

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C)No.961 of 2021

For Petitioner(s)	: Mr. C.S. Sinha, Adv.
For Respondent(s)	: Mr. K.K. Pal, Adv.

HON'BLE MR. JUSTICE S. TALAPATRA

Order

31/12/2021

Heard Mr. C.S. Sinha, learned counsel appearing for the petitioner.

Mr. Sinha, learned counsel has at the outset submitted that pursuant to the impugned notice under No.F.13(C)/SC/CZ/AMC/2020/716-21 dated 27.12.2021, the respondents No.1 and 2 have demolished the structure on the purported encroached land, which the respondents have claimed as their land.

Mr. Sinha, learned counsel has submitted that the entire action was arbitrary. On 27.12.2021, the said notice was served on the brother of the petitioner when the petitioner was away from Agartala. Having knowledge of the notice, which has been challenged by this writ petition, the petitioner had submitted a representation seeking some time for filing a statement rebutting the allegation and urging not to take coercive action in absence of the petitioner. But today in the morning, the said structure has been demolished by the respondents in pursuance to the said notice. In view of the above development, the cause as demonstrated in this petition has become infructuous.

Mr. Sinha, learned counsel has further submitted that the lis involves a serious property dispute and as such, this Court should provide the petitioner the leave to institute a fresh action.

In view of the above statement, the writ petition stands disposed of as infructuous. However, the petitioner will have liberty to take fresh action at law as regards the property and the action taken by the respondents in pursuance to the said notice dated 27.12.2021 [Annexure-4 to the writ petition].

Mr. K.K. Pal, learned standing counsel for the respondents No.1 and 2 appears on advance notice.

A copy of this order be supplied to Mr. C.S. Sinha, learned counsel appearing for the petitioner.

JUDGE

