

**HIGH COURT OF TRIPURA
AGARTALA**

**I.A. 1/2024
In W.A. 6/2024**

Smt. Tapasi Deb and anr.

----Appellant(s)

Versus

The State of Tripura and ors.

----Respondent(s)

For Appellant (s)	:	Mr. A. Pal, Advocate
For Respondent(s)	:	Mr. Ratan Datta, Advocate Mr. M. Debbarma, Addl. GA

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE ARINDAM LODH
Order**

24/04/2024

I.A. 1/2024

Heard learned counsel for the appellants. Also heard learned counsel for respondent no. 4 and learned counsel for respondents no. 1,2 and 5.

The instant appeal has been initially filed without the delay condonation application on the impression that Tripura High Court Rules does not prescribe any period of limitation for preferring an intra-court appeal. However, when the impugned order was passed the Gauhati High Court Rules were in vogue which provided a period of 30 days for filing an intra-court appeal. Thereafter, the Tripura High Court Rules have also been amended and a period of 30 days has been prescribed for preferring an intra-court appeal.

The appellant, therefore, filed an application seeking condonation of delay of 525 days in preferring the instant Memo of Appeal. The parties have been heard on the delay condonation application.

Learned counsel for the respondents do not have objection so far as the explanation is concerned. However, learned counsel for respondent no. 4 and State-respondents submit that the impugned order does not suffer from any error to entertain this appeal.

Therefore, on consideration of the rival submissions of the parties, delay is condoned as the appellant was bearing an impression that the appeal is not time barred.

I.A. is disposed of.

W.A. 06/2024

On hearing learned counsel for the petitioner and the official respondents and upon going through the impugned order, it appears that the petitioner has a dispute of alleged unauthorized erection of a mobile tower by respondent no. 6, for which he had earlier approached the Agartala Municipal Corporation. The Assistant Municipal Commissioner, Central Zone, AMC, has passed an order on 05.03.2020 which is at Annexure 'D' taking note of the enquiry report of the survey team upon the complaint of the petitioner, and directed Sri Sridam Biswas to regularize his building plan as per Tripura Building Rules, 2017, if it is permissible under Tripura Building Rules, 2017, as well as amendment of Tripura Building Rules, 2019, within a period of 1 (one) month.

The petitioner contends that the deviation has not been regularized nor the mobile tower has been dismantled.

If that being so, the right forum for the writ petitioner would be to approach the competent authority under the Tripura Building Rules, 2017. Needless to say, if such application is made, the competent authority under the Building Rules shall enquire into the matter after giving due notice to the concerned parties in accordance with law within a reasonable time. It is made clear that we have not made any comments as to the merits of the allegations made in the writ petitioner.

The appeal is accordingly disposed of.

(ARINDAM LODH),J

(APARESH KUMAR SINGH), CJ

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