

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 297 of 2025

Sri Ratan Datta, S/O. late Sitanath Datta,
Resident of 79, Akhaaura Road, Ramnagar,
Agartala, P.S.-West Agartala, District-West Tripura,
PIN-799002

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

Versus

- 1. The State of Tripura**, Represented by the Secretary, Revenue Department, Government of Tripura, New Capital Complex, Agartala, West Tripura.
- 2. The District Collector**, O/o. The District Magistrate & Collector, West Tripura, Agartala, P.S.-West Agartala, District- West Tripura, PIN-799001
- 3. The Sub-Divisional Magistrate**, O/o. The Sub-Divisional Magistrate, West Tripura, Agartala, P.S.-West Agartala, District- West Tripura, PIN-799001
- 4. Smt. Helen Rani Roy**, W/O. late Bhupendra Nath Roy, Resident of Sakuntala Road, Near Rabindra Bhavan, Agartala, P.S.-West Agartala, District- West Tripura, PIN-799001

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

For the Petitioner(s) : Mr. Samrat Kar Bhowmik, Sr. Advocate
Mr. Sovan Mahajan, Advocate
Mr. Jyotishmay Das, Advocate
Mr. Ankan Tilak Paul, Advocate
Ms. Saswati Nag, Advocate
Mr. E.L. Darlong, Advocate
Mr. Sreekant Bal, Advocate
Mr. Rakesh Debnath, Advocate

For the Respondent(s) : Mr. S.M. Chakraborty, Advocate General
Mr. T.D. Majumder, Sr. Advocate
Mr. P. Gautam, Sr. G.A.
Mr. Kohinoor N. Bhattacharya, G.A.
Mr. Dalit Kalai, Advocate
Mr. Keneth L. Debbarma, Advocate
Ms. Budhinika Kaipeng, Advocate
Ms. Shipthang Rani Kaipeng, Advocate

Date of hearing & delivery
of Judgment & order : 03.11.2025.

Whether fit for reporting : Yes

HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R(ORAL)

[1] Heard Mr. Samrat Kar Bhowmik, learned senior counsel assisted by Mr. E.L. Darlon, learned counsel appearing for the petitioner. Also heard Mr. S.M. Chakraborty, learned Advocate General and Mr. P. Gautam, learned Sr. G.A. appearing for the official respondents No.1, 2 & 3. Mr. T.D. Majumder, learned senior counsel assisted by Mr. K. L. Debbarma, is also present on behalf of unofficial respondent No.4.

[2] This present petition is filed under Section 226 of the Constitution of India seeking following reliefs:

“(i) Issue notice upon the Respondents.

(ii) Call for the records.

(iii) Issue Rule calling upon the Respondents to show cause as to why the impugned order dated 27-02-2025(Annexure-19) passed by the Respondent No.2 i.e, District Collector and Magistrate, Agartala, West Tripura in connection with the Review case no. 55 of 2025 and the whole review proceedings shall not be quashed and set aside.

(iv) Issue Rule calling upon the Respondents to show cause as to why the impugned suo moto proceeding U/S 95 of TLR & LR Act, 1960 vide Case No. 179 of 2025 initiated by respondent no 2, D.M & Collector, West Tripura, Agartala, vide order dated 18-02-2025 (ANNEXURE-17) in connection with the Review case no 55 of 2025 and the whole review proceedings shall not be quashed and set aside.

(v) Issue Rule calling upon all the respondents in general and respondent no 2 in person to show cause as to under what authority he deliberately violated the order status quo dated 05-08-2017 in c/w case no. Civil Misc(Inj) 34 of 2017 arising out of TS (CC) 01 of 2017 passed by Ld. Civil Judge, Sr. Div Court No: 3, Agartala (Annexure-9) and initiated the impugned suo moto proceeding U/S 95 of TLR & LR Act, 1960 vide Case No. 179 of 2025 by passing the impugned orders dated 18-02-2025 (ANNEXURE- 17) and impugned order dated 27-02-2025(Annexure-19).

