

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.43 of 2025

The Deputy Chief Engineer (Con-2), N.F. Railway, Pandit Nehru Complex,
Gurkhabasti, Agartala, West Tripura (Now at Badharghat, Agartala-799003).

..... Petitioner-Judgment Debtor(s).

V E R S U S

1. Sri Dilip Das, Son of Late Surendra Das.

2. Smt. Prabha Rani Das, W/O. Sri Dilip Das,
Both are residents of Manurmukh, (Das Para), P.O.-Sarashima, P.S.-Belonia,
District:-South Tripura, Pin-799155.

.....Respondent-Decree Holder(s).

3. The Land Acquisition Collector, South Tripura, Belonia, Pin-799155.

.....Respondent-Judgment Debtor(s).

For Petitioner(s) : Mr. Bidyut Majumder, Deputy S.G.I.

For Respondent(s) : Mr. P. Gautam, Sr. G.A.,
Mr. S.S. Debnath, Advocate.

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

CAV reserved on : **12.09.2025.**

Judgment delivered on : **26.09.2025.**

Whether fit for reporting : **YES.**

JUDGMENT & ORDER

Heard Mr. Bidyut Majumder, Deputy Solicitor General of India
for the petitioner, Mr. S.S. Debnath, counsel appearing for the respondents
No.1 & 2 and Mr. P. Gautam, Senior Government Advocate appearing for the
respondent No.3-L.A. Collector.

2. This revision is filed under Article 227 of the Constitution of
India challenging order dt.31.05.2025 and also the consequential order
dt.19.06.2025 passed in case No. Execution (L.A.) 09 of 2021 arising out of
L.A.(Ref.) No.96 of 2014 of the Land Acquisition Judge, South Tripura,
Belonia.

The background facts:

3. The land of the respondents No.1 and 2 had been acquired under the provisions of the Land Acquisition Act, 1894 (*hereinafter referred to as "the Act"*) pursuant to a notification dt.06.07.2011 under Section 4(1) of the said Act.

4. The Land Acquisition Collector (respondent No.3) had passed an award on 14.10.2011 determining the market value of the acquired land to be Rs.5,00,000/- (rupees five lakh) per kani.

5. Thereafter the respondents No.1 and 2 sought a reference under Section 18 of the Act before the Land Acquisition Judge, South Tripura, Belonia seeking enhancement of compensation. This was numbered as L.A.(Ref.) No.96 of 2014.

6. The said Court, on 15.01.2018, enhanced the market value of the acquired land to Rs.10,00,000/- (rupees ten lakh) per kani.

7. This was questioned in L.A. Appeal No.07 of 2019 by the petitioner herein.

8. On 05.07.2019 the said appeal was allowed and the market value of the acquired land was fixed at Rs.7,50,000/- per kani instead of Rs.10,00,000/- per kani as determined by the Land Acquisition Judge, South Tripura, Belonia.

9. Subsequent thereto, the respondents No.1 and 2 filed L.A. (Execution) No.09 of 2021 under Order XXI Rule 11(2) of the Code of Civil Procedure (CPC, for short) for execution of the said judgment of the High

Court. They claimed Rs.30,88,697/- in addition to the amounts which are said to have been paid to them by the petitioner and respondent No.3.

10. Notice in the Execution Petition had already been issued to the petitioner and the respondent No.3.

11. During the proceedings before the Executing Court, a calculation memo was filed by the respondents No.1 and 2 claiming Rs.42,95,062/- from the petitioner.

12. Counsel for the respondent No.3 sought time on several occasions to deposit the awarded amount.

13. Therefore, the respondents No.1 and 2 filed an application seeking attachment and sale of the properties of both the petitioner and the respondent No.3 for recovery of the amount claimed by them. They had filed a list of properties, such as official chair, table, furniture fittings and electrical equipment of the office of the respondent No.3 as well as list of furniture of office of the petitioner.

14. The Court asked the petitioner and the respondent No.3 to show-cause as to why the said properties should not be attached.

15. The counsel for the respondent No.3 did not file any reply to the show-cause and as stated above sought time on several occasions to deposit the awarded amount.

16. When the matter was listed on 31.05.2025, the counsel for the respondents No.1, 2 & 3 were present but there was no representation on behalf of the petitioner.

17. So, the Executing Court attached the properties of the respondent No.3 for recovery of Rs.42,95,062/- claimed by the respondents No.1 and 2

for satisfaction of the award made in L.A. (Ref.) No.96 of 2014. The matter was next listed on 17.06.2025.

18. By that date, an application had been filed by the counsel for the respondent No.3 for releasing the official articles of the office of the respondent No.3 which had been seized by the Bailiff of the Court in execution of the award. In the application, it was contended that due to attachment and seizure of the official articles of the office of the respondent No.3, public relation work was held up and day to day official work was being hampered. The counsel for the respondent No.3 therefore prayed for release of all the seized articles.

19. The counsel for the respondents No.1 and 2 contended that they had no intention to insist the Court for attachment of these items, but non-payment of the awarded amount led them to approach the Court and opt for attachment of the properties. He stated that the seized articles may be released subject to assurance that the entire outstanding amount should be paid within a period to be fixed by the Executing Court.

