

HIGH COURT OF TRIPURA  
\_A\_G\_A\_R\_T\_A\_L\_A\_

WP(C) No.145 of 2025

1. Sri Ashish Biswas, aged about 42 years, son of late Anil Biswas, resident of Kabirajtilla (near police Hospital), P.O. A. D. Nagar, P.S. A. D. Nagar, District: West Tripura, Pin-799003.
2. Smti. Shukla Sarkar, aged about 40 years, wife of Sri Jiban Sarkar, daughter of late Anil Biswas, resident of Dukli, P.O. A. D. Nagar, P.S. A. D. Nagar, District: West Tripura, Pin-799003.

.....*Petitioners*

\_V\_E\_R\_S\_U\_S\_

1. The State of Tripura, represented by its Secretary, Revenue Department, Government of Tripura, New Capital Complex, P.O. Kunjaban, P.S. New Capital Complex, Agartala, District: West Tripura, Pin-799010
2. The Inspector General of Registration, Office of the Revenue Secretariat, Revenue Department, Government of Tripura, New Capital Complex, PO- Kunjaban, PS- New Capital Complex, Agartala, District-West Tripura, Pin-799010;
3. The District Registrar, West Tripura District, Office of the DM & Collector, Office Lane, P.O. Agartala, P.S. West Agartala, District- West Tripura, Pin-799001;
4. The District Sub Registrar, Sadar, A.K. Road, P.O. Agartala, P.S. West Agartala, District- West Tripura, Pin-799001;

.....*Respondents*

5. Sri Soumyatabha Roy, son of late Kshitish Roy, resident of Banamalipur, Santipara, P.O. Agartala, P.S. East Agartala, District- West Tripura, Pin-799001;

.....*Pro-forma-respondent*

For Petitioner(s)	:	Mr. S. Lodh, Advocate. Mr. S. Majumder, Advocate.
For Respondent(s)	:	Mr. S. M. Chakraborty, A.G. Mr. K. De, Addl. G.A.
Date of hearing	:	23.06.2025
Date of delivery of judgment and order	:	27.06.2025
Whether fit for reporting	:	YES

HON'BLE JUSTICE DR. T. AMARNATH GOUD  
\_F\_I\_N\_A\_L\_O\_R\_D\_E\_R\_

Heard Mr. S. Lodh, learned counsel appearing for the petitioners and heard Mr. S. M. Chakraborty, learned Advocate General assisted by Mr. K. De, learned Addl. G.A. appearing for the respondents.

[2]           The present writ petition has been filed under Article-226 of the Constitution of India for enforcement of the Constitutional rights of the petitioner and for quashing the impugned memorandum No. 4(4)-DSR / W / 2022 (Shadow) /

512-17, dated 07.03.2025 issued by the respondent No.3. Further, directing the respondents to revoke the impugned memorandum No. 4(4)-DSR/W/2022(Shadow)/512-17, dated 07.03.2025, issued by the respondent No.3 and direct the respondent No.4 to allow registration the sale deed without permission from the Collector.

[3] The facts in brief are that the mother of the petitioner, Kanika Biswas, got allotment of a land on 01.05.2011 and accordingly Khatian being No. 4256 was published in her name. On 25.07.2024 a notification was published amending TLR & LR (Allotment of Land) Rules, 1980 whereby it has been declared that any person can transfer his/her allotted land in favour of any person after seven years of allotment. Thereafter, the mother of the petitioners executed one sale deed in favour of pro-forma-respondent after accepting the entire sale consideration money. Thereafter, appointment date was fixed for registration of the sale deed but on the date of registration of the sale deed, the respondent No. 4 refused to register the sale deed on the ground that the mother of the petitioners did not obtain any permission from the Collector to transfer her land and accordingly returned the sale deed. Thereafter, the pro-forma-respondent started pressurizing the mother of the petitioners and subsequently she had expired. The petitioner No. 1 thereafter by his letter dated 12.12.2024 requested respondent No. 3 to direct the respondent No. 4 to register the sale deed, but till date no action has been taken by the respondents.

[4] Aggrieved by the said inaction, the petitioners filed a writ petition before this Court which was registered and marked as WP(C) 5 of 2025 and the same was dismissed vide order dated 10.01.2025 with an observation that the petitioners could not produce any document showing them as successors of late Kanika Biswas. Being aggrieved, the petitioners jointly filed a Writ Appeal vide W.A. No.06 of 2025 before this Court. The Hon'ble Division Bench vide its Judgment and Order dated 27.01.2025 disposed of the Writ Appeal directing the Respondent No.3 to take a decision on the application dated 12.12.2024 of the writ petitioners in accordance with law within a period of six weeks. It was further directed that the petitioners are required to establish before the respondent No.3, their claim as legal heirs of deceased allottee Kanika Biswas.

