

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
CRP No.69 of 2025

1. Sri. Biplab Debbarma, 42 years, S/O Late Uba Debbarma.
2. Smt. Purnasree Debbarma, 68 years, W/O Late Uba Debbarma.
3. Sri Pallab Debbarma, 40 years, S/O Late Uba Debbarma.
4. Smt Manika Debbarma, 38 years, D/O Late Uba Debbarma,

All are Resident of Madhab Bari, P.O - Madhab Bari, P.S - Ranir Bazar, Dist - West Tripura, Pin - 799045.

5. Smt. Rabi Laxmi Debbarma, 74 years, D/O Late Wakhirai Debbarma, Resident of Madhab Bari, P.O - Madhab Bari, P.S - Ranir Bazar, Dist - West Tripura, Pin - 799045.

6. Smt. Dasa Laxmi Debbarma, 71 years, D/O Late Wakhirai Debbarma, Resident of Village - Madhab Bari, P.O - Madhab Bari, P.S - Ranir Bazar, Dist - West Tripura, Pin - 799045.

..... *Petitioner(s)*

V E R S U S

Sri Tapan Chowdhury @ Tapan Kumar Chowdhury S/O Late Manindra Lal Chowdhury, Resident of Mohanpur, P.S - Ranir Bazar, Dist - West Tripura, Pin - 799045.

..... *Respondent(s)*

For Petitioner(s) : Mr. Pradip Rathor, Advocate,
Mr. Nanda Gopal Nandi, Advocate,
Mr. Sukhendu Debbarma, Advocate.

For Respondent(s) : Mr. Pradip Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO

=O=R=D=E=R=

26/09/2025

Heard counsel for the petitioners as well as counsel for the respondent-caveator.

The respondent has filed a civil suit for specific performance before the Civil Court and also sought temporary injunction against the petitioners pending suit restraining them from acting upon the order dt.6.6.2023/13.6.2023 passed by the Sub-Divisional Magistrate, Jirania,

West Tripura. The trial court rejected the said application for temporary injunction.

The respondent had filed a CMA under Or.43 Rule (1) (r) CPC, and in that appeal, he was granted on 24.04.2025 an injunction by the said Court.

This is challenged in this Revision by the petitioners.

Admittedly, the order dt.6.6.2023/13.6.2023 is a restoration order under Section 187B of Tripura Land Revenue and Land Reforms Act, 1960 (*TLR & LR Act,1960 for short*) passed in favour of the petitioners on by the Sub-Divisional Magistrate, Jirania, West Tripura.

The remedy against such a restoration order under Section 187B is only an appeal to the High Court under Section 93(1)(b) of the TLR & LR Act, 1960 to the Collector.

This remedy has not been availed by the respondent. So it has attained finality.

Though in the order passed by the Sub-Divisional Magistrate, Jirania, West Tripura, liberty was given to the respondent to file a petition before any appropriate Court of Law within 30 days if he desires, such a direction, being contrary to the statute cannot *prima facie* be followed by respondent to question the order of the Sub-Divisional Magistrate, Jirania, West Tripura in the Civil Court.

Since the respondent had not availed the remedy of appeal under Section 93 as mentioned above, and so did not obtain any order

staying its execution, the said order cannot be stopped from enforcement by the District Judge, West Tripura, Agartala *prima facie* on the pretext that the relief of specific performance has now been sought by the respondent.

The execution of the lawful order of the Sub-Divisional Magistrate, Jirania, West Tripura dt.13.06.2023 under Section 187B of the Act, which has attained finality, cannot *prima facie* be restrained by way of a temporary injunction under Order XXXIX Rule 1 and 2 of CPC read with Order XLIII Rule 1(r) of CPC.

Therefore, there shall be interim suspension of the order dt.24.04.2025 of the District Judge, West Tripura, Agartala in Civil Misc.(Appeal) No.02 of 2024 until further orders.

List the matter on **9th January, 2026** for filing of counter affidavit by the respondent.

(M.S. RAMACHANDRA RAO, CJ)