

Ananda Marga School vs The State Of Tripura on 15 May, 2026

Author: T. Amarnath Goud

Bench: T. Amarnath Goud

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TRHC010010192025

2026:THC:622

HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.360 OF 2025

1. Ananda Marga School,
Bishalgarh, Sipahijala, Tripura-799102,
To be represented by Authorized signatory,
& its Chairman, Sri Nani Gopal Debnath,
S/o- Lt. Sachindra Chandra Debnath,
Resident of Village-Ambagan,
P.O. & P.S.-Bishalgarh,
District- Sepahijala Tripura, Pin-799102.

2. Ananda Marga Pracaraka Samgha,
To be represented by its General Secretary,
Acarya Bhaveshananda Avadhutta, S/o-
Shri Shri Anandamurtiji, registered Office at
Ananda Nagar, P.O.- Baglata, District-
Residing at 527, VIP Nagar, Police Station-
Anandapur, District-South 24 Paraganas,
Kolkata-700100

..... Petitioner(s)

Versus

1. The State of Tripura
(To be represented by the Secretary,
Revenue Department, Government of Tripura)
New Secretariat Building,
New Capital Complex, Kunjaban,
P.S.- New Capital Complex,
Agartala, West Tripura, PIN-799006.

2. The District Magistrate and Collector,
Bishramganj, District- Sipahijala, Tripura.

3. The Sub-Divisional Magistrate,
Bishalgarh, Sepahijala, Tripura.

..... Respondent (s)

For the Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.

Mr. S. Bhattacharjee, Advocate.

Mr. K. Nath, Advocate.

Ms. S. D. Barman, Advocate.

Ms. A. Debbarma, Advocate.

Mr. D. Paul, Advocate.

For the Respondent(s) : Mr. S.M. Chakraborty, Advocate General.

Mr. P. Gautam, Sr. G.A.
Mr. Kohinoor N. Bhattacharyya, G.A.
Mr. K. De, Addl. G.A.

Date of hearing : 11.05.2026.

Date of delivery of
Judgment & Order : 15/05/2026

Whether fit for reporting : YES.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
JUDGMENT & ORDER

1. The present writ petition has been filed by the petitioners under Article 226 of the Constitution of India seeking issuance of an appropriate writ, order and/or direction, particularly in the nature of mandamus, for quashing the communication dated 22.03.2025 issued by the District Magistrate & Collector, Sepahijala District, Bishramganj, whereby the prayer of the petitioners for allotment of Government khas land was not acceded to. The petitioners have further prayed for a direction upon the respondents to issue formal allotment order in favour of the petitioner No.1 in respect of land measuring 0.250 acre appertaining to R.S. Plot Nos. 6186, 6185 and 6183 under Khatian No.1/220 situated at Mouja Bishalgarh, Teshil Bishalgarh, Revenue Circle Bishalgarh, Sepahijala District.

2. The fact of the case is brief is that Petitioner No. 2, namely Ananda Marga Pracaraka Samgha, is stated to be a society duly registered under the Societies Registration Act, 1961, and has been running Ananda Marga School, Bishalgarh, since the year 1984. Petitioner No. 1, namely the school, is stated to be situated at Bishalgarh in the district of Sepahijala, Tripura. According to the petitioners, the school is a recognized educational institution and, over time, has come to be

affiliated with the Central Board of Secondary Education (CBSE). It is further pleaded that the school has a substantial student strength and has been rendering educational service to the locality for several decades.

3. It is the pleaded case of the petitioners that the school is presently established over land measuring about 0.31 acre belonging to it. In addition thereto, the petitioners claim to have been in permanent possession and use, since 1984, of adjacent Government khas land measuring 0.250 acres, comprised in R.S. Plot No. 6186 measuring 0.09 acres, R.S. Plot No. 6185 measuring 0.12 acres, and R.S. Plot No. 6183 measuring 0.04 acres, under Khatian No. 1/220, Mouja Bishalgarh, Tehsil Bishalgarh, Revenue Circle Bishalgarh, Sub-Division Bishalgarh, District Sepahijala. According to the petitioners, the said land has been developed by the school through filling and leveling and has been used as part of the school campus, particularly for the benefit of the students.

