



**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 533 of 2026

Tufani Ram Bin,

Son of late Sudarshan Bin, Resident of village & P.O.-
Nutannagar, Airport, P.S.- Airport, Agartala, District- West
Tripura, PIN-799009 (Age -69 years)

..... **Petitioner(s)**

Versus

1) The State of Tripura (to be represented by) The
Principal Secretary, Revenue Department, Government of
Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO-
Kunjaban, PS-New Capital Complex, Sub-Division- Sadar,
District- West Tripura.

**2) The Principal Secretary, Revenue Department,
Government of Tripura,** New Secretariat Complex,
Gurkhabasti, Agartala, PO- Kunjaban, PS- New Capital
Complex, Sub-Division- Sadar, District- West Tripura.

3) The District Magistrate & Collector, West Tripura,
Office of the DM & Collector, West Tripura, Office Lane, PO-
Agartala, PS- West Agartala, District- West Tripura, PIN-
799001.

4) The Sub-Divisional Magistrate, Sadar, Office of the
SDM, Sadar, Office Lane, PO- Agartala, PS- West Agartala,
District-West Tripura, PIN- 799001.

5) Sri Jishnu Debbarma, Son of late Ramendra Kishore
Debbarma, Resident of Kunjaban, Airport Road, PS- East
Agartala, District- West Tripura.

.....**Respondent(s)**

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Mr. Samarjit Bhattacharjee, Advocate Mr. Kawsik Nath, Advocate Ms. Aradhita Debbarma, Advocate Mr. Dipjyoti Paul, Advocate
For Respondent(s)	:	Mr. S.M. Chakraborty, Adv. General Mr. Kohinoor N. Bhattacharya, G.A. Mr. Kousik Roy, Advocate Mr. Udai Sankar Singha, Advocate Mr. Diptanu Chakraborty, Advocate
Date of hearing	:	13.08.2026
Date of delivery of judgment & Order	:	21.08.2026
Whether fit for reporting	:	YES.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Judgment and Order

[1] Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. D. Paul, learned counsel and Mr. S. Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mr. S.M. Chakraborty, learned Advocate General assisted by Mr. Kohinoor N. Bhattacharya, learned G.A. appearing for the State respondents and Mr. K. Roy, learned counsel appearing for private respondent No.5.

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

“Under the circumstances stated above, it is submitted, that the Hon'ble High Court would be kind enough to:-

(I) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Certiorari and/or order/orders and/or direction/ directions of like nature shall not be issued whereby quashing and cancelling/setting aside the impugned Order, dated 21.05.2022, passed by the Principal Secretary, Revenue Department, Government of Tripura, in Condonation Case No. 06/Misc/Rev/PS/2022, arising out of Second Appeal No. 06/2nd Appeal/Rev/PS/2022.

(II) Make the Rules absolute.

(III) Call for records.

(IV) Pass any further order/orders as the Hon'ble High Court considered fit and proper.”

[3] When the case came up for ‘*Motion*’ on 07.08.2026, this Court at the preliminary stage enquired with the learned counsel for the petitioner whether they are the owners of the land to which, learned counsel submitted that they are the owners of the land and they are entitled to get their names and particulars entered in the revenue records. This Court verified with the counsel to draw the attention of this Court to the relevant title deed documents like sale deeds or any other sustentative documents showing their ownership which is duly issued by any competent court of law or authority. The learned counsel for the petitioner sought for an adjournment to produce the documents before this Court and the request on behalf of the petitioner was considered by this Court on 07.08.2026 and the matter stood adjourned.

[4] When the matter was again listed on 13.08.2026, learned counsel for the respective parties were present. Learned counsel for the petitioner

instead of producing the documents, proceeded to argue the case for consideration at the stage of 'Motion' and prayed to decide the matter for final opinion. Considering the said submission, the matter has been heard.

[5] Briefly stated, the case of the petitioner is that they are owners of the subject property and in respect of some extent of the subject property and accordingly they approached the respondent authorities under a legal battle for making necessary corrections in the revenue records and since the same was rejected they are before this Court.

