

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.06 of 2025

1. Sri Ashish Biswas, son of late Anil Biswas, resident of Kabirajtilla (near Police Hospital), P.O.- A.D. Nagar, P.S.-A.D. Nagar, District- West Tripura, Pin-799003;
2. Smt. Shukla Sarkar, wife of Sri Jiban Sarkar, daughter of late Anil Biswas, resident of Dukli, P.O.- A.D. Nagar, P.S.-A.D. Nagar, District- West Tripura, Pin-799003;

..... Appellant(s)

V E R S U S

1. The State Of Tripura, represented by its Secretary, Revenue Department, Government of Tripura, New Capital Complex, PO-Kunjaban, PS-New Capital Complex, Agartala, District-West Tripura, Pin-799010;
2. The Inspector General Of Registration, Office of the Revenue Secretariat, Revenue Department, Government of Tripura, New Capital Complex, PO-Kunjaban, PS-New Capital Complex, Agartala, District-West Tripura, Pin-799010;
3. The District Registrar, West Tripura District, Office of the DM & Collector, Office Lane, P.O. Agartala, P.S. West Agartala, District- West Tripura, Pin-799001;
4. The District Sub Registrar, Sadar, A.K. Road, P.O. Agartala-799001, P.S. West Agartala, District- West Tripura;

..... Respondent(s)

5. Sri Soumyatabha Roy, son of late Kshitish Roy, resident of Banamalipur, Santipara, P.O. Agartala, P.S. East Agartala, District- West Tripura, Pin-799001;

..... Proforma-Respondent(s)

For Appellant(s) : Mr. Sankar Lodh, Advocate,
Mr. Subham Majumder, Advocate.

For Respondent(s) : Mr. P. Gautam, Sr. G.A,
Mr. Kohinoor N. Bhattacharyya, G.A.,

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S. D. PURKAYASTHA**

_O_R_D_E_R_

27/01/2025

Petitioners claim themselves to be the legal heirs of one Kanika Biswas who was allotted a piece of land bearing area 0.048 acre, Dag No. Plot No.2767/P, Class-Bastu(Till), in Mouja- Pratapgarh, Tehsil-Dukli vide

allotment order dated 01.05.2011 under Section 14(1) of the Tripura Land Revenue and Land Reforms Act, 1960 subject to certain conditions.

The condition No.1 provides that the land was heritable but not alienable without the written consent of the Collector, but may be mortgaged to the Government, a Co-operative Society or a bank or such other institution as may be notified in the Official Gazette by the State Government from time to time.

The condition No.2 provides that the allottee on giving three months' notice before the end of the agricultural year and on payment of all Government dues could surrender the land allotted to him which on such surrender would revert to the Government.

The condition No.4 provides that the waste land allotted for agricultural purpose should be brought under cultivation within five years from the date of allotment.

According to the petitioners, the land was mutated in her name (Annexure-2). She executed a sale deed in favour of proforma-respondent-Sri Soumyatabha Roy i.e. respondent No.5. The District Sub-Registrar, Sadar, Agartala refused to register the deed as the land was an allotted land which could not be registered without permission of the Collector. There is no endorsement on the sale deed of such refusal. Mr. Sankar Lodh, learned counsel for the writ petitioners submits that such refusal was done verbally. The allottee-Kanika Biswas died on 27.11.2024. The sale deed was executed on 27.10.2024. Thereafter, the petitioners claiming themselves to be the legal

heirs have approached the respondent No.3-the District Registrar, West Tripura District, Agartala (Annexure-8) for a direction upon the District Sub-Registrar, Sadar, Agartala to register the sale deed in favour of the vendor, Sri Soumyatabha Roy-proforma respondent.

Mr. Sankar Lodh, learned counsel for the writ petitioners has drawn the attention of this Court to Section 14 of the Tripura Land Revenue and Land Reforms Act, 1960 and the Tripura Land Revenue & Land Reforms (Allotment of Land) Rules, 1980. He submits that Rule 12 and Appendix – ‘B’ have undergone an amendment by notification of Revenue Department dated 25.07.2024 (Annexure-6) which are as under:

“5. Amendment of Rule 12

In rule 12 of rule of the Principal Rules, in sub-rule (1), in clause (i), for the words "but not alienable" the words "but not transferable by the allottee within seven years from the date of allotment" shall be substituted.

6. Amendment of Appendix-'B'

In Appendix-'B' of the Principal Rules, in paragraph (1), for the words "but not alienable", the words "but not transferable by the allottee within seven years from the date of allotment" shall be substituted.”

Relying upon the amended Rules, Mr. Sankar Lodh, learned counsel submits that now the condition to obtain written consent of the Collector on the recommendation of the advisory committee set up by the Government for transfer of the land beyond seven years of the date of allotment is not a mandatory requirement. The District Registrar-respondent No.3 has failed to take any decision on the application of the petitioners. Therefore, they have been compelled to approach this Court. However, learned writ Court has rejected the writ petition, i.e. WP(C) No.5 of 2025 on the ground that the petitioners have no *locus standi* to pursue the matter on behalf of the deceased mother.

We have heard learned counsel for the writ petitioners/appellants and the respondents-State. At this stage we are not inclined to interfere in the matter since grievances of the writ petitioners made in the application before the District Registrar, Agartala-respondent No.3 are yet to be addressed by the respondent No.3. In such circumstances, we deem it proper to direct the respondent No.3 to take a decision on the application of the writ petitioners in accordance with law within six weeks from the date of receipt of copy of this order.

Since the matter is remitted to respondent No.3, we do not consider it necessary to enter into the interpretation of the relevant Rule -12 and appendix-“B” which has gone amendment by the notification dated 25.07.2024. It goes without saying that the petitioners shall be required to establish their claim as legal heirs of the deceased allottee-Kanika Biswas before the District Sub Registrar-respondent No.3 while pursuing their application.

The impugned order stands interfered with to the extent indicated hereinabove. Let it be made clear that this Court has not made any comments upon the merits of the case of the parties.

Accordingly, the instant petition stands disposed of. Pending application(s), if any, also stands disposed of.

(S. D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