

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A
WP(C) No.1063 of 2022

Smt. Aparajita Roy Choudhury Chakraborty

.....Petitioner(s)

V E R S U S

The State of Tripura and others

.....Respondent(s)

For Petitioner(s) : Mrs. P. Chakraborty, Advocate,
Ms. Ankita Pal, Advocate.

For Respondent(s) : Mr. D. Sharma, Addl. G.A,
Mr. A. Bhaumik, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

O_R_D_E_R

13/12/2022

Heard Mrs. P. Chakraborty, learned counsel assisted by Ms. Ankita Pal learned counsel appearing for the petitioner and also heard Mr. D. Sharma, learned Additional Government and Mr. A. Bhaumik, learned counsel appearing for the respondents.

[2] The present writ petition has been filed by the petitioner seeking the following relief :

“i) Admit the petition

ii) Issue Rule NISI upon the respondents to Show Cause as to why a Writ of Mandamus shall not be issued commanding upon the respondents to remove the encroachment from the public path recorded in khas Khatian No- 1/58 covered by C.S. Plot No- 4047(p) present plot No – 9340 within Mouja and Tehshil – Indranagar, Revenue Circle, Agartala, Sub-Division- Sadar forthwith.

AND

iii) As to why appropriate action for such illegal encroachment shall not be taken against said respondent No – 4, 5 and 6.

AND

iv) After hearing the petition be pleased to issue Writ in the light of the prayer made above and make the Rule absolute.

V) Cost of the petition may be granted to the petitioner.”

[3] The brief facts are as under :

The petitioner is the owner of land measuring 0.290 acres within Mouja and Tehsil-Indranagar, Revenue Circle and Sub-Division-Sadar, which is recorded in Khatian No. 3251 comprising old plot Nos. 4049 and 4050 corresponding Hal plot Nos-9342 and 9344. Adjacent to her said purchased land, there is a public path, which is recorded in khas khatian No- 1/52 comprising old plot No-4047(p), Hal Plot No-9340 for the use of general public. Despite being given objection from time to time, the said path was encroached by respondent Nos.4, 5, 6. The petitioner submitted representations before the respondent No.2 citing her grievances on 16.01.2021 and 25.01.2021 respectively. Since no order was passed, she filed this instant writ petition.

[4] The petitioner initially filed representations before the District Magistrate & Collector (respondent No.2 herein) on 16.01.2021 and 25.01.2021. Subsequently, a letter was also given to the respondent No.2 indicating encroachment of illegal construction on public path at South Indranagar AMC Ward No.10.

[5] Mrs. P. Chakraborty, learned counsel for the appellant submits that the respondents No.4, 5 & 6 illegally constructed building on the public path and prays for removal of the said illegal encroachment made by the said respondents and also prays for appropriate order may be passed by this Court.

[6] On the other hand, Mr. D. Sharma, learned Additional Government Advocate vehemently opposed the petition and prays for dismissal of the same.

[7] In view of the statement made by the learned counsel for both sides, the petition is disposed of directing the District Magistrate & Collector, West Tripura, Agartala to consider the representation of the petitioner, in accordance with law. The said exercise shall be completed within a period of 4(four) weeks from today.

[8] The writ petition is disposed of. Pending application(s) if any, also stands disposed of.

CHIEF JUSTICE(ACTING)

MunnaS