

Party Name : THE STATE OF TRIPURA Vs GOUTAM KR. DAS

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THE HONBLE MR. JUSTICE S.C.DAS

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Heard learned counsel Mr. J. Majumder for the petitioner and learned counsel Mr. D. K. Biswas for the respondent -O.P.

By filing this miscellaneous application the petitioner prayed for modification/alteration of the direction/mandamus issued by this Court in the judgment and order dated 24.07.2014, passed in WP(C) 175 of 2014.

The direction given by this Court in the order dated 24.07.2014 in WP(C) 174 of 2014, reads as follows:-

*"In view of the above, the Inspector General of Registration, (Secretary to the Govt. of Tripura, Revenue Department) is directed to ask District Sub-Registrar, Sadar, Agartala, respondent No.3 herein, to collect the draft of the aforesaid deeds from the Registry of this Court and take necessary steps for registration of those deeds and also handing over the same either to the petitioner or to the executants within a period of one month from the date of receipt of this order.*

*Registrar(Judl.), is also directed to hand over the aforesaid draft gift deed as well as draft partition deed to the District Sub-Registrar, Sadar, Agartala, respondent No.3 herein, after taking proper receipt.*

*It is made clear that at the time of registration, if the respondent No.3 requires the copies of the gift deed and the partition deed in pasting form, then the petitioner may be asked for the same and if it is asked by the respondent No.3, the petitioner shall submit the pastings in due course.*

*It is also made clear that if any duty or fees is required for the purpose of registration of the deeds submitted by the petitioner then the same should be paid by the respondents or they may waive the same following the rules. But if some duty is to be deposited by the respondents then the same should be realized from the person for whose fault the original deeds of the petitioner/executants are missing.*

*Before parting with this case, the Inspector General of Registration,(Secretary to the Govt. of Tripura, Revenue Department) is also directed to keep strict vigilance so that in future no executant of any deed/document faces any problem in the office of the District Sub-Registry for the fault of any official.*

*With the aforesaid order, the instant writ petition is disposed of at this stage as agreed to by the learned counsel for the parties."*

It is submitted by Mr. Majumder, learned counsel for the petitioner that the registering authority took all steps as per the direction of this Court and now the presence of executants of those deeds are necessary for registration of the document.

Mr. Biswas, learned counsel has submitted that the deeds were presented for registration in due course and those were executed in the presence of the Commissioner since the Commission was issued by the District Sub Registrar and thereafter those deeds were missing. The executants are spread over in different places and their presence is not necessary for registration of the draft deed as per the order passed by this Court.

The aforesaid direction issued by this Court is very clear and specific. For the fault of the petitioner, the deeds executed by the executants were missing and therefore after hearing both side, this Court by order dated 24.07.2014, passed in WP(C) 175 of 2014, has given advice for registration of the draft deed and to give/deliver the registered deed to the writ petitioner or to the executants. There is no ambiguity in the order passed by this Court. No specific modification or alteration is sought by the present petitioner in the original order passed by this Court.

I find nothing to alter or modify the earlier order passed by this Court and the petitioner is to comply that order in letter and spirit and to get the documents registered in the form it has been received from the registry of this Court.

The State-petitioner is directed to comply the order within one month.

CM application accordingly stands disposed of.