

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 160 of 2026**

1. Sri Habul Sarkar,

Son of Late Rakhal Chandra Sarkar, aged about 63 years, a citizen of India by faith –Hindu by profession – Business residing at Badharghat, Siddhiashram near petrol pump P.O –Siddhiashram, P.S- Amtali, Dist.- West Tripura- 799003.

2. Sri Bijan Sarkar, age-55

Son of late Rakhal Chandra Sarkar, residing at Bagma, P.O & P.S- Radhakishorepur, Dist- Gomati, Tripura, 799114

.....Petitioners

Versus

1. The State of Tripura, Represented by The Chief Secretary New Secretariat Complex P.O.-secretariat, Pin-799010, Agartala, West Tripura.

2. Agartala Municipal Corporation, represented by The Commissioner, Paradise Chowmuhani, City Centre Complex, Melermath, PO- Agartala, Agartala, West Tripura, 799 001.

3. Executive Engineer, Building Department, Agartala Municipal Corporation, Paradise Chowmuhani, City Centre Complex, Melermath, Agartala 799 001.

4. Sri Pawan Kumar Agarwal, son of late Maliram Agarwal 2nd floor, Rajdeep Complex, F. A. Road, Kumar Para Guwahati, Pin- 781009.

.....Respondents

For the Petitioner(s)	:	Mrs. S. Deb (Gupta), Advocate. Mr. R. Gope, Advocate.
For the Respondent(s)	:	Mr. D. Sarma, Addl. G.A. Mr. D. C. Saha, Advocate. Mr. Arijit Bhaumik, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
ORDER

12.03.2026

[1] Heard learned counsel appearing for the respective parties.

[2] This present writ petition is filed under Article 226 of the Constitution of India seeking the following reliefs:

"i. Admit the petition;

ii. Call for the records from the custody of the respondents;

iii. Issue writ of mandamus directing the Respondents authorities, their men, agents, subordinates and/or assignees to forthwith carry out an inspection of the B+G+4 storied residential building at Agartala Municipal Corporation having Holding Nos. 02144, 02145, House No. 481211, within the jurisdiction of Agartala Municipal Corporation Ward No. 48, Street/Road Badharghat (near Badharghat Petrol Pump), Agartala, Tripura West and file a report before this Hon'ble Court.

iv. Issue writ of mandamus directing the Respondent No. 2 and 3 their men, agents, servants, subordinates and/or assignees to take appropriate step against the material misrepresentation for obtain the plan for development of the building over the land of the petitioners.

v. Issue writ of mandamus directing the Respondents authorities, their subordinates and/or assignees to forthwith do the needful and file a report before this Hon'ble Court in regards to the demand of the notices sent by advocate Santanu Singha as above referred to.

vi. A writ of and/or order and/or direction in the nature of Prohibition restraining the respondent No. 4, his men, agents, employees, servants, and/or assignees from allowing the respondent to continue with the illegal and unauthorized construction of B+G+4 storied residential building at Agartala Municipal Corporation having Holding Nos. 02144, 02145, House No. 481211, within the jurisdiction of Agartala Municipal Corporation Ward No. 48, Street/Road - Badharghat (near Badharghat Petrol Pump), Agartala, Tripura West.

vii. Injunction restraining the respondents and each of them and their men, agents, employees, servants, and/or assignees from allowing the respondent 4 to continue with the illegal and unauthorized construction at of the B+G+4 storied residential building at Agartala Municipal Corporation having Holding Nos. 02144, 02145, House No. 481211, within the jurisdiction of Agartala Municipal Corporation Ward No. 48, Street/Road Badharghat (near Badharghat Petrol Pump), Agartala, Tripura West and file a report before this Hon'ble Court accordance with the provisions of the Agartala Municipal Corporation Act, 1994 and the Rules and Regulations framed there under have been violated.

viii. Ad-interim order of stay of all further work of construction till the disposal of the instant writ petition.”

[3] It is the case of the petitioners that the petitioners are the land owners. The petitioners herein initially entered jointly into an agreement for development of land on July 17, 2018 with the respondent No. 4 (Developer/ private respondent herein) with regard to this , the petitioners also made agreements for development of land and executed irrevocable General Power of Attorney with the developer i.e Private Respondent No. 4. Thereafter, the respondent No. 4, had started construction of the building soon after execution of the agreement. The petitioners were convinced that the respondent no.4 obtained building plan from the Corporation. Even during the dark period of COVID 19 pandemic, construction work was in full swing. Whenever, the petitioners wanted to get copy of building permission/plan, the developer avoided by saying that Corporation gave sanction but copies of the sanctioned plan would be provided later. Finding no other alternative, the petitioners addressed several correspondences with the corporation, but all their efforts ended in smoke. Hence, this petition.

[4] Mrs. S. Deb (Gupta), learned counsel appearing for the petitioners submits before this Court that the petitioners herein initially entered jointly into an agreement for development of land on July 17, 2018 with the respondent No. 4 (private respondent herein) with regard to this, the petitioners also made agreements for development of land and executed irrevocable General Power of Attorney with the developer i.e Private Respondent No. 4. She further submits that, whenever the petitioners wanted to get copy of building permission/plan, the developer avoided by saying that Corporation gave sanction but copies of the sanctioned plan would be provided later. Learned counsel also states that the petitioners herein approached before the concerned corporation but they did not get any response. She, therefore prays before this Court to grant the relief as sought for.

[5] Heard and perused the evidence on record.

[6] It is seen from the record that the petitioners herein entered into an agreement with the private respondent No.4 for development of a building on a land of the petitioners. Thereafter, during the construction tenure a dispute arises between the parties with regard to the building plan/permission from the competent authority and construction.

[7] This Court in writ jurisdiction cannot appreciate the facts and more so, the complaint /representations filed by the petitioners before the respondent Municipal Corporation cannot be entertained and the petitioners for their personal issues where fundamental rights are not infringed by any authority cannot invoke writ jurisdiction and more so, seeking a direction against Municipality and cannot involve corporation into their private dispute and adopt arm twisting methods when effective remedy is available before the Civil Court to appreciate the evidence and examine the documents and illegal construction, if any.

[8] Since, the dispute between the parties pertains to a civil dispute and involving disputed questions of facts, petitioners are having alternative remedy before the concerned forum, hence the same cannot be entertained under Article 226 of the Constitution of India.

[9] For the discussion made above, this Court is not inclined to grant relief as prayed and the writ petition is liable to be dismissed. Accordingly, the same is dismissed.

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

DR. T. AMARNATH GOUD, J

Paritosh

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