4. The petitioners assert that the aforesaid adjacent khas land is urgently required for expansion of the school and for fulfillment of the infrastructural requirements prescribed by CBSE, particularly for upgradation to the Senior Secondary stage.

5. With a view to obtaining formal allotment of the said land, an application dated 18.05.2016 was submitted before the District Magistrate & Collector, Bishramganj, Sepahijala, seeking allotment of the khas land in favour of Petitioner No. 1. The said application, as pleaded, was supported by signatures of guardians, teachers and members connected with the school and highlighted the necessity of such allotment for the welfare of the institution and the students.

6. Pursuant thereto, the matter was enquired into by the revenue authorities. On 28.10.2016 Tehsildar, Bishalgarh T.K., submitted a report to the Deputy Collector & Magistrate, Bishalgarh Revenue Circle, wherein, upon physical enquiry, it was reportedly found that the aforesaid plots measuring in total 0.25 acres were occupied by Ananda Marga School, Bishalgarh. On the basis of such enquiry, the Tehsildar recommended that the land may be allotted in favour of the school.

7. The record, as pleaded by the petitioners, further reveals that the matter was placed before the Sub-Divisional Level Land Allotment Site Selection Committee, which, in its decision dated 02.12.2016, approved allotment of the said land measuring 0.250 acres in favour of Ananda Marga School. Thereafter, by letter dated 08.12.2016, the Sub-Divisional Magistrate, Bishalgarh, Sepahijala District forwarded the allotment proposal in favour of the school to the District Magistrate & Collector, Sepahijala District, requesting necessary action. Along with the said proposal, proceedings under Section 14(1) of the Tripura Land Revenue and Land Reforms Act, 1960 were also forwarded, wherein the value of the land was assessed at Rs. 7,50,000/-.

8. According to the petitioners, despite the aforesaid recommendation and forwarding of the proposal in the year 2016, no final allotment order was issued by the District Magistrate. The petitioners contend that the authorities remained inactive and that the school authorities repeatedly approached the respondents requesting completion of the allotment process. In that regard, the petition refers to several representations submitted from time to time by the school management, the society, teachers, guardians and others, particularly in the years 2023, 2024 and 2025, urging

the authorities to accept the premium and grant allotment of the land.

9. The petitioners have specifically referred to representations dated 21.07.2023, 03.06.2024, 11.07.2024, 28.08.2024, and 05.11.2024, addressed to different competent authorities, including the Secretary, Revenue Department, the Sub-Divisional Officer and the District Magistrate & Collector. The consistent stand in those representations, as pleaded, was that the petitioners were ready and willing to pay the premium amount and that allotment of the land was necessary for upgradation of the school to the Senior Secondary level under CBSE norms.

10. In the midst of the above, a dispute appears to have arisen with one Gouri Rani Saha, described in the writ petition as the northern neighbour of the school. According to the petitioners, she and her men attempted to disturb the possession of the school over the disputed land, compelling Petitioner No. 1 to institute Title Suit No. 06 of 2024 before the Court of the Civil Judge (Junior Division), Court No. 2, Bishalgarh, seeking declaration of right, title and interest and permanent injunction. It is pleaded that, in the said suit, an interim injunction order dated 05.06.2024 was passed restraining the defendant and her agents from entering into the suit land until disposal of the suit or until further orders.

11. The petitioners, however, further state that the said suit was subsequently withdrawn by order dated 23.04.2025 with liberty to file afresh, and that, as a consequence, at present there is no subsisting dispute pending in respect of the land in question.

12. It is further pleaded that, due to the indecision of the respondents, the petitioners were constrained to approach this Court earlier by filing W.P.(C) No. 827 of 2024, praying for a direction upon the respondents to issue allotment order in favour of Petitioner No. 1 on the basis of the approval granted by the Sub-Divisional Level Land Allotment Site Selection Committee on 02.12.2016. By order dated 06.01.2025, this Court directed the respondents to consider the case of the petitioners in accordance with law within a period of two months from the date of receipt of the order. The petitioners state that the said order was duly forwarded to the respondents by a forwarding letter dated 10.01.2025.

