



2026:THC:705-DB

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.15 of 2026

Smt. Fuleshwari Sinha, (aged about 67 years), wife of Sri Anil Sinha, resident of South Hurua, P.O. Dharmanagar-799250, P.S. Dharmanagar, District- North Tripura

.....Appellant(s);

Versus

1. The State of Tripura represented by the Secretary, Revenue Department, Government of Tripura, New Capital Complex, P.O. Civil Secretariat-799010, PS- New Capital Complex, Agartala, District- West Tripura
2. The District Collector, North Tripura, Dharmanagar, P.O. and P.S. Dharmanagar, District- North Tripura, PIN-799250
3. The Secretary, Revenue Department, Government of Tripura, New Capital Complex, P.O. Civil Secretariat-799010, P.S. New Capital Complex, Agartala, District- West Tripura
4. Sri Goutam Sinha, son of late Gouri Prasad Sinha, resident of South Hurua, near Mahadev Bari Temple, P.O. and P.S. Dharmanagar-799250, District- North Tripura
5. Sri Uttam Sinha, son of late Gouri Prasad Sinha, resident of South Hurua, near Mahadev Bari Temple, P.O. and P.S. Dharmanagar-799250, District- North Tripura
6. Sri Niluthpal Sinha, son of late Gouri Prasad Sinha, resident of South Hurua, near Mahadev Bari Temple, P.O. and P.S. Dharmanagar-799250, District- North Tripura
7. Smt. Kanika Sinha, daughter of late Gouri Prasad Sinha, resident of South Hurua, near Mahadev Bari Temple, P.O. and P.S. Dharmanagar-799250, District- North Tripura
8. Smt. Niharika Sinha, daughter of late Gouri Prasad Sinha, resident of South Hurua, near Mahadev Bari Temple, P.O. and P.S. Dharmanagar-799250, District- North Tripura
9. Smt. Krishna Kumari Sinha, wife of late Gouri Prasad Sinha, resident of South Hurua, near Mahadev Bari Temple, P.O. and P.S. Dharmanagar-799250, District- North Tripura
10. Smt. Tapati Sinha, daughter of late Gouri Prasad Sinha, resident of Fultali, P.O. and P.S. Kailasahar-799277, District- Unakoti, Tripura
11. Smt. Bithika Sinha, daughter of late Gouri Prasad Sinha, resident of Pechardhar, P.O. Pechardhar, P.S. Kailasahar-799277, District- Unakoti, Tripura



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12. Smt. Archana Sinha, daughter of late Gouri Prasad Sinha, resident of Halahali, P.O. Halahali, P.S. Kamalpur-799285, District- Dhalai, Tripura

.....Respondent(s)

For Appellant(s) : Mr. Abhijit Sengupta, Advocate.

For Respondent(s) : Mr. Mangal Debbarma, Addl. G.A.,
Ms. Adwitiya Chakrabarti, Advocate,
Mr. Abdul Barek, Advocate,
Mr. Jishan Samed, Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

21/05/2026

Heard counsel for the parties.

2. This Writ Appeal is filed challenging the judgment dt.19.01.2026 of the learned Single Judge in WP(C) No.29/2026.

3. There was an order passed under Section 95 of the Tripura Land Revenue & Land Reforms Act, 1960 ["Act of 1960", *for short*] on 27.07.2022 by the District Collector, North Tripura, Dharmanagar in Revenue Case No.Rev/ Revision/F/2021/339.

4. Challenging the same, an appeal under Section 93(1)(c) of the Act of 1960 was preferred by the appellant before the Principal Secretary, Revenue Department, Government of Tripura.

5. He dismissed the said appeal on 03.06.2023.

6. Petitioner challenged the same in CRP No.15/2024 before this Court.

7. The said Revision was allowed, and the matter was remitted back to the Principal Secretary, Revenue Department, Government of Tripura to decide afresh in accordance with law.



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8. After the said remand, a fresh order was passed on 08.07.2025 by the Secretary, Revenue Department, Government of Tripura on merits entertaining the said appeal and dismissing it.

9. When that was challenged before the learned Single Judge in WP(C) No.29/2026, the learned Single Judge also dismissed the Writ Petition on the ground that the order dt.27.07.2022 passed by the District Collector, North Tripura, Dharmanagar was hit by laches and had lost its identity; that instead of filing a reply in CRP No.15/2024, the appellant invited the order and also appeared before the Secretary, Revenue Department, Government of Tripura when the order dt.08.07.2025 was passed, and so the order dt.27.07.2022 passed by the District Collector, North Tripura, Dharmanagar merged in these proceedings.

10. The learned Single Judge went further and imposed cost of Rs.50,000/- on the appellant.

11. Challenging the same, this Appeal is filed.

12. Counsel for appellant contends that under the Act of 1960, there is no provision for an Appeal to the Principal Secretary/Secretary, Revenue Department, Government of Tripura at all against an order passed in exercise of *revisional* jurisdiction under Section 95 of the Act by the Dist. Collector.

13. He contends that the appeal under Section 93 would lie only against an order passed in exercise of original jurisdiction under the Act of 1960, and the order passed under Section 95 by the District Collector, North Tripura, Dharmanagar on 27.07.2022 is not such an order, and that it was only a order passed in exercise of *revisional* jurisdiction, and consequently the



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appeal filed under Section 93 by the appellant before the Principal Secretary, Revenue Department, Government of Tripura itself was not maintainable.

14. He contends that the only remedy open is to challenge the order passed in the Revision under Art.226 of the Constitution of India before this Court.

