

HIGH COURT OF TRIPURA

AGARTALA

WP(C) 5 of 2025

Sri Ashish Biswas and Another

----Petitioner(s)

Versus

The State of Tripura & 4 Others.

-----Respondent(s)

For Petitioner(s) : Mr. S. Lodh, Advocate.

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

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

10.01.2025

This is a petition under Article 226 of the Constitution of India for seeking the following relief(s)

- (i) Issue Rule calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued for calling for the records, lying with the officials respondents, for rendering substantial and conscionable justice to the petitioner;
- (ii) Issue Rule calling upon the respondents to show cause as to why a Writ of Mandamus and/or in the nature thereof, mandating/directing the respondents especially Respondent No.4 to allow registration the Sale Deed, without permission from the Collector;
- (iii) After hearing the parties, be pleased to make the Rules absolute in terms of Prayers (i) and (ii) above; AND/OR
- (iv) Any other relief(s) as to this Hon'ble High Court may deem fit and proper;

[2] It is represented by the counsel for the petitioner that the mother of the petitioner, Kanika Biswas, got allotment of a land on 01.05.2011 and accordingly Khatian being no. 4256 was published in her name. On 25.07.2024 a notification was published amending TLR & LR (Allotment of Land) Rules, 1980 whereby it has been declared that any person can transfer his/her allottee land in favour of any person after seven years of allotment. Thereafter, the mother of the petitioners executed one Sale Deed in favour of proforma-respondent after accepting the entire consideration money. Thereafter, appointment date was fixed for registration of the Sale Deed but on the date of registration

of the Sale Deed, the respondent no. 4 refused to register the Sale Deed on the ground that the mother of the petitioners did not obtain any permission from the Collector to transfer her land and accordingly returned the Sale Deed. Thereafter, the proforma-respondent started pressurizing the mother of the petitioners and subsequently she had expired. The petitioner no. 1 thereafter by his letter dated 12.12.2024 requested respondent no. 3 to direct the respondent no. 4 to register the sale deed, but till date no action has been taken by the respondents. Hence, this the petitioners have approached before this court for seeking relief.

[3] It is a case of the petitioners that the petitioners are the daughters and sons of the deceased Kanika Biswas and she was the owner of the land executed on 29.10.2024 and the deceased mother entered into an executed sale deed in favour of the unofficial respondent herein on 29.10.2024 and in the subsequent time the she passed away on 27.11.2024. The petitioners felt their it is their bounded to complete their sale transaction and accordingly they pursued the matter before the registration authority. Since nothing has happened they are before this court after making a representation before the respondents.

[4] Heard.

[5] Admittedly, there is a document of sale deed dated 29.10.2024 executed by Late Kanika Biswas, the mother of the petitioners in favour of the unofficial respondents. On perusing of the record, it surfaces that there is no document before this court declaring the petitioners as successors to the said property and consequential reliefs enabling them to execute and get the document registered from the competent authority. In the absence of any such legally enforceable document for the purpose of completing the transaction, this court is not inclined to direct the respondents to consider the case of the petitioner for registering the document on behalf of the deceased mother. The present scenario the petitioners are having *locus standi*. The petitioners ought to have approached before the competent court of law to obtain appropriate judgment & decree in the circumstances of the case and then proceed for registering the document in accordance with law.

[6] In view of the above observation, the instant writ petition is devoid of merit and liable to be dismissed. Accordingly, the writ petition stands dismissed. As a sequel, miscellaneous application(s) pending if any, shall also stand closed.

JUDGE

Dipak

