

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.15 of 2026

The Deputy Chief Engineer (Con), N.F. Railway, through his legally authorized / empower / representative of N.F. Railway Sri Abir Bhattacharjee, SSE/DRG/Con/AGTL vide authorization / empowering letter no. E/207/Con/A-S/Court Case/ 2025 dated 09/08/2025.

.....Petitioner(s).

V e r s u s

1. Sri Nepal Chandra Das @ Nepal Das,
Son of Late Bhuban Das,
Resident of Village- Manarmukh (Das Para), P.O.- Sarasima, P.S.- Belonia,
District- South Tripura, Pin- 799155.

.....D.H Respondent.

2. The Land Acquisition Collector,
South Tripura, Belonia, P.O. & P.S.- Belonia, District- South Tripura, Pin-
799155.

.....J.D. Proforma Respondent.

For Petitioner (s) : Mr. Nitai Chaudhury, Advocate.

For Respondent(s) : Mr. Kohinoor Narayan Bhattacharyya, G.A.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Order

25/02/2026

Heard Mr. Nitai Chaudhury, learned counsel appearing for the petitioner and Mr. Kohinoor Narayan Bhattacharyya, learned G.A. appearing for respondent No.2.

[2] Respondent No.1 has yet not been notified.

[3] The Order dated 29.01.2026 passed in Case No. Execution (L.A) 44 of 2020 by the learned LA Judge, South Tripura, Belonia, is under challenge in this case. By the said order, learned LA Judge, for non-compliance of the order made in terms of the provision of Order XXI of Rule 41 (1) & (2) CPC, passed an order under Order XXI Rule 41 (3) directing the petitioner and respondent no.2 to suffer civil imprisonment for 2 (two) months. Consequently, another direction is also passed to issue warrants against both of them. Being aggrieved thereby, the present petition is filed by the petitioner.

[4] Said impugned order further shows that initially the learned LA Judge, passed an order directing them to furnish the particulars of their assets to be attached in connection with the said Execution case under provision of Order XXI Rule 41 sub-rule (1) of CPC, but, the petitioner did not submit the same. Thereafter, the Court passed an order asking the petitioner to show cause as to why appropriate order under Order XXI Rule 41(3) CPC should not be passed against him. No reply in this regard was received from the petitioner by the Court. Under such circumstances, learned LA Judge, thereafter, passed the impugned order.

[5] Learned counsel, Mr. Nitai Chaudhury for the petitioner submits that the present respondent No.1 along with his sister namely, Swapna Das were joint owner of the acquired land having 50% share each therein and therefore, the respondent No.1 is entitled only to get 50% of the total awarded amount and he cannot therefore, press for realization of further 50% of the compensation which falls within the share of Swapna Das. But ignoring the said fact, learned Executing Court has proceeded to execute the entire award at the instance of the respondent No.1 despite the fact that said Swapna Das has neither approached the learned Executing Court for recovery of her share of compensation and has also not filed any petition under Section 28(A) of the LA Act before the L.A. Collector. Learned counsel further pointed out that she also did not pray for any reference under Section 18 of the LA Act. Learned counsel, Mr. Chaudhury, referring to the provision of Section 187 of Indian Railways Act, 1989 further submits that certain properties of the railway authority are exempted from any attachment in any such execution proceeding.

[6] During hearing learned Counsel, Mr. Chaudhury, however, submits that no such petition challenging the maintainability of such execution proceeding on the ground of discharge and satisfaction of the award with respect to present awardee-respondent No.1 and referring to the provisions of Indian Railways Act was filed before the learned Executing Court. Learned counsel further submits that 50% of the award to which the respondent No.1 is entitled is already paid and therefore, the Execution proceeding is not maintainable.

[7] This Court has gone through the impugned order passed by the learned LA Judge on 29.01.2026 and has considered the submissions made by the learned Counsel, Mr. Chaudhury.

[8] So far the provisions of Order XXI Rule 41(1),(2) & (3) of CPC are concerned, prima-facie no impropriety or illegality is found in the said impugned order.

[9] So far the issues raised before this Court in this petition are concerned, it appears that the learned Executing Court did not get scope to adjudicate all these issues as the same were not raised earlier before the said Court. In this circumstance, Mr. Chaudhury, learned counsel submits that he is withdrawing this revision petition, provided liberty be granted to N.F. Railway to file appropriate petition before the learned Executing Court under Section 47 or otherwise, raising all these issues and for recalling the impugned order and also for postponing the issuance of warrant. Learned counsel also submits that, till said petition is filed, the operation of the impugned order dated 29.01.2026 passed by the learned LA Judge, South Tripura, Belonia in Execution (L.A) No.44 of 2020 be stayed.

[10] Considered the submissions.

[11] Any order passed under Order XXI Rule 41, Sub-Section(3) can be modified by the learned Executing Court as per the said provision itself which envisages that before the expiry of the period of civil imprisonment Court can direct release of any judgment debtor on any sufficient ground. The order passed under Sub-Rule (3) is not punitive in nature; rather, it is pressed into use to compel the judgment debtor(s) to disclose their assets to facilitate the execution proceeding. Once the assets are disclosed, the learned Executing Court may also recall the order immediately.

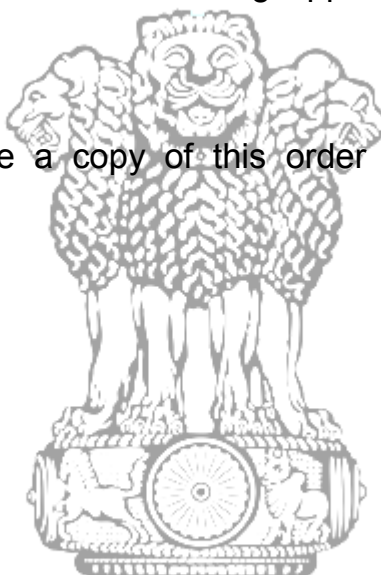
[12] Situated thus, the present petition is disposed of on being withdrawn by the petitioner giving liberty to the petitioner to approach the learned Executing Court by filing appropriate application as indicated above, challenging the maintainability of the execution proceeding regarding its satisfaction and discharge so far the entitlement of respondent No.1 is concerned, and also on any other ground, within 30 days from today. It is

also ordered that within said period of 30 days, the order dated 29.01.2026 will not be acted upon or enforced by the learned Executing Court so far the present petitioner is concerned.

[13] After any such application is filed by the petitioner, learned Executing Court will hear both the parties and decide the matter in accordance with law. Needless to say, liberty will be there to the petitioner to approach appropriate forum again in accordance with law, if they feel aggrieved by the decision of the learned Executing Court in this regard. As the revision petition is disposed of during admission stage, no notice is sent to the respondent No.1.

[14] With such observation(s) and direction(s), the present Civil Revision Petition is disposed of. Pending application(s), if any, shall also stand disposed of.

[15] Communicate a copy of this order to the learned Executing Court immediately.



JUDGE

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