

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.700 of 2024

For Petitioner(s) : Mrs. S. Deb (Gupta), Advocate.

For Respondent(s) : Mr. A. Bhowmik, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

18.11.2024

Heard Mrs. S. Deb (Gupta), learned counsel appearing for the petitioner also heard Mr. A. Bhowmik, learned counsel appearing for the respondents.

[2] The brief facts of the case are that the petitioner's land is situated adjacent of the land of the respondent No. 6. The respondent No. 6 constructed building in his land illegally violating the plan/guideline issued by the Agartala Municipal Corporation, represented by the Agartala Municipal Commissioner. Assistant Municipal Commissioner, East Zone, Chief Executive Officer, Agartala Municipal Corporation and Executive Officer, Eastern Zone, Agartala Municipal Corporation. On 15.07.2013 the petitioner submitted a complaint before the Executive Officer, Eastern Zone, Agartala, West Tripura to take immediate step to stop the illegal construction constructed by respondent No. 6. Again on 18.07.2013 he had submitted a complaint before the Executive Officer. Eastern Zone, Agartala, West Tripura.

[3] The petitioner mentioned that on the southern boundary of the petitioner and northern boundary respondent No. 6 there is a common boundary wall and the respondent No. 6 did not leave minimum space require of sanction of house plan and instead he converted the boundary wall on the northern side of the house premises into the wall of his building. Thereafter, on 18.07.2013 the task Force (EZ) submitted an enquiry report to the respondent No. 4. The respondent No. 6 has constructed residential building with approval plan and permission. The respondent No.5 then passed an order that he found that the respondent No. 6 did not left any gap between the roads to his building. On 16.04.2014 the petitioner has submitted a prayer for demarcation. Thereafter, in the last part of 2017 the respondent No. 6 again started his construction work. The petitioner on many dates has submitted several prayers before the respondent Nos. 2 & 3.

[4] On 11.11.2020 the Task Force submitted an inspection report before the respondent No. 3. Then, on 27.11.2020 the respondent No. 3 passed an order and

in pursuance of the said order the petitioner has submitted a representation stating that he had already submitted a prayer for demarcation on 16.04.2016 and deposited requisite fee. On 06.02.2021, 26.02.2021 & 07.05.2021 the petitioner has submitted prayers before the respondent No. 1 & 3 for taking proper steps. Then, on 19.06.2020 the respondent No. 3 has issued a notice to the respondent No. 6 asking him to remove the 1^a floor construction over the existing ground floor.

[5] Thereafter, the petitioner again has submitted several prayers before the respondent No. 1 & 3 to execute the orders dated 27.11.2020 & 29.06.2020 but till date the respondent No. 3 did not take any step to execute the same. The petitioner then filed an appeal, vide Appeal No. 01 of 2022, before the Municipal Appellate Tribunal, Agartala praying to pass an order to execute the aforesaid orders. Accordingly, the said appeal was listed for hearing on 17.06.2023, 13.09.2023 & 03.10.2023. The Ld. Appellate Tribunal, after hearing both the parties on 03.10.2023 passed an order directing the respondent No. 3 to execute the orders dated 27.11.2020 and 29.06.2021. On 11.01.2024, 02.02.2024, 05.02.2024, 04.03.2024, 26.04.2024, 01.10.2024 and 24.10.2024 the petitioner submitted his prayers before the respondent No. 3 herein to comply the orders, dated 03.10.2023, of the Ld. Appellate Tribunal passed in Appeal No. 01 of 2022. But till date the respondent neither take any steps to execute the orders 27.11.2020 and 29.06.2021 nor to comply the order dated 03.10.2023, of the Ld. Appellate Tribunal passed in Appeal No. 01 of 2022.

[6] Being aggrieved by the conduct of the respondents, the present petition has been preferred by the petitioner before this Court for redress.

[7] In view of the above and having heard the learned counsel appearing for the parties, without going into the merits of the case, this Court directs that both the parties to appear before the concerned authority and the concerned authority after giving reasonable opportunity to both sides particularly on perusal of the relevant documents they are relying along with the latest order of the Hon'ble Apex Court shall decide the same in accordance with law as expeditiously as possible.

[8] With the above direction, the present petition stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

T. AMARNATH GOUD, J