

**HIGH COURT OF TRIPURA  
AGARTALA  
WP(C) 654 of 2025**

*Smt. Archana Majumder (Ghosh), W/o Sri Anup Kumar Ghosh,  
Resident of 21/4, Mantribari Road, P.S. West Agartala, West Tripura -  
799001 M-+917005597201*

*..... Petitioner(s)*

**Versus**

**1. The State of Tripura,**

*To be represented by the Chief Secretary. Government of Tripura,  
Agartala, Pin-799010.*

**2. The Sub-Divisional Police Officer, Sadar, West Tripura, Agartala,  
Pin-799001.**

**3. The Officer-in-Charge,**

*West Agartala Police Station, Agartala, West Tripura, Pin-799001.*

**4. Sri Rajib Paul Choudhury, S/o Lt. Swadesh Ranjan Paul Choudhury,  
Resident of Town Pratapgarh, Road no. 1, Near Sudhir Daroga Bari  
and Ekota Club, P.S. East Agartala, West Tripura, Pin - 799004 M-  
+919158577707.**

**5. Smt. Parani Datta, W/o Rajib Paul Choudhury, Resident of Town  
Pratapgarh, Road No.1, Near Sudhir Daroga Bari and Ekota Club, P.S  
East Agartala, West Tripura, Pin- 799004. M-+917005367012.**

*.....Respondent(s)*

---

|                       |   |                                                                               |
|-----------------------|---|-------------------------------------------------------------------------------|
| For the Petitioner(s) | : | Mr. P.K Pal, Advocate.<br>Mr. A. Pal, Advocate.<br>Ms. M. Majumder, Advocate. |
| For the Respondent(s) | : | Mr. K. De, Addl. G.A.                                                         |

---

**BEFORE  
HON'BLE JUSTICE DR. T. AMARNATH GOUD  
ORDER**

**24.11.2025**

[1] Heard learned counsel appearing for the respective parties.

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

*"i. Admit the Instant Writ Petition.*

*ii. Call for Record.*

*iii. Issue rule calling upon the respondents to show cause as to why a writ in the nature of mandamus should not be issued for directing the respondents to forthwith execute and implement the Order dated 03.06.2025 passed by the Court of Ld. Sub-Divisional Magistrate, Sadar Sub-Division, Agartala, West Tripura in Case No. 02/2024 under Section 145 Cr.P.C., by ensuring that the ejmali pathway is unlocked and the petitioner's right of ingress and egress over the said pathway is immediately restored;*

*iv. Further direct the respondent no. 4 and 5 to restrain from relocking the said ejmali pathway gate or from creating any obstruction, hindrance, interference or nuisance in respect of the said pathway in future in any manner whatsoever.*

*V. Direct Respondent No. 2 and 3 to provide police assistance, if required, for ensuring peaceful implementation of the aforesaid Order dated 03.06.2025 and for maintaining peace and order in the locality.*

*AND*

*vi. Pass such further order(s) or direction(s) as may be deemed fit and proper in the facts and circumstances of the case, in the interest of justice "*

[3] The case of the petitioner is that she is the lawful owner and possessor of 0.0250 acres of land under Khatian No. 1212, purchased by Registered Sale Deed dated 25.03.2019 from Late Smt. Shibani Datta. Along with the land, the petitioner was delivered lawful right of access through the ejmali pathway, which forms part of Khatian No. 666, jointly recorded in the names of Late Smt. Shibani Datta and Smt. Parani Datta. The private respondents on 05.05.2024 erected a tin and wooden gate at the entrance of the ejmali pathway and locked it, thereby unlawfully restraining the petitioner's ingress and egress to her own land. A *WhatsApp* request and a written letter was sent through DTDC, issued by the petitioner but the same were ignored. Thereafter, finding no other alternatives, the petitioner filed an application before the Court of Ld. Sub-Divisional Magistrate, Sadar sub-division, West Tripura. On the petitioner's application the matter was duly enquired into by the Deputy Collector & Magistrate, Agartala Revenue Circle and S.I. of West Agartala P.S., both confirmed that the ejmali pathway existed and was used jointly and that the private respondents illegally locked the gate and even refused to cooperate in the enquiry. After considering the said reports and hearing both parties, the Ld. Sub-Divisional Magistrate, Sadar, Agartala, West Tripura by Order dated

03.06.2025, held that the pathway is a joint ejmali passage, and directed the private respondents to unlock the gate within two days, restraining them from further interference. However, no compliance was made, and the gate remained locked. Thereafter, the petitioner submitted a representation before the Officer-in-Charge, West Agartala Police Station, herein as respondent no. 3, on 08.08.2025. Further, the petitioner submitted a written application for execution before the Ld. Sub-Divisional Magistrate. Sadar, Agartala, West Tripura on 25.08.2025, whereupon Ld. Sub-Divisional Magistrate, Sadar, Agartala, West Tripura issued instructions to the Sub-Divisional Police Officer, Sadar, West Tripura, herein as respondent no. 2, on 15.09.2025, directing necessary action with a copy forwarded to the District Magistrate & Collector, West Tripura. Yet, no action whatsoever has been taken by the Respondent Nos. 2 and 3 to implement the judicial order, despite repeated follow-ups. Being aggrieved, the petitioner is before this Court.

[4] Mr. A. Pal, learned counsel appearing for the petitioner submits before this Court that the petitioner herein is the lawful owner and possessor of 0.0250 acres of land under Khatian No. 1212, along with the land, the petitioner was delivered lawful right of access through the ejmali pathway, which forms part of Khatian No. 666, jointly recorded in the names of Late Smt. Shibani Datta and Smt. Parani Datta. But all on a sudden, the private respondents on 05.05.2024 erected a tin and wooden gate at the entrance of the ejmali pathway and locked it.

[5] He further submits that the petitioner, thereafter, filed a petition before the Court of Ld Sub-Divisional Magistrate, Sadar, Agartala wherein the Ld. SDM by an order dated 03.06.2025 gave a direction to unlock the gate of ejmali pathway within 02(two) days from the date of receiving of this order. But no action has been taken till date by the concerned respondents.

[6] After hearing the learned counsel for the petitioner, this Court is of the view that when there is an issue of easemental right, one can approach the appropriate forum for ventilating his/her grievances.

[7] In view of the said dispute, this Court feels that this is purely a civil/family dispute and an attempt is made to bring it under writ jurisdiction. This Court opines that under Article 226 of the Constitution of India, the case of the petitioner cannot be entertained as it is not maintainable and as such, the same is liable to be dismissed as not maintainable. It is always open for the petitioner to avail remedies before appropriate Civil Court.

With the above observation, the present writ petition filed by the petitioner is dismissed.

As a sequel, miscellaneous application(s) pending, if any, shall also stand closed

**DR. T. AMARNATH GOUD, J**



Paritosh

SABYASA  
CHI  
GHOSH

Digitally signed  
by SABYASACHI  
GHOSH  
Date: 2025.11.26  
14:43:07 +05'30'