15. We find force in the said contention.

16. Though counsel for the respondents sought to contend that even the order passed under Section 95 can be questioned by way of an Appeal under Section 93 of the Act of 1960, we cannot accept the said contention because the Appeal under Section 93, as per the language of the said provision, lies only from an order passed in exercise of original jurisdiction by the Dist. Collector under the Act of 1960, but the order dt.27.07.2022 passed by him is an order under Section 95 of the Act exercising *revisional* jurisdiction, and not an order passed in exercise of original jurisdiction. By no stretch of imagination can the said order be termed to be an “*original order*”, which can be challenged in an Appeal under Section 93 of the Act of 1960.

17. Therefore, the Principal Secretary, Revenue Department, Government of Tripura or the Secretary of the said department could not have exercised appellate powers under Section 93 of the said Act against the order dt.27.07.2022 passed by the Dist. Collector.

18. In fact this Court had also noticed, while passing the order in the CRP the fact that such Appeal could not lie under Section 93 of the Act against an order passed in exercise of *revisional* jurisdiction.

19. So even if there was a direction in CRP No.15/2024 on 04.04.2024 to the Principal Secretary or Secretary, Revenue Department,



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Government of Tripura to decide it, he could have only decided it saying that the said appeal was not maintainable under the Act of 1960, but he could not have entertained it, and decided the same on merits as he had done.

20. When the Principal Secretary or the Secretary entertained and decided the said appeal on merits, their orders would be wholly without jurisdiction and they would be null and void.

21. We do not agree with the reasoning of the learned Single Judge that the challenge to the order dt.27.07.2022 passed by the District Collector, North Tripura, Dharmanagar was hit by laches and that it had lost its identity.

22. This is because probably under wrong legal advice, the appellant had filed the appeal under Section 93(1) of the Act of 1960 before the Secretary, Revenue Department, Government of Tripura, though the said appeal was not maintainable and he could not have been penalized only on that count by this Court by refusing to decide the correctness of the order of the Dist. Collector in the Writ Petition. There ought to be at least one forum which he can approach to challenge the said order.

23. The mere fact that the appellant participated in CRP No.15/2024 without filing a reply, or participated before the Secretary, Revenue Department, Government of Tripura who passed the order dt.08.07.2025, makes no difference because the said authority had no jurisdiction to entertain and decide the said appeal, and pass the order dt.08.07.2025. There can be no estoppel against the law.

24. We are also fortified in our decision by the judgment of the Supreme Court in ***Raj Kumari Goala & Another v. Sabita Goala & Others***¹

¹ Civil Appeal No.14501/2024



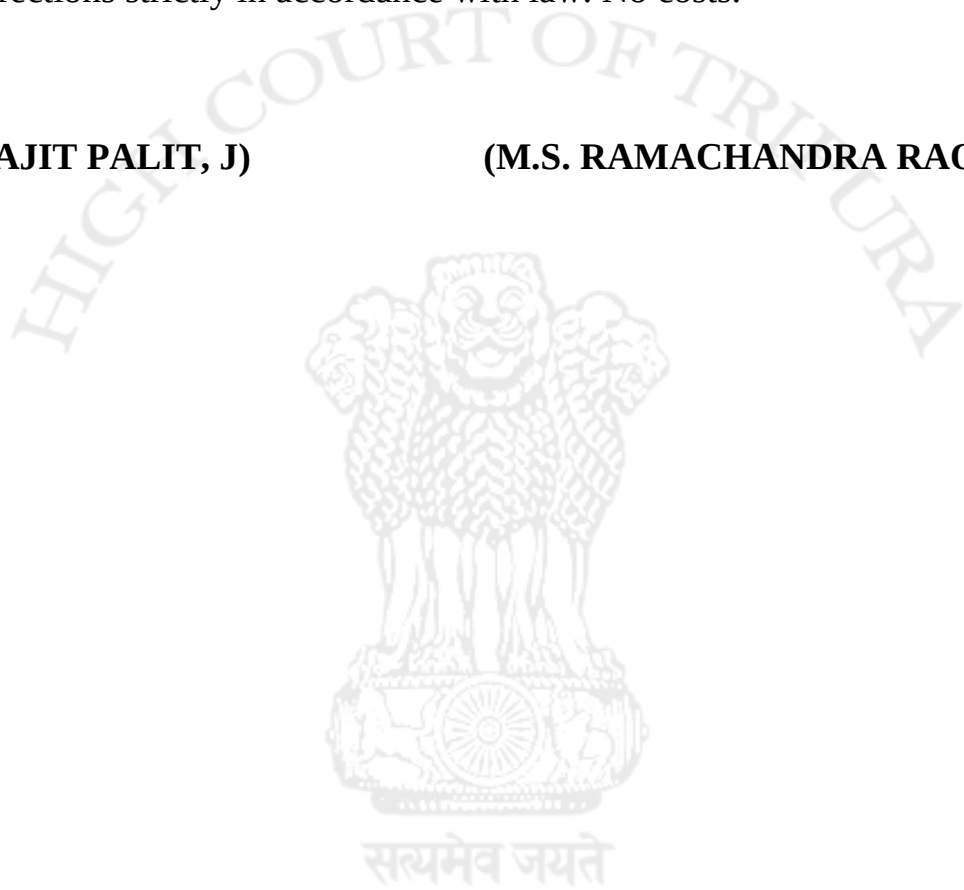
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and in *Tufani Ram Bin v. The State of Tripura & Others*² holding that an order passed under Section 95 of the Act of 1960 can only be challenged under Art.226 of the Constitution of India.

25. For all the aforesaid reasons, the Writ Appeal is allowed and the matter is remitted back to the learned Single Judge to decide the Writ Petition afresh, wherein there is a specific challenge to the order dt.27.07.2022 passed by the District Collector, North Tripura, Dharmanagar, in accordance with these directions strictly in accordance with law. No costs.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)



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² Special Leave to Appeal (C) Nos.25872-25873/2023 dt.18.02.2026