

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 349 of 2025

Sri Dipak Kumar Paul

---Petitioner(s)

Versus

The State of Tripura and 5 Others

---Respondent(s)

For Petitioner(s)	:	Mr. Samrat Ghosh, Advocate. Mr. Pramod Sahu, Advocate.
For Respondent(s)	:	Mr. P. Gautma, Sr. GA. Mrs. Sujata Deb (Gupta), Advocate. Mr. Arijit Bhowmik, Advocate.
Date of hearing and date of judgment and order	:	16.07.2025.
Whether fit for reporting	:	No

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Judgment & Order (Oral)

- [1] Heard learned counsel for the parties.
- [2] This is a petition under Article 226 of the Constitution of India for seeking the following relief(s):
- i. *a Writ of Certiorari or in the nature thereof cancelling/quashing the impugned Order dt. 03.10.2023 passed by the Municipal Appellate Tribunal and all the consequential proceedings thereof including Notice dated 17.04.2025 issued by the Assistant Municipal Commissioner, East Zone, Agartala Municipal Corporation.*
 - ii. *a Writ of Certiorari or in the nature thereof cancelling/quashing the impugned Order dt. 27.11.2020 and 29.06.2021 passed by the Assistant Municipal Commissioner, East Zone, Agartala Municipal Corporation, passed in violation of directions of the Hon'ble Apex Court before passing said impugned orders.*
 - iii. *a Writ of Mandamus or in the nature thereof directing the respondents to provide copy of petitioner's approved building plan of the year 2005 in respect of alleged illegal construction of 1st and 2nd Floor of building as constructed upon the existing Ground Floor building as per Municipal approved building plan of the year, 2003, and/or to grant an ex-post facto approval of his said construction.*
 - iv. *a Writ of Mandamus or in the nature thereof directing the respondents no. 1 to 5 to start a necessary proceedings against the respondent no. 6 based on the complaint of the petitioner dt. 5th January, 2018.*
 - v. *a writ or in the nature thereof to direct the respondents to not to disturb the petitioner or pass any adverse order against the property of the petitioner in connection with the case number as the subject matter of the case is not related to the property in question.*

vi. to issue any other direction or writs as your lordship deem fit and proper.

[3] It is the case of the petitioner that he started constructing building over his jote land (the suit-land) after procuring necessary permission from the Municipal Authority. However, after he has finished constructing the ground floor and the first floor and also has constructed few columns over that, following a complaint of his brother, Sri Chayan Pal (respondent no.6), the Municipal Authority intervenes with the allegation that, there were deviations from his building plans and ordered the further construction to be stopped. However, similar complaint was lodged by the petitioner against his said brother but the Municipal Authority turned a blind eye to the same. In the meanwhile, proceeding with the complaint against him, the Municipal Authority ordered the petitioner to remove his first floor and the aforesaid columns. However, Sri Chayan Paul moved to the appellate forum of the Municipal Corporation with a prayer to execute the first order for removal of the aforesaid construction and the Appellate Authority without giving a fair chance to defend himself and without consideration of guidelines of Hon'ble Supreme Court has passed an order of demolition or removal of construction without providing the copy of the Memo of the Appeal and without giving him any opportunity to submit his written arguments had passed its order against the petitioner to remove the aforesaid part of the construction and now is creating illegal pressure upon the petitioner to execute the said order and a threat looms large that the Municipal Corporation can itself start demolishing the dwelling house of the petitioner in any day and without further intimation to him. Situated thus, the petitioner has approached this Court with the present petition to safe guard his legal interests.

[4] On the last occasion, specifically July 14, 2025, Mr. D.K. Chakma, Municipal Commissioner, Agartala Municipal Corporation, was directed to appear before this Court today. He is present accordingly. His future presence in this case is hereby dispensed with.

[5] The petitioner's grievance was that despite numerous requests made to the respondents for certain documents, these were not provided. Furthermore, the

respondents were taking steps to demolish his property without affording him an opportunity for a personal hearing.

[6] Mr. A. Bhowmik, learned counsel for the respondent-Municipal Corporation, has placed on record a set of papers, which have been furnished to the counsel for the petitioner and duly acknowledged.

[7] If the petitioner's counsel requires additional documents, liberty is hereby granted to make a formal application before the competent authority who is in possession of such records. It is crucial to note that making such requests to an incorrect person cannot be considered a valid reason for relief in this case.

[8] A notice fixing a hearing by the Assistant Municipal Commissioner, East Zone, Agartala Municipal Corporation (respondent No. 5) for July 23, 2025, at 12:00 PM, has also been placed on record. This notice directs the petitioner and his brother, Sri Chayan Pal (respondent No. 6 herein) to be present.

[9] On the aforementioned date, the Assistant Municipal Commissioner, East Zone, Agartala Municipal Corporation (respondent No. 5) shall ensure that after hearing both the petitioner and the unofficial respondent No. 6, an appropriate order is passed in accordance with law.

[10] A bare perusal of the record shows that the present writ petition itself is not maintainable. The petitioner has an appropriate remedy to approach the civil court, particularly given the disputed questions of fact regarding whether the construction has been made according to the sanctioned plan or if there has been any deviation. It is not for this Court to decide such a matter under Article 226 of the Constitution of India.

[11] During the course of arguments, Mrs. Sujata Deb (Gupta), learned counsel for respondent No. 6, reported that approximately five to six cases are currently pending before the civil court between the petitioner and respondent No. 6. It appears that these parties have been engaged in litigation for several years, and the present case is yet another instance of such disputes. Both brothers seem to be attempting to effect the demolition of each other's property by involving the Agartala Municipal Corporation in their personal disagreements. All these matters can be properly adjudicated before the civil court and not under Article 226 of the Constitution of India. The appellant has failed to establish a prima facie case.

[12] In view of the above, the present writ petition, being devoid of merit, stands dismissed. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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