(vi) Issue Rule calling upon all the respondents in general and respondent no 2 in person to show cause as to under what authority he deliberately violated the order status quo dated 05-08-2017 in c/w

case no: Civil Misc (Inj.) 34 of 2017 arising out of TS (CC) 01 of 2017 passed by Ld.Civil Judge, Sr. Div. Court No: 3, Agartala (Annexure-9) thereby causing immense mental pain and agony to the petitioner and why appropriate proceedings /writ should not be initiated/issued against him and why respondents in general and respondent no 2 in person should not be liable to pay compensation/cost if ordered by this Hon'ble Court.

(vii) And after hearing the parties be pleased to make the rule absolute.”

[3] The case of the petitioner in brief is that in the year 2002, the he purchased two plots of land, total land measuring 0.0564 Acres, of Mouja Agartala Sheet No.3, in Hal Plot No.2045/2525 and 2046/2526 classified as Bastu (Nal) by Sale Deed 1-3679. Dated 26/04/2002 from Smt. Niyati Bhattacharjee, W/O Lt. Jiban Chakraborty. Smt. Eliza Chakraborty, Smt. Lopamudra Roy and Smt Nayana Chakraborty, all D/O late Jiban Chakraborty. It is contended that in the said registered sale deed, there are two schedules of land namely Schedule A (homestead land measuring 2 Gandas 1 Kara 1 Kranta 19 Dhurs). Schedule B (Pathway) measuring 8 feet in breadth and 46-6" feet in length, i.e. land measuring 1 Kara 2 Krantas 3 dhurs, and the total land including the path way stands as 2 Gandas 3 Karas 1 Kranta 2 Dhurs i.e. 0.0564 Acres. It is further contended that subsequently, by virtue of three separate deeds, one from Smt Ranjana Chakraborty alias Smt. Ranjana Chakraborty (Choudhury), W/O- Sri Manik Lal Coudhury, alias Sri Mani Lal Choudhury, through her constituted power of attorney namely Sri. Chunilal Ghosh, S/O-Lt. Chandra Kr Ghosh, vide Sale Deed Number 1-747 dated 22/01/2011, another from Sri Sushen Ranjan Choudhury vide sale deed number I-5279. Dated 06/09/2010 and another from Sri Raja

Dasgupta, vide sale deed number 1-2855, Dated-19/06/2009 the petitioner became the owner and possessor of three other small plots of adjacent land.

[4] Thus, in that aforementioned manner, the petitioner by way of said three registered sale deeds purchased total land measuring 0.0349 Acre of Hal Plot No. 2047, corresponding to Sabek plot MPB 84, 2620/45638, classified as Viti (Nal), of Mouja Agartala Sheet No.3, covered under Khatian No. 1438/1. The petitioner after purchasing the said lands, applied for record of rights of the said lands in the name of the petitioner before the Sub-Division Magistrate, Sadar, West Tripura. It is also contended that the above-mentioned land was originally allotted in the year 1978 vide Allotment Case No. 773/76 to the original allottee namely Anil Chakraborty, S/O Ramanath Chakraborty and Others. Accordingly, record of right was also prepared in their name vide Khatian No. 1438/1, 2 & 3. But in the said khatian it was noted that the land cannot be transferred without the permission of the District Collector.

[5] It is further submitted that in the year 1993, there was a partition suit before learned Civil Judge Senior Division No. 1, Agartala, West Tripura and in Partition Case Vide No. Title Suit (Partition) No. 103 of 1994 titled as Sri Jiban Chandra Chakraborty Versus Smt. Prababati Chakraborty & Anr., a partition was decreed vide Judgment and Decree dated 31-01-1997. Accordingly the said land was partitioned

amongst the partners. It is contended by the petitioner that he had purchased the land as mentioned earlier, on the basis of said judgment and decree.

