

**HIGH COURT OF TRIPURA
AGARTALA
W.P.(C) 55/2026**

1. Sri Mukul Sarkar, son of Sri Chandrasekhar Sarkar, resident of Barjala, P.O.-Barjala, P.S.-West Agartala, District- West Tripura;

2. Smt. Prativa Baishya Sarkar, wife of Sri Mukul Sarkar, resident of Barjala, P.O.-Barjala, P.S.-West Agartala, District- West Tripura;

----Petitioner(s)

Versus

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;

2. The District Magistrate & Collector, West Tripura District, Office of the DM & Collector, Office Lane, P.O. Agartala, P.S. West Agartala, District- West Tripura;

----Respondent(s)

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

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

Date of hearing & delivery
of judgment : **02.02.2026**

Whether fit for reporting : **Yes / No**

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
Judgment & Order (ORAL)**

02/02/2026

Heard Mr. S. Lodh, learned counsel appearing for the petitioners as well as Ms. P. Chakraborty, learned counsel appearing for the State-respondents.

2. By means of filing this writ petition, the petitioners have prayed for the following reliefs:

"i) ISSUE 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 for calling for the records, lying with the official respondents, for rendering substantial and conscionable justice to the petitioners;

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 to dispose of the Letters dated 11.12.2025 and 29.12.2025 (Annexure-4 supra), and accord permission to the petitioners to sell their allotted land;

iii) After hearing the parties, be pleased to make the Rules absolute in terms of Prayers (i) and (ii) above."

3. Facts of the case, in a narrow compass, is that the petitioners, got allotment of a land measuring 0.04 acres vide Allotment Order No. 233/2013, dated 05.01.2013, and as Premium they paid Rs.6,00,000/-, and thereafter, they started to reside therein. The petitioners also approached Revenue Authority for mutation, and accordingly, Record of Right was created in their favour vide Khatian No. 7410 of Mouja- Barjala, Tehsil- Barjala, Revenue Circle- Agartala, Sub-Division- Sadar, under C.S. Plot No. PB-3150-9638, 9639(Part), corresponding to R.S. Plot No. 11269/18240. From the year 2025, the petitioner No. 1 had been suffering from some acute disease for which he underwent diagnosis and treatment under various hospitals and doctors. Lastly it was opined by the doctor of Tata Medical Center, Kolkata, that the petitioner has been suffering from cancer for which he needs biopsy, but due to serious financial stringency, the petitioner No. 1 is unable to continue with his treatment. Finding no other alternative, the petitioners decided to sale their allotted land to any intending purchaser to meet up his medical expenses by the said consideration amount. Since selling of the allotted land requires permission, so, the petitioners approached respondent No.2 by representation dated 11.12.2025 (Annexure 4 to the writ petition), and 29.12.2025 (Annexure 5 to the writ petition) thereby seeking permission to sale their allotted land, but the respondent No.2 did not respond the said letters.

4. The contention of Mr. Lodh, learned counsel appearing for the petitioner is that the petitioner No. 1 is a patient of Cancer and at this stage is under precarious health condition and

to meet up his medical expense substantial money is required. Learned counsel has further submitted that to gather that substantial money, the petitioners have to sell their allotted land, but permission to sell their allotted land has not been accorded by the respondent No.2, thereby, the representations submitted by the petitioners remained un-responded and pending for consideration. In fine, learned counsel for the petitioners has urged this court to direct the respondents to address the representations submitted by the petitioners so as to enable the petitioners to sell their allotted land.

5. *Per contra*, Ms. Chakraborty, learned counsel appearing for the State-respondents has submitted that if the petitioners are found eligible otherwise not facing any disqualification, then there should not be any difficulty for the Officer concerned to consider their representation.

6. This court has perused the record and also has gone through the correspondences made therein. It is seen from the record that after getting allotment of the said land, Khatian also was also published in the name of the petitioners. The petitioner herein also paid the due premium in regard to one of the conditions of allotment order dated 05.01.2013. It is not in dispute that the petitioner No.1 is a patient of acute Cancer which would be evident from the medical documents placed on record, and he is under prolong treatment in and outside the State. Since cancer treatment is very expensive, the petitioners opted to sell their allotted land to any intending purchaser. As, there is an embargo on the issue of selling of allotted property,

the petitioners preferred representations to the respondent No.2 seeking permission to sell their allotted land, but admittedly the representations, so submitted, remained un-responded and pending for consideration.

7. This court is governed by the principle of justice, equity and good conscious. Needless to say, the petitioners approached the respondents by representations dated 11.12.2025 (Annexure 4 to the writ petition), and 29.12.2025 (Annexure 5 to the writ petition), which have not been disposed of till date, and thus, this may cause serious prejudice to a cancer patient. Courts have shown empathy toward patients needing funds for treatment, and if any representation is pending for permission to sell land due to illness, courts generally direct prompt disposal, often without commenting on the merits of the case initially.

8. Accordingly, without entering into the merits of the case, this Court directs the respondents to consider the representations dated 11.12.2025 (Annexure 4 to the writ petition), and 29.12.2025 (Annexure 5 to the writ petition), of the petitioner in accordance with law and procedure and dispose of the same within 3 (three) months from the date of receipt of the copy of this Order. This court hopes and trusts that the respondents shall definitely dispose the representation of the petitioner with a reasoned order.

In view of the above, the writ petition stands disposed to the extent as indicated above. Pending application(s), if any, also stands disposed.

JUDGE

SAIKAT KAR
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