13. The petitioners further refer to a communication dated 07.03.2025 issued by the Sub Divisional Level Land Allotment Committee, informing the Sub-Divisional Magistrate that suitable Government khas land had been identified for Ananda Marga School in the aforesaid plots measuring in total 0.250 acres. The records were thereafter placed before the competent committees for consideration.

14. It is then pleaded that the Sub-Divisional Magistrate, Bishalgarh, initiated proceedings under Section 14(2) of the Tripura Land Revenue and Land Reforms Act, 1960 and, by proceeding dated 07.03.2025, recommended the proposal for allotment of the said land in favour of Ananda Marga School with premium as an exceptional case. In the said proceeding, reference was also made to Rule 11(b) of the Tripura Land Revenue and Land Reforms (Allotment of Land) Rules, 1980, and it was noted that the proposed land was situated within the municipal area.

15. Thereafter, instead of granting allotment, the District Magistrate & Collector, Sepahijala District, by letter dated 05.02.2025, returned the earlier allotment proposal for review. The grounds indicated in the said communication were, absence of encumbrance-free certificate, the fact that the committee which had approved the proposal in 2016 no longer existed and a fresh committee had since been constituted in August 2023, and the need to recalculate the premium on the basis of the current market value of the land.

16. Following the aforesaid development, the matter was reconsidered afresh by the authorities at the sub-divisional level. The petitioners rely upon a Non-Encumbrance Certificate dated 07.03.2025 jointly issued by the Sub-Divisional Magistrate, Bishalgarh and the Deputy Collector & Magistrate, Bishalgarh, certifying that a portion of Ananda Marga School existed on R.S. Plot Nos. 6186 and 6185, and that Plot No. 6183 was free from encumbrances.

17. On the same date, i.e. 07.03.2025, the Sub-Divisional Level Land Allotment Committee is stated to have approved allotment of land measuring 0.250 acres in favour of Petitioner No. 1 with premium as an exceptional case. Likewise, the Site Selection Committee, also in its proceeding dated 07.03.2025, approved the allotment proposal in favour of the school in respect of the same land. Thus, according to the petitioners, the recommendation earlier made in 2016 stood reaffirmed by the newly constituted committees in the year 2025 after fresh scrutiny of the relevant documents.

18. Notwithstanding the aforesaid recommendations, the District Magistrate & Collector, Sepahijala District, by the impugned letter dated 22.03.2025, informed Petitioner No. 1 that the application for land allotment was regretted. The reasons assigned in the impugned communication, as set out in the writ petition, were that a land dispute had occurred in respect of the plots in question, that proceedings under Section 145(1) Cr.P.C. had earlier been initiated. That the subject land was not completely encumbrance-free, and that under Rule 11(b) of the 1980 Rules no town land can be allotted without prior sanction of the State Government and except for the purpose of homestead. On the said reasoning, the District Magistrate concluded that allotment of the disputed land in favour of one of the contesting parties and allotment for a school would not be proper.

19. Aggrieved thereby, the petitioner has preferred this present writ petition seeking the following reliefs:-

"i. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order direction/directions shall not be issued whereby quashing the letter, dated, 22.03.2025, issued by the District Magistrate and Collector, Sepahijala District, Bishramganj.

ii. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction/directions shall not be issued whereby directing the Respondents to issue Allotment Order in favour of the Petitioner No 1 in consequence of decision taken by Sub-Divisional Level Land Allotment Site Selection Committee on 02.12.2016, wherein the land allotment committee has given approval for allotment of land measuring 0.250 acres in favour of the Petitioner No 1.

iii. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction/directions shall not be issued whereby directing the Respondents to issue Allotment Order in favour of the Petitioner No 1 in consequence of decision taken by Sub-Divisional Level Land Allotment Committee on 07.03.2025, wherein the land allotment committee has given approval for allotment of land measuring 0.250 acres in favour of the Petitioner No 1.

iv. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction/directions shall not be issued whereby directing the Respondents to issue Allotment Order in favour of the Petitioner No 1 in consequence of decision taken by the Site Selection Committee on 07.03.2025, wherein the Site Selection committee has given approval for allotment of land measuring 0.250 acres in favour of the Petitioner No 1.

