

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP(C) 919 of 2022**

**Bidhan Ch. Saha**

**---Petitioner(s)**

**Versus**

**Agartala Municipal Corporation And 2 Ors.**

**---Respondent(s)**

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|                                                |                                                                      |
|------------------------------------------------|----------------------------------------------------------------------|
| For Petitioner(s)                              | : Mr. P Roy Barman, Sr. Advocate.<br>Mr. S. Bhattacharjee, Advocate. |
| For Respondent(s)                              | : Mr. A. Bhowmik, Advocate.                                          |
| Date of hearing and date of judgment and order | : 24.11.2023                                                         |
| Whether fit for reporting                      | : No                                                                 |

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**HON'BLE MR. JUSTICE T. AMARNATH GOUD**

**Judgment & Order (Oral)**

This is a petition under Article 226 of the Constitution of India filed by the petitioner seeking the following relief:

- (i) *Issue Rule upon the respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby quashing and cancelling the Memo, dated 27.10.2022 issued by the Assistant Municipal Commissioner, Central Zone, Agartala Municipal Commissioner, Central Zone, Agartala Municipal Council, so far the petitioner is concerned.*
- (ii) *Issue Rule calling upon the respondents to show cause as to why a Writ in the nature of Mandamus and/or any other order/orders shall not be issued whereby directing the respondents not to harass the petitioner & to ensure hassle free business of the petitioner running with valid Touji & License issued by the Agartala Municipal Corporation Agartala, West Tripura.*
- (iii) *Pass an interim order staying the operation of the impugned memo dated 27.10.2022 issued by the Assistant Municipal Commissioner, Central Zone, Agartala Municipal Council so far the petitioner is concerned till disposal of instant writ petition.*
- (iv) *Call for the records pertaining to the instant Writ petition from the custody of the respondents and to make the rule absolute.*
- (v) *After hearing both the parties pass order/orders as this Hon'ble High Court considered fit and proper.*

**[2]** It is the represented by Mr. P.Roy Barman, learned senior counsel assisted by Mr. S. Bhattacharjee learned counsel for the

petitioner that the petitioner has challenged the Memo dated 27.10.2022 issued by the Assistant Municipal commissioner, Central Zone, AMC, whereby the petitioner & 11 others were asked to attend the lottery programme to be held on 02.11.2022 for distribution of space for construction of stall (at their own cost) through lottery from the existing location, situated at Ujjayata Market, Near Jackson Gate area site to South side of MTB School, so far the petitioner is concerned. Without giving any reasonable opportunity to the petitioner and without taking recourse to law, the respondents have issued the impugned Memo dated 27.10.2022. The petitioner is pursuing the stationary business with valid permission of Touji & License issued by the AMC. During validity of the Touji Period, the respondents without giving any opportunity to the petitioner & without taking any resort of law issued the impugned Memo dated 27.10.2022 asking the petitioner & 11 others to participate lottery programme to be held on 02.11.2022.

**[3]** On the contrary, Mr. A. Bhowmik, learned counsel appearing for the respondents submits that at present the shop of the petitioner is located at Ujjayanta Market at Jackson gate Area which is owned by Agartala Municipal Corporation. The said plot of land on which the market is standing is required by Agartala Municipal Corporation for taking up different development work including widening of the road as well as for construction of parking space in the said location. Further there are various projects under the Smart City Mission which are to be undertaken by the Agartala Municipal Corporation. Therefore, it has been decided to relocate the shop owners of Ujjayanta Market, Jackson Gate to South side of Maharani Tulsibati School which is at a distance of 100 meters from the present location where the petitioner is carrying on

business. Accordingly, it was decided that space in the relocated space would be distributed among the petitioner and 11 others by way of lottery programme. Accordingly, vide memorandum dated 27.10.2022 the petitioner and 11 others were asked to attend the lottery program scheduled on 02.11.2022.

**[4]** Mr. Bhowmik, learned counsel for the respondents submits that AMC would look into the matter and would take just and proper decision in accordance with law in accommodating the petitioner as early as possible.

**[5]** On perusal of the record and having considered the submission as advanced by the counsel for the parties, this court is of the view that the petitioner shall represent the matter before the respondents enclosing relevant documents in support of his claim for seeking allotment to the alternative premises that is proposed as per the scheme of the Agartala Municipal Corporation (AMC) in rehabilitating the petitioner by way of demolishing the existing shop premises and providing him the alternative premises for running the business.

**[6]** In view of the same, this court feels balance of convenience is in favour of the petitioner since he has been there in the premises and conducting the business since early 1990 (Around 30 years). Abruptly, the petitioner, on some technical reasons, cannot be displaced.

**[7]** It is made absolutely clear that till AMC provides alternative premises and puts the petitioner into possession, the petitioner is permitted to conduct his business in the existing premises. It is further directed that the petitioner to comply and also cooperate with the respondent AMC in terms of the procedural aspect whatever is necessary.

**[8]** In view of the above, the instant writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

**JUDGE**



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