

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 377 of 2025**

Sri Debasish Datta & Ors.

.....Petitioner(s)

Versus

The State of Tripura & Ors.

.....Respondent(s)

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. S. Bhattacharjee, Advocate.

For Respondent(s) : Mr. P. Gautam, Sr. G.A.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

ORDER

17.07.2025

[1] Heard learned counsel for the respective parties.

[2] This present petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

“i. Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or appropriate order/direction should not be issued, whereby directing the Respondents to declare the process initiated pursuant to the Notices dated 17.04.2025, and all subsequent actions taken thereto, as illegal and arbitrary, and further restraining the Respondents from taking any action in pursuance of the said Notices.

ii. Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or appropriate order/direction should not be issued, whereby directing the Respondents to give the Petitioners reasonable opportunity in terms of Section 4 of the Tripura Public Premises (Eviction of Unauthorised Occupants) Act, 1982, by holding enquiry in pursuance to the Notices issued by the Estate Officer to the Petitioners under Section 6(1) of the Act, 1982.

iii. Make the rules absolute,

iv. Call for records.”

[3] The provisions of Section 4, 5 and 6 of the Tripura Public Premises (Eviction of Unauthorized Occupants) Act, 1982 (for short 'the Act') is extracted hereunder:

"Section 4 - Issue of notice to show cause against order of eviction"-

(1) If the Estate Officer is of opinion that any person is in unauthorised occupation of any public premises and that he should be evicted, the Estate Officer shall issue in the manner hereinafter provided a notice in writing calling upon the persons concerned to show cause why an order of eviction should not be made.

(2) The notice shall--

(a) specify the grounds on which the order of eviction is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in the public premises,

(i) to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof, and

(ii) to appear before the Estate Officer on the date specified in the notice along with the evidence which they intend to produce in support of the cause shown, and also for personal hearing, if such hearing is desired.

(3) The Estate Officer shall cause the notice to be served by having affixed on the outer door or some other conspicuous part of the public premises, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned."

Section 5 - Eviction of unauthorized occupants

(1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence produced by him in support of the same and after personal hearing, if any, given under clause (b) of sub-section (2) of section 4, the Estate Officer is satisfied that the public premises are in unauthorised occupation, the Estate Officer may make an order of eviction, and reasons to be recorded therein, directing that the public premises shall be vacated, on such date as may be specified in the order, by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer-door or some other conspicuous part of the public premises.

(2) If any person refuses or fails to comply with the order of eviction within thirty days of the date of its publication under sub-section (1), the Estate Officer or any other officer duly authorised by the Estate Officer in this behalf, may, after the expiry of the period aforesaid, evict that person from, and take possession of , the public premises and, may, for that purpose, use such force as may be necessary.

Section 6- Power to remove unauthorised construction, etc.

(1) No person shall--

(a) erect or place or raise any building or other structure or fixture; or

(b) bring or keep any cattle or other animal; or

(c) display or spread any goods, on or against, or in front of any public premises except in accordance with the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy such premises.

(2) Where any building or other structure or fixture has been erected or any cattle or other animal has been brought on, or any goods have been displayed or spread, in public premises in contravention of the provisions of sub-section (1), the Estate Officer may serve upon the person erecting such building or other structure or fixture or bringing such cattle or other animal or displaying or spreading such goods on the public premises, a notice requiring him either to remove, or to show cause why he shall not remove from such building, other structure or fixture, or, as the case may be, such goods or cattle or other animal from the public premises within such period, not being less than seven days, as he may specify in the notice, and on the omission or refusal of such person either to show cause, or to remove such building or other structure or fixture, or as the case may be, such goods or cattle or other animal from the public premises, or, where the cause shown is not in the opinion of the Estate Officer sufficient, the Estate Officer may remove the building or other structure or fixture, or, as the case may be, such goods or cattle or other animal from the public premises and recover the costs of such removal from the person aforesaid as an arrear of land revenue.

[4] It is seen from the above extracts that Section 4 and 5 of the said Act deals with the un-authorized occupation while Section 6 of the said Act provides the power to remove unauthorized construction. etc . Since, the present case of the petitioners is that they allegedly constructed structure/fixture, only section 6 of the said Act could have been applied instead of Section 4 and 5 of the said Act.

[5] It is needless to observe that the petitioners shall not make delay in providing any cooperation with the respondent authorities and all proceedings shall be taken place keeping in view the letter dated 20.06.2025 filed by the petitioner within one month from the date of receipt of the copy of this order and within the said period no coercive steps shall be taken against the petitioners. In the event, if there is no proper cooperation from the petitioners, the respondents are free to proceed in accordance with law after expiry of the said 30 days.

[6] In view of the same, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the concerned respondent(s) to take a decision in light of the letter

dated 20.06.2025 filed by the petitioner within 01(one) month from the date of receipt of the copy of this order in accordance with law.

With the above observation and direction, this present writ petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE

HIGH COURT OF TRIPURA



Paritosh

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