

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 113 of 2024

For Petitioner(s)	: Mr. PK Biswas, Senior Advocate. Mr. Rishiraj Nath, Advocate.
For Respondent(s)	: Mr. M. Debbarma, Addl.GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

13.02.2024

Heard learned counsel for the parties.

This is a petition under Article 226 of the Constitution of India seeking following reliefs:

- (i) *Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, calling for the records, lying with the respondents, for rendering substantial and conscionable justice to the petitioner;*
 - (ii) *Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, for mandating/directing the official respondents, to take appropriate measure to protect the life and property of the writ petitioner by preventing the respondent nos. 5, 6 and 7 from doing any act rather to comply with the directions made in the Notice under No. F.2(16)/ANP/AMP/BC/2017/1464(07), dated 1st February, 2024 (Annexure 4 to the writ petition) issued by respondent no. 4 whereby it was directed to the private-respondents i.e. respondents no. 5, 6 and 7 to dismantle the entire building constructed by them illegally;*
 - (iii) *Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, for mandating/directing the official respondents, directing the respondent nos. 2, 3 and 4 to complete the proceeding initiated against the respondent nos. 5, 6 and 7 to protect the life and property of the writ petitioner vide notice dated 01.02.2024;*
 - (iv) *Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Prohibition and/or in the nature thereof, prohibiting/restraining the respondents No. 5, 6 and 7 from doing any illegal construction over the plot of the writ petitioner and also over the government land/PWD land or any part thereof which would restrain the petitioner from his ingress and egress into his land;*
 - (v) *After hearing the parties, be pleased to make the Rules absolute in terms of Prayer i. ii. iii & iv. above;*
- AND
- (vi) *In the interim, stay further construction of the said commercial building by the respondents no. 5, 6 and 7 till final disposal of the instant writ petition;*
- AND
- (vii) *Costs of and incidental to this proceeding;*
- AND
- (viii) *Any other relief(s) as to this Hon'ble High Court may deem fit and proper.*

It is the case of the petitioner that the petitioner, vide registered Sale Deed being no. 1-33201 dated 21.12.2023, became the owner and possessor of a plot of land

measuring 0.100 sahasrangsha. Since after purchase he had been possessing the land peacefully, but the respondents no. 5, 6 and 7 most illegally without following the mandates of Tripura Municipal Building Rules and Act, started construction of a commercial building over a certain plot of land of the petitioner and also over government land which had totally disrupted the ingress and egress of the petitioner into his land. Despite several requests made on the part of the petitioner, the respondents continued with their illegal construction. Finding no other alternative, the petitioner by his letter dated 24.01.2024 approached the respondent no. 2 and disclosed the entire fact and requested to restrain the respondents no. 5, 6 and 7 from such illegal construction. The official respondents thereafter visited the spot and prima facie found that the respondents no. 5, 6 and 7 have been constructing illegal construction over government land. The respondent no. 4 thereafter by his letter dated 01.02.2024 requested the respondent no. 3 to enquire into the matter and take necessary steps. After submission of report by the respondent no. 3, the respondent no. 4 on 01.02.2024 issued a Notice upon the respondents no. 5, 6 and 7 directing them to appear before him within 3 days and to dismantle the illegal construction within 7 days. Despite several communications, the respondents no. 5, 6 and 7 had been continuing with their illegal construction over the government land and also on a certain plot of the petitioner due to which the petitioner is obstructed from his ingress and egress into his land. Being aggrieved, the instant writ petition is filed.

In view of the above submission, this court is of the view that the dispute between the petitioner and the unofficial respondents is purely civil in nature. The petitioner has the remedy to approach the competent civil court seeking a redressal in accordance with law. In so far as the relief sought by the petitioner in respect of his right, title and interest is concerned, this court declines to grant any relief.

In so far as the other allegations are concerned that the unofficial respondents No. 5, 6 & 7 are making construction on khas land and they are also encroaching upon the government property), to this effect, the petitioner has already filed

a complaint before the official respondent and the same is pending. It is further submitted that in pursuance of the complaint made by the petitioner, the official respondents are sleeping over the matter.

In view of the same, this court directs the official respondents to look into the allegations made by the petitioner so far as the rights and the title and the land usage of the government property are concerned. The necessary steps be taken in accordance with law as forthwith.

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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