[6] It is further contended that in Khatian No. 1438/1, 1438/2 & 1438/3 it was reflected that, the land cannot be transferred without the permission of the District Collector. So, the petitioner had filed an application seeking permission from the competent authority for transferring the land in favour of his name as well as for the mutation of the land in his favour. Accordingly the Competent Authority i.e. the Office of the District Magistrate & Collector, West Tripura, Vide No. F 15(5)-DM/W/REV/MISC/2156/2016, Dated 22-06-2016 prepared a detailed report before the Sub-Divisional Magistrate, Sadar Sub-Division, West Tripura. Thereafter, the petitioner got mutation order vide MR No 201640781 dated 02. 11. 2016 in his favor from the competent authority and finally record of right vide Khatian no: 1438/1 of Mouja Agartala Sheet 3 was also published in the name of the petitioner in government revenue records with reference to the land in question and the petitioner has been possessing the aforementioned plots by constructing pucca wall/tin fencing with GCI sheet roofing rooms thereon and enjoying the said plot of land without any disturbance from any corner.

[7] The unofficial respondent no. 4 herein, in the month of December, 2016 filed a suit against the petitioner vide no. T.S. 147 of 2016, and the same is pending before the learned Court of Civil Judge

(Senior Division), Court No. 3. Agartala, West Tripura. In the said suit, the present respondent No. 4 of the instant petition, claimed for a declaration of right of use of the path purchased by the petitioner along with some other consequential reliefs. *Inter alia*, in the said suit, the respondent no. 4 claimed a plot of land measuring 220 Square feet, mentioned as "Schedule-B" in the plaint as her purchased land. It is contended that in connection with the said suit, the petitioner herein filed one counter claim against respondent No-4 vide case no TS(CC) 01 of 2017 before the Court of learned Civil Judge Senior Division, Court No. 3. West Tripura, Agartala and further in connection with his counter claim vide case no. TS (CC) 01 of 2017, the petitioner filed one injunction petition bearing no. Civil Misc(Inj.) 34 of 2017 arising out of TS (CC) 01 of 2017. It is submitted that considering rival submissions, the learned Trial Court i.e. Civil Judge Senior Division Court No. 03 passed an order of status quo dated 05-08-2017 in connection with case no. Civil Misc (Inj.) 34 of 2017 till disposal of both the cases numbered TS 147 of 2016 and TS (CC) 01 of 2017.

[8] However, during pendency of the said civil suits before the Court of learned Civil Judge Senior Division, Court No. 3, Agartala, as mentioned hereinabove, the respondent No 4, filed an application under Section 95 of TLR & LR Act, 1960 before the DM & Collector, West Tripura, Agartala for setting aside the order dated 03-11-2016 passed by the Dy. Collector & Magistrate, Agartala Revenue Circle, Sadar, West

Tripura and the same was registered as Revenue case vide no. 44 of 2018 under Section 95 of TLR & LR Act, 1960. The Petitioner after receiving notice of the said proceeding under Section 95 of TLR & LR Act, 1960 from the respondents contested the said proceeding by filing his written objection on 28-02-2019. It is stated that, *inter alia* in the said written objection, the petitioner mentioned the pendency of the aforesaid civil suits and more specifically after the order of 'status quo' dated 05-08-2017 in c/w Civil Misc(Inj.) 34 of 2017 arising out of TS (CC) 01 of 2017. It has also been contended that respondent No.4 is estopped to challenge the mutation proceeding vide MR No. 201640781 and Khatian No. 1438/1 before the revenue authority as the said respondent had already raised similar grievance/contention with regard to the subject matter before the learned Civil Court.

[9] After considering the rival submissions and material facts, the District Magistrate & Collector, West Tripura, Agartala, dropped the said proceeding No. Revenue case No. 44 of 2018 U/S 95 of TLR & LR Act, 1960 vide Order dated 09-02-2021 considering the fact that the said Court has no jurisdiction to entertain the matter or to maintain hearing on the same land during pendency of the Civil Suit.

[10] Thereafter, again on 19-12-2022, the respondent No 4 hereinabove, filed one Review petition against the Order dated 09-02-2021 passed in Revenue case No. 44 of 2018 on the ground of jurisdictional error and the same was registered as Review case vide no.

