

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.216 OF 2022**

Rosedale Apartment Housing Society

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

Vs.

The State of Tripura and ors.

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

For the Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. S. Bhattacharjee, Advocate.
Mr. K. Nath, Advocate.

For the Respondent(s) : Mr. D. Sharma, Addl. G.A.
Mr. K. Deb, Advocate.

Date of hearing and delivery of
Judgment & Order : 25.07.2023

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present petition has been filed under Article 226
of the Constitution of India seeking the following reliefs:-

" i) Issue Rule upon the respondents to show cause as to why a writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the respondents to complete the demarcation work of land measuring 1.13 acres, as reflected from the application by the petitioner, dt. 25.07.2018 to the Sub-Divisional Magistrate, Sadar, Agartala, and in accordance with the Office Order, dt.19.11.2020 issued by the Deputy Collector & Magistrate, Agartala Revenue Circle, Sadar, West Tripura.

AND

Call for the records pertaining to the instant writ petition from the custody of the respondents and to make the rule absolute.

AND

After hearing both the parties pass order/orders as this Hon'ble High Court considers to be fit and proper."

2. Mr. Roy Barman, learned Sr. counsel assisted by Mr. S. Bhattacharjee, learned counsel appearing for the petitioner submits before this Court that despite the application dated 25.07.2019 made by his client to the SDM, Sadar, and Office Order dated 19.11.2020, the demarcation of the land in terms of the aforementioned Office Order has not been carried out.

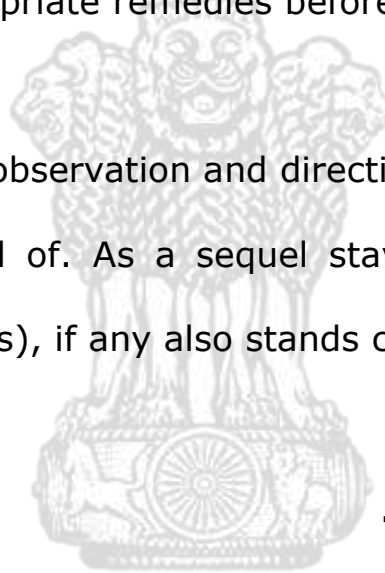
3. On the other hand Mr. K. Deb, learned counsel appearing for the unofficial respondents submits that they were not made party in the said demarcation process. Learned counsel further submits that his clients are also the owner of the property and the petitioner herein is obstructing the right to access. Also heard Mr. D. Sharma, learned Addl. G.A. appearing for the State respondents.

4. Heard and perused the evidence on record. This present writ petition is disposed of directing respondent No.2 i.e., District Magistrate and Collector to cause demarcation upon the subject property in the presence of the apartment housing society i.e. the petitioner herein as well as the respondents No.6, 7 & 8 herein i.e., the unofficial respondents. After the demarcation is done in their presence, the concerned authority shall forward a copy of the report to all concerned parties to the demarcation. On receipt of the said report, both parties are at liberty to file their respective objection along with the documents if any. On receipt of

such objection and documents in support of their claim or counterclaim, the respondents shall pass a reasoned speaking order to the extent of demarcation only.

5. It is made clear that any finding to that effect would not amount to declaring their right and title upon the property. In the event, if any parties are aggrieved with regard to their easemental right of ingress and egress, it is made clear that the respective parties have appropriate remedies before the competent Civil Court.

6. With the above observation and direction, this present writ petition stands disposed of. As a sequel stay if any stands vacated. Pending application(s), if any also stands closed.



JUDGE

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