

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A

WP(C) No.780 of 2023

For Petitioner(s) : Mrs. P. Chakraborty, Advocate.

For Respondent(s) : Mr. D. Sarma, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

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05.04.2024

Heard.

The present petition has been filed under Article-226 of the Constitution of India for cancelling the wrong entry in Khatian No.359 of Mouja T.K., Revenue Circle and Sub Division Kumarghat, so far Hal Plot Nos.975/3327 are concerned being arbitrary, whimsical and unfounded one.

The petitioner has prayed for the following reliefs:

“(i) Admit the Petition and issue Rule NISI upon the respondents to show cause as to why they shall not be directed to transmit all records before the Hon'ble Court relating to subject matter of the petition.

AND

(ii) As to why a Writ of Certiorari shall not be issued cancelling/quashing the R.S Khatian No.359 of Mouja, T.K, Revenue Circle and Sub-Division Kumarghat, so far Hal plot Nos. 975 & 975/3327 are concerned. And

(iii) As to why a Writ of Mandamus shall not be issued commanding upon the State respondents to restore the original entry of the said two plot numbers as per C.S Khatian No.359 (Anx.-1) under the same revenue particulars.

AND

(iv) Pass order, issue writ in the light of the prayers made above and make the Rule absolute.

AND

(v) Pass order for cost or incidental there to.”

The facts in brief are that the petitioner is the owner of Brick field at kumarghat which was recorded in his name in Khatian No.359, in which the land of C.S. plot No 975 was shown as Itkhola (Brickfield, Nal) and C.S, plot No. 992 as Bastu (nal). After revisional survey a fresh khatian was created in the name of the petitioner where the classification of the said plots has been shown as (Bil) (Nal) i.e lake and the said change in the classification of land is totally arbitrary and

baseless, as the petitioner did not change his brick field land into water body so he submitted an application to issue revised parcha (khatian) in his name.

After that the petitioner received a show cause notice to show cause why he should not pay penalty for diversion of an agricultural land into a non-agricultural land without prior permission from the competent authority and he replied to that. The petitioner received a letter issued by the Respondent No.4 to the Additional District Magistrate and Collector, Unokoti enclosing a meeting of minute in Sub-Divisional Level Committee in connection with conservation and protection of lakes, ponds and water bodies in the name of the petitioner.

Thereafter the Respondent No.3 sent a letter to the Joint Secretary, Government of Tripura, Revenue Department for according approval for diversion of the said land and also imposed a fine of Rs.50,000/- upon him. After deposit the penalty of Rs.50,000/- (Rupees Fifty thousand) as per order dated 29.09.2023 the respondents have not taken any step to correct the wrong entry made in the Khatian No.359 till date and unnecessarily delaying the matter in a very unreasonable manner. The petitioner submitted numbers of letters to the respondent Nos.2 & 3 for reliefs but no response has been received yet.

Being aggrieved by the conduct of the respondents, the petitioner filed the present writ petition before this Court for redress.

In view of above and having heard the learned counsel appearing for the parties, without going into the merits of the case, this Court is of the view that ends of justice would be met if the present petition is disposed of directing the Joint Secretary, Government of Tripura, Revenue Department to decide the matter in accordance with law within a period of two months from today in terms of the letter sent by the respondent No.3.

Accordingly, the present writ petition stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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