[6] Per contra, the case of the unofficial respondent No.5 is that his mother purchased the scheduled property from the grand-father of the petitioner way-back in 1960s and the relevant sale-deeds in favour of the respondent No.5 are registered sale deed no.1-988 dated 21.12.1965, registered sale deed No.1-5319 dated 26.03.1968 and registered sale deed No.1-5446 dated 25.04.1967. Since the land belongs to the tribal community and the entire subject property covered under the sale deeds is attracted by the provisions of Section 187 of the Tripura Land Revenue & Land Reforms Act, 1960 (*TLR & LR Act, 1960 for short*) and therefore, the question of any alienation contrary to law does not arise and since the respondent No.5 who succeeded to the property is in possession and has not alienated the property and therefore, the petitioner cannot claim any right over the said land nor can approach any authorities for making necessary revenue corrections.

[7] On the alleged ground, that, the legal heirs of Raghunandan Bin had allegedly occupied 0.14 acres (i.e., 07 Gandas) of land, under Hal Plot Nos. 2822 & 2824, the Respondent No.5 herein had filed a Restoration Petition, under Section 187B(1)(b) of the Tripura Land Revenue & Land Reforms Act, 1960, vide Case No.01/R/2006, before the Sub-Divisional Magistrate, Sadar Sub-Division, West Tripura praying for restoration thereof. Thereafter, by an order dated 14.09.2011, passed by the Sub-Divisional Magistrate, Sadar Sub-Division, the said case was disposed of with the following observations:-

“I am of the opinion that the matter is not related with the restoration case as there is no evidences that the recorded owner was dispossessed by Sri Kedar Bin and Sri Madan Lal Sharma. It is also agreed by the petitioner that the Kedar Bin and others is possessing the said land before 01.01.1969. So, the case under Section 187 of the TLR & LR Act, 1960 is not maintainable.....”

[8] It is contended on behalf of the petitioner that during Revisional Survey Settlement, it came to the notice of the petitioner, that, the Plot Nos.2316(P) & 2318, appertaining to Khatian Nos.399 & 400, have been wrongly recorded in the name of the Respondent No.5, i.e., Jishnu Debbarma. Therefore, the petitioner had filed a Revenue Case, under Section 95 of the Tripura Land Revenue & Land Reforms Act, 1960, marked as Revenue Case No.36/2008, before the District Collector, West Tripura and during the pendency of the said case, the District Collector, West Tripura had directed the Deputy Collector & Magistrate, Sadar Revenue Circle, to conduct a field enquiry, in connection with said case. Thereafter, a field enquiry was conducted and a Field Enquiry Report, dated 24.12.2009 was submitted by the Tehsildar,

Barjala TK indicating that the petitioner is the owner & possessor of the CS Plot No.2316/P, RS Plot No.2822/P, measuring 0.10 acres (i.e., 05 Gandas) & CS Plot No.2318, RS Plot No.2824, measuring 0.03 acres (i.e., 1½ Gandas). Thereafter, the Deputy Collector & Magistrate, Sadar Revenue Circle, vide letter, dated 04.01.2010, forwarded the Field Inquiry Report to the Sub-Divisional Magistrate, Sadar Sub-Division, with a request to make correction of records in tune with the said Field Enquiry Report dated 24.12.2009. Subsequently, vide letter, dated 08.01.2010, the Sub-Divisional Magistrate, Sadar Sub-Division, forwarded the Filed Enquiry Report to the District Collector, West Tripura. Thereafter, by an Order, dated 20.03.2010, passed by the District Collector, West Tripura, the said Revenue Case No.36/2008 was allowed in favour of the petitioner. Pursuant to the said Order dated 20.03.2010, incorporating the said corrections, a Khatian No.5306 was issued, *inter alia* recording the CS Plot No.2316/P, RS Plot No.2822/P, measuring 0.10 acres (i.e., 5 Gandas) & CS Plot No.2318, RS Plot No.2824, measuring 0.03 acres (i.e., 112 Gandas), in the name of the petitioner.

[9] The Respondent No.5 presented a Review Petition, under Section 96 of the Tripura Land Revenue & Land Reforms Act, 1960, before the District Collector, praying for review of the aforesaid Order, dated 20.03.2010, passed in Revenue Case No.36/2008, West Tripura, and the same was registered and marked as Revenue Case No. 165/2010, but by an Order, dated 24.02.2012, said Review Petition was rejected.

