

**HIGH COURT OF TRIPURA
AGARTALA**

Cont.Cas(C) No.15/2024

Dhananjoy Majumder

..... Petitioner(s).

V E R S U S

Sri Puneet Agarwal & others

.....Respondent(s).

For Petitioner(s) : Mr. Samarjit Bhattacharjee, Advocate,
Mr. Dipjyoti Paul, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

15/03/2024

Petitioner has sought initiation of contempt proceedings in view of the order dated 28.02.2022 passed in WP(C) No.658 of 2021. It appears that the petitioner had again approached this Court in WP(C) No.677 of 2023 with a similar prayer for correction of the record of rights pertaining to the suit land of T.S. No.04 of 2013 in terms of the judgment and decree dated 08.06.2015 passed by the learned Civil Judge (Jr. Division), Sabroom, South Tripura as affirmed by the learned District Judge, South Tripura vide judgment and decree dated 12.03.2019 passed in T.A. No.12 of 2015 (Annexure-7). However, the second writ petition was withdrawn with a liberty to avail appropriate remedies under law.

On being asked, learned counsel for the petitioner has not been able to show that any such proceeding has been initiated before the learned Sub-Divisional Magistrate, Sabroom, South Tripura for correction of the record of rights though he has relied upon an application dated 24.01.2020 (Annexure-D) said to be made under Tripura Land Revenue and Land Reforms Act [Rule 74(1)]. However, there are no records of such proceedings annexed to the

instant petition. It further appears that petitioner was the plaintiff in T.S. No.04 of 2013 and had got some relief in his favour which was executable. The petitioner approached this Court earlier in WP(C) No.658 of 2021. It was disposed of after noticing the bare facts vide order dated 28.02.2022. The operative portion of the order being relied upon by the petitioner indicates that the learned writ court observed that in case a second appeal has been filed by the respondents, on culmination of the said appeal, the respondents shall act in terms of the judgment and order of the Court and make such change as required in terms of the order. It is not clear whether such second appeal has been filed or decided. Learned counsel for the petitioner submits that no such second appeal has been filed. If the petitioner has got relief in a Title Suit which necessitates correction of record of rights, he is at the first instance supposed to initiate proceedings under the TLR and LR Act, 1960 through a proper application. From the enclosed documents it, however, does not appear that any such proceeding has been initiated. At this stage, therefore, this Court is of the view that no case of contempt arises out. Petitioner should avail the appropriate remedy under law for which liberty was granted in WP(C) No.677 of 2023 while dismissing the writ petition as withdrawn.

As such, the instant petition is disposed of.

(APARESH KUMAR SINGH), CJ

Pulak

PULAK BANIK Digitally signed by PULAK BANIK
Date: 2024.03.18 12:51:16
+05'30'