

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.17 of 2026

**Land Acquisition Collector, South Tripura Belonia PO and PS
Belonia Dist South Tripura, Pin - 799155**

....Petitioner(s)

Versus

Sri. Nepal Chandra Das @ Nepal Das, son of Late Bhuban Das,
R.O: Vill: Manarmukh (Das Para) P.O: Sarasima P.S: Belonia, Dist:
South Tripura, Pin - 799155

2.The Dy. 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.

....Respondent(s)

For Petitioner(s) : Mr. Kohinoor N. Bhattacharyya, Govt. Advocate.

For Respondent(s): Mr. Nitai Chowdhury, Advocate.

=B=E=F=O=R=E=

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

=O=R=D=E=R=

26.02.2026

Heard Ld. GA, Mr. Kohinoor N. Bhattacharyya for the
petitioner. Also heard Ld. Counsel, Mr. Nitai Chowdhury for the
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 Ld. LA Judge, South Tripura, Belonia
is under challenge in this case. By said order, Ld. LA Judge, with an
observation that the judgment debtor that is the present petitioner and
respondent 2 have willfully disobeyed the order made in terms of the
provision of Order XXI of Rule 41 (1) & (2) CPC, has passed the
impugned order under Order XXI Rule 41 (3) whereby direction has
been issued asking them to suffer civil imprisonment for 2 months.
Consequently, direction is also passed to issue warrants against both

of them. Being aggrieved thereby, the present petition is filed by the petitioner, LA Collector, South Tripura, Belonia.

[4] Said order further shows that initially Ld. 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 also received from the petitioner by the Court. Under such circumstance, Ld. LA Judge, thereafter, passed the order under Order XXI Rule 41(3) CPC, directing them to be put in civil imprisonment for 2 months.

[5] Ld. GA Mr. Kohinoor N.Bhattacharyya, challenges the order on two points- firstly, that the present respondent no.1 along with his sister namely Swapna Das were joint owner of the acquired land having 50% share each and therefore, the respondent no.1 is entitled only to get 50% of the total awarded amount and he cannot therefore, press in the execution petition for realization of further 50% which falls within the share of Swapna Das. But the ignoring the said fact, the Executing Court proceeded to execute the entire award despite the fact that said Swapna Das has neither approached the Executing Court for recovery of her share of compensation and also has not filed any petition under Section 28(A) of the LA Act and moreover, she also did not pray for any reference under Section 18 of the LA Act; secondly, that the LA Collector is only the facilitator in making the payment of the awarded compensation to the claimants land losers and it is the requiring department, NF Railway, who is to make the payment and therefore, according to Ld. GA, no coercive action is sustainable against the LA Collector.

[6] During hearing Ld. GA, however, submits that so far his knowledge as derived from the record goes, no such petition challenging the maintainability of such execution proceeding, both on the ground of discharge and satisfaction of the decretal amount with respect to present awardee –respondent no.1 and also challenging maintainability of the execution proceedings against the LA Collector on the above said ground that LA Collector is simply a facilitator, were

not filed before the Executing Court. Ld. GA also submits that the 50% portion of the award to which the respondent no. 1 is entitled, is already deposited in the Executing Court and therefore, the Execution proceeding is not maintainable further.

[7] This Court has considered the impugned order passed by Ld. LA Judge on 29.01.2026 and the submissions made by Ld. GA.

[8] So far the provisions of Order XXI Rule 41(1),(2) & (3) of the 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 Executing Court did not get scope to adjudicate all these issues as the same were not raised earlier before said Court. In this circumstance, Ld. GA submits that he is withdrawing this revision petition, provided liberty be granted to LA Collector to file appropriate petition before Ld. Executing Court under Section 47 or otherwise, raising all these issues and for recalling the impugned order and for postponing the order of issuance of warrant against the petitioner. Ld. GA also submits that, till said petition is filed, the operation of the impugned order dated 29.01.2026 passed by the Ld. LA Judge, South Tripura, Belonia in Execution(LA)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 Ld. Executing Court as the provision itself envisages that before the expiry of the 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 passed to compel the judgment debtor(s) to disclose their assets to facilitate the execution proceeding. Once the assets are disclosed, the 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 them to approach the Executing Court by filing appropriate application on the above said grounds as indicated above, challenging the maintainability of the execution proceeding etc., 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 Ld. Executing Court against the petitioner.

After any such application is filed by the petitioner, Ld. 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 Ld. Executing Court in this regard. As the revision petition is not admitted, the respondent no.1 is not notified.

[13] With such observations and direction, the present revision petition is disposed of.

Communicate a copy of this order to the Ld. Executing Court immediately.

[14] Interim Application(s), if any, shall also stand disposed of accordingly.

JUDGE



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