

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 479 of 2025

1. Sri Brajendra Reang, son of Mahendra Reang,
resident of Pratiprasat Para, P.O.-Kalachara, P. S. -Santirbazar,
Sub-division-Sanirbazar, District-South Tripura, PIN-799144.
Age 63

2. Smt. Kuchuti Reang,
daughter of Mahendra Reang, resident of Pratiprasat Para, P.O.-
Kalachara, P.S.-Santirbazar, Sub-division-Santirbazar, District-
South Tripura, PIN-799144. Age 51

3. Smt. Urmila Reang,
daughter of Mahendra Reang, resident of Pratiprasat Para, P.O.-
Kalachara, P.S.-Santirbazar, Sub-division-Santirbazar, District-
South Tripura, PIN-799144 Age-45

4. Sri Shyam Bahadur Reang,
daughter of Mahendra Reang, resident of Pratiprasat Para, P.O.-
Kalachara, P.S.-Santirbazar, Sub-division-Santirbazar, District-
South Tripura, PIN-799144. Age-35

..... **Petitioners**

Versus

1. The State of Tripura,
represented by the Commissioner & Secretary,
Revenue Department, Government of Tripura,
having his office at New Secretariat Complex, Gurkhabasti,
Agartala, PO- Kunjaban, PS- New Capital Complex,
Sub Division- Sadar, District- West Tripura.

2. The Commissioner & Secretary,
Revenue Department, Government of Tripura,
having his office at Secretarial Complex, Gorkhabasti, Agartala,
P.O. Kunjaban, P.S.- New Capital Complex,
Sub Division- Sadar, District-West Tripura.

3. The District Magistrate & Collector,
South Tripura District, having his office at Belonia,
P.O. & P.S-Belonia, District-South Tripura, Pin-799155.

4. The Sub-divisional Magistrate, Santirbazar
having his office at Santirbazar,
P.O. & P.S.-Santirbazar. District-South Tripura, Pin-799144.

5. The Revenue Officer, Santirbazar
having his office at Santirbazar, P.O. & P.S.-Santirbazar,
District-South Tripura, Pin-799144

.....State-respondents

6. Sri Sachindra Kumar Debnath,
son of not known, Village-Santirbazar, P.O.-Santirbazar,
P.S.-Santirbazar, Sub-division-Santirbazar,
District-South Tripura, PIN-799144.

..... Private-Respondent

For Petitioner(s)	:	Mr. Somik Deb, Sr. Advocate Ms. Adwitiya Chakraborty, Advocate Mr. Saptarshi Majumder, Advocate Mr. Abir Baran, Advocate Ms. R. Roy Barman, Advocate
For Respondent(s)	:	Mr. Pradyumna Gautam, Sr. G.A. Mr. Kohinoor N. Bhattacharya, G.A.
Date of hearing and delivery of judgment and order	:	19.01.2026
Whether fit for reporting	:	NO.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Judgment and Order (Oral)

[1] Heard Mr. Somik Deb, learned senior counsel assisted by Ms. R. Roy Barman, learned counsel appearing for the petitioners. Also heard Mr. P. Gautam, learned Sr. G.A. representing the State respondents.

[2] The present writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:

“(i) 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 quashing/setting aside the impugned Order dated 02.07.2024 (Annexure-2 supra), and thereafter remanding back the same to respondent No.3, for a proceeding afresh in accordance with law, and further for directing, to complete the whole statutory exercise, within a reasonable time;

(ii) Call for the records appertaining to this petition,

(iii) After hearing the parties, be pleased to make the Rule Absolute in terms of i above;

(iv) Costs of and incidental to this writ proceeding,”

[3] The case of the petitioners in brief is that they are the members of Schedule Tribe by Community of the State of Tripura and have been residing permanently and are the lawful owners of 2.00 acres of land stated in Hal (present) Plot No.5947, 5971, 5948, 5950, 5972, 5951, 5975 comprised in Khatian No.854 page-1, 2 & 3 of Mouja & TK-Santirbazar under Santirbazar Revenue Circle of Santirbazar Sub-Division. It is contended in the present writ petition that one Sri Sachindra Kr. Debnath has been occupying land measuring 0.29 acres stated in Hal (Present) Plot No-5947 and land measuring 0.12 acres stated in Hal (present) Plot No.4958 comprised in Khatian No-854 page-1 and page-2 respectively. On the other hand, Shaila Bala Saha, Sanjit Saha, Kinchit Saha, Indrajit Saha, Biswajit and Sabita Saha have been jointly occupying land measuring 0.30 acres stated on Hal (Present) plot No-5971 comprised in Khatian No 854/2. It is further contended that one Narayan C.h Debnath has been occupying land measuring 0.06 acres stated in Hal (present) Plot No-5950 and land measuring 0.12 acres stated in Hal (present) Plot No. 5951 comprised

