

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.379/2022

Sri Chandan Ranjan Naha and others

..... Petitioner(s)

V E R S U S

The Agartala Municipal Corporation and others

.....Respondent(s)

For Petitioner(s) : Mr. C.S. Sinha, Advocate.

For Respondent(s) : Mr. K. De, Addl. G.A.,
Mr. Pradyot Maishan, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

13/01/2023

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) at Annexure-12 to the writ petition 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 petitioners, in brief, is that the petitioners are 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 on a sudden, without prior notice, the respondent authority has handed over the Vivekananta Market premises to the Tripura Urban Planning and Development Authority (TUDA) by Notification dated 01.07.2019. Against this notification, the petitioners made representation and in response thereto, the Municipal Authority told them to furnish necessary papers and documents which they submitted by letter dated 26.08.2020 separately. But till date, no response was received by the petitioners from the respondent authority. Accordingly, finding no other alternative, the petitioners have approached this Court by filing this writ petition. Hence, this case.

3. Since the representation of the petitioner was not considered by the respondents, they have preferred the present writ petition before this Court seeking the following reliefs:

- "(a) admit this petition.
- (b) call for the records.
- (c) issue writ in the nature of Mandamus calling upon the respondents to show cause as to why petitioners should not be provided with their respective Touji premises viz., stalls/rooms, in the newly setup project the Vivekananda Market Township, the 2nd Hawkers' Corner, at Santipara, Agartala.
- (d) issue writ in the nature of Certiorari calling upon the respondents to show cause as to why the Notification

No.F.2(8)-TUDA/Tech/2019/4149/80 dated 01-07-2019 should not be declared bad in law and quashed.

(e) pass any such order or further orders as this Hon'ble Court may deem fit and proper on the facts and in the circumstances of the case in favour of the petitioners."

4. Heard Mr. C.S. Sinha, learned counsel appearing for the petitioners. Also heard Mr. K. De, learned Addl. Government Advocate appearing for the respondents-State and Mr. Pradyot Maishan, learned counsel appearing for the respondents-Agartala Municipal Corporation.

5. Mr. C.S. Sinha, learned counsel appearing for the petitioners, submits that the petitioners were small businessmen having Touji in the Vivekananda Market at Central Road, Agartala. Thereafter, by notification dated 01.07.2019 the respondents-Agartala Municipal Corporation handed over the said market to TUDA and the petitioners were asked to furnish necessary documents against which they submitted representation but till date no response to that effect. Accordingly, he prays for quashing the impugned notification dated 01.07.2019.

6. On the other hand, Mr. Pradyot Maishan, learned counsel appearing for the respondents-AMC, vehemently objected the submissions advanced by the learned counsel for the petitioners contending that the

petitioners have not submitted any valid proof of documents with regard to holding of Toujis before the Corporation and accordingly, he prays for dismissal of the writ petition.

7. Having considered the submissions of learned counsel for both the parties, without expressing any opinion on merits the present writ petition is disposed of directing the respondent No.6, Assistant Municipal Commissioner, Central Zone, Agartala Municipal Corporation to consider and dispose of the representation of the petitioners dated 26.08.2020 as expeditiously as possible, preferably within a period of 3(three) months from the date of receipt of a copy of this order by following due procedure.

8. With the above observations and directions, the writ petition stands disposed of.

Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

Pulak