HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.1399/2019

1. Sri Anup Kumar Das, S/O. Lt. Amulya Ranjan Das.

2. Smt. Sampa Das, D/O. Lt. Amulya Ranjan Das, Resident of Krishnanagar, Agartala, District-Tripura (West), Pin-799001.

----Petitioner(s)

Versus

The State of Tripura and others

-----Respondent(s)

For Petitioner(s) : Mr. D.R. Chowdhury, Advocate.

For Respondents No.1 to 3 : Mr. Dipankar Sharma, Addl. G.A.

For Respondents No.4(a) to 4(c) : Mr. S.M. Chakraborty, Sr. Advocate,
Ms. Bratati Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

Date of hearing and judgment: **6th March, 2020**.

Whether fit for reporting : **NO.**

JUDGMENT & ORDER(ORAL)

Heard learned counsel for the parties for final disposal of the petition.

2. Petitioners' grievance is that the revenue authorities are not making mutation entries in favour of the petitioners despite Court decrees and execution of such decrees in their favour.

3. Counsel for the petitioners would point out that the predecessor-in-title of the petitioners was granted a decree of execution of sale deed pursuant to an agreement to sale on 11.06.1980 in a civil suit for specific performance instituted by him. On 20.05.1997 the appeal filed by the defendants came to be

dismissed. On 08.09.2006 second appeal was dismissed by the High Court. On 16.03.2013 the executing Court directed the Sheristadar to execute a registered sale deed as per the original decree dated 11.06.1980. On 21.03.2013 Sheristadar of the Court executed the registered sale deed in favour of the petitioners. On 22.08.2014 the executing Court passed an order regarding satisfaction of the delivery of possession of the land as per the sale deed dated 21.03.2013. On 22.11.2017 the petitioners applied for encumbrance free certificate from Deputy Collector & Magistrate, Agartala for the mutation entries in respect of the land in question. On 06.01.2018 the Tehsildar submitted his report stating that as it seems that the physical possession of the applicants is doubtful over the land and, therefore, he is unable to issue encumbrance free certificate in their favour. On such basis, according to the petitioners, the Deputy Collector is refusing to make mutation entries in the revenue records.

4. Having heard learned counsel for the parties, I find that the Deputy Collector cannot sit tight over the application of the petitioners for necessary mutations. As noted, the original plaintiff the predecessor-in-title of the petitioners had succeeded in securing a decree of specific performance of agreement to sell the land. First appeal and second appeal filed by the defendants were dismissed. The decree as confirmed by the High Court was executed. Sale deed was registered in favour of the petitioners. The executing Court also recorded satisfaction of handing over of the possession.

Little thereafter remained for verification for making the mutation entry in favour of the petitioners. After such long legal battle, the petitioners cannot be made to run from office to office for a simple prayer for mutation. As is well settled, the revenue entries would follow the declaration of title and possession by the civil Court. Once when the civil Court had granted the decree of specific performance which decree was confirmed by the High Court and was also duly executed, the revenue authority should have respected such orders of the Courts and acted upon such orders in the process of considering the request of the petitioners for making mutations in the revenue records.

5. The Deputy Collector & Magistrate is, therefore, requested to pass a final order on the application of the petitioners for mutation within a period of 2(two) months from today keeping in mind above observations. A brief hearing to the representatives of both sides may be given before passing final order.

6. Petition is disposed of accordingly.

Pending application(s), if any, also stands disposed of.

(AKIL KURESHI), CJ

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