

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.268 of 2026

1. Sri Chayan Pal (62 years), son of late Thakur Chand Pal, resident of flat No. H/5 Geetanjali Apartment (East side of Rabindrapalli, Govt. Quarter), H.G. B. Road P.O. Agartala, P.S. West Agartala, District: West Tripura, PIN-799001.

.....Petitioner

_V_E_R_S_U_S_

1. The Agartala Municipal Corporation represented by its Municipal Commissioner, East Zone, Agartala, West Tripura.
2. The Municipal Commissioner, Agartala Municipal Corporation, East Zone, Agartala, West Tripura.
3. The Assistant Municipal Commissioner, East Zone, Agartala, West Tripura
4. The Chief Executive Officer, Agartala Municipal Corporation.
5. The Executive Officer, Eastern Zone, Agartala Municipal Corporation.
6. Sri Dipak Paul @ Dipak Kr. Pal, son of late Thakur Chand Pal, resident of Math Chowmuhani, College Road P.S. East Agartala, P.O. Agartala College, District: West Tripura, PIN-799003.

.....Respondents

For Petitioner(s)	:	Mrs. Sujata Deb (Gupta), Advocate. Mr. R. Gope, Advocate.
For Respondent(s)	:	Mr. A. Bhaumik, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

20.04.2026

Heard.

[2] The present petition has been filed under Article-226 of the Constitution of India for directing the respondents to comply the order dated 03.10.2023 passed by the learned Municipal Appellate Tribunal, Agartala and further, directing the respondent No.3 to execute the orders dated 27.11.2020 and 29.06.2021.

[3] The petitioner has prayed for the following reliefs:

“i. Admit this petition of the petitioner and call for records relevant to the subject matter from the custody of the respondents.

II. Direct the respondent no.6 to comply with the order dated 08.08.2013 passed by Respondent No. 5 (Annexure-4 at page).

III. As to why writ in the nature of mandamus and/or in the nature thereof shall not be issued for directing the Respondent No. 3 (Assistant Municipal Commissioner, East Zone, Agartala Municipal Corporation) to execute the order dated 27.11.2020 (Annexure- 19 at page) and order dated 29.06.2021 (Annexure-24 at page).

IV. As to why a writ in the nature of mandamus and/or in the nature thereof shall not be issued, for mandating/directing the respondents to comply the order dated 03.10.2023 (Annexure-33 at page) passed by the Ld. Municipal Appellate Tribunal, Agartala.

V. As to why a writ in the nature of mandamus and/or in the nature thereof shall not be issued, for mandating/directing the respondents to comply the order dated 26.04.2024 (Annexure-41 at page) passed by the Ld. Municipal Appellate Tribunal, Agartala.

VI. As to why a writ in the nature of mandamus and/or in the nature thereof shall not be issued, for mandating/directing the respondents to comply the order dated 17.04.2025 (Annexure-58 at page) passed by the L.d. Municipal Appellate Tribunal, Agartala.”

[4] The case of the petitioner is that the petitioner's land is situated adjacent of the land of the respondent No. 6. The respondent No. 6 constructed building in his land illegally violating the plan/guideline issued by the Agartala Municipal Corporation, represented by the Agartala Municipal Commissioner, Assistant Municipal Commissioner, East Zone, Chief Executive Officer, Agartala Municipal Corporation and Executive Officer. Eastern Zone, Agartala Municipal Corporation. On 15.07.2013 the petitioner submitted a complaint before the Executive Officer, Eastern Zone, Agartala, West Tripura to take immediate step to stop the illegal construction constructed by respondent No. 6. Again on 18.07.2013 he had submitted a complaint before the Executive Officer Eastern Zone, Agartala, West Tripura. The petitioner mentioned that on the southern boundary of the petitioner and northern boundary respondent No. 6 there is a common boundary wall and the respondent No. 6 did not leave minimum space require of sanction of house plan and instead he converted the boundary wall on the northern side of the house premises into the wall of his building. Thereafter, on 18.07.2013 the task Force submitted an enquiry report to the respondent No. 4.

[5] The respondent No. 6 has constructed residential building with approval plan and permission. The respondent No. 5 then passed an order that he found that the respondent No. 6 did not left any gap between the roads to his building. On 16.04.2014 the petitioner has submitted a prayer for demarcation.

Thereafter, in the last part of 2017 the respondent No. 6 again started his construction work. The petitioner on many dates has submitted several prayers before the respondent Nos. 2 & 3. On 11.11.2020 the Task Force submitted an inspection report before the respondent No. 3. Then, on 27.11.2020 the respondent No. 3 passed an order and in pursuance issuance of the said order the petitioner has submitted a representation stating that he had already submitted a prayer for demarcation on 16.04.2016 and deposited requisite fee. On 06.02.2021, 26.02.2021 & 07.05.2021 the petitioner has submitted prayers before the respondent No. 1 & 3 for taking proper steps. Then, on 19.06.2020 the respondent No. 3 has issued a notice to the respondent No. 6 asking him to remove the 1st floor construction over the existing ground floor.

