

Party Name : MIRA RANI SAHA (ROY)& ANR Vs AGARTAL MUNICIPAL CORPN. & ORS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. D.R. Choudhury, learned counsel appearing for the petitioners as well as Mr. K.K. Pal, learned counsel appearing for the Agartala Municipal Corporation-respondents and Mr. D. Saha, learned counsel appearing for the respondent No.4.

The grievance of the petitioners as projected is that the respondent No.4 has constructed a RCC building without keeping the required space from their boundary line, even after the objection raised by them. The petitioner No.1 had filed a complaint to the Executive Officer, Agartala Municipal Corporation, East Zone on 31.03.2014 making serious allegation about that unauthorised construction of the building by the respondent No.4. The petitioner had made further complaint on 04.06.2014 for appropriate action against the respondent No.4. Since no action has surfaced the petitioners have filed this writ petition for redress.

By the order dated 10.08.2015, this court had directed the Executive Officer, Agartala Municipal Corporation, East Zone to file a personal affidavit mentioning as to what action has been taken on the complaint dated 31.03.2014, Annexure-III to the writ petition and the complaint dated 04.06.2014, Annexure-IV to the writ petition.

In turn, the Executive Officer, Agartala Municipal Corporation, East Zone, has filed that personal affidavit, stating that after receipt of the complaints dated 31.03.2014 and 04.06.2014 filed by the petitioner No.1, he had instructed the in-charge, Task Force to inquire about the matter and to submit the report. In para 4 of the said affidavit, he has stated as under :

“That, in regard to the construction made by the respondent No.4 I have inquired the matter through Surveyor and from his report it is found that Sri Jiban Kr. Choudhury had constructed a R.C.C. Single storied building without any approval from A.M.C.”

It is thus clear that the respondent No.4 has acted prima facie in violation of Tripura Municipal Act, 1994 and the rules made thereunder for purpose of construction of any RCC building.

In this background, the Agartala Municipal Corporation-respondents are directed to start a proceeding for such violation within a week from today, giving due opportunities to the complainant and the respondent No.4 for laying their versions and to take the appropriate action as per law.

With this direction and observation, this petition is allowed to the extent as indicated above. There shall be no order as to costs.