[10] However, challenging the afore-stated Order dated 14.09.2011, passed by the Sub-Divisional Magistrate, Sadar, in Case No.01/R/2006, the Respondent No.5 preferred an appeal under Section 93(1) of the Tripura Land Revenue & Land Reforms Act, 1960, before the District Collector, West Tripura, which was registered as Revenue Case No. 137/2012. It is submitted by the petitioner that even though, the land in question, measuring 0.14 acres (i.e., 07 Gandas) of land, under Hal Plot Nos 2822 & 2824, has been recorded in the name of the present Petitioner, vide Khatian No.5306, but while preferring the said appeal (Revenue Case No. 137/2012), the Respondent No.5 did not implead the present petitioner as a party thereto and without providing any opportunity of hearing to the petitioner, the Respondent No.5 proceeded with the said appeal. Thereafter, without hearing the petitioner herein, vide an Order, dated 20.07.2012, passed by the District Collector, West Tripura, the said appeal (Revenue Case No.137/2012), preferred by the Respondent No.5 was disposed of, thereby setting aside the Order, dated 14.09.2011, passed in Case No.01/R/2006, and further ordered that the proceeding land measuring 0.14 acre (i.e., 07 Gandas) under Hal Plot Nos.2822 & 2824, recorded in Khatian No. 1645, under Mouja- Barjala be restored to the respondent. The petitioner further contended that since, the entire proceeding of the appeal vide Revenue Case No. 137/2012 was conducted without impleading him as a party, he neither had any knowledge regarding institution of such appeal, nor he was communicated regarding the outcome of the same, and for that reason, he could

not prefer a Second Appeal, within the prescribed statutory period. It is further stated that only in the month of July, 2020, the petitioner came to know about the said Order dated 20.07.2012 from the Tehsildar, Barjala TK, pursuant whereeto, he had applied for obtaining the certified copy thereof, and only on 17.08.2020, the petitioner was furnished with the same.

[11] It is further contended in the instant writ petition that owing to outbreak of the COVID-19 pandemic, the petitioner could not prefer the Second Appeal forthwith, and on 10.02.2022, the Petitioner had preferred the Second Appeal, assailing the said Order dated 20.07.2012, under Section 93(2)(b) of the Tripura Land Revenue & Land Reforms Act, 1960, before the Secretary, Revenue Department, Government of Tripura. In addition thereto, praying for condoning the said delay, and for staying the operation/execution of the said Order, dated 20.07.2012, the petitioner had filed separate applications, before the Secretary, Revenue Department, Government of Tripura.

[12] The petitioner submitted that even though, the Second Appeal was preferred before the Secretary, Revenue Department, Government of Tripura on 10.02.2022, but no hearing in connection therewith was conducted by the Respondents even after elapse of a considerable period of time and even, after elapse of a considerable period, no date was fixed for hearing of the said cases. Thereafter, apprehending that, the Official Respondents may proceed with the execution of the Order, dated 20.07.2012, the petitioner submitted a

letter dated, 02.05.2022 to the District Magistrate & Collector, West Tripura, thereby praying for not to take any action, in furtherance of the said Order dated 20.07.2012. Thereafter, in spite of the pendency of the Second Appeal and the request made by the Petitioner by his letter, dated 02.05.2022, the Sub-Divisional Magistrate, Sadar, West Tripura issued an Order, dated 05.05.2022, thereby directing the petitioner to handover the land in question, measuring 0.14 acre, under Hal Plot No.2822 & 2824 to the Private Respondent, in terms of the Order dated 20.07.2012, passed in Revenue Case No. 137/2012, within 10.05.2022. By the said Order, dated 05.05.2022, the Deputy Collector & Magistrate, Agartala Revenue Circle has also been directed to submit a Compliance Report, alongwith a written record of the said handing over, by 11.05.2022. Subsequently, on receipt of the said Order dated 05.05.2022, the petitioner submitted a letter to the District Magistrate & Collector, West Tripura on 07.05.2022, thereby praying for directing the Sub-Divisional Magistrate, Sadar, West Tripura not to take any action, in furtherance of the said impugned Order, dated 05.05.2022, since, the Second Appeal, assailing the Order dated 20.07.2012, was lying pending for disposal, but the same did not evoke any response.

