HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.504/2020

Sri Rahul Dey.

…….. *Petitioner(s).*

Vs.

The State of Tripura and Ors.

…….. *Respondent(s).*

For Petitioner(s) : Mr. Samarjit Bhattacharjee, Advocate.
For Respondent(s) : Mr. Debalaya Bhattachatjee, Govt. Adv.,
Mr. K K Pal, Advocate,
Mr. Kousik Roy, Advocate.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

_O_R_D_E_ R_

10/12/2020

The petitioner objects to the construction of a building which has been started by respondent No.5 on the ground that the said respondent has no permission to the Municipal Corporation to carry out such construction.

On 1st October, 2020 following order was passed :

"Case of the petitioner is that on a plot of land jointly owned by several owners including the petitioner and respondent No.5, the said respondent No.5 is carrying on construction of his two storied residential unit without approval of building plans by the Municipal

authorities. The petitioner has complained to the Municipal authorities who have also taken cognizance of these facts and issued prohibitory orders, despite which the respondent No.5 has continued the construction activity.

Learned counsel for the petitioner drew my attention to an order dated 04.02.2020 passed by the Assistant Municipal Commissioner, Agartala in which he recorded that on inquiry, it has come to his notice that there is no approved plan of the constructed building. It has also come to the notice that total area of the plot in question belongs to 5 persons. Accordingly, in the said order, the Assistant Municipal Commissioner instructed the respondent No.5 not to carry out the construction any further. Counsel submitted that despite this order and other similar orders, the respondent No.5 has continued the construction with impunity.

Issue notice, returnable for 15.10.2020.

Learned Government Advocate, Mr. Debalay Bhattacharjee waived notice on behalf of the State-respondents.

By way of ad-interim relief, the respondent No.5 is directed to stop the construction activity on the plot in question. Respondents No.3 and 4 shall ensure that this interim direction is complied with."

In response to the notice issued, Agartala Municipal Corporation(AMC) as well as respondent No.5 have appeared through their respective advocates and filed replies. The stand taken by the AMC is that no building permission was granted to the respondent No.5 for the said construction and the AMC has, therefore, instituted proceedings for removal of such construction. Such proceedings are going on. Respondent No.5 also does not dispute that the construction had been commenced and

that the same was without approved plans. Counsel for the respondent No.5, however, stated that after receipt of notice of this Court dated 1st October, 2020 further construction has been stopped.

In view of such undisputed facts, let the AMC complete the proceedings for removal/demolition of the construction. The respondent No.5 shall not carry out any construction without obtaining permission and approval of plans for construction from the AMC.

Petition is disposed of accordingly. Pending application(s), if any, also stands disposed of.

(AKIL KURESHI, CJ)

HIGH COURT OF TRIPURA
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