

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.15 of 2024

Smt. Fuleswari Sinha

..... Petitioner (s).

Versus

The State of Tripura and others

..... Respondent(s).

For Petitioner (s) : Mr. S. M. Chakraborty, Sr. Advocate,
Ms. Ankita Pal, Advocate.

For Respondent(s) : Mr. K. De, Addl. G.A,
Mr. H. Laskar, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

04/04/2024

Heard Mr. S.M. Chakraborty, learned counsel assisted by Ms. Ankita Pal, learned counsel for the petitioner. Also heard Mr. K. De, learned additional Government Advocate for the State and Mr. H. Laskar, learned counsel for the private respondents.

[2] Petitioner being aggrieved by the order of the learned Principal Secretary, Revenue Department-cum-appellate authority, Government of Tripura passed in Case No.08/App1/REV/P.Secy/2023 under Section 93(1) of the TLR and LR Act, 1960 dated 03.06.2023 has preferred the instant petition. Petitioner was a party in case No. Rev/Revision/F/2021/399 under Section 95 of TLR & LR Act, 1960 dated 27.07.2022 passed by District Collector, North Tripura, Dharmanagar whereby the learned Collector had ordered correction in the relevant map of mouja & TK-Hurua as per the physical position of the area being possessed by both the parties over the year peacefully.

[3] However, the learned Principal Secretary, Revenue Department, Government of Tripura dropped the appeal as it was revealed that the suit land is subject matter of T.S. Case No.03/2022 in the Court of Civil Judge, Sr. Division, Dharmanagar. The suit land of the instant case i.e. R.S. Plot No.1431 & 1432 of mouja & TK-Hurua involves the same respondent Nos.1, 2 and 3 in the instant case as in T.S. Case No.03/2022 since the case was subjudice, therefore, the appeal was dropped.

[4] The primary ground for challenge is that if the revenue appeal was not entertained by the learned Principal Secretary, Revenue Department, Government of Tripura on account of pendency of T.S. Case No.03/2022 relating to the suit land, the order of the Collector, North Tripura, Dharmanagar passed during pendency of the title suit was also not proper in the eye of law. The Principal Secretary, Revenue Department, Government of Tripura ought to have examined the grounds of appeal on merits to come to a considered finding whether such correction was warranted or no correction ought to have been made during pendency of the title suit.

[5] Mr. K. De, learned additional Government Advocate for the State and Mr. H. Laskar, learned counsel for the private respondents are not in a position to countenance this ground which was the basis of dropping of the appeal by the Principal Secretary, Revenue Department, Government of Tripura.

[6] Having heard learned counsel for the parties in this background fact, this court is of the view that the Principal Secretary, Revenue Department, Government of Tripura should entertain the appeal to come to a finding whether the order of the learned District Collector, North Tripura, Dharmanagar was proper in the eye of law and whether any correction of the relevant map of the

Mouja was required or not in view of pendency of TS No. 03/2022 before the learned court of Civil Judge (Sr. Div) Dharmnagar.. This Court, however, refrains from expressing any opinion whether the pendency of T.S. Case No.03/2022 before the Court of Civil Judge, Sr. Division, Dharmanagar also concerning the instant suit land, would have any bearing upon the correction of the revenue records and map of the concerned mouja. As such, the impugned order is set aside. The matter is remitted to the learned Principal Secretary, Revenue Department, Government of Tripura to decide it afresh in accordance with law in a reasonable time.

[7] Accordingly, the instant petition is disposed of. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