[13] On 07.05.2022, the petitioner also submitted a Letter to the Second Appellate Authority, i.e., the Secretary, Revenue Department, Government of Tripura, thereby requesting for hearing the Second Appeal on the said day only, or to direct the Sub-Divisional Magistrate, Sadar, West

Tripura to not take any action, in furtherance of the said impugned Order dated 05.05.2022 but the same did not get any result. Situated thus, *inter alia* assailing the aforesaid Order, dated 05.05.2022, the petitioner had filed a Writ Petition, marked as WP(C) No. 397 of 2022, before this Court and by an Order, dated 10.05.2022, said Writ Petition was disposed of by this Court, staying the said Order dated 05.05.2022, and further directing the Secretary, Revenue Department, Government of Tripura, as under:-

“.....However, for substantive ends of justice, this court is of the view that the Secretary, Revenue Department, Government of Tripura shall first take decision on the application filed under Section 94 of the TLR & LR Act for condoning the delay. Thereafter, he will consider the appeal, depending on the outcome of the proceeding under Section 94 of the TLR & LR Act, and if he finds that the appeal should be heard on merit, he may pass order of stay of the order that has been challenged in the appeal, i.e. order dated 20.07.2012 (Annexure-6 to the writ petition).....”

[14] In pursuant to the said Order, dated 10.05.2022, the Principal Secretary, Revenue Department, Government of Tripura issued Notice upon the Petitioner, as well as to the Respondent No.5, to appear before him in person or by way of their engaged counsel on 21.05.2022, for the purpose of hearing of the said Condonation Case, marked as 06/Misc/Rev/PS/2022, arising out of 06/2nd Appeal/Rev/PS/2022, filed by the Petitioner. Accordingly, both the parties thereto appeared on 21.05.2022 and the petitioner side also advanced the submission before the official respondent authority. Thereafter, the Principal Secretary, Revenue Department, Government of Tripura passed an Order, dated 21.05.2022, impugned herein, thereby dismissing the Condonation Petition, as

well as the Second Appeal, preferred by the Petitioner. The relevant operative portion of the said Order dated 21.05.2022 is extracted hereunder:-

“.....After examination of all the facts and circumstances in the matter, it is observed that the Appellant has no Locus Standi to file this Second Appeal as they were not a party either at the first appeal case or in the original suite before the DM & Collector. Moreover, they could not show any justifiable cause for such long delay of 3432 days in filing this Second Appeal. Lack of knowledge about first appeal order dated 20/09/2012 for as long as upto August 2020 is not acceptable. Further, there is no convincing reason given for not filing appeal even thereafter till February, 2022 when despite Covid pandemic, the Govt. functionary was continuing their office work.

In view of the above position, as the Appellant were not a party in the first appeal, as no new facts and no new issue has been placed before this Court and as there is lack of satisfactory ground to condone the delay, this condonation petition is hereby rejected and consequently, the second appeal is also rejected.....”

[15] Thereafter, being aggrieved by the said Order, dated 21.05.2022, the Petitioner had preferred a Civil Revision Petition, marked as CRP No.65 of 2022, before this Court wherein, the present respondents were arrayed as parties in the said CRP 65/2022. Upon receipt of notice, the respondents submitted separate Counter Affidavits, *inter alia* challenging the contentions, made by the petitioner therein. This Court by its Judgment & Order (Oral), dated 30.03.2023, dismissed the said Civil Revision Petition (CRP No.65 of 2022) with the following observations:

“.....4. It is seen from the record that the present civil revision petition is filed under Article 227 of the Constitution of India aggrieved by the orders passed by the Principal Secretary in the condonation petition as well as in the second appeal under TLR & LR Act. Mr. S.S. Dey, learned Advocate General assisted by Ms. A. Chakraborty, learned counsel appearing for the respondents No.1 to 4 takes a preliminary objection of maintainability of the present revision petition under Article 227 of the Constitution of India against a respondent-State Government Officer who is neither a Court nor a Tribunal as defined under Article 227. On the other hand, Mr. Koomar Chakraborty, learned counsel appearing for the

petitioner, submits before this Court that since the respondent-officer has passed the orders under the capacity of quasi-judicial officer, the revision petition under Article 227 is maintainable. *****

6. It is seen from the above that the quasi-judicial officer is neither a Court nor a Tribunal as contemplated under the Constitution and thus, this Court cannot exercise any supervisory jurisdiction as contemplated under Article 227 of the Constitution of India upon a State Government officer. Accordingly, the objection of maintainability of the present revision petition is upheld.

7. In the result, the revision petition is dismissed.....”

[16] The petitioner herein filed a Review Petition vide No. Review Pet. 20 of 2023 before this Court for review of the aforesaid Judgment & Order (Oral), dated 30.03.2023. However, this Court vide Final Order dated, 19.05.2023, dismissed the said Review Pet. 20/2023 with the following observations:

“.....[60] It is seen from the above that the quasi-judicial officer is neither a Court nor a Tribunal as contemplated under the Constitution of India and thus, this Court cannot exercise any supervisory jurisdiction as contemplated under Article-227 of the Constitution of India upon a State government officer. In that view of the matter, the present review petition stands dismissed. As a sequel, miscellaneous applications pending, if any, shall stand closed.”

