

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.209 of 2024

Smt. Sadhana Bala Dhar Banik

....Petitioner(s)

Versus

The State of Tripura and 3 Ors.

....Respondent(s)

For the Petitioner(s) : Mr. S. Bhattacharjee, Advocate

For the Respondent(s) : Mr. Kohinoor N. Bhattacharyya, GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

01/04/2024

Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mr. Kohinoor N. Bhattacharyya, learned GA appearing for the respondents-State.

It is the grievance of the petitioner that in view of an emergent situation he offered to sale a land in favour of four persons. Sale deeds were prepared and necessary stamp duties have also been deposited with the Government, but, when the sale deeds were produced for registration, the Sub-Registrar denied the execution of those sale deeds causing serious prejudice to the petitioner.

By way of filing the present writ petition, the petitioner seeks a direction upon the Sub-Registrar to execute the sale deeds.

Mr. Bhattacharjee, learned counsel for the petitioner has submitted that the buyers have deposited the requisite stamp duty and completed all formalities for registration. The petitioner has the title and the land has been recorded as Bastu class of land. So, the Sub-Registrar has no right to deny the registration of his land.

On the other hand, Mr. Kohinoor N. Bhattacharyya, learned GA has submitted that the office of the District Magistrate & Collector, Sepahijala District, Sonamura has received an information that the pond situated over the land of the petitioner was illegally filled up without taking prior permission of the authority concerned and for that matter, the respondent-District Magistrate & Collector had initiated a proceeding under Section 20 of TLR & LR Act to restore the character of the proposed land. Thereafter, a

proceeding under Section 95 of the TLR & LR Act has also been initiated and it is now pending.

I have considered the submissions of learned counsel for the parties.

In my opinion, the Sub-Registrar i.e. the registering authority has to act under the provisions of the Registration Act. He has to see whether requisite revenue has been paid by the purchaser or the seller. When the Sub-Registrar is satisfied that requisite stamp duty has been deposited by the purchaser or the seller then, he is duty bound to execute and register the sale deed. If there is any dispute that will be looked into by the District Magistrate & Collector, but, for that reason registration of the sale deed cannot be denied.

In the light of the above, I direct the Sub-Registrar, Sonamura, Sepahijala District to register the concerned sale deeds, if requisite stamp duties are paid by the vendor or the vendee.

Liberty remains with the authority concerned to proceed in accordance with law if there is any illegality found in the process of diversion of the land in question.

This order shall not have any impact on the merit of the proceeding now pending before the District Magistrate & Collector, Sepahijala District, Sonamura.

In light of above, the instant writ petition stands disposed.

JUDGE

Snigdha

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