

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C). No.325 of 2023

Smti. Krishna Bhattacharjee & 2 Others

.....Petitioners

_V_E_R_S_U_S_

The State of Tripura & 3 Others

.....Respondents.

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. D. Paul, Advocate.
For Respondent(s)	:	Mr. M. Debbarma, Addl. G.A.
Date of hearing and delivery of judgment and order	:	14.12.2023
Legal reporting	:	YES/NO

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_J_U_D_G_M_E_N_T_O_R_D_E_R_[ORAL]

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. D. Paul, learned counsel appearing for the petitioners also heard Mr. M. Debbarma, learned counsel appearing for the respondents.

[2] The present petition has been filed under Article-226 of the Constitution of India for directing the respondents to appoint two whole time members of the Real Estate Regulatory Authority, Tripura (T-RERA) in terms of the Real Estate Act, 2016. Further, for a direction to adjudicate the complaints filed by the petitioners before the respondents which are pending since 10.06.2022.

[3] The petitioners have prayed for 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 appoint 2(two) whole time members of the Real Estate Regulatory Authority, Tripura (T- RERA), in terms of the Real Estate Act, 2016.

(ii) 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 adjudicate the complaints filed by the Petitioners before the Respondents which are pending since 10.06.2022.

AND

Call for the records pertaining to the instant Writ Petition from the custody of the Respondents and to make the rule absolute.”

[4] The facts in brief are that the petitioners filed complaints before the Tripura Real Estate Regulatory Authority (T-RERA) on 10.06.2022 against the promoters. But till date, said complaints have not been adjudicated by the Respondent (T-RERA). Hence, the instant petition has been filed by the petitioners praying for necessary directions from this Court upon the respondents to appoint 2(two) whole time members of the Real Estate Regulatory Authority, Tripura (T- RERA), which is the statutory obligation of the respondents under the Real Estate Act, 2016. The petitioners have prayed for further directions from the Court upon the respondents to adjudicate the complaints filed by the petitioners before the respondents which are pending since 10.06.2022.

[5] In view of above and having gone through the material evidence on record and in view of the submissions made by the learned counsel appearing for the parties, the writ petition needs to be disposed of as the relief sought for by the petitioner is only for filling up of the vacancies which have aroused under the statute and it is seen from the counter affidavit that repeatedly the steps have been taken by the official respondents for filling up the vacancies way back in the month of May 2023 and also in June 2023 by giving advertisements but, the suitable candidates were not found. The matter is accordingly in the process of identifying the suitable candidates for filling up of the vacancies.

[6] Since it's a statutory body functioning under the Act, there cannot be any delay as the State of Tripura is a developing State and all the activities of constructions and the infrastructure will come to stand still. Keeping the status of the State of Tripura which is a developing State, this Court expresses it's concerned in the matter and directs the respondents to fill up the vacancies as early as possible preferably within a period of three months from the date of receipt of the copy of this order. In the event, if the respondents required some more time, it is always open for them and to apprise this Court by presenting the steps they have taken so far to seek for further extension.

[7] In view of above observations, the present petition preferred by the petitioner stands disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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