[17] Thereafter, the petitioner herein, challenged the aforesaid Orders, dated 30.03.2023 & 19.05.2023, before the Hon'ble Apex Court by filing Petition for Special Leave to Appeal (C) Nos. 25872-25873/2023. The Hon'ble Apex Court, vide Order, dated 18.02.2026, disposed of the said petition by leaving it open to the petitioner herein, to file a writ petition under Article 226 of the Constitution of India against the revisional Order, passed in exercise of power under Section 95 of the Act, 1960. All the issues, including the issue of limitation, also left open by the said order of the Honb'le Apex Court. The

relevant contents of the said order of the Hon'ble Apex Court is quoted as under:

“.....In that view of the matter, we find no grounds to interfere either with the impugned judgment 30.03.2023 passed by the High Court of Tripura at Agartala in CRP No. 65/2022 or the later order dated 19.05.2023 passed by the High Court in Review Petition No. 20/2023.

However, in the light of the relief granted in *Raj Kumari Goala (supra)*, we leave it open to the petitioner, Tufani Ram Bin, to file a writ petition under Article 226 of the Constitution of India against the revisional order passed in exercise of power under Section 95 of the Act, 1960.

All issues are left open, including the issue of limitation.

The special leave petitions are, accordingly, disposed of.

Pending application(s), if any, shall stand disposed of.....”

[18] Thereafter, since the Hon'ble Apex Court made an observation that the petitioner may file a writ petition under Article 226 of the Constitution of India instead of preferring civil revision petition under Article 227 of the Constitution of India, challenging the aforesaid impugned Order, dated 21.05.2022 passed by the Principal Secretary, Revenue Department, Government of Tripura, the petitioner has preferred the instant writ petition seeking the reliefs as quoted earlier.

[19] Mr. D. Paul, learned counsel appearing for the petitioner submits that from a bare perusal of the aforesaid impugned Order, dated 21.05.2022, it would manifestly reveal that the Condonation Petition, filed by the petitioner has been dismissed, on the ground that the Appellant(petitioner herein) has no *locus standi* to file the Second Appeal as they were not a party either at the first appeal case or in the original suit before the DM & Collector. It is argued that,

by the said finding, the Appellate Authority, i.e., the Principal Secretary, Revenue Department, Government of Tripura himself has admitted that the petitioner was actually not impleaded as a party during the First Appeal, as preferred by the Private Respondent, and hence, it is duly established that as the Respondent No.5 did not implead the present petitioner as a party thereto and without providing any opportunity of hearing to the petitioner, the Respondent No.5 proceeded with the said appeal and thereafter, without hearing the petitioner herein, vide an Order, dated 20.07.2012, has been passed behind the back of the petitioner. As a result, he neither had any knowledge regarding institution of such appeal, nor he was communicated regarding the outcome of the same, and for that reason, he could not prefer a Second Appeal, within the prescribed statutory period. He submits that, on that sole ground the delay in preferring the second appeal ought to have been condoned by the respondent authority.

[20] It is further contended by Mr. Paul, learned counsel for the petitioner that while passing the impugned order dated 21.05.2022, the Principal Secretary, Revenue Department, Government of Tripura had also made a grave error in not appreciating the order dated 10.01.2022 of the Hon'ble Supreme Court of India by which the period from 15.03.2020 till 28.02.2022 had been excluded for the purposes of limitation, prescribed under any general or special laws, in respect of all judicial or quasi-judicial proceedings. Learned counsel, therefore, urges before this Court to set

aside/quash the impugned order dated 21.05.2022 passed by the Principal Secretary, Revenue Department, Government of Tripura. To support his case, learned counsel for the petitioner has placed reliance on the judgment of the then High Court of Gauhati (Agartala Bench) passed in ***Hrishiraj Sharma and others vs. State of Tripura and others*** decided on 17.11.2009 reported in ***MANU/GH/0106/2009***.

