

**HIGH COURT OF TRIPURA
AGARTALA
CRP No.65/2022**

Sri Tufani Ram Bin, son of Late Sudarshan Bin, resident of village & P.O.-Nutannagar, Airport, P.S.-Airport, Agartala, District-West Tripura, Pin-799009.

.....Petitioner(s).

V E R S U S

1. The State of Tripura, represented by the Commissioner & Secretary to the Revenue Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, P.O.-Kunjaban, P.S.-New Capital Complex, Sub-Division-Sadar, District-West Tripura.

2. The Principal Secretary, Revenue Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, P.O.-Kunjaban, P.S.-New Capital Complex, Sub-Division-Sadar, District-West Tripura.

3. The District Magistrate & Collector, West Tripura, Akhaura Road, P.O.-Agartala, P.S.-West Agartala, District-West Tripura, Pin-799001.

4. The Sub-Divisional Magistrate, Sadar, Office Lane, P.O.-Agartala, P.S.-West Agartala, District-West Tripura, Pin-799001.

.....Official-Respondent(s).

5. Sri Jishnu Debbarma, son of Late Ramendra Kishore Debbarma, resident of Kunjaban, Airport Road, P.S.-East Agartala, District-West Tripura.

.....Private-Respondent(s).

For Petitioner(s)	: Mr. Koomar Chakraborty, Advocate.
For Respondent(s)	: Mr. S.S. Dey, Advocate General, Mr. Koushik Roy, Advocate, Mr. U.S. Singha, Advocate, Mr. R. Chakraborty, Advocate, Ms. A. Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

Date of hearing and judgment : **30th March, 2023.**

Whether fit for reporting : **YES.**

JUDGMENT & ORDER (ORAL)

Heard Mr. Koomar Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. S.S. Dey, learned Advocate General assisted by Ms. A. Chakraborty, learned counsel appearing for the respondents No.1 to 4 and Mr. Koushik Roy, learned counsel appearing for the respondent No.5.

2. This instant revision petition filed under Article 227 of the Constitution of India is directed against the order dated 21.05.2022 passed by the Principal Secretary, Revenue Department, Government of Tripura in condonation case No.06/Misc/Rev/PS/2022 arising out of Second Appeal No.6/2nd Appeal/Rev/PS/2022 under the Tripura Land Revenue & Land Reforms Act, 1960 (TLR & LR Act, for short), whereby the condonation petition as also the second appeal was rejected.

3. Petitioner has prayed for the following reliefs:

"(i) Issue Rule, calling upon the Respondents and each one of them, to show cause as to why the impugned Order dated 21.05.2022 (Annexure-14 supra), passed by the Principal Secretary, Revenue Department, Government of Tripura (i.e., the Respondent No.2), in Condonation Case, marked as **06/Misc/Rev/PS/2022**, arising out of Second

Appeal, marked as **6/2nd Appeal/Rev/PS/2022**, filed by the Petitioner, shall not be *quashed/set aside*;

- (ii) Call for the records, appertaining to this CRP;
- (iii) After hearing the parties, be pleased to make the Rule absolute in terms of (i) above;
- (iv) Costs of and incidental to this proceeding;
- (v) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper.”

4. It is seen from the record that the present civil revision petition is filed under Article 227 of the Constitution of India aggrieved by the orders passed by the Principal Secretary in the condonation petition as well as in the second appeal under the TLR & LR Act. Mr. S.S. Dey, learned Advocate General assisted by Ms. A. Chakraborty, learned counsel appearing for the respondents No.1 to 4 takes a preliminary objection of maintainability of the present revision petition under Article 227 of the Constitution of India against a respondent-State Government Officer who is neither a Court nor a Tribunal as defined under Article 227. On the other hand, Mr. Koomar Chakraborty, learned counsel appearing for the petitioner, submits before this Court that since the respondent-officer has passed the orders under the capacity of quasi-judicial officer, this revision petition under Article 227 is maintainable.

5. Article 227 is reproduced hereinbelow:

"227. Power of superintendence over all courts by the High Court.—(1) Every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.

(2) Without prejudice to the generality of the foregoing provision, the High Court may—

(a) call for returns from such courts;

(b) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and

(c) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts.

(3) The High Court may also settle tables of fees to be allowed to the sheriff and all clerks and officers of such courts and to attorneys, advocates and pleaders practising therein:

Provided that any rules made, forms prescribed or tables settled under clause (2) or clause (3) shall not be inconsistent with the provision of any law for the time being in force, and shall require the previous approval of the Governor.

(4) Nothing in this article shall be deemed to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to the Armed Forces."

6. It is seen from the above that the quasi-judicial officer is neither a Court nor a Tribunal as contemplated under the Constitution

and thus, this Court cannot exercise any supervisory jurisdiction as contemplated under Article 227 of the Constitution of India upon a State Government officer. Accordingly, the objection of maintainability of the present revision petition is upheld.

7. In the result, the revision petition is dismissed.

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

CHIEF JUSTICE (ACTING)

Pulak