V. Make the rules absolute, vi. Call for records vii. Pass any further order/orders as this Hon'ble High Court considered fit and proper."

20. Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Mr. S. Bhattacharjee, learned counsel and Mr. K. Nath, learned counsel appearing for the petitioners as well as Mr. S.M. Chakraborty, learned Advocate General and Mr. P. Gautam, learned Sr. G.A., appearing for the respondents.

21. Mr. P. Roy Barman, learned senior counsel appearing for the petitioners, contended that the impugned order of rejection dated 22.03.2025 is a result of gross non-application of mind, as it arbitrarily brushes aside the consistent recommendations made by the competent statutory committees in 2016 and again on 07.03.2025. He argued that the school, which has been in peaceful possession of the subject land since 1984, requires this 0.250-acre parcel not for private gain, but for a clear public utility purpose, namely, the expansion of its infrastructure to secure Class XI and XII affiliation from the CBSE. Learned senior counsel further submitted that once the Sub-Divisional Magistrate and the newly-constituted Land Allotment Committees had formally approved the proposal as an "exceptional case" and issued a Non-Encumbrance Certificate, the District Magistrate had no legal justification to block the allotment by citing a withdrawn civil dispute or local land rules that actually permit allotment with State sanction. Rather, the authorities were duty-bound under Section 14 of the TLR & LR Act to facilitate such public-utility expansion instead of taking a hyper-technical and obstructive stance that infringes upon the petitioners' legitimate expectation and the educational interests of the community.

22. On the other hand, Mr. S.M. Chakraborty, learned Advocate General appearing for the respondents vehemently opposed the writ petition and supported the impugned order of rejection dated 22.03.2025, contending that no legal or fundamental right of the petitioners has been infringed. It is submitted that the State Government, being the lawful owner of the subject land which is admittedly Government khas land, exercised due diligence and fairness in considering the petitioners' request and, in fact, left no stone unturned in examining the proposal by constituting and reconstituting the competent committees at different stages. Thus, there is no question of arbitrariness or discrimination against the petitioners. Learned Advocate General submits that the

entire foundation of the petitioners' case, namely, that allotment of land is necessary for obtaining CBSE affiliation is wholly misconceived and unsupported by any documentary evidence, inasmuch as CBSE has not even been impleaded as a party, nor has any communication been placed on record to show that additional land is a mandatory pre-condition for grant of affiliation. It is further contended that the subject land is admittedly situated within the Bishalgarh Municipal area, and therefore the case squarely attracts Rule 11(b) of the Tripura Land Revenue and Land Reforms (Allotment of Land) Rules, 1980, which clearly provides that no town land shall be allotted without prior sanction of the State Government and except for the purpose of homestead. Since the petitioners seek allotment for running and expanding a school, which is not a homestead purpose, the proposal is legally impermissible. Learned Advocate General submits that although Section 14 of the TLR & LR Act confers power upon the State to allot land, such power is not absolute and is subject to the restrictions contained in the Rules, particularly Rule 11, and once the statutory bar applies, the recommendations of subordinate committees cannot override the mandate of law. It is further argued that there exists a serious dispute regarding possession of the land between the petitioner school and one Gouri Rani Saha, and a civil suit had been instituted in that regard, thereby rendering the land not free from encumbrance. In such circumstances, the State was fully justified in declining allotment. Learned Advocate General emphasizes that the petitioner cannot, as a matter of right, seek a writ of mandamus to compel the State to part with its land, as no person can compel the owner of a property, including the Government, to transfer or allot land, particularly when the request is contrary to statutory provisions. Stating thus learned Advocate general submitted that the decision of the District Magistrate is in consonance with law, based on relevant considerations, and does not warrant interference of this Court.