[21] On the other side, Mr. S.M. Chakraborty, learned Advocate General assisted by Mr. Kohinoor N. Bhattacharya, learned G.A. representing the State opposes the submissions made on behalf of the petitioner. He submits that there is no infirmity in the order dated 21.05.2022 passed by the Principal Secretary, Revenue Department, Government of Tripura rejecting the condonation petition along with the second appeal since the petitioner was not a party in the first appeal and no new facts or issues have been placed. He further submits that in the order dated 20.07.2012 passed by the District Collector, West Tripura District in Revenue case No.137/12 it has been reflected that the proceeding land measuring 0.14 acre along with other lands were originally belonged to Prasad Bin & other predecessors of the respondents therein and Kamal Prava Devi, mother of the appellant (respondent No.5 herein) had purchased land measuring 4(four) kanis from Prasad Bin and other predecessors by registered sale deed. Thus, once the land is sold to the private respondent, the petitioner herein cannot claim ownership of the same. Moreover, the petitioner herein, could not show any justifiable cause for such

long delay of 3432 days in filing this Second Appeal before the Principal Secretary, Revenue Department, Government of Tripura and in the impugned order dated 21.05.2022 passed by the Principal Secretary, Revenue Department, Government of Tripura, it has been reflected that no convincing reason was given for not filing appeal even thereafter till February, 2022 when despite COVID pandemic, the Govt. functionary was continuing their office work. Mr. Chakraborty, learned Advocate General, therefore, urges before this Court to dismiss the instant writ petition.

[22] Mr. K. Roy, learned counsel appearing for the respondent No.5 submits that the proceeding land is a recorded land of the respondent no.5 herein, who is a tribal and any person being non-tribal community cannot occupy his land without valid transfer deed as per provision of Section 187 of the TLR & LR Act, 1960 without producing such valid documents. During the course of argument, Mr. Roy, learned counsel for respondent No.5 has also brought to the notice of this Court the order dated 20.07.2012 passed by the District Collector, West Tripura District in Revenue case No.137/12 contending that since respondent No.5 is the lawful owner of the land in question who belongs to tribal community, his land cannot be possessed by any non-tribal person illegally. According to him, the issue of ownership has rightly decided by the District Collector by the said order dated 20.07.2012. He, therefore, urges this Court to dismiss the instant writ petition.

[23] Heard learned counsel appearing for the respective parties.
Perused the material evidence on record.

[24] To test the case of the petitioner whether he is entitled to get any relief by filing this present writ petition, it is necessary to peruse the following provisions of the Tripura Land Revenue and Land Reforms Act, 1960 (TLR & LR Act for short), which is extracted as under:

Section 93-

“93. Appeals.—(1) Save as otherwise expressly provided, an appeal shall lie from every original order passed under this Act,—

- (a) if such an order is passed by an officer subordinate to the sub-divisional officer, to the sub-divisional officer;
- (b) if such an order is passed by the sub-divisional officer, to the Collector;
- (c) if such an order is passed by the Collector, to the #[State Government];
- (d) if such an order is passed by an assistant survey and settlement officer, to the survey and settlement officer or to a revenue officer notified by the #[State Government] in the Official Gazette to be the appellate authority; and
- (e) if such an order is passed by a survey and settlement officer, to the director of settlement and land records or to a revenue officer notified by the #[State Government] in the Official Gazette to be the appellate authority.

(2) A second appeal shall lie against any order passed in first appeal,—

- (a) if such an order is passed under clause (a) of sub-section (1) to the Collector;
- (b) if such an order is passed under clause (b) of sub-section (1), to the #[State Government];
- (c) if such an order is passed under clause (d) of sub-section (1), to the director of settlement and land records or to a revenue officer notified by the #[State Government] in the Official Gazette to be the second appellate authority; and
- (d) if such an order is passed under clause (e) of sub-section (1), to the #[State Government]”

Section 94

“94. **Limitation of appeals.**—(1) No appeal shall lie,—

(a) in the case of a first appeal, after the expiry of thirty days from the date of the order appealed against; and

(b) in the case of a second appeal, after the expiry of sixty days from the date of the order appealed against.

(2) In computing the above periods, the time required to obtain copies of the order appealed against shall be excluded.”

Section 187

“**187. Special provision regarding Scheduled Tribes.**—No transfer of land by a person who is a member of the Scheduled Tribes shall be valid unless—

(a) the transfer is to another member of the Scheduled Tribes; or

(b) where the transfer is to a person who is not a member of the Scheduled Tribes, it is made with the previous permission of the Collector in writing in the manner to be prescribed by rule; or

(c) the transfer is by way of mortgage to a co-operative society or to a bank or to the Tripura Housing Board, or to the Central or the State Govt. or any other financial institutions or corporations as may be notified by the Govt. in the Official Gazette from time to time for the purpose:

Provided that the land so mortgaged in pursuance of clause (c) shall not be transferred by such mortgagee to a person who is not a member of the Scheduled Tribes.....”

