

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.558/2017

Shri Samir Ranjan Barman, S/O. Late Sudhir Ranjan Barman, a resident of 38, Akhaura Road, P.O. Agartala, P.S. West Agartala, District-West Tripura.

-----Petitioner(s)

Versus

1. The Agartala Municipal Corporation, Body Corporate created under Tripura Municipal Act, 1994 having its Head Office at City Centre Complex, Paradise Chowmohani, P.O. Agartala, P.S. West Agartala, District-West Tripura represented by the Commissioner, Agartala Municipal Corporation.

2. The Municipal Commissioner, Agartala Municipal Corporation, City Centre Complex, Paradise Chowmohani, P.O. Agartala, P.S. West Agartala, District-West Tripura.

3. The Assistant Municipal Commissioner, Central Zone, City Centre Complex, Paradise Chowmohani, P.O. Agartala, P.S. West Agartala, District-West Tripura.

4. Smti. Bhabani Chakraborty alias Bhattacharjee, W/O. Late Dipankar Chakraborty, 38, Akhaura Road, P.O. Agartala, P.S. West Agartala, District-West Tripura.

-----Respondent(s)

For Petitioner(s) : Mr. S.M. Chakraborty, Sr. Advocate,
Mr. S. Sarkar, Advocate.

For Respondent(s) : Mr. P. Roy Barman, Advocate,
Mr. K.K. Pal, Advocate.

HON'BLE THE CHIEF JUSTICE MR. AJAY RASTOGI

Order

30/07/2018

The petitioner is a local resident residing at 38, Akhaura Road, Agartala, West Tripura. His grievance was that on a complaint made by him the Municipal Corporation, Agartala passed an order on 13.8.2015 (Annexure-7) and since that was not complied with by the sub-ordinate officers, no other remedy was left with him but to approach this court by filing of the instant writ petition.

2. In the course of proceedings, it was brought to the notice of the court that the order dt.13.8.2015 in reference to which a complaint was made by the petitioner came to be challenged by the person aggrieved in appeal before the Municipal Appellate Tribunal, Agartala and on the last date of hearing i.e. 11.6.2018, it was informed to this court that the matter was heard in part by the Tribunal and since the hearing remained inconclusive posted the matter on 02.7.2018. Taking note thereof, this court posted the matter for perusal of the final fate of the pending appeal before the Tribunal on 30.7.2018.

3. Today the final order passed by the Municipal Appellate Tribunal dt.25.05.2018 has been placed for perusal, copy of which was forwarded to the respondent no.4 on 20.6.2018. It reveals from the record that what was informed to this court as noticed in the order dt. 11.6.2018 was factually incorrect. This court is not inclined at this stage to go into the matter to apprise as on whose instructions the counsel for the Municipal Corporation made a mention to this court about the pendency of appeal before the Tribunal, but this court would like to inform the officers of the Corporation and the officers of the court as well not to be casual in approach.

4. Since the appeal preferred by the respondent no.4 against the order dt.13.8.2015 (Annexure-7) has been decided by the Tribunal setting aside as it revealed from the order of the Tribunal dt.25.5.2018, at least the present petition has become infructuous

but it will not preclude the petitioner of availing remedy against the order dt.25.5.2018 what is admissible under the law.

5. Consequently, the writ petition stands disposed of being infructuous.

CHIEF JUSTICE

Certificate:- All corrections made in the judgment/order have been incorporated in the judgment/order.

Pulak

