



TRHC010007892026

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.315 of 2026

1. Shri Sankar Kanti Saha @ Shibaprasad Saha, S/o Late Surjya Kanta Saha Resident of Holding No. 35/1841/A/1638, Madhyapara, Millansangha, North Badharghat, A.D. Nagar - 799003, West Tripura.

.....Petitioner

_V_E_R_S_U_S_

1. The State of Tripura, represented by the Secretary, Urban Development Department, Government of Tripura, Civil Secretariat, New Capital Complex, Kunjaban, Agartala, West Tripura, PIN - 799010 Agartala.
2. Directorate of Urban Development, 5th Floor, U.D. Bhawan, Sakuntala Road, Near Rabindra Bhawan, Agartala, West Tripura, PIN-799001.
3. Agartala Municipal Corporation, represented by its Commissioner, Agartala Municipal Corporation, City Centre Complex, Paradise Chowmuhani, Agartala, West Tripura, PIN -799001.
4. The Assistant Municipal Commissioner, South Zonal Office, Agartala Municipal Corporation, Near TV Centre, Badharghat, Agartala, West Tripura, PIN -799003.
5. Sri Sujit Chakraborty, S/O Late Manoranjan Chakraborty, resident of Madhyapara, Millansangha, North Badharghat, Ward No. 40, Agartala, West Tripura.

.....Respondents

For Petitioner(s)	:	Mr. R. Saha, Advocate.
For Respondent(s)	:	Mr. P. Gautam, Sr. G.A. Mr. A. Bhaumik, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

14.05.2026

Heard.

[2] The present petition has been filed under Article-226 of the Constitution of India for directing the respondents to discharge their statutory duties under the Tripura Municipal Act, 1994 and the Tripura Building Rules, 2017, in relation to illegal construction, public nuisance and hazardous sanitation practices.

[3] The petitioner has prayed for the following reliefs:

“(a) Issue a writ in the nature of Mandamus directing the immediate Respondent authorities to conduct an inspection of the premises of Respondent No. 5.

(b) Issue a writ in the nature of Mandamus directing the Respondent authorities, particularly Respondents No. 3 and 4, to forthwith take appropriate action under the Tripura Municipal Act, 1994, including issuance of stop-work notice and prevention of any further construction by Respondent No. 5, pending inspection and final decision in accordance with law.

(c) Direct the Respondents to take action against the unauthorized construction in accordance with law immediately in accordance with the Complaint and reminder submitted by the Petitioner;

(d) Direct removal and/or rectification of the septic tank and ventilation system;

(e) Direct the respondent authorities to ensure compliance with the Tripura Building Rules, 2017.”

[4] The present writ petition arises out of illegal construction and hazardous sanitation practices undertaken by respondent No. 5 in gross violation of the Tripura Building Rules, 2017 and the National Building Code of India, 2016. The Respondent No. 5 has constructed a permanent RCC structure adjacent to the petitioner's premises without maintaining the mandatory setback, leaving a gap of only about 45 cm as against the prescribed minimum of 1.5 meters and 2.1 meters in the case of a septic tank. Further, the septic tank and its ventilation system have been installed in complete disregard of statutory norms, with the vent pipe positioned at the level of the petitioner's window, resulting in continuous discharge of foul and hazardous gases directly into the petitioner's premises. The said construction is *ex facie* illegal and constitutes a continuing nuisance and health hazard.

[5] The petitioner, a senior citizen suffering from serious cardiac and pulmonary ailments, has been severely affected by the said conditions. Despite repeated personal requests to respondent No. 5 and formal complaints dated 06.02.2026 and 04.04.2026 to the municipal authorities, no action has been taken. The inaction of the respondent authorities in failing to inspect the site and enforce statutory provisions under the Tripura Municipal Act, 1994 has resulted in a continuing violation of the petitioner's fundamental rights under Articles-14 and 21 of the Constitution of India. The cause of action is continuing in nature, and the petitioner, having no other efficacious remedy, is constrained to invoke the writ jurisdiction of this Court seeking appropriate directions for inspection, enforcement of law, and abatement of the nuisance.

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

[7] Mr. R. Saha, learned counsel appearing for the petitioner has submitted that the gases emitted from a septic tank through its ventilating pipe typically comprise harmful and noxious components such as methane, hydrogen sulphide, ammonia, and other toxic gases generated from the decomposition of organic waste. These gases are not only foul-smelling but are also hazardous to human health, particularly when inhaled continuously in enclosed or semi-enclosed residential environments. Hydrogen sulphide, in particular, is known to cause irritation of the eyes and respiratory tract, while methane is a not only combustible gas but is capable of causing asphyxiation.

[8] In the present case, the ventilating pipe has been installed at an around the level of the petitioner's window, resulting in direct and continuous ingress of such noxious gases into the petitioner's living space. This is especially dangerous given the petitioner's pre-existing cardiac and pulmonary ailments, as prolonged exposure to such gases can aggravate respiratory distress, reduce oxygen intake, and adversely affect overall health. The improper positioning of the vent pipe, therefore, not only constitutes a nuisance but also creates a serious and imminent health hazard and safety risk, contrary to accepted sanitation standards and the provisions of the National Building Code of India.

[9] Having heard the learned counsel appearing for the parties, this Court is of the view that admittedly, this is a civil dispute between the petitioner and the un-official respondent wherein, the petitioner has adopted for the reason best known an arm twisting method for getting the issue resolved and to which the municipal authorities are being dragged. Instead of approaching before the Civil Court in the event, if the petitioner is aggrieved by any kind of unauthorized or illegal construction affecting the ease-mental or any other rights, the petitioner is also having a remedy before the competent Civil Court.

[10] In that view of the matter, the present petition stands dismissed. The petitioner may approach before the appropriate forum to avail remedies in accordance with. As a sequel, miscellaneous application, pending if any, shall stand closed.

DR.T. AMARNATH GOUD, J

A. Ghosh

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