[25] It is noticed by this Court that both the parties are agitating on the point of entries in the revenue records on the strength of which, they try to establish the ownership. On behalf of respondent No.5, it is categorically stated that they have purchased the property vide registered sale date before the properties were notified as a tribal land and regulations came into force imposing restrictions. The property was purchased from the grand-father of the petitioner way back late 1960s and the petitioner herein has failed to place on record the title deeds in respect of his share or over the entire property and in the present writ, there are no other necessary parties either from the family of

the petitioner /coparceners or other family members who succeeded to the said property i.e. legal heirs of the original owner '*late Raghunandan Bin*'. This Court finds that the revenue entries are ancillary and consequential actions once ownership is established. Any recitals or observations made in any proceedings cannot be taken on record as title-deed/ownership document/sale-deed unless flow of title is properly proved and established. In this aspect, for the purpose of reference, the relevant contents of the judgment of the Hon'ble Apex Court passed in ***Vadiyala Prabhakar Rao & others v. The Government of Andhra Pradesh and others*** vide case No. ***Special Leave Petition (Civil) Nos. 27590 of 2025*** is quoted hereunder:

“.....16. Let us summarise the precedents on Revenue Entries and their legal effect on the question of title:

16.1 Entries in Revenue Records or *Jamabandi* serve only a “fiscal purpose”. Their primary function is to enable the person whose name is mutated in the records to pay the land revenue in question. [*Suraj Bhan v. Financial Commissioner*, (2007) 6 SCC 186; *Jitendra Singh v. State of MP*, 2021 SCC OnLine SC 802; *Bhimabai Mahadeo Kambekar v. Arthur Import & Export Co.*, (2019) 3 SCC 191; *Sawarni v. Inder Kaur*, (1996) 6 SCC 223.]

16.2 A Revenue Record is not a document of title and does not confer any ownership or title upon the person whose name appears in it. [*Suraj Bhan*, (*supra*); *Gurunath Manohar Pavaskar v. Nagesh Siddappa Navalgund*, (2007) 13 SCC 565; *State of A.P. v. Star Bone Mill & Fertiliser Co.*, (2013) 9 SCC 319; *Jitendra Singh* (*supra*).] Further, mutation does not create or extinguish title and has absolutely no presumptive value regarding title. [*Balwant Singh v. Daulat Singh (D) By Lrs.*, (1997) 7 SCC 137; *Sawarni* (*supra*); *Bhimabai Mahadeo Kambekar*, (*supra*)]

16.3 The mere acceptance of municipal or agricultural taxes, or the granting of a bank loan based on these records, does not stop the State from challenging the ownership of the land. [*Star Bone Mill & Fertiliser Co.* (*supra*)]

16.4 While they do not prove title, Revenue Records can raise a presumption regarding possession. [*Gurunath Manohar Pavaskar* (*supra*);

Star Bone Mill & Fertiliser Co. (supra)] Maintenance and custody of Revenue Records is the exclusive domain of the Patwari, and it is not uncommon that Revenue Records are often tinkered with by him to suit the exigencies. [*Guru Amarjit Singh v. Rattan Chand*, (1993) 4 SCC 349.]

16.5 Stray or solitary entries recorded for a single year do not raise a presumption of rights and cannot be relied upon against a long, consistent course of revenue entries in favour of another party. [*Bhimeshwara Swami Varu Temple v. Pedapudi Krishna Murthi*, (1973) 2 SCC 261; *Salem Municipality. (supra)*]

16.6 The creation of fabricated records in collusion acts as a camouflage to defeat the legal rights of the actual tiller, and the Government is not bound by them. [*Baleshwar Tewari v. Sheo Jatan Tiwary*, (1997) 5 SCC 112 ; *State of Punjab v. Sadhu Ram*, (1997) 9 SCC 544.]

