

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.572 of 2024

Sri Uddipanta Narayan Roy and 2 Others.

.....Petitioners

_V_E_R_S_U_S_

Agartala Municipal Corporation and 3 Others.

.....Respondents

For Petitioner(s) : Mr. D. C. Roy, Advocate.
For Respondent(s) : Mr. Kohinoor N. Bhattacharjee, G.A.
Mr. P. Roy Barman, Sr. Advocate.
Mr. A. Bhowmik, Advocate.
Mr. K. Nath, Advocate.

Date of hearing and
Judgment and order : **28.11.2024**
Whether fit for reporting : **YES/NO**

HON'BLE MR. JUSTICE T. AMARNATH GOUD

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Heard.

[2] The present petition has been filed under Article-226 of the Constitution of India for issuing a writ of mandamus directing the respondents to set aside, cancel or quash the order dated 31.07.2024 passed by the Assistant Municipal Commissioner, Central Zone, Agartala Municipal Corporation.

[3] The facts in brief are that the petitioner Sri Uddipanta Narayan Roy is aged about 84 years, a retired Govt. Medical Officer is along with his wife Shipra Ghosh (Roy), now deceased is the owner of the land. After her death the petitioner Nos. 2&3 became the share holder of the land along with the petitioner No. 1. The petitioner constructed his boundary wall in the year 2000 after getting permission from the Agartala Municipality.

[4] The petitioner due to his illness going to Kolkata for better treatment along with his daughter and after completion of treatment returned to Agartala on 13.06.2024 and found that the respondent No. 4 setup an iron grill over the boundary wall of the petitioner without taking any permission from the petitioner. The petitioner and his daughter asked as to why he has fixed upon the iron grill over the boundary wall, at that time the respondent misbehave and used filthy language upon the daughter of the petitioner.

[5] The petitioner No.3 Moumita Roy submitted a petition before the Agartala Municipal Commissioner seeking redress. The Assistant Municipal Commissioner, Central Zone, issued the notice to the respondent No.4 and heard the matter on 30.07.2024 and passed an order directing the petitioner to increase height of the boundary wall and further directed to remove the iron grill over the boundary wall of the petitioner.

[6] Hence, the present petition has been filed before this Court for redress.

[7] In view of above, this Court is of the opinion that the present petition is filed questioning the order dated 31.07.2024 passed by the Assistant Municipal Commissioner wherein, in order to resolve the dispute between the petitioner and the unofficial respondent No.4, who has raised an iron grill over the boundary wall of the petitioner, in order to resolve, the respondent has directed to raise the wall and also further remove the grill. In this process, the petitioner expressed his inability to raise the wall due to financial constraints and further contended that such order was not called for and prayed to set aside the same.

[8] It is a case of the Mr. Bhowmik, learned counsel appearing for the Municipal Corporation that in order to resolve the matter amicably such observation was made but the same is not recognized under law and if the petitioner is not interested for any reason, he need not to raise the wall. Since, the impugned proceeding is *non-est* in the eye of law, this Court feels that issuance of mandamus in this matter and entertaining the writ petition is of no avail. Accordingly, considering the submission made by the learned counsel appearing for the Municipal Corporation, the present writ petition stands dismissed.

[9] As a sequel, miscellaneous application, pending if any, shall stand closed.

T. AMARNATH GOUD, J