

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.116 of 2026

Sri Debabrata Majumder and Another

.....Petitioners

_V_E_R_S_U_S_

The State of Tripura and 5 Others

.....Respondents

For Petitioner(s) : Mr. P. Majumder, Advocate.
Mr. D. J. Saha, Advocate.

For Respondent(s) : Mr. Kohinoor N. Bhattacharjee, G.A.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

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23.02.2026

Heard Mr. P. Majumder, learned counsel appearing for the petitioners also heard Mr. Kohinoor N. Bhattacharjee, learned G.A. appearing for the respondents.

[2] The present petition has been filed under Article-226 of the Constitution of India for setting aside the impugned hearing memo dated 01.09.2025. Also directing the respondents to forthwith revoke the impugned letter dated 08.08.2025 along with hearing memo in regard to final observation dated 01.09.2025 arising out of the impugned objection letter dated 11.06.2025 and for execution of sale deeds by registering the three numbers of deeds dated 04.07.2025 as presented by the respondent No.6 for registration in favour of the petitioner. Further, restraining the respondents from acting in any manner, in furtherance of the hearing memo dated 01.09.2025 and acting retrospectively in adherence to the impugned memo dated 27.06.2025, 01.08.2025 and 01.09.2025 and regarding retrospective effect as the deeds of sale submitted for registration on 04.07.2025.

[3] 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 directing the respondents, to transmit and call for the records appertaining to this writ petition, lying with the Respondents, for rendering substantive and conscionable justice to the Petitioners, and also in regard to the implementation of the office order dated 01.08.2025.

(ii) Call for records lying with the Respondents, for rendering substantive and conscionable justice to the Petitioners regarding detailed data of the total no number of registrations of Flats/Apartments/ Building as done after the official order dated 01.08.2025, as it has been revealed by various reliable sources that

registrations of Flats had taken into effect after 01.08.2025, without considering the requirements as stated in the said order and for quashing/setting aside the impugned Hearing Memo Dated 01.09.2025.

(iii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, for forthwith mandating/directing the respondents, revoke/rescind the impugned Letter dated 08.08.2025 along with hearing Memo dated 01.09.2025, arising out of the impugned Objection Letter dated 11.06.2025(Annexure -10. 15. & 9 Respectively), and directing the Respondents for execution of sale deeds by registering the three number of deeds vide Token No.(i) 202500018800; (ii) 202500018807 (iii) 202500018791 dated 04.07.2025 as presented by Sri. Mitran Das (Respondent No-6), who being the promoter developer, for registration in favor of the petitioners herein.

(iv) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Prohibition and/or in the nature thereof, shall not be issued, for the respondents, mandating/directing prohibiting/restraining the respondents, from acting in any manner, in furtherance of the hearing memo dated. 01.09.2025, and acting retrospectively in adherence to the impugned memo dated 27.06.2025 and 01.08.2025 (Annexures-18 & 14 respectively infra) and also call for the all records of execution of Sale Deed and other related conveyance by the respective Promoter or Builder after issue the letter dated 01.08.2025 by the Sub-Registrar, Sadar, Agartala in favour of the Sub-Registrar, Sadar, Agartala, West Tripura.

(v) Pass appropriate order/orders in terms of rendering adequate and reasonable compensation to the petitioners as to be reckoned from the date of presenting the Sale Deeds i.e. on 04.07.2025, and the same is with-held without any valid and cogent ground by the Respondent No. 3 and also without jurisdiction withheld the same for the interest being best known to the Respondent No 3 and it is to be mentioned here that the petitioners above named intended to purchase the above mentioned Flats after due consideration by dint of Agreement for sale (Annexure 1 infra) with valid acceptance by the Nationalized Bank in regard to sanction of Loan as an intending purchaser and till today in every month EMI deducted from the respective Bank Accounts of the Petitioners and for that proper compensation should be allowed in favour of the Petitioners for arbitrary actions taken by the Respondent No-3.

(vi) In the Ad-interim, and thereafter, on hearing the parties, in the Interim, an order in terms of (iii) above;

(vii) Call for the records appertaining to this writ petition;

(viii) After hearing the parties, be pleased to make the Rule absolute in terms of (i) to (iv);

(ix) Costs of any incidental to this proceeding.”