17. For the limited purpose of appreciating the case of Appellants, we notice that the two Revenue Records are (i) Faisal Patti for 1342F, and (ii) Vasool Baqi for 1352F. The Pahanie copy of the village for the Faslis 1346-1356, shown in Column No. 3, records Survey No. 81 of Kalvalanagaram as Jungle. At best, the Pahanies, as is evident to a mere perusal, are unauthorised entries or mutations. The law is well settled that, through Revenue entries, the claim to title is not proved. Further, in a Writ of Certiorari, the learned Single Judge declared the title of the Appellants. On perusal of these documents, and appreciating the intrinsic quality deficiency and the contradictory mutation, it is noted that Subject Matter is recorded as “Jungle” (meaning Forest), and the names of private individuals were recorded in one of the columns. These entries are not supported by a patta or an Order lawfully made, authorising mutation as per the extant procedure. This Court, in *Sohan Lal v. Union of India and another*, [(1957) 1 SCC 439.] noted that proceedings under Article 226 of the Constitution of India are not the appropriate forum for resolving serious disputes concerning questions of fact and title to property. Investigating these claims is the proper function of a civil court in a regularly constituted suit, rather than of a court exercising the prerogative to issue writs.

18. The Appellants, on 09.11.1990, moved the Joint Collector for the exclusion of Subject Matter from the proposed declaration as Forest Land/Reserve Forest. The Joint Collector, in our considered view, rightly rejected the claim because the Appellants failed to prove the primary document through which title to the property is claimed by them. The Revenue Record/entries for the limited purpose of appreciating the case are truncated and contradictory. The learned Single Judge, notwithstanding the above deficiencies in the quality of documentary evidence relied on by the Appellants, declared the entitlement of the Appellants to the Subject Matter. To wit, and also for clarity, we excerpt the same as under:

“In the result, the writ petition is allowed making Rule Nisi absolute quashing the impugned order dated 19-5-2003 passed by

the Joint Collector, Khammam in Case No. B2- 6359/87 and declaring that the proceedings relating to reserving Ac. 600-00 in S.No.81 of Kalavalanagarm village as forest block of Kalavalanagaram are ultra vires and non est in the of law. No costs.”

19. The Appellants, having moved the Joint Collector, failed to establish their claim to the Subject Matter. The impugned judgment has examined how the learned Single Judge erred in expanding the scope of Judicial Review under Article 226 of the Constitution of India. The Writ Prayer might have been one for Writ of Mandamus, keeping in perspective the nature of the challenge to the order of the Joint Collector dated 19.05.2003. The prayer, in essence, was, however, for a Writ of Certiorari. The Writ of Certiorari, as it is axiomatic, lies on limited grounds, i.e., (i) want of jurisdiction, (ii) excess of jurisdiction, (iii) violation of the principles of natural justice, and (iv) an error of law apparent on the face of the record.

20. In our view, the learned Single Judge expanded the scope of judicial review, and for all purposes declared the claim of the Appellants as maintainable for the title to the Subject Matter. Such a course is unavailable, and the same has been rectified through the impugned judgment. Having noted the Claim and the documents on which the Appellants are relying, we are of the view that the life of the litigation need not be extended by leaving open a few non-existing issues for decision, either by an Authority or a Court.

21. Consequently, the Civil Appeal fails and is dismissed. No order as to costs. Pending application(s), if any, stand disposed of accordingly.”

[26] In many other matters pertaining to land acquisition appeals, such as, LA App. Nos.67 of 2023, 68 of 2023, 69 of 2023, 70 of 2023, 71 of 2023, 72 of 2023, 73 of 2023, 74 of 2023, 75 of 2023 etc., where ownership was not proved and the occupants of the land made an attempt to claim compensation for the land which was acquired, this Court held that no compensation can be claimed unless the ownership is proved and revenue entries like as in khatian, cannot be treated as title over the property and it is only a secondary document and preliminary/primary document to be considered as evidence in land-dispute matters is the flow of title. The petitioner has not

filed any title deeds, despite this Court granted reasonable opportunity as prayed and adjourned the case at the request of the petitioner, no sale deeds or title deeds are filed in Court. Since the same is missing in favour of the petitioner an adverse inference is drawn by this Court and on perusal of the judgment of the Hon'ble Apex Court passed in *Vadiyala Prabhakar Rao & others (supra)*, this Court is not inclined to consider the submissions made on behalf of the petitioner. Hence, the present writ petition filed by the petitioner is liable to be dismissed and accordingly the same is dismissed.

[27] However, since it is a disputed question of facts with regard to extent and possession and the title, this Court leaves it open for the respective parties to approach the civil court if so advised, by way of filing appropriate suit in accordance with law.

[28] In terms of the above, the writ petition is hereby dismissed. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

DR. T. AMARNATH GOUD, J.

Sabyasachi G.

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