

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 719 of 2024**

Sri. Gautam Kumar Das

(aged about 56 years)S/o Lt. Prabodh Ranjan Das, General Secretary, Nikhil Tripura Deed Writers' Welfare Association, A society registered under the Societies Registration Act, 1860, Head Office at Agartala Court Compound, P.O Agartala-799001, P.S West Agartala, District-West Tripura.

.....Petitioner(s)

Versus

1. The State Of Tripura,

Represented by the Secretary, Revenue Department, Government of Tripura, New Capital Complex, PO- New Secretariat, PS- New Capital Complex, District-West Tripura, Pin- 799010.

2. The Principal Secretary, Revenue Department, Government of Tripura, Civil Secretariat, New Secretariat Complex, P.O- Kunjaban-799010, P.S New Capital Complex, District-West Tripura.

3. The District Registrar, West Tripura District, Government of Tripura, PO Agartala-799001, District- West Tripura

4. The District Magistrate & Collector, West Tripura District, Government of Tripura, Office Lane, P.O- Agartala-799001, District- West Tripura

5. The Sub-Divisional Magistrate, Sadar, Government of Tripura, Office of the SDM, Office Lane, P.O Agartala-799001, District-West Tripura.

6. The Director, Land Records & Settlement, Government of Tripura, P.O-Agartala-799001, District- West Tripura.

7. The District Sub-Registrar, West Tripura District, Government of Tripura, P.O-Agartala-799001, District-West Tripura

8. Sri Khokan Bhowmik, S/o Late Harendra Lal Bhowmik, resident of Kumari Tilla, P.O Kunjaban-799006, P.S New Capital Complex, District- West Tripura.

9. Sri Bijoy Paul, S/o Birendra Chandra Paul, resident of Barjala, Bairagi Tilla, near Barjala Tehsil Office, P.O Barjala-799002, P.S New Capital Complex, District – West Tripura.

10.Sri Pradip Chakraborty, S/o Late Anukul Chakraborty, resident of Mahashakti Sangha, Jogendranagar, VTC Agartala, P.O Jogendranagar-799004, P.S. East Agartala, District-West Tripura.

11.Sri Badal Deb, S/o Late Sailesh Deb, Resident of Badharghat Matripalli, P.O- Amtali-799003, P.S Amtali, District- West Tripura.

12.Sri Papan Sarkar, S/o Late Babul Sarkar, resident of village + P.O West Bhubanban-799002, P.S West Agartala, Dist. West Tripura.

13.Sri Bishnu Debnath, S/o Birendra Chandra Debnath, resident of Chandrapur(Madhyapara), P.O Reshambagan, P.S East Agartala, Dist- West Tripura.

14.Sri Surajit Datta, S/o Amalendu Datta, resident of West Joynagar, P.O Agartala-799001 P.S West Agartala, District-West Tripura.

15. Sri Sabyasachi Dey, S/o Ranjit Kumar Dey, resident of AD Nagar Road No.9, near Sanghasree Club, P.O AD Nagar-799003, P.S AD Nagar, District- West Tripura.

16.Sri Siddhartha Sankar Chakraborty, S/o Late Tapan Chakraborty, of Aralia, Ekata Sangha, P.O Aralia, P.S East Agartala, District, West Tripura.

17.Sri Pranab Chandra Ghosh, S/o Dilip Chandra Ghosh, resident of Madhya Bhubanban P.O. Madhya Bhubanban-799002, P.S. West Agartala, District- West Tripura;

18. Sri Debasish Deb, S/o Dilip Kumar Deb, C/o Sanjib kumar Deb, resident of North Badharghat, near Unnayan Sangha, P.O. Amtali-799003, P.S. Amtali, District- West Tripura;

19. Sri Rajib Saha, S/o Sri Ranjit Saha, resident of Sadhu Tilla, near Homeopathic Hospital, P.O. Renters Colony-799004, P.S. East Agartala, District- West Tripura,

20. Sri Goutam Paul, S/o Sri Subhash Chandra Paul, resident of Rajnagar, Bara Pukur Par, P.O. Barjala-799002, P.S. West Agartala, District- West Tripura.

21.Sri Dilip Kapali, S/o Sushen Kapali, resident of Lankamura, P.O. Lankamura, P.S. West Agartala, District- West Tripura.

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

For the Petitioner(s)	:	Mr. S. Bhattacharjee, Advocate.
For the Respondent(s)	:	Mr. K. De, Addl. G.A.
Date of hearing and delivery of Judgment & Order	:	25.11.2024
Whether fit for reporting	:	YES.

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

25.11.2024

Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mr. K. De, learned Addl. G.A. appearing for the respondents-State.

