

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 351 of 2025
Sri Sachindra Chandra Shib**

.....Petitioner(s)

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

.....Respondent(s)

For Petitioner(s)	:	Mr. Sankar kr. Deb, Sr. Advocate. Mr. S. Datta, Advocate.
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharyya, G.A.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

ORDER

10.07.2025

- [1]** Heard learned counsel for the respective parties.
- [2]** This present petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

"(i) Issue a 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 in respect of the prayer of the petitioner praying for creating of record of right in respect of his purchased land mandating/directing the respondents to create the record of right in the name of the petitioner on the strength of the purchase made by your humble petitioner vide Annexure 1 supra more in particular the recording of possession over the land purchased by your humble petitioner;

II) Issue a Rule calling upon the respondents and each one of them to show cause as to why a Writ of Certiorari and/or in the nature thereof shall not be issued in favour of the petitioner directing the respondents and each one of them to quash/set aside the impugned order of dis-allowing the prayer for mutation with respect to the land in Annexure 1 supra in favour of the petitioner;

III) After hearing the parties be pleased to make the Rule absolute in terms of I) and II) herein above."

[3] The case of the petitioner is that he is the purchaser of the subject property and have applied before the Official respondents seeking mutation. Therefore, the same was considered and way back in 27.04.2018 the official respondents have disallowed the request of the petitioner by way of endorsement. The same has been filed as material papers. Further, the petitioner not obtaining the said document and not challenging the same has waited for a prolonged period of 7 years and has now got issued a legal notice dated 19.12.2024 to the respondents asking for making the necessary entries in the revenue records.

[4] It is argued by learned counsel for the petitioner that since, the petitioner is the subsequent purchaser from one Rochmat Ali of whom the un-official respondents are the legal heirs and the petitioner / purchaser could not obtain survival certificate of the deceased and place it on record. It becomes immense necessary to the respondents authorities to consider the objection on factual issues and also legal issues and pass a reasoned order.

[5] This Court feels that the writ petition is not maintainable on the ground of *laches*. However, since the respondents have not communicated the speaking order of rejection to the petitioner and the endorsement cannot be treated as an order to be challenged before the competent Court of law. This Court further directs that before passing the order, it is open for the respondents to give an opportunity of personal hearing to the petitioner and also any other parties concern and after affording a personal hearing and perusing the record a reasoned order be passed. Any other documents may also be examined in this regard.

[6] In view of the same, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to pass a speaking order upon the legal notice dated 19.12.2024, considering the records and earlier endorsement made in this regard. This exercise shall be completed within a period of 4 months from the date of receipt of the copy of this order in accordance with law.

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



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Paritosh

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