

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.09 of 2024

Shri Uttam Kumar Sinha & others

.....Petitioner(s);

Versus

Smt. Pramila Sinha & others

.....Respondent(s)

For Petitioner(s) : Ms. Ankita Pal, Advocate.

For Respondent(s) : Mr. Samarjit Bhattacharjee, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

06/03/2024

Heard Ms. Ankita Pal, learned counsel for the petitioners and Mr. Samarjit Bhattacharjee, learned counsel for the respondents.

Petitioners claim to be the legal heirs of the applicant Shri Pradip Kumar Sinha in Case No.Rev/Revision/08/2021 instituted under Section 95 of the TLR & LR Act, 1960. The application was instituted for correction of the name of the applicant in the land records in place of Pranshaw Sinha, son of Nandagopal Sinha.

Apart from other grounds taken in the petition, one of the grounds pleaded is that even though Pranshaw Sinha, the opposite party had died as per the statement made by his counsel Mr. Janardhan Sinha recorded in the impugned order dated 10.11.2021, the application has been disposed of by the District Magistrate & Collector, Unakoti District by holding that there is no need for any correction in the land record belonging to Pranshaw Sinha in respect of Khatian No.585 of Mouja Goldharpur, Kailashahar Sub-Division. It is the case of the petitioners that the order passed against a dead person is a nullity in the eye of law. Therefore, the matter may be remanded for substitution of the legal heirs. It has also been stated under Ground-e of the

petition that a fresh petition was presented on the same issue arraying legal representatives of the deceased as respondents, but the learned District Magistrate & Collector failed to appreciate the law and refused to register the case.

Respondents have appeared on notice.

This factual position is incontrovertible as evident from the impugned order itself since though the learned counsel for Pranshaw Sinha-opposite party informed the learned Court of District Collector, Unakoti that Pranshaw Sinha is a deceased person, but from perusal of the cause title of the impugned order, it is apparent that he was not substituted. It is not clear whether the legal heirs of the applicant-Pradip Kumar Sinha have also been substituted as he had also died few days before passing of the impugned order as informed by his widow Smt. Sumitra Sinha to the concerned Court. It may be possible that even substitution of the applicant was not carried out since the cause title of the impugned order indicates that both the deceased applicant's and the opposite party's name have been reflected.

In that view of the matter, without observing anything on the merits of the case, the impugned order passed against a dead person being a nullity in the eye of law is set aside. The matter is remanded to the learned Court of District Collector, Unakoti District, Kailashahar to pass a fresh order in accordance with law after carrying out substitution of the parties. The applicant shall make proper application for substitution of the legal heirs of the applicant as also of the deceased opposite party within a period of 2(two) weeks from the date of receipt of copy of this order. Let it be made clear that this Court has not made any comments on the merits of the case of the parties. It is

expected that the learned District Magistrate & Collector, Unakoti District would proceed to decide the matter afresh in accordance with law within a reasonable timeframe.

(APARESH KUMAR SINGH), CJ



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