



HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C)No.623 of 2026

1. Smt. Alakananda Basu (Roy), W/o Sri Biswajit Basu resident of Jaganath Bari road Near Babuyana Tea Shop PS- West Agartala, Dist - West Tripura.

.....Petitioner

_V_E_R_S_U_S_

1. The Assistant Municipal Commissioner Central Zone, Agartala Municipal Corporation PS - West Agartala District - West Tripura.
2. The Municipal Commissioner, Agartala Municipal Corporation, PS - West Agartala, District - West Tripura.
3. The Secretary, Urban Development Department, Govt. of Tripura, New Secretariat Complex, PS - NCC District - West Tripura.
4. The State of Tripura, represented by the Secretary, Urban Development Department, Govt. of Tripura.

.....Respondents

For Petitioner(s)	:	Mr. K. Datta, Advocate.
For Respondent(s)	:	Mr. P. Gautam, Sr. G.A. Mr. A. Bhaumik, Advocate.
Whether fit for reporting	:	YES/NO

HON'BLE JUSTICE DR. T. AMARNATH GOUD
_F_I_N_A_L_O_R_D_E_R_

21.08.2026

Heard.

[2] The present petition has been filed under Article-226 of the Constitution of India directing the respondent No.1 to stay the proceeding of demolition in compliance to order dated 22.10.2025 passed in connection with case reference No. E.05/SC/CZ/AMC/2025/1365-68 until disposal of the appeal under Section-133(3) of the Tripura Municipal Act, 1994 pending before the Municipal Appellate Tribunal, Agartala Municipal Corporation.

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

- “i. Issue rule upon the respondent No.1 to show mandamus and/or order/orders, direction/directions of like nature shall not be issued whereby directing the respondent No.1 to stay with the execution of demolition order till the final disposal of the appeal proceeding.
- ii. Issue rule upon the respondent No.1 to show cause as to why a writ in the nature of certiorari and/or order/orders, direction/directions of like nature shall



not be issued whereby to call for the records pertaining to the instant writ petition from the custody of the respondent No.1 and make the rules absolute after hearing the both sides.

iii. Make the rules absolute after hearing the parties.”

[4] The facts in brief are that the Assistant Municipal Commissioner, Central Zone, Agartala Municipal Corporation passed an order dated 22.10.2025 in connection with Case Reference No. E.05/SC/CZ/AMC/2025/1365-68 against the petitioner for demolition of the constructed 2nd floor of the existing building situated under Khatian No. 1039 of Mouja- Agartala sheet No. 14, Tehashil- East Agartala, Dist-West Tripura and subsequently the Petitioner filed an appeal along with a separate stay petition before the Municipal Appellate Tribunal, Agartala Municipal Corporation on 29.12.2025 but till date the said appeal proceeding is pending without any hearing.

[5] Being aggrieved by and dissatisfied with the same, the present petition has been preferred by the petitioner before this Court for staying the operation of demolition order dated 22.10.2025, till the final disposal of the appeal proceeding.

[6] In view of above and having heard the learned counsel appearing for the parties this Court is of the view that the case of the petitioner is one of the sisters of the writ petitioner repeatedly filing complaints before the Municipal authorities and creating un-practicable situation and in support of her complaints, the respondents have taken steps for demolition of the property which is alleged to be an unauthorized portion of construction. Aggrieved by the said action of the respondent municipal officer, the petitioner has preferred an appeal under the statute and the matter is *sub judice* before the Municipal Appellate Tribunal, Agartala Municipal Corporation. During pendency of the appeal, since no interim orders were passed and the matter is pending, the respondent once again upon the instruction of the sister, has further initiated steps for demolition and thus, the petitioner before this Court.

[7] Earlier, when the case was called, learned counsel Mr. Bhaumik, appearing for the municipal corporation sought for an accommodation for taking necessary instructions. Today, when the case is called, both sides present along with the records and on perusal of the records, Mr. Bhaumik, learned counsel submitted that he has already advised his officers not to take any coercive steps



since, the matter is already *sub-judice* by way of an appeal before the appellate authority. Despite that, he is not aware if the officers still pursuing the matter of demolition.

[8] It appears to be strange that the work system of the respondent municipal authorities that when any complaint is received, instead of directing them to approach to Civil Court, in the event of any violation of any law and more particularly, when the appeal is pending, entertaining the complaint, is unwarranted as the municipal authority could have always advise or direct the complainant to pursue the matter before the appellate authority. Since the municipal officers are not effectively working as required under the public law, they are drawing the citizens to the Court. It is not for the municipal officer to take one side and create hardship to the other.

[9] The municipal authority could have always given an opportunity and examine the records and after hearing, could have passed the orders with regard to any kind of unauthorized construction which are liable to be dismantled. All the efforts that are supposed to be made in all fairness by the municipal officer are not present in the instant case. This Court finds that the respondent authorities are to be well advised to work as required under the law. For the laches of the respondent authorities, a citizen cannot be put into hardship. However, it is expected that the respondent authorities would act properly more particularly, in this matter when the appeal is *sub-judice*. Any hardship caused by the municipal authority is uncalled for.

[10] With the above observation, this Court feels that the Commissioner, Agartala Municipal Corporation would be sensitized and also advised his subordinates to act accordingly. Thus, the present petition stands disposed of. As a sequel, miscellaneous application, pending if any, shall stand closed.

DR. T. AMARNATH GOUD, J