[5] After disposal of W.A. 6 of 2025, the petitioner No.1 vide his letter dated 31.01.2025 approached the respondents and as on receipt of the same the

respondent No. 3 vide impugned Memorandum No. 4(4)-DSR/W/2022/(Shadow)/512-17, dated 07.03.2025, informed the petitioners that their request cannot be considered in the light of Tripura Land Revenue & Land Reforms (Allotment of Land), Rules, 1980.

[6] Aggrieved by the memorandum dated 07.03.2025, the present petition has been filed before this Court.

[7] Mr. S. Lodh, learned counsel appearing for the petitioners has submitted that the petitioners are the son and daughter of Smti. Kanika Biswas (now deceased), who was the owner of 0.024 acres of bastu class of land. During her lifetime, the said land was allotted in her name and after allotment, she paid the premium and took possession of the land and thereafter, the said land was mutated in her name vide khatian No.4256. Smti. Kanika Biswas during her life time decided to sell the above-mentioned land, and accordingly, the pro-forma-respondent came forward to purchase the said land, and accordingly, on negotiation, the price of the land and standing hut was fixed at Rs.2,33,000/-. Thereafter, said proforma-respondent paid the entire sale consideration to the mother of the petitioners and on receipt of the same, the mother of the petitioners, Kanika Biswas (now deceased) executed the Sale Deed in favour of proforma-respondent, and also paid the registration fee amounting to Rs.3,575/-, and sought for appointment of registration through online, and accordingly, appointment date was fixed on 29.10.2024 at 1420 hours, and in furtherance thereof, on 29.10.2024, the mother of the petitioners appeared and presented the deed before the respondent No.4 for registration of the sale deed, but the respondent No.4 denied to register the sale deed and returned the same without registration of the sale deed. The petitioners approached the respondents to allow the registration afresh by as they are legal heirs.

[8] It is argued that the respondents failed to consider the amendment of Tripura Land Revenue & Land Reforms (Allotment of Land) Rules, 1980. As per amended Rules, a person can transfer his/her allottee land after seven years of allotment order, and in the instant case, the mother of the petitioners, got allotment on 01.05.2011 and as seven years have elapsed and hence, there is no need to obtain any permission from the Collector in terms of amended Rule-12 of Allotment Rules. It is further submitted that after elapse of seven years, the Collector has no jurisdiction to pass any order granting permission for transfer of

any allottee land. At the time of passing the impugned Memorandum dated 07.03.2025, the respondent No.3 failed to appreciate the same, and issued the impugned Memorandum, and hence, the same is liable to be interfered with as the same is also a non-speaking order.

[9] Mr. S. M. Chakraborty, learned Advocate General, appearing for the respondent-State has submitted that it is fact that the mother of the petitioner was an allottee of the land measuring 0.048 acre in the khatian No. 4256 vide allotment order No. 198 of 2011 by the SDM, Bishalgarh subject to Rule 12(1) (i) of the TLR & LR (Allotment of Land) Rules, 1980 which has been in force w.e.f. 20.11.1980. In the allotment order dated 01.05.2011 the first condition is "(1) the land is heritable but not alienable without the written consent of the Collector, but the land may be mortgaged to the Government a Co-operative society or a bank or such other institution as may be notified in the Official Gazette by the State Government, from time to time". Thus, from the said condition of allotment it is clear that the petitioner cannot alienate the allotted land without written consent of the Collector. The consent can be obtained after 7 years of allotment. In the instant case the petitioner did not take the consent from the Collector to alienate her allotted land.

[10] The case of the respondents is that one identifier Sri. Mriganka Bhattacharjee submitted one deed documents vide token No.202400029808 before the District-Sub-Registrar, West Tripura relying on the allotment amendment Rules, 2024 order dated 25.07.2024 issued by the Secretary, Revenue Department, Govt. of Tripura. It is not correct that the respondent No. 4 illegally denied the registration of the sale deed. The Amended Rules, 2024 is applicable in respect of land allotted to an individual on or after 7<sup>th</sup> August, 2024 and such individual can transfer his/her land to other person only after elapse of 7(seven) years from the date of issue of allotment order issued by the competent authority without the consent of the Collector.