[4] The facts in brief are that the petitioner No-1 and 2 entered into “2 Nos. of Agreement to Sale” dated 27.10.2021, with the respondent No-7 who being the “owner/Confirming Party” of the land on which the Multi storied (G+4) building is constructed by the promoter developer respondent No-6, Sri. Mitran Das who, being the “Developer /Seller” of the flats, at "Joy Ram Residency" Agartala

West Tripura. After acquiring necessary requirements and fulfilling required formalities with the Nationalized Bank (PNB Ramnagar Branch), the petitioner No. 1 and 2 has obtained a huge amount of bank loan home loan dated 26.09.2023, and 29.02.2024 for the purchase of residential 3BHK flats at "Joy Ram Residency" HGB Road Post Office Chowmuhan Agartala along with car parking areas.

[5] Thereafter, on 04.07.2025, the petitioners submitted 4 Nos. of sale deeds for registration before the office of the respondent No-3 for registration. But the District Sub- registrar Sadar, West Tripura at Agartala, has acted arbitrarily and beyond his jurisdiction, to withhold and reject three numbers of sale deeds and allowed only one number of sale deed as been registered in the name of the petitioner No-2 herein dated 05.07.2025. The petitioner being deprived had issued query letters dated 25.07.2025, for inquiring regarding the rejection of registration of the said deeds, but no reply received regarding such letter from the respondents. Thereafter the respondent No.3 has issued hearing notice dated 25.07.2025 & 11.08.2025 to the petitioners along with to the pro-forma respondents herein. Wherefrom it been revealed the respondents has acted illegally and arbitrarily in withholding and rejecting the registration of the 3 numbers of Sale deeds as presented by the petitioners herein dated 04.07.2025 based on one objection letter dated 11.06.2025, which was presented by the objecting pro-forma respondents Nos.8-13. Thereafter by dint of the final observations and hearing memo dated 01.09.2025, the respondent No-3 has rejected the registration of the said 3 numbers of sale deeds which were lying at the office of the same, therefore being deprived in violation of the rights guaranteed under Articles-14, 19, 21 & 300A of the Constitution of India.

[6] Hence, the present petition has been filed by the petitioners before this Court for adjudication.

[7] In view of above and having heard the learned counsel appearing for the parties, this Court is of the opinion that the power of judicial review of the High Court under Article-226 of the Constitution of India is to ensure the processes through which a decision is taken by the competent authorities in consonance with the statutes and rules in force but not the decision itself. Writ petitions are entertained even without exhausting the alternate remedy. The factual findings to be made by the original authority and the appellate authority are of greater assistance to the Court for exercising the powers of judicial review under Article-226 of the Constitution of India. Section-72 of the Registration Act provides appeal

to the registrar from the orders of Sub- Registrar refusing registration on ground other than denial of execution. For the purpose of reference, the relevant section may be reproduced herein below:

“72. Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution. (1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order.

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.”

[8] The legislative intention to relegate the parties to the appellate authorities is to be taken into consideration. The statute provides an appeal with an object to ensure that the decision of the original authorities are checked and in those circumstances, the Court need not exercise the power of judicial review unnecessarily depriving the parties to avail the efficacious remedy otherwise contemplated under the statute or rules in force.

[9] In the present case, the scheme of Registration Act contemplates a suit in case of order or refusal by Registrar. If the registrar forms an opinion that there is a dispute existing between the parties and refusing to register any document, then the option left open is to institute a suit under the statute for elaborate adjudication of the disputes. Thus, the present petitioner stands dismissed in view of the provision of appeal under Section-72 of the Registration Act. In view of the same, the petitioners are at liberty to avail remedies under the law before the concerned authority under Section-72 and raise all arguments on the point of necessary/relevant documents following the principle of natural justice as well as on the factual and legal issues. However, it is open for the petitioners to place any relevant documents before the concerned authority.

[10] As a sequel, miscellaneous applications pending, if any, shall stand closed.

DR. T. AMARNATH GOUD, J