in Khatian No- 854 page-1 and page-2 respectively and Jogesh Ch. Patari has been occupying land measuring 0.06 acres stated in Hal (Present) Plot No-5972 comprised in Khatian No. 854/2. It is also mentioned in the writ petition that one Sri Swapan Ch. Debnath has been occupying land measuring 1.04 acres stated in Hal (present) Plot No- 5974 comprised in Khatian No-854/3. All those lands are situated at Mouja and TK Santirbazar, under Revenue Circle Santirbazar of Santirbazar Sub Division. Thereafter, the petitioners approached before the Sub-divisional Magistrate, Santirbazar filling a petition under Section 187-B of the Tripura Land Revenue & Land Reforms Act, 1960 for restoration of the possession of the land, by way of evicting the occupiers and due to delay in trial, they approached this Court by way of a writ petition being WP (C) No.332 of 2022 and the same was disposed of on 13.04.2022. Subsequently, the Sub-divisional Magistrate, Santirbazar, disposed of the case of the petitioners by Order dated 02/07/2024, without considering the same. Being aggrieved by the said order of the Sub-Divisional Magistrate, Santirbazar, the petitioners have approached this Court by filing the present writ petition seeking the afore-noted reliefs.

[4] Mr. Somik Deb, learned senior counsel appearing for the petitioners submits that the occupiers are occupying the land of the petitioners belonging to the Scheduled Tribes illegally and in violation of the Tripura Land Reforms & Land Revenue Act, 1960. Learned senior counsel, therefore, urges this Court to set aside the impugned order dated 02.07.2024 passed by the

respondent authority and also to remand back the matter to the authority for proceeding with the matter afresh in accordance with law.

[5] Per contra, Mr. P. Gautam, learned Sr. G.A. appearing for the State respondents opposes the submissions made on behalf of the petitioners. He submits that the impugned order passed by the Sub-Divisional Magistrate, Santirbazar on 02.07.24 should not be interfered with as the same has been passed following all the procedures of law. He, therefore, urges this Court to dismiss the instant petition filed by the petitioner.

[6] Heard the submissions made at the Bar. Perused the material evidence on record.

[7] It is seen from record that the case of the petitioners was dismissed by the Sub-Divisional Magistrate, Santirbazar on 02.07.2024 in the following manner:

“.....FINAL ORDER

In the instant petition, the petitioner neither mentioned any date from which he has got dispossessed from the suit not he could produce any proof of it. In absence of any authentic proof in respect of date of transfer of possession of the suit land the court has no other way except to depend on collateral evidence which gives the probable date of transfers before 01-01-1969.

Now Sub section 3(a) of Section 187 of TLR & LR Act provided that “if a transfer of land belonging to a person who is a member of the Scheduled Tribe is made on or after the 1st January, 1969 in contravention of the provision of sub-section (1), any Revenue Officer, appointed specially for this purpose by the State Govt. by notification in the official gazette, may, on his own motion or on an application made in that behalf and after given the transferee an opportunity of being hear, by an order in writing eject the transferee or any person claiming under him from such land or part thereof”

The provision of this section is applicable only in those cases where transfers have been made on or after 01-01-1969. In this instant case the date of transfer appears to be as 01-01-1969 i.e, a date which is prior to the cut of date. Hence, the provision of Section 187 of TLR & LR ACT 1960 is not applicable in this case.

On these grounds stated above, the Restoration Petition is dismissed.

The Case is disposed of.

Inform all concerned accordingly.”

[8] Upon hearing the submissions made at the Bar and on perusal of records, it appears that the petitioners have failed to prove their case before the concerned authority as well as before this Court to show that from when they got dispossessed from the suit land. They have also failed to show any allotment order from the concerned authorities and further have been unable to prove that the transfer of property in question was made on or after 01.01.1969. Moreso, in the aforesaid impugned order dated 02.07.2024 it is reflected that the Collector in his Order told that the transfer was made before 01.01.69.

[9] Petitioners *prima facie* failed to establish through documentary evidence that they are the lawful possessor on the strength of any allotment order. It is also pertinent to note that as seen from record, father of the petitioners, Mahendra Reang was the allottee of the land under the TLR & LR Act belonged to ‘Reang’ community i.e. Schedule Tribe in the State of Tripura and there was a dispute which ended in a compromise between the father of the unofficial respondent before 1969 and the decree came to be passed during 1971. Now, at this point of time, the action of the petitioners attempting to fight the legal battle is only a chance litigation and they have not approached this

Court with clean hands and it is hit by laches. It is a frivolous and unfair litigation and the writ petition is liable to be dismissed with costs.

[10] In view of the above observations, this writ petition filed by the petitioners is dismissed and accordingly, the same stands disposed of with costs of Rs.50,000/- and the costs to be paid to the Tripura High Court Advocates' Association within one month from today.

[11] As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

DR. T. AMARNATH GOUD, J.

Sabyasachi G.

