

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 62 of 2024

Smt. Ratna Debbarma and others **Petitioner(s)**

Versus

State of Tripura and others **Respondent(s)**

For Petitioner(s) : Mr. D. Bhattacharya, Sr. Advocate.
Mr. Samar Das, Advocate.
For Respondent(s) : Mr. D. Sarma, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

05.02.2024

This is a petition under Article 226 of the Constitution of India filed by the petitioners.

[2] The case of the petitioners in brief is that the husband of the petitioner No.1 and the father of the petitioners No.2 & 3 namely Himangshu Debbarma died on 17.12.2022. Thereafter, the petitioners approached Respondent No.4 several times for granting the survival certificate but, the same was not issued. It is contended in the petition that after the death of Himangshu Debbarma, it has come to light that Himangshu Debbarma had a relation with respondent No.5 and respondent No.6 is the consequence of the relation which is legally prohibited and when the petitioner approached towards the business farm, the respondents No.5 & 6 through their agent restrained them with a disclosure that late Himangshu Debbarma by registered instrument dated 06.02.2017 bequeathed some of his property to respondent No.5 and some of the properties by another registered instrument transferred to respondent No.5 on 06.02.2017. The respondent No.5 being a member of the non-tribal community anyhow managed and referred herself as a member of the Scheduled Tribes community defrauding the State instrumentalities in different aspects and hence, the petitioner has preferred this writ petition before this Court.

[3] The petitioners have approached this court for the following reliefs:

i. Admit this petition

ii. Issue notice

iii. Call for the records relating to the subject matter of the *lis* and

iv. After hearing the parties be pleased to quash the registered instrument being III – 8 dated 06/02/2017 recorded in the book number 3, volume 1, page 25 to 28 and the registered instrument number 1 -171 dated 06/02/2017 volume 2, book No.1, page 101 to 104 and also pleased to set aside/quash the order dated 07/08/2023.....”

[4] Heard learned counsel for the respective parties.

[5] On perusal of record, it is seen that on 07.08.2023, respondent No.4 i.e. SDM, Sadar, Agartala passed an order which is under challenge, directing the parties to settle their disputes in competent court as per latest revenue department guidelines as the said court could not conclude about the actual legal heirs of late Himangshu Debbarma and again the petitioner approached the SDM for issuing the survival certificate on 08.08.2023. The petitioner also approached to respondent No.2, i.e. District Magistrate and Collector/Registrar, Sepahijala District, Bishramganj, Tripura on 10.07.2023 with regard to disputed facts such as, cancellation of the registered instrument including the ration card, voter ID card, AADHAR card, PAN card etc of the respondent no.5, which is still pending.

[6] However, without expressing any opinion on the representation submitted by the petitioner before the respondent No.2, this Court directs the said respondent to consider the case of the petitioner in the light of her representation dated 10.07.2023 as expeditiously as possible after giving an opportunity to opposite party. Both the parties are at liberty to avail their remedies before appropriate forum.

[7] In view of the said dispute, this Court feels that this is purely a civil/family dispute and an attempt is made to bring it under writ jurisdiction. This Court opines that under Article 226 of the Constitution of India, the case of the petitioners cannot be entertained as it is not maintainable and as such, the same is liable to be dismissed as not maintainable.

With the above observation, the present writ petition filed by the petitioners is dismissed.

As a sequel, miscellaneous application(s) pending, if any, shall also stand closed.

JUDGE

Sabyasachi G.

**SABYASACHI
GHOSH**

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