[11] The Mother of the writ petitioners was provided allotment of land for the plot No. 2767/P in the year 2011 and the conditions as is laid down in Rule 12(1)(i) of the TLR & LR (Allotment of Land) Rules, 1980 shall be applicable in the case of the petitioners rather the present amended Rules, 2024 as because the present amendment will no way affect the previous operation of the Rules of 1980.

Petitioners have to substantiate their claims by adducing relevant documents not by oral evidence.

[12] In view of above submission made, this Court is of the opinion that the petitioners are the son and daughter of the deceased Smti. Kanika Biswas died on 27.11.2024. The petitioners along with survival certificate approached before the respondent seeking mutation of immovable property of the deceased mother in their favour. Since the said request was not considered, the petitioners approached before this Court by way of a writ petition being WP(C) No.05 of 2025 and the same was disposed of on 10.01.2025. Aggrieved by the same, the petitioners challenged the same in WA. No.06 of 2025 and subsequently, the same was disposed vide order dated 27.01.2025 with a direction the respondents to look into the matter and pass appropriate order.

[13] In pursuance of the same, the respondents vide memorandum dated 7<sup>th</sup> March, 2025 has decided the matter as under:

**“GOVERNMENT OF TRIPURA OFFICE OF THE DISTRICT SUB-  
REGISTRAR SADAR, WEST TRIPURA DISTRICT”**

File No. 4(4)-DSR/W/2022/(Shadow)/5/2-17  
2025

Agartala  
Dated, the 7<sup>th</sup> March  
2025

**MEMORANDUM**

In response to the Hon'ble High Court's order in connection with Writ Appeal Case no. 06 of 2025 and with direction from the District Magistrate & Collector, West Tripura in Note no. 3, dated 25/02/2025 and subsequent instruction from the Officer in-Charge, Law Cell, DM's office, West Tripura in Note no. 4, dated 06/03/2025, I am pleased to inform you as the legal heirs of Deceased Kanika Biswas, W/o. Anil Biswas of Kabiraj Tilla, "the deed (which your deceased mother has approached for registration) cannot be executed" in the strength of Tripura Land Revenue & Land Reforms (Allotment of Land) Rules, 1980 (As amended up to 8th Amendment, dated 04/11/2020), U/s Rule 12 (1) (i) and THE TRIPURA LAND REVENUE AND LAND REFORMS (ALLOTMENT OF LAND) (NINTH AMENDMENT) RULES, 2024, issued by the Revenue Department with notification vide No. F. 4(26)-RCC/2023 (P-I), dated 25/07/2024, as amended Rule 12, in sub-rule (I), in clause (i) & Appendix-B.

Copies of the instructed note sheets from the Higher authority are enclosed herewith for your ready reference.

This is for your information please.

To,

Sri. Ashish Biswas, S/o. Late Anil Biswas &  
2. Smt. Shukla Sarkar, D/o. Late Anil Biswas  
both are of Kabirajtilla, AD Nagar for information.

District Registrar  
West Tripura District”

[14] In the said memorandum he has referred to the rule positions, amendment and communicated to the same to the petitioners. The petitioners being aggrieved by the said memorandum, which is impugned herein, has filed the present petition before this Court challenging the same seeking a direction to set aside the said memorandum and issue direction to the respondents to proceed with the mutation and accordingly, Mr. S. Lodh, learned counsel for the petitioners made his submissions.

[15] Mr. S.M. Chakraborty, learned Advocate General appearing for the respondents has contended that the legal heirs are different from the survival members and they are not entitled to any such automatic transfer in view of the embargo of amendment to Rule-12 (1) (i) and also to the Appendix-B of the said Rule wherein, it has been categorically imposed bar of 7 years of ceiling limit not to transfer the said property without obtaining the permission of the Collector. He further contended that this amendment came into the effect by notification dated 25<sup>th</sup> July, 2024 by way of 9<sup>th</sup> Amendment and the said communication has been made to the petitioners by way of proceeding dated July, 2024.

[16] In the light of the facts of the present case, he further submits that since the allotment was made in favour of the mother of the petitioners in the year 2011 and during that period there was a complete embargo on transfer. Thus, invariably all matters have to be referred to the Collector seeking any such transfer or alienation and for the purpose of reference the same may be extracted hereunder:

**“.....Amendment of Rule-12**

In rule 12 of the Principal Rules, in sub-rule (1), in clause (i), for the words “but not alienable” the words “but not transferable by the allottee within seven years from the date of allotment” shall be substituted.