To support his argument that the writ petitioner herein should establish legal right and sympathy or sentiment alone cannot form the basis of issuing writ of or in the nature of mandamus, learned Advocate General relied upon the Judgment of the Hon'ble Supreme Court reported at (2009) 15 SCC 436 tiled as Shesh Mani Shukla Vs. District Inspector or Schools, Deoria and ors., bearing No. Civil Appeal No.4966 of 2009, decided on July 31st, 2009, wherein the Hon'ble Apex Court observed that "the writ petitioner must estlablsh a legal right in himself and a corresponding legal duty in the state. Sympathy or sentiments alone, it is well settled, cannot form the basis of issuing a writ of or in the nature of mandamus."

23. Heard and perused the evidence on record. Before delving in the reasoning and conclusion of the case let us quote Section 11 and Section 14 of The Tripura Land Revenue and Land Reforms(Allotment of Land) Rules 1980 for better appreciation of the matter in hand.

11. Allotment of land within certain distance of roads and town lands:

Notwithstanding anything contained in the foregoing rules-

(a) no land lying within fifteen metres of the centre line of any public road in a town or within twenty meters of centre line of any main road or within five meters of the centre line of any village road shall be allotted exceptional measure and without prior sanction of the State Government.

b) no town land shall be allotted without prior sanction of the State Government and except for the purpose of homestead.

14. Allotment of land for the purpose of industry or for any purpose of public utility:

The allotment of land under sub-section (2) of section 14, shall be subject to the following conditions namely-

(i) the allottee shall be liable to pay a premium equal to the market value of the land:

Provided that the State (Government may, by order, exempt any allottee from the payment of the whole or any part of the premium or permit any allottee to pay the premium in such number of annual instalments, not exceeding twenty, as may be specified therein together with interest at two and half person per annum on the unpaid amount;

(ii) the allottee shall be liable to pay such land revenue as may be specified in the allotment order:

provided that the land revenue so specified shall not exceed the land revenue in accordance with section 19:

(iii) the land shall be liable to be resumed by the Government if used for a purpose other than that for which it has been allotted, or if the allottee has committed breach of any of the conditions of allotment;

(iv) no compensation shall be payable by the Government on account of resumption any land under clause (iii) except when a premium has been paid by the allottee in respect of the allotment of land; and in a case where such premium has been paid the compensation payable by the Government shall be the amount so paid as premium or the market value of the land at the time of resumption whichever less;

(v) if the land be resumed by Government it shall have the option of-

(a) taking over any construction built on the land on payment of their cost or their market value at the time of resumption, whichever be less; or

(b) requiring the allottee to remove the construction and to restore the the land to its original condition within a reasonable period to be fixed by the State Government from time to time, should the allottee fail to comply with the order for removal of construction or to restore the land to its original condition within the time so fixed or, as the case may be, within the extended period, the construction shall vest in the Government without payment of any compensation therefore and the cost incurred in restoring the land to its original condition shall be recoverable on the allottee as

arrear of land revenue; and

(vi) any other condition which the State Government may consider reasonable to impose, in view of the special circumstances of any individual cases."

24. The principal grievance of the writ petitioner is that it is running an educational institution with good academic results and, for the purpose of expansion and diversification, particularly to extend facilities under CBSE for higher classes, it requires the subject land, and that due to non-availability of such additional land, its expansion has been hindered. However, upon careful consideration, this Court finds that the said contention is not supported by any cogent or reliable material on record. The petitioner has failed to place any documentary evidence to substantiate that it had taken concrete steps for such expansion. No application, representation or communication addressed to the Central Board of Secondary Education has been produced before this Court to demonstrate that additional land is a prerequisite for grant or continuation of affiliation. There is also no material to show that CBSE had ever indicated that upon allotment of additional land, affiliation would be granted or extended. In absence of such foundational evidence, the submissions advanced by the learned senior counsel for the petitioner remain without any factual basis. Mere reliance upon recommendations of the years 2016 and 2025 without any contemporaneous material showing present necessity, is of no avail to the petitioner.

