

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.370 of 2022

For Petitioner(s)	:	Mr. S. M. Chakraborty, Sr. Advocate. MS. Ankita Pal, Advocate.
For Respondent(s)	:	Mr. D. Bhattacharjee, G.A. Mr. A. Bhowmik, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

_O_R_D_E_R_

04/04/2023

Heard Mr. S. M. Chakraborty, learned senior counsel assisted by Ms. A. Pal, learned counsel appearing for the petitioners. Also heard Mr. D. Bhattacharjee, learned G.A. and Mr. A. Bhowmik, learned counsel appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for issuing a writ of mandamus directing the respondents to hand over the respective Touji premises to the petitioners which were allotted to them in Vivekananda Market, Santi Para, Agartala so specifically described in para-6 of the petition by fixing a definite period for such handing over. Further for arbitrary denial of right to livelihood of the petitioners from which they were arbitrarily and unlawfully evicted in the name of construction of housing complex by the Tripura Urban Planning and Development Authority (T.U.D.A) infringing their right conferred under Article-21 of the Constitution of India.

The petitioners have prayed for the following reliefs:

a. Admit the petition.

AND

b. 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 re-allot the respective Toujis to the petitioners as described in paragraph No.6 of the petition from which they have been illegally and unconstitutionally evicted in the name of construction of township or housing complex forth with and to allow them to start and run the business therein without facing any sort of disturbance from the side of the respondents.

AND

c. Pass any other appropriate writ or direction as may be found appropriate by this Hon'ble Court under the facts and circumstances of the case in the light of the prayers made above and make the rules absolute."

The case of the petitioners is that the petitioners were allotted Toujis in Vivekananda Market (Second Hawkers' Corner), Santipara, Agartala for carrying out business for earning livelihood. The petitioners on 01.07.2019 a Gazette Notification was issued by the respondents showing the name of the Vivekananda Market for construction of new Township in that notification vacant government land was indicated but not the Toujis allotted to the petitioners.

So, they have no reason to submit any objection against that but ultimately the respondents took possession of the entire Vivekananda Market and demolished the Toujis so allotted to the petitioners without any prior notice. After such demolition the petitioners approached the respondents No.3 for re-allotment of the Toujis but till date nothing has been done in that direction. The petitioners submitted representation then served a notice of demand seeking redress but of no result.

Hence, the present petition has been filed by the petitioner before this Court for redress.

Having considered the submission of the learned counsel for both the parties, without expressing any opinion on merits, the present writ petition stands disposed of directing respondents to consider and dispose of the case of the petitioner more particularly, the representation dated 13.08.2020 filed by the petitioners, in accordance with law within a period of three months from the date of receipt of the copy of this order.

Accordingly, the present petition stands disposed. As a sequel, miscellaneous applications pending, if any, shall stand closed.

CHIEF JUSTICE (ACTING)