

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.326 OF 2022**

Smt. Maya Debnath

..... **Petitioner(s)**

Vs.

The State of Tripura and ors.

..... **Respondent(s)**

For the Petitioner(s) : None.

For the Respondent(s) : Mr. D. Bhattacharjee, G.A.
Mr. A. Bhaumik Advocate.
Mr. Saumyadeep Saha, Advocate.

Date of hearing and delivery of
Judgment & Order : 27.03.2023.

Whether fit for reporting : YES/NO.

HON'BLE THE CHIEF JUSTICE(ACTING)

JUDGMENT AND ORDER(ORAL)

The challenge in the present writ petition has been made to a notification dated 01.07.2019 issued by the Commissioner, Tripura Urban Planning & Development Authority (TUDA, for short) whereby the respondent authority, i.e. Agartala Municipal Corporation handed over the entire Vivekananda Market, 2nd Hawkers Corner to the TUDA.

2. Case of the petitioner, in brief, is that the petitioner is the Touji holders in the Vivekananda Market, presently known as 2nd Hawkers' Corner. Agartala Municipal Corporation has given them

touji for the purpose of running business. But all of a sudden, without prior notice, the respondent authority handed over the Vivekananda Market premises to the Tripura Urban Planning and Development Authority (TUDA) by Notification dated 01.07.2019. Against this notification, the petitioner and other similarly situated persons made representation to the respondent-authorities, but to date, no response was received by the petitioner from the respondent authority. Accordingly, finding no other alternative, the petitioner has approached this Court by filing this writ petition.

3. Hence, the petitioners have preferred the present writ petition before this Court seeking the following reliefs:

" i) Issue Rule calling upon the respondents to show cause as to why the writ of certiorari and/or in the nature thereof shall not be issued directing to transit the records, relevant to the subject matter of the writ petition for rendering substantive justice to the petitioners.

ii) Issue Rule calling upon the respondents to show cause as to why a writ of mandamus and/or in the nature thereof for mandating/directing to forthwith restore the original status/position of the petitioners in the Vivekananda Market site as was available before demolition so that they can carry business.

iii) After hearing the parties your Lordship be pleased enough to make the rule absolute.

iv) Any other relief/relieves as your Lordship may being fit and proper."

4. When the case is called, there is no representation on behalf of the petitioner. Mr. D. Bhattacharjee learned G.A. assisted by Mr. Saumyadeep Saha, learned counsel, and Mr. A. Bhowmik, learned counsel appears for the respondents.

5. Perused the record, it is seen from the record that the subject matter involved in this writ petition is already covered by an

order dated 13.01.2023 passed by this Court in an identical matter bearing WP(C)No.379 of 2022.

6. In view of the same, without expressing any opinion on the merit of the case, this present writ petition is disposed of directing the respondents to consider the representation made by the petitioner in accordance with the law within a period of 3(three) months from the date of receipt of the copy of this order by following the due procedure.

7. With the above observation and direction, this instant writ petition stands disposed of. Stay if any is vacated, pending application(s), if any, stands closed.

CHIEF JUSTICE (ACTING)



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