25. It is an admitted position that the subject land is Government khas land. Therefore, any claim for allotment thereof has to be strictly tested on the touchstone of the statutory scheme governing allotment of Government land. A plain reading of Rule 11 of the Tripura Land Revenue and Land Reforms (Allotment of Land) Rules, 1980 makes it abundantly clear that no town land shall be allotted without prior sanction of the State Government and except for the purpose of homestead. In the present case, from the pleadings and materials on record, it appears that the subject land falls within the Bishalgarh Municipal area and is thus covered by the expression "town land" within the meaning of Rule 11(b). The petitioner is not seeking the land for the purpose of homestead, but for expansion of a school institution. Therefore, the very nature of the petitioner's claim runs contrary to the express restriction contained in Rule 11(b). Once the Rule itself places a clear embargo upon allotment of town land except for homestead and that too without prior sanction of the State Government, this Court cannot issue a direction contrary to the statutory mandate.

26. This Court is also unable to accept the contention that Rule 14, which deals with allotment of land for the purpose of public utility, creates any enforceable right in favour of the petitioners. Rule 14 only lays down the conditions subject to which allotment may be made under sub-section (2) of Section 14 of the Act, such as payment of premium, payment of land revenue, liability to resumption, and such other conditions as the State Government may consider reasonable in the special facts of an individual case. The said Rule is thus conditional and enabling in nature. It does not mandate that land must necessarily be allotted whenever a claim of public utility is raised. The power remains that of the State Government, to be exercised in accordance with law, subject to the restrictions imposed by the Rules themselves. Hence, Rule 14 cannot be read in isolation so as to override the express bar contained in Rule 11(b).

27. Further, with regard to the issue of possession and claim over the subject land, it appears from the record that there has been a dispute involving one Gouri Rani Saha (Paul) and the petitioner-institution, and proceedings had been initiated in respect thereof. In view of such dispute, this Court is not inclined to enter into the questions relating to title or possession over the land. Moreover, considering the prevailing legal position and the surrounding circumstances, this Court is of the view that the existence of such dispute also does not justify issuance of any direction for allotment in favour of the petitioner.

28. No doubt, as a welfare State, the respondents are guided by the Directive Principles of State Policy enshrined in Part IV of the Constitution of India. Specifically, Article 41 directs the State to make effective provision for securing the right to education, while Article 47 mandates the State to regard the improvement of public health and the provision of adequate nutrition as among its primary duties. However, in the present case, it is not the contention of the petitioner that its foundational right to impart education has been deprived or curtailed by the State. The petitioner institution is admittedly already operational and functional with several faculties as indicated in the pleadings. The present dispute does not pertain to the denial of the right to education, but rather to a request for territorial expansion. While the State has a duty to provide education to its citizens, an individual institution cannot, under the garb of a welfare mandate, compel the Government to part with specific parcels of its own land. Here the petitioner seeks to mandate the respondents to divest themselves of Government property in its favour for expansion purposes, such a demand appears to be unreasonable and is not supported by any specific law.

29. Consequently, since the petitioner has no vested legal right to claim the allotment of a particular piece of Government khas land as a matter of right, its legal and constitutional rights cannot be said to have been infringed by the refusal of the Government to grant such allotment. The Doctrine of Public Policy and the Constitutional mandates of a welfare State do not create a legal obligation on the State to distribute its land resources to a private entity merely upon its demand for institutional growth.

30. In view of the above discussion, this Court finds that the submissions advanced on behalf of the petitioner are not convincing and do not warrant interference of this Court.

31. Accordingly, the writ petition stands dismissed. As a sequel, stay if any stands vacated. Pending application(s) if any also stands closed.

DR. T. AMARNATH GOUD, J Suhanjit RAJKUMAR SUHANJIT SINGHA Digitally signed by RAJKUMAR SUHANJIT SINGHA Date: 2026.05.15 15:05:15 +05'30'