started. On 14.07.2022 the respondent No.3 issued one Memorandum vide No.2167/F.5(14)SDM/TLM/REV/21 and in pursuant of the termination order it was directed to the petitioner to remove all structure on the lease hold land within 10(ten) days from the date of receipt of this letter. Thereafter, they have approached to the Hon'ble High Court by filing a writ petition being WP(C) 598 of 2022 and on 20.07.2022 after hearing the parties, this court has dismissed the writ petition. Being aggrieved and dissatisfied with the order dated 21.07.2022 passed by the Hon'ble single Judge, the appellants herein prefers this appeal.

[3] Heard learned counsel for the parties.

[4] It is evident from the record that in terms of the order dated 07.09.2022 passed by this court, the petitioners were put back in the possession of the property which was the subject matter of the writ petition. The petitioners (the appellants herein) also made an

application dated 20.09.2022 seeking renewal in terms of the order of this court as cited supra. The said application seeking renewal is pending with the respondents. Since February 1987, they were in undisturbed possession of the property until the legal proceeding which took place before the Revenue Authority after the expiry of the lease and ultimately the matter has reached before this court for adjudication.

[5] In view of the above, having credence to the order dated 07.09.2022 passed by this court, since the application is made and the petitioners were put back in possession, without expressing any opinion on merits, we dispose of this writ appeal directing the respondents to take a decision upon the application dated 20.09.2022 made by the appellants either by renewing the lease deed or by rejecting their application. The said decision be communicated in accordance with law. It is needless to say that the said exercise shall be completed within a period of one month from the receipt of copy of this order.

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

JUDGE

JUDGE

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