[2] The brief facts of the case is that by a notification dated 14.08.2024 respondent No.2 invited fresh application under Sadar Sub-Division for issuing new deed writer license. After that the petitioner submitted a representation to the respondents requesting to cancel the said notification as to the petitioner, the said notification is contrary to law. Thereafter, again the petitioner submitted a reminder to the respondents to set aside the entire process, but the respondents without paying any heed issued called

letters upon the intending candidates. Finding no other alternative, the petitioner through his engaged counsel served legal notice upon the official respondents although the implementing authority issued deed writer license upon the intending candidates. At last, the respondents issued another notification dated 29.10.2024 for issuance of new deed writers license. Being aggrieved by this notification the petitioner herein approached this Hon'ble Court by seeking the following reliefs:

- i. Issue RULE, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, for calling for the records, lying with the respondents, for rendering substantial and conscionable justice to the petitioner, and for quashing/setting aside the impugned Notification dated 14.08.2024 (Annexure- 2 to the writ petition) for issuance of new Deed Writer License under Sadar Sub-Division, West Tripura, Agartala, thereby cancelling the selection of the respondents no. 8 to 21 in pursuant to the notification dated 14.08.2024, and also for quashing/setting aside the subsequent notification dated 29.10.2024 (Annexure-10 to the writ petition), for issuance of new Deed Writer License for Sadar Sub-Division, West Tripura, Agartala;
- ii. Issue RULE, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, for mandating/directing the respondents to revoke/rescind the impugned Notification dated 14.08.2024 (Annexure-2 to the writ petition) for issuance of new Deed Writer License under Sadar Sub-Division, West Tripura, Agartala, thereby cancelling the selection of the respondents no. 8 to 21 in pursuant to the notification dated 14.08.2024, and also for quashing/setting aside the subsequent impugned notification dated 29.10.2024 (Annexure-10 to the writ petition), for issuance of new Deed Writer License for Sadar Sub-Division, West Tripura, Agartala and ;
- iii. Call for the records, appertaining to this petition.
- iv. After hearing the parties, be pleased to make the RULE absolute, in terms of i. & ii above.

[3] Mr. S. Bhattacharjee, learned counsel appearing for the petitioner submits before this Court that respondent No.2 issued advertisement for issuance of the deed writer license in terms there is a

provision of Tripura Registration (Amendment) Rules 1989 Rule 126 which provides a deed writer can execute 300 nos. of deeds in a particular year. The contention of the petitioner is that there existing no. of deed writer are 49 and the number of deeds, which they are not in a position to execute are 300 nos. deed and in addition thereto fresh deed writer license has been issued by the respondent no.2 without taking exercise of rule 126 of Tripura Registration (Amendment) Rules 1989. Being aggrieved, the petitioner herein submitted representation and reminder but without paying any heed the call letters also issued by the respondents. Subsequent thereto, legal notice has also been issued. But without taking into consideration all these pleadings they have issued 14 nos. of license to the new deed writers. Thereafter again on 29.10.2024 another advertisement has been issued which is under challenge before this Court.

[4] Mr. Bhattacharjee, learned counsel further submits that earlier in a writ petition filed by the same petitioner, anticipating that the new deed writer license has been going to be contemplated by the respondents, wherein the learned Senior Government Advocate categorically informed the Hon'ble High Court that "issuance of new licenses is not in the contemplation of the Government". He further submits that the issuance of fresh deed writer license under Sadar Sub-Division was arbitrary, which was issued at the cost of bread butter situation of the existing deed writers without any exercise of existing number of deed writers with the ratio of execution of deeds per year. Hence, he prayed to allow his petition.

[5] On the other hand, Mr. K. De, learned Addl. GA appearing for the respondents-State, vehemently submits that the submissions of the learned counsel of the petitioner cannot be taken into consideration and also stated that the petitioner herein fails to make out any locus . He

further submits that in Rule 126 of Tripura Registration (Amendment) Rules, 1989 wherein it has been specifically stated that Rule "126....., ***There shall, however, be no limit to the number of deeds to be written by a particular Deed Writer.***" Therefore, he urges before this court to dismiss the petition.

[6] Heard and perused the evidence on record.

[7] After perusal of the record and the submissions made by both the learned counsel, this court is of view that the learned counsel for the petitioner fails to ventilate his legitimate right which has been infringed as per the constitution and it is not under challenge. This Court also place reliance in ***AIR 1978 SC 597*** titled as ***Smt. Maneka Gandhi, petitioner v. Union of India and another, respondents*** wherein it has been categorically stated in para 74:-

".....This conclusion would on a parity of reasoning apply equally in relation to the fundamental right to practise any profession or to carry on any occupation, trade or business guaranteed under Article 19(1) (g)." Further this court also place reliance Article 14 of the Constitution of India, which reads as under:-

"14. Equality before law- The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

[8] In view of the observation, this court is of the view that no locus has been made out under Article 19 (1) (g) by the petitioner herein and also of the view that there cannot be any monopoly. Accordingly, the present writ petition is dismissed being devoid of merit. Further, this Court draws attention of the Rule 126 of The Tripura Registration (Amendment) Rules, 1989 wherein it has been categorically stated that :

"126. The number of Deed Writers for a particular office shall be fixed by the Registrar with reference to the needs of the particular office, normally one deed writer for 300 deeds as per year. There shall, however, be no limit to the number of deeds to be written by a particular Deed-Writer".

This court also is of the view that normally and discretion both are given to the District Registrar.

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

JUDGE

Paritosh

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ACHI
GHOSH

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by SABYASACHI
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