

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 250 of 2024

Bidhan Ch. Saha

---Petitioner(s)

Versus

Agartala Municipal Corporation and 2 Others

---Respondent(s)

For Petitioner(s)	:	Mr. P Roy Barman, Sr. Advocate. Mr. S. Bhattacharjee, Advocate.
For Respondent(s)	:	Mr. A. Bhowmik, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

09.04.2024

This is a petition under Article 226 of the Constitution of India for seeking the following relief(s):

- (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 04.03.2024 issued by the Assistant Municipal Commissioner, Central Zone, Agartala Municipal Council, so far the petitioner is concerned.*
- (ii) *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 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) *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 directing the respondents to comply with the direction of the Hon'ble High Court passed in WP(C)919 of 2022 vide judgment dated 24.11.2023.*
- (iv) *Pass any interim order staying the operation of the impugned memo dated 04.03.2024 issued by the Assistant Municipal Commissioner, Central Zone, Agartala Municipal Council so far the petitioner is concerned till disposal of instant writ petition.*
- (v) *Call for records pertaining to the instant writ petition from the custody of the respondents and to make the rule absolute.*
- (vi) *After hearing both the parties pass order/orders as this Hon'ble High Court considered fit and proper.*

It is the case of the petitioner that the petitioner has challenged the Memo, dated, 04.03.2024, issued by the Assistant Municipal Commissioner, Central Zone, AMC, whereby the Petitioner & others were asked to attend the lottery programme to be

held on 07.03.2024, for distribution of space for construction of stall (at their own cost) through lottery from the existing location, situated at Ujjayanta 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, without complying with the specific direction of the Hon'ble High Court, passed in WPC No. 919 of 2022, the respondents has issued the impugned Memo, dated, 04.03.2024. 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, 04.03.2024, asking the petitioner & others to participate lottery programme. Hence the instant writ petition filed by the petitioner.

Heard learned counsel for the parties.

On perusal of the record, in terms of the order dated 24.11.2023 delivered in WP(C)919 of 2022 by this Court, the petitioner has represented the matter on 04.03.2024. When the respondent vide memo dated 04.03.2024 has asked the petitioner for participating in the lottery for allotment of the premises/construction (expenses to be borne by the allottee), aggrieved by the said expenses, the present writ petition is filed.

Mr. A. Bhowmik, learned counsel for the respondents submits before this court that Agartala Municipal Corporation (AMC) is ready to provide the petitioner alternative premises and even with a temporary structure for which rent would be bit higher. The learned counsel for the petitioner, upon instruction, submits that they are ready to pay the rent that would be fixed by AMC.

In view of the same, the letter dated 04.03.2024 which is submitted by the petitioner reiterating the order dated 24.11.2024 delivered in WP(C) 919 of 2022 passed by this Court be treated as a representation of the petitioner.

In view of said submission, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to pass appropriate order(s) in this regard as expeditiously as possible keeping in view the entire facts of the matter.

With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.



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