

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.98 of 2024**

Smt. Shib Rani Jamatia & Ors.

Versus

The State of Tripura and Ors.

Petitioner(s)

Respondent(s)

For Petitioner(s)

:

Mr. S. Deb, Sr. Advocate.
Mr. S. Datta, Advocate

For Respondent(s)

:

Mr. Kohinoor N. Bhattacharjee, GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
ORDER

26.02.2024

This petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

- i.

Issue a rule calling upon the respondents and each one of them to send unto this Hon'ble Court the records relating to this petition and to show cause as to why a rule in the nature of certiorari and/or in the nature thereof shall not be issued.
- ii.

Issue a rule calling upon the respondents and each one of them to show cause as to why a writ of mandamus shall not be issued in favour of the petitioners directing the respondent nos. 1 to 4 to issue survival certificate in their favour as the sole survivors of late Ksheta Sadhan Jamatia.
- iii.

Issue a rule calling upon the respondents and each one of them to show cause as to why a writ of prohibition shall not be issued against the respondent nos. 1 to 4 and/ or respondent nos. 5 to 8 to show cause as to why a writ of prohibition and/or in the nature thereof shall not be issued prohibiting / restraining each one of them from issuing any survival certificate in the favour of the respondent nos. 4 to 8.
- vi.

Issue a rule in terms of respondent no.3 restraining the respondent nos. 1 to 4 from issuing a survival certificate in favour of the respondent nos. 5 to 8 during the pending of this petition.
- v.

After hearing the parties be pleased to make the rule absolute in terms of (i), (ii) and (iv) herein above.

[2] Heard Mr. S. Deb, learned senior counsel assisted by Mr. S. Datta, learned counsel appearing for the petitioners. Also heard Mr. Kohinoor N. Bhattacharjee, learned Government Advocate, appearing for the State-respondents.

[3] Mr. Kohinoor N. Bhattacharjee, learned Government Advocate appearing for the State-respondents on instructions submits before this Court

that upon survival certificate, the respondents are going to re-consider the matter. He further submits that if allowed, they would take appropriate steps in accordance with law and pass orders.

[4] In view of the same, without going into the merits of the case, the writ petition is disposed of directing the respondents to take a decision in disposing of the case of the petitioners after hearing all concerned in accordance with law within a period of two months from the date of receipt of the copy of this order. Till then any Survival Certificate issued by the competent authority shall not be in operation

[5] With the above observation and direction, this present writ petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE



Paritosh

**SABYASACHI
GHOSH**

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