55 of 2025 under Section 96 of TLR & LR Act, 1960. It is also contended that in filing the said Review petition there had been a delay of 255 day and as such, Respondent No 4 filed an application under Section 5 of Limitation Act, 1963 which was registered as Review case vide no. 01 of 2022 under Section 5 of the Limitation Act, 1963 for condonation of delay of 255 days in the filing the review petition against the Order dated 09-02-2021. *Inter alia* in the said condonation petition it was contended that learned Advocate of the Petitioner of the said case, or the person herself in the said case did not get any notice from the Court for which the case was dropped on the ground of jurisdictional error, whereas, according to the petitioner herein, it is clear from the Order dated 09-02-2021 that the District Magistrate & Collector, West Tripura, Agartala, dropped the said proceeding under section 95 of TLR & LR Act, 1960 on the ground that the Court had no jurisdiction to entertain the matter or to continue hearing on the same land during pendency of the Civil Suit.

[11] According to the petitioner, the said Revenue Court without considering the submission of the petitioner, allowed the said condonation petition without considering that Section 5 of Limitation Act has got no application since TLR & LR Act, 1960 prescribes its own Law of limitation. Thereafter, the review proceedings was posted on 22-01-2025, 18-02-2025 & 27-02-2025 and detail written reply was submitted on behalf of the petitioner. In connection with Revenue Case no. 55/2025, the petitioner herein on 18.02.2025 submitted his detailed

written reply wherein inter alia the petitioner mentioned about the order of revenue authority passed on 09.02.21 in Revenue Case no. 44/2018 on the ground that civil cases are pending on the similar cause of action and that the pre conditions of entertaining review petition by checking the status of civil cases were not done as per the order of sanction for review. Inter alia, the petitioner also apprised the revenue authority about the order of status quo dated 05-08-2017 in c/w case no Civil Misc(Inj.) 34 of 2017 arising out of TS (CC) 01 of 2017 passed by learned Court of Civil Judge, Sr. Div. West Tripura, Agartala, Court No. 3. Thereafter, on 18.02.2025 respondent No.2 initiated a suo moto proceeding U/S 95 of TLR & LR Act, 1960 vide case No.179 of 2025. Finally, on 27-02-2025, the respondent no 2 passed Order in connection with Review Case vide no. 55 of 2025 under Section 96 of TLR & LR Act, 1960 and cancelled the mutation of the homestead land in the name of the Petitioner. Being aggrieved by the aforesaid order dated 27.02.2025 passed by the respondent No.2 herein, the petitioner has preferred the present writ petition seeking the afore-quoted reliefs.

[12] Mr. Samrat Kar Bhowmik, learned senior counsel appearing for the petitioner submits that the Revenue Case No 44/2018, was dropped vide order dated 09-02-2021 passed by District Magistrate & Collector, West Tripura, Agartala, due to pending civil dispute between the parties regarding the same land. It is contended that in the review case under section 96 of the TLR and LR Act the scope is only to review the

said order for which review has been sought for but in the instant case, in the Order Dated 27-02-2025, the Respondent No 2 acted illegally and beyond the power and jurisdiction vested U/S 96 of TLR & LR Act, 1960 and passed the said impugned order. The respondent No.2 ignored the order of a competent Court of law by passing the impugned order and cancelled the mutation of the petitioner. He contends that the respondent No.2 violated the order status quo dated 05-08-2017 in c/w case no. Civil Misc(Inj) 34 of 2017 arising out of TS (CC) 01 of 2017 passed by the learned Civil Judge, Sr. Div Court No. 3, Agartala and initiated the impugned suo moto proceeding U/S 95 of TLR & LR Act, 1960 vide Case No. 179 of 2025 by passing the order dated 18-02-2025 and impugned order dated 27-02-2025. He further submits that the petitioner's mutation was illegally cancelled by the said respondent during pendency of civil suit and that should be restored in its original form, i.e. mutation status should be restored in the stage before filing of the Title Suit No. 147 of 2016 to maintain the order of 'status quo' otherwise the petitioner would be severely prejudiced. Learned senior counsel appearing for the petitioner therefore, urges before this Court to set aside the impugned order dated 27.02.2025 passed by the respondent No.2 in Review Case No.55 of 2025.

