

**HIGH COURT OF TRIPURA  
AGARTALA  
WP(C) No. 505 of 2024**

***Sri Durjodhan Majumder***

***.....Petitioner(s)***

***Versus***

***The State of Tripura & Ors.***

***.....Respondent(s)***

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For Petitioner(s) : Mr. D. Bhattacharya, Sr. Advocate.  
Mr. S. Saha, Advocate.

For Respondent(s) : Mr. K. De, Addl. GA.

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**HON'BLE MR. JUSTICE T. AMARNATH GOUD**

**ORDER**

**26.07.2024**

Heard Mr. D. Bhattacharya, learned Sr. Counsel assisted by Mr. S. Saha, learned counsel appearing for the petitioner as well as Mr. K. De, learned Addl. GA appearing for the respondent-State.

**[2]** The case of the petitioners in brief is that petitioner No.1 & 2 are the businessmen by profession and run their business at Baikhora market under the East Charakbai Gram Panchayat. The petitioner No.1 and the un-official respondent No.5 are real brothers and they are the son of late Rabindra Kumar Majumder. Respondent No.5 approached the revenue authorities by filing complaint against the petitioner No.1 to put him in possession and subsequently, thereafter, notice dated 02.11.2023 was issued under Section-04 of the "Tripura Public Premises (Eviction of Unauthorized Occupants) Act, 1983" to hear the land in dispute and by the said notice, it was directed to the petitioner No.1 and the un-official respondent No.5 to remain present on 14.11.2023 at 11 AM in the chamber of respondent No.3. On hearing, respondent No.3 vide order dated

28.02.2024 passed in Case No.1/TPP/2023, directed the petitioner No.1 and unofficial respondent No.5 to vacate the disputed land under the East Charakbai, Mouja- Laxmichhara TK within 19.04.2024. Being aggrieved and dissatisfied with the order dated 28.02.2024 passed by respondent No.3, the petitioner No.1 on 22.04.2024 submitted an appeal before the respondent No.2 under Section-11 of the "Tripura Public Premises (Eviction of Unauthorized Occupations) Act, 1983" accompanied with other stay petition and an application for condoning delay in preferring the said appeal, but, the same are still pending before the respondents. While the matter stood thus, pending the appeal before the respondents and aggrieved by the order dated 28.02.2024, the instant petition is filed by the petitioners before this Court, seeking relief for restoration of possession since they have been evicted on 27<sup>th</sup> June, 2024.

**[3]** Mr. D. Bhattacharya, learned senior counsel for the petitioners submits that respondent No.4 committed an illegality by issuing a letter dated 02.11.2023 for settlement of land in dispute under Section 4 of the Tripura Public Premises (Eviction of Unauthorized Occupants) Act, 1983. Section 4 of the "Tripura Public Premises (Eviction of Unauthorized Occupants) Act, 1983" is not for settlement of land dispute. It is also contended that the impugned order dated 28.02.2024 is an example of corrupt practice of respondents as there was no notice under "Tripura Public Premises (Eviction of Unauthorized Occupants) Act, 1983" for eviction, and thus, the impugned order is liable to be set aside.

**[4]** Mr. K. De, learned Addl. GA appearing for the respondent-State has vehemently opposed and prayed to dismiss the same, since the petitioner has not approached this court with clean hands. He has also brought to the notice of the Court that though the petitioners claimed that it is a private dispute, but at the same time the land in dispute belongs to

Government Khas-land and it is not open for the petitioners to say that Government cannot interfere in a private dispute whereas, the land itself belongs to the Government and the Government has all rights to evict them. He, therefore, urges this Court to dismiss the instant petition.

**[5]** On perusal of records and upon hearing the submissions made at the Bar, this Court without expressing any opinion on the merits of the case, is of the view that since the appeal filed by the petitioner No.1 on 22.05.2024 before the concerned respondent is still pending, the respondents be directed to decide the said appeal in accordance with law as expeditiously as possible preferably within a period of 01(one) month from the date of receipt of the copy of this order. Accordingly, the same is ordered.

With the above observation and direction, this present writ petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

**JUDGE**



*Paritosh*

**SABYASACHI GHOSH**  
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