

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.450 OF 2022**

Sri Subrata Debnath,

S/o-Sunil Kumar Debnath,

R/o- Ward No.5, Near Kanchanmala G.P.,

District-West Tripura, Pin-799130.

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

Vs.

1) The State of Tripura,

To be represented by the Secretary,
Food, Civil Supplies & Consumer Affairs,
Dept. Govt. of Tripura, New Secretariat Building,
New Capital Complex, Kunjaban, P.S. New Capital Complex,
Agartala, West Tripura, PIN-799010.

2) The Director,

Food, Civil Supplies & Consumer Affairs,
Government of Tripura, Gurkhabasti Tripura.

3) The Sub Division Magistrate,

Sadar, West Tripura.

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

For the Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. D. Paul, Advocate.

For the Respondent(s) : None.

Date of hearing and delivery of
Judgment & Order : 09.01.2023.

Whether fit for reporting : NO.

HON'BLE THE CHIEF JUSTICE(ACTING)

JUDGMENT AND ORDER(ORAL)

The brief fact of the present writ petition is that the petitioner is the dealer of Kanchanmala Fair Price Shop No.3.

The petitioner was appointed as Fair Price Shop dealer in 1997 and since then, he has been discharging his duties and responsibilities. By order dated 12.01.2022, the SDM Sadar, West Tripura, canceled the dealership license of the petitioner. Being aggrieved by the order dated 12.01.2022, the petitioner preferred an appeal under Tripura Food Grains(Distribution) Control Order, 1972, for restoration of his Fair Price Shop License. But by the judgment and Order dated 20.04.2022, the Appellate Authority upheld the cancellation order dated, 12.01.2022.

2) Aggrieved thereby, the petitioner filed this instant petition praying for the following reliefs:-

" i) Issue Rules upon the Respondents to show cause as to why writ in the nature of Mandamus and direction of like nature shall not be issued directing the respondents for quashing and cancelling the Judgment & Order, dated, 20.04.2022, by the Appellate Authority, Secretary to the Govt. of Tripura.

ii) Issue rules upon the Respondents to show cause as to why writ in the nature of Mandamus and direction of like nature shall not be issued directing the respondents for quashing and cancelling the Order, dated, 12.01.2022 by the Licencing Authority (SDM, Sadar)

iii) Make the rules absolute.

iv) Call for records.

v) Pass any further order/orders as this Hon'ble High Court considered fit and proper."

3) Mr. P. Roy Barman, learned Sr. counsel assisted by Mr. D. Paul, learned counsel appearing for the petitioner submitted that the petitioner suffered a severe heart attack and was admitted to G.B. Hospital, where from, he was

referred to R.N. Tagore Hospital, Kolkata. Thus he failed to take part in the personal hearing before the licensing authority.

4) None appears for the respondents.

5) Heard learned counsel appearing for the petitioner and perused the evidence on record.

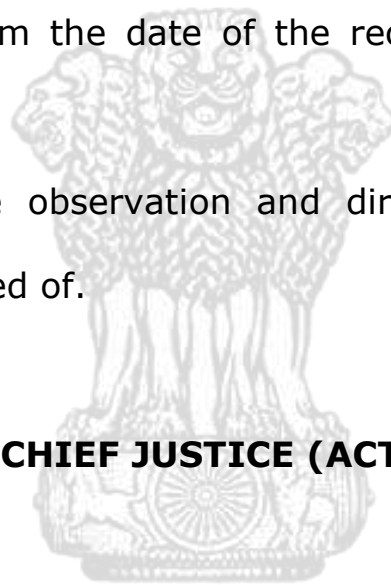
6) By filing the present writ petition, the petitioner herein has challenged the order dated 12.01.2022 by which the dealership license of the Fair Price Shop of the petitioner was canceled. The same was confirmed by the Appellate Authority vide order dated 20.04.2022. The only point which falls for consideration is the contention made by the learned Sr. counsel appearing for the petitioner that his client was hospitalized and he underwent heart surgery. For such, he failed to take part in the personal hearing before the licensing authority. The petitioner counsel further submitted that the fact that his client was hospitalized and he underwent heart surgery is a genuine cause and he represented the same before the licensing authority but the same was not considered.

7) In view of the submission made by the learned counsel appearing for the petitioner and since the same is reflected that on health reasons the petitioner was absent on several occasions before the licensing authority, this Court

feels that an opportunity needs to be given to the petitioner. Accordingly, the order dated 12.01.2022 passed by the licensing authority and the order dated 20.04.2022 passed by the Appellate Authority is set aside. The matter is remanded back to the original authority/licensing authority to decide upon the cancellation of license order after giving an opportunity of personal hearing to the petitioner herein. It is made clear that the petitioner shall cooperate with the licensing authority while deciding the matter. This exercise shall be completed within a period of 2(two) months from the date of the receipt of the copy of this order.

8) With the above observation and direction, this instant writ petition is disposed of.

CHIEF JUSTICE (ACTING)



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