[13] To support his contention, learned senior counsel for the petitioner has placed reliance on the following paragraphs of the judgment of the Hon'ble Apex Court titled as ***Bhimabai Mahadeo***

Kambekar (Dead) through legal representative v. Arthur Import and Export Company and others reported in ***(2019) 3 SCC 191***, which are extracted as under:

“.....6. This Court has consistently held that mutation of a land in the revenue records does not create or extinguish the title over such land nor has it any presumptive value on the title. It only enables the person in whose favour mutation is ordered to pay the land revenue in question

7. The High Court while dismissing the writ petition placed reliance on the aforementioned law laid down by this Court and we find no good ground to differ with the reasoning and the conclusion arrived at by the High Court. It is just and proper calling for no interference.

8. It is not in dispute that the civil suits in relation to the land in question are pending in the courts between the parties. Therefore, it would not be proper to embark upon any factual inquiries into the question as to whether the entries were properly made or not and at whose instance they were made, etc. in this appeal. It is more so when they neither decide the title nor extinguish the title of the parties in relation to the land.....”

[14] On the other hand, Mr. S.M. Chakraborty, learned Advocate General appearing for the official respondents fairly submits and agrees that during pendency of the civil suits related to the land in the courts between the parties, it would not be proper for the official respondents to go on any factual inquiries into the land records.

[15] Heard the submissions made at the Bar. Perused the material evidence on record.

[16] It is seen from record that learned Civil Judge (Sr. Divn.), Court no.3, West Tripura, Agartala passed an order of status quo vide order dated 05.08.2017 in case No. Civil Misc(Inj.) 34 of 2017 arising out of TS (CC) 01 of 2017. For the purpose of reference, the relevant contents of the said order are extracted as under:

“.....From the contentions made on behalf of the plaintiff petitioner (counter claimant) and upon perusal of the xerox copy of the khatian No. 1438/01, it appears that the plaintiff petitioner (counter claimant) has a prima facie case. But the position that the defendant OP is in possession of some portion of the schedule property mentioned in the main suit bearing No. TS 147 of 2016 clearly shows that the defendant OP would suffer irreparable injury if they are dispossessed at this juncture and the balance of the convenience and in convenience also lies in their favour.

Considering the facts and circumstances of the case and also after perusal of all the materials on record, both the parties are directed to maintain the status quo in respect of the suit land until the disposal of the main case bearing No. TS 147 of 2016 and the connected counter claim case bearing No. TS (Counter-Claim) No. 01 of 2017.

Thus the instant case is disposed of on contest.....”

[17] It is also observed that the petitioner herein, in connection with Revenue Case no. 55/2025, on 18.02.2025 submitted his detailed written reply wherein he mentioned about the order of revenue authority in Revenue Case no: 44/2018 which was dismissed on 09.02.21 on the ground that civil cases are pending on the similar cause of action. But, having knowledge of the same, subsequently, on 27-02-2025, the respondent no 2 passed Order in connection with Review Case vide no. 55 of 2025 and cancelled the mutation of the land in the name of the petitioner reverting back its previous status. It is also pertinent to note that in the impugned order the respondent Collector has referred to the Civil Court proceedings and thus has complete knowledge about the same. Further the respondent Collector contends before this Court that the civil court injunction orders are not binding on him.

[18] In this regard, the relevant contents from the said impugned order dated 27.02.2025 passed by the Court of District Collector, West Tripura, are quoted as under:

“.....Since the suit land was "Allottee" mentioning with the land cannot be transferred without permission of the Collector. Thus, before transferring land, execution of deed from the said khatian, it is exigent to obtain permission to sale land from the Collector concern as per the law. But the present recorded owner of the khatian bearing No. 1438/1, i.e. Ratan Datta could not produce the copy of sale permission in respect of khatian bearing No. 1438/1 before the Court after several times given.