[6] Thereafter, the petitioner again has submitted several prayers before the respondent No. 1 & 3 to execute the orders dated 27.11.2020 & 29.06.2020 but till date the respondent No. 3 did not take any step to execute the same. The petitioner then filed an appeal, vide Appeal No. 01 of 2022, before the Municipal Appellate tribunal, Agartala praying to pass an order to execute the aforesaid orders. Accordingly, the said appeal was listed for hearing on 17.06.2023, 13.09.2023 & 03.10.2023. The Ld. Appellate tribunal, after hearing both the parties on 03.10.2023 passed an order directing the respondent No. 3 to execute the orders dated 27.11.2020 and 29.06.2021. On 11.01.2024, 02.02.2024, 05.02.2024, 04.03.2024, 26.04.2024, 01.10.2024 and 24.10.2024 the petitioner submitted his prayers before the respondent No. 3 herein to comply the orders, dated 03.10.2023 of the learned Appellate tribunal passed in Appeal No. 01 of 2022. But till date the respondent neither take any steps to execute the orders 27.11.2020 and 29.06.2021 nor to comply the order dated 03.10.2023, of the Ld. Appellate Tribunal passed in Appeal No. 01 of 2022. On 13.11.2024 the petitioner filed an appeal before this Court and the Court passed order on 18.11.2024 vide WP (C) No. 700 of 2024 to execute the order of Hon'ble Apex Court expeditiously. The petitioner communicated the same several times before the respondents but the same invoked no response.

[7] Being aggrieved by the conduct of respondents the petitioner has filed this writ petition before this Court for redress.

[8] Learned counsel appearing for the petitioner has submitted that in the year 2014 the respondent No. 6 stopped his construction work but without

rectifying the illegal construction work. The last part of the 2017 the respondent No. 6 again started his construction work. On 19.12.2017 the petitioner again submitted a prayer before the Assistant Municipal Commissioner, East Zone, Agartala Municipal Corporation to take immediate step against the respondent No. 6. The petitioner also stated in his letter that the respondent extended construction work by violating the plan vide No. 1199-1202/Hc-260/AMC, dated 20.02.2013 by obstructing normal and hygienic light and air to the house of the petitioner.

[9] On 09.07.2018, 24.07.2018 & 08.08.2018 the petitioner submitted a letter to the Agartala Municipal Corporation, represented by Agartala Municipal Commissioner & Assistant Municipal Commissioner, East Zone to protest the part of order in which the Assistant Municipal Commissioner, East Zone stated that the petitioner also constructed violating the building plan. On 12.11.2020 the petitioner again submitted a prayer before the Agartala Municipal Commissioner, Agartala Municipal Corporation & Assistant Municipal Commissioner, East Zone stating that the respondent No.6 started construction work of 2nd floor of the illegally constructed building and prayed for appropriate step.

[10] It has been contended that the petitioner has submitted several prayers for proper step before the AMC represented by Agartala Municipal Commissioner and Assistant Municipal Commissioner i.e. the respondent Nos.1 and 3 respectively. On 29.06.2021 the Assistant Municipal Commissioner, issued a notice to the respondent No.6 to comply the order dated 27.11.2020 and also asked to remove the 1st floor construction over the existing ground floor, the plan which was approved in the year 2003 as well as 14 numbers of column erected over entire 1st floor building within 45 days from the date of receipt of this notice.

[11] The petitioner being a owner of adjacent plot is facing difficulties for the unauthorized construction by the respondent No.6 and despite several representations the Assistant Municipal Commissioner, East Zone, Agartala Municipal Corporation has not taken any step to execute the said orders dated 27.11.2020 & 29.06.2021.

[12] Mr. A. Bhaumik, learned counsel appearing for the respondent has submitted that in view of several representations and subsequent development the Commissioner AMC has already taken the cognizance on the matter and initiated steps by fixing hearing on 23rd February, 2026 to produce along with valid

documents, permits and other relevant papers. But the final outcome has not yet come and the same is under process.

[13] Having heard the learned counsel appearing for the parties, this Court is of the view that admittedly, this is a civil dispute between the petitioner and the un-official respondent wherein, the petitioner has adopted for the reason best known an arm twisting method for getting the issue resolved and to which the municipal authorities are being dragged. Instead of approaching before the Civil Court in the event, if the petitioner is aggrieved by any kind of unauthorized construction affecting the easemental or any other rights, the petitioner is also having a remedy before the competent Civil Court. However, it is seen from the record that the Commissioner AMC has already taken the cognizance on the matter and initiated steps by fixing hearing on 23rd February, 2026 to be present along with all valid documents, permits etc. but it is not known as to what is the status thereafter. In the event, if the matter is still pending undecided, it is always open for the Commissioner AMC to take steps in accordance with law un-influence by any observation made by the Court, at the earliest.

[14] As such, the present petition stands disposed with the above observation and direction. As a sequel, miscellaneous application, pending if any, shall stand closed.

DR.T. AMARNATH GOUD, J

A. Ghosh