20. In view of the said submissions, the Executing Court on 17.06.2025, passed an order for releasing the seized articles on an undertaking being filed by the respondent No.3 or his authorized officer that the outstanding amount would be paid within one month.

21. Such undertaking was filed on 17.06.2025 and, thereafter, the Court directed release of the seized articles.

22. On 17.06.2025, as per the docket order of the Executing Court, there is no reference to the presence of the petitioner at all or any representation on it's behalf.

23. Two days after the said order dt.17.6.2025 was passed, on 19.06.2025 *Vakalatnama* was filed by a counsel on behalf of petitioner, and an application was filed by the petitioner under Section 47 of the CPC raising contention that the decree is in-executable and that there were serious errors committed by the Reference Court which require correction under Section 152 of CPC. The calculation sheet filed by the respondents No.1 and 2 was also disputed and it was contended that it was prepared contrary to Section 23(2) and Section 28 of the Act. It is further contended that certain payments had already been made from time to time by the petitioner to the respondents No.1 and 2.

24. In this Revision, while challenging the orders passed by the Executing Court on 31.05.2025 and 17.06.2025, the counsel for the petitioner contended that the objection petition filed on 19.06.2025 by the petitioner is pending before the Executing Court and, therefore, the Court below without verifying the correctness of the calculation filed by both parties could not have passed such orders.

25. The Execution Petition had been filed in 2021 and had undergone several adjournments as stated by the Executing Court in its order dt.31.05.2025 but the petitioner had not chosen to appear before the Executing Court till 19.06.2025 for reasons best known to it. Annexure-9 which is the objection petition filed by the petitioner shows that *Vakalatnama* was filed by the petitioner on 19.06.2025, two days *after* the order of 17.06.2025 was passed.

26. If the objection petition was filed on 19.6.2025 *after* both the impugned orders are passed, the Execution Court cannot be blamed for not deciding the same before deciding the said objection petition.

27. No explanation is offered by petitioner what it was doing after it received the notice in the Execution Petition filed 4 years back and why *Vakalatnama* was filed on it's behalf only on 19.6.2025 after these orders are passed by the Executing Court.

28. Also, the Executing Court is executing the order of the Reference Court as modified by the High Court which has attained finality. If there are any errors committed by the Reference Court in its judgment dt. 15.01.2018, it was open to the petitioner to get them corrected in L.A. Appeal No.07 of 2019. But the petitioner had not argued in the said Appeal about such errors and the LA Appeal was decided on 5.7.2019. In the said appeal, the High Court had only altered the judgment of the Reference Court to the extent of fixing the market value of the acquired land which it reduced to Rs.7,50,000/- per kani from Rs.10,00,000/- per kani determined by the Reference Court.

29. The judgment of the High Court therefore binds the petitioner and it is not open to the petitioner to now contend in the Executing Proceedings that there were other errors in the order passed by the Reference Court and that it had violated the provisions of the Act. The executing Court cannot be asked to go behind the judgment and decree of the High Court in the L.A.Appeal No. 07 of 2019.

30. Though the Execution Petition had been filed in 2021, the petitioner had not chosen to appear before the Executing Court till 19.06.2025 for reasons best known to it and the respondent no.3 had not disputed the

calculation filed by respondents 1 and 2. The respondents No.1 and 2 therefore had no choice but to press for attachment of the properties of both the petitioner and the respondent No.3 for realization of the amounts claimed.

31. In the order of 31.05.2025 the Executing Court had only directed attachment of the properties of the respondent No.3 and not that of the petitioner though attachment was sought by the respondents No.1 and 2 of the properties of both the petitioner and the respondent No.3. So the petitioner is in no way aggrieved by it since it was not the properties of the petitioner which had been attached.

32. Since the respondent No.3 was aggrieved by such attachment, it moved an application on 17.06.2025 to raise attachment of the official articles of the respondent No.3 which were seized by the Bailiff and it was allowed on 17.06.2025 subject to the respondent No.3 giving undertaking that the outstanding amount would be paid in one month. So petitioner is also not aggrieved by the order dt.17.06.2025 since the attachment of the properties of the respondent No.3 had been raised on an undertaking given by the officer of the said department.

33. It appears that the petitioner was hell-bent on delaying the Execution Proceedings indefinitely by not participating therein in spite of knowledge of the judgments of the Supreme Court in the case of ***Rahul S. Shah v. Jinendra Kumar Gandhi and others***¹ and in ***Periyammal (dead through LRs) and others v. V. Rajamani and another***² that Execution Proceedings should be disposed of within six months.

¹ (2021) 6 SCC 418

² 2025 LiveLaw (SC) 293

34. In my opinion, the petitioner is thus trying to take advantage of its own wrong by avoiding participation in the Execution Proceedings and cooperating in the early disposal. This Court strongly deprecates this conduct on the part of the petitioner.

35. Therefore, this revision petition is dismissed with costs of Rs.10,000/-(rupees ten thousand) to be paid to the respondents No.1 and 2 by petitioner within four weeks from today.

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

(M.S. RAMACHANDRA RAO, CJ)



Pulak