Moreover, how the nomenclature of the original land status has been changed to "Rayati" from "Allottee" could not give explain by the respondent as well as in the report of others.

Hence, the Court is of the opinion that the changing of land status to "Rayati" from "Allottee" is an offence in the eyes of law and such recordings were malafidely done while mutation proceeding/recording in khatian bearing No. 1438/1, 2 & 3. Therefore, the Court cannot turn a blind eye to the above mutation recordings and to promote such illegality. The court felt that it would be highly appreciated part to the concerned who was performed to make such illegal record if the court does not take any major part in this regard for cancellation of mutation proceeding as stated above.

However, the Court has decided to correct record reverting back its previous status considering the fact and circumstances of case records and to order as.-

(i) The order dated 03.11.2016 in respect of MR No. 201640781 is hereby quashed.

(ii) The name of the respondent i.e, Ratan Datta S/o Sitanath Datta shall be deleted from column No. 6 of khatian bearing No. 1438/1 and the name of previous recorded owners to be entered as per present status of manual khatian bearing no. 1438/1 of Mouja Agartala Sheet No. 3.

(iii)The share in column No. 7 shall be recorded as per the manual khatian bearing No. 1438/1-2 & 3.

(iv) The status "Allottee" shall also be recorded in column No. 6 Instead of "Rayati" in khatian bearing No. 1438/1-2 & 3 of mouja Agartala Sheet No. 3 under Ramnagar T.K. and other content of the records will remain unchanged.

Therefore, the instant case is hereby disposed off.....”

[19] It is further noticed that affidavit in-opposition dated 20.09.2025 has been filed on behalf of the official respondents No.1 to 3 wherein, it has been stated that the said respondents were not made parties to the petition in which the *status quo* order in favour of the petitioner was passed and the said order is not binding on the respondents

as they are not parties in the suit. It has further been submitted in the said affidavit-in opposition that unless there is any prayer in the injunction petition regarding the mutation in involving the respondent, a *stus quo* order passed on the basis of any prayer of the petitioner on a different subject cannot restrict/limit the jurisdiction of the respondent in creating the record of right/changing the mutation as alleged.

[20] In view of the above discussions, this Court is of the opinion that knowing very well the fact that the matter *is sub judice* by the concerned Court and order of *status quo* was also passed, the respondent No.2 herein, passed the impugned order dated 27.02.2025 in connection with Review Case vide no. 55 of 2025 and cancelled the mutation in the name of the petitioner. The property which is the subject-matter before the trial Court where injunction has been granted against the parties, for the same property in question, the respondent No.2 has initiated steps upon the request made by the unofficial respondent No.4 for entering certain names in the revenue records. Though the official respondent No.2 was not made party in the proceeding in which order of *status quo* was passed, this Court opines that the action of the official respondent No.2 in interfering the order passed by the concerned Court is illegal as the matter was duly informed to him by the petitioner by submitting written replies.

[21] This Court draws an adverse inference against the action of respondent No.2 since he has interfered with the judicial process of the

Court and due to which, the unofficial respondent No.4 would be taking advantage of the said impugned order dated 27.02.2025 in connection with Review Case vide no. 55 of 2025 passed by the District Collector, West Tripura District, respondent No.2 herein and would come in the way of implementing the injunction order dated 05.08.2017 in case No. Civil Misc(Inj.) 34 of 2017 arising out of TS (CC) 01 of 2017 passed by the learned Civil Judge (Sr. Divn.), Court no.3, West Tripura, Agartala.

[22] Thus, with the above discussions, keeping view the judgment of the Hon'ble Apex Court as referred by the learned senior counsel for the petitioner cited *supra*, this Court is of the view that the impugned order passed by the respondent No.2 dated 27.02.2025 in Review Case No.55 of 2025 is illegal in the eye of law and liable to be set aside and accordingly the same is set aside. Both parties are at liberty to avail remedies under law and also to cooperate with the judicial proceedings if any, pending before the Civil Court(s).

[23] With the above observations, the instant petition is allowed to the extent as indicated above and thereby, the same is disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

DR. T. AMARNATH GOUD, J

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