

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.563 OF 2023**

Sri Narayan Baidya

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

Versus

The State of Tripura and ors.

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

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

For the Respondent(s) : Mr. D. Sharma, Addl. G.A.

Date of hearing and delivery of
Judgment & Order : 04/04/2024

Whether fit for reporting : YES/NO.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
J U D G M E N T & O R D E R(ORAL)**

Heard Mr. D. Paul, learned counsel appearing for the petitioner as well as Mr. D. Sharma, learned Addl. G.A., appearing for the State-respondents.

2. This present writ petition has been filed by the petitioner seeking the following reliefs:-

"i. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order/direction shall not be issued whereby quashing and cancelling the Memo, dated 01.06.2023, issued by the Sub-Divisional Magistrate (Licensing Authority), Belonia, South Tripura.

ii. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order/direction shall not be issued whereby quashing and cancelling the Appointment Order, dated 28.06.2023, issued by the Sub-Divisional Magistrate (Licensing Authority), Belonia, South Tripura.

Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order/direction shall not be issued whereby Directing the Respondents to Restore the Dealership of Laxmipur F.P. Shop in favour of the Petitioner.

iv. Make the rules absolute.

V. Call for records pertaining to the instant Writ Petition

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

3. It is the case of the petitioner that since 1998 he has been conducting the business of civil supplies and ration shop at Laxmipur F.P. shop, Belonia, South Tripura District. Thereafter on 20.03.2023, in duress, the petitioner addressed a letter to the SDM Belonia, the licensing authority and submitted before him that he would like to surrender the license and, accordingly, to withdraw from the business. The official respondent/licensing authority vide memorandum dated 01.06.2023 indicated that the application made by the petitioner seeking surrender has been accepted and till further arrangement is made, the petitioner shall continue.

4. Thereafter, on 28.06.2023, the official respondent appointed unofficial respondent No.5 and indicated unofficial respondent No.5 to give his willingness and comply with the formalities not later than 7th June 2023. In the meanwhile, the petitioner was afraid to approach the concerned police official/authorities and make a complaint, the petitioner only approached the official respondent and filed an application dated 09.06.2022 seeking withdrawal of his earlier surrender letter and

prayed to permit him to carry on the business since the license has not been granted to any other person.

5. Mr. D. Sharma, learned Addl. G.A., appearing for the respondents upon the strength of their counter affidavit contends before this Court that the SDM has accepted the surrender letter which has been given by the petitioner after personally verifying with him in his office and has accepted such resignation. Thereafter, the official respondent has taken steps to appoint another person and in the meanwhile not to cause any hindrance to the civilians, the petitioner was permitted to proceed with the supplies. Learned Addl G.A. further contented that the petitioner has sufficient properties as well as a grocery business and is not a need-based person.

6. Mr. D. Paul, learned counsel appearing for the petitioner submits before this Court that the official respondent allowed the petitioner to conduct the business after accepting the resignation also. Even as per the appointment of the unofficial respondent No.5 that not later than 7th June 2023, the unofficial respondent had only gave his willingness after the cut-off date. Stating thus, learned counsel prayed that the petitioner should be allowed to continue with the F.P. Shop.

7. Heard both sides and perused the record.

8. Admittedly, upon the surrender application made by the petitioner, the official respondent accepted the same after enquiring with him and till an alternative arrangement was made for the appointment of a fresh person, the petitioner was allowed to carry on the supplies keeping in view the public utility. Even before any appointment is made, the petitioner has filed his application seeking withdrawal of his business. Though the petitioner has pleaded that he surrendered in duress, the petitioner has not ventilated his grievance in the office of the official respondent and also has not taken any legal recourse to say that he was in duress. So, it is not open for the petitioner to blow hot and cold.

9. Hence in terms of the above discussion this Court is of the opinion that this present writ petition is liable to be dismissed and the same is ordered.

10. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

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