**Amendment of Appendix-B**

In Appendix-‘B’ of the Principal Rules, in paragraph (1), for the words “but not alienable”, the words “but not transferable by the allottee within seven years from the date of allotment” shall be substituted.”

[17] Since the allotment of the petitioners’ mother pertains to 2011, the present amendment of 2024 indicating 7 years will not apply and moreover, the 9<sup>th</sup> Amendment has been replaced by way of 10<sup>th</sup> Amendment issued on 9<sup>th</sup> June, 2025 which reads as under:

**“Government of Tripura  
Revenue Department**

No.F.4(26)-RCC/2023(P-I)

Dated, the 9<sup>th</sup> June, 2025

**NOTIFICATION**

In exercise of the powers conferred under section 98 of the Tripura Land Revenue and Land Reforms Act, 1960 (43 of 1960) the State Government, hereby makes the following rules further to amend the Tripura Land Revenue and Land Reforms (Allotment of Land) Rules, 1980 (hereinafter called the Principal Rules), namely:-

1. Short title and commencement:

(1) These Rules may be called the Tripura Land Revenue and Land Reforms (Allotment of Land) (Tenth Amendment) Rules, 2025.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application: The provision of these amended Rules shall be applicable for all allotment cases, prospectively from the date of issue of the allotment order.

3. Amendment of Clause (i) of Sub-Rule (1) of Rule 12

In Rule-12 of the Principal Rules, in sub-rule (1) in clause (i) for the words and expressions "but not transferable by the allottee within seven years from the date of a allotment" the words and expressions-

"but not transferable by the allottee within seven years from the date of allotment, and thereafter also not transferable"- shall be substituted.

4. Amendment of Appendix-'B'

In Appendix-'B' of the Principal Rules, in condition No (1), for the words and expressions-

"but not transferable by the allottee within seven years from the date of allotment" the words "but not transferable by the allottee within seven years from the date of allotment, and thereafter also not transferable" – shall be substituted."

[18] Insofar as the challenge made to the said memorandum dated 07.03.2025, it only indicates the legal position pertaining to 9<sup>th</sup> Amendment which is extracted hereunder:

**"GOVERNMENT OF TRIPURA  
REVENUE DEPARTMENT**

No.F.4(26)-RCC/2023(P-1)  
2024.

Dated, the 25th July,

**NOTIFICATION**

In exercise of the powers conferred in section 98 of the Tripura Land Revenue and Land Reforms Act, 1960 (43 of 1960) the Governor of Tripura, hereby makes the following rules further to amend the Tripura Land Revenue and Land Reforms (Allotment of Land) Rules, 1980, namely:-

1. Short title and commencement:

(1) These Rules may be called the Tripura Land Revenue and Land Reforms (Allotment of Land) (Ninth Amendment) Rules, 2024.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Amendment of Rule-2

In rule 2 of the Tripura Land Revenue and Land Reforms (Allotment of Land) Rules, 1980 (hereinafter referred to as the Principal Rules), for sub-rule (d) the following sub-rule shall be substituted namely:- "(d) 'landless', in relation to a person, means one who, either by himself or if he has family, together with his family, does not possess or hold any land and is also economically poor."

3. Amendment of Rule-4

In rule 4 of the Principal Rules, for sub-rule (b) the following sub-rule shall be substituted" namely:- "(b) in case of allotment of land for construction of a

dwelling house such area not exceeding 0.05 acres (2.5 gandas) in Urban areas and not exceeding 0.10 acres (5 gandas) in Rural areas",

[19] The amendment which is now in force, the case of the petitioners need to be considered as per law as on the date of consideration of the application of the petitioners. They need to approach before the competent authority under Rule seeking appropriate relief as per procedure under the TLR&LR Act for mutation i.e. before the concerned Collector as per procedure. In Section-14(1) of the TLR&LR Act, 1960 Condition No.1 provides that the land was heritable but not alienable without the written consent of the Collector. In the instant case the petitioners did not take the consent from the Collector to alienate her allotted land. The memorandum which has been referred hereinabove, have to be followed in accordance with law.

[20] With the above observations, the present petition fails and liable to be dismissed and, accordingly, stands dismissed. As a sequel, miscellaneous application, pending if any, shall stand closed.

**T. AMARNATH GOUD, J**

*A. Ghash*

