

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.791 of 2023**

Sri Ranjan Debnath

Petitioner(s)

Versus

State of Tripura & 03 Ors.

Respondent(s)

For Petitioner(s) : Mr. S. Sarkar, Sr. Advocate.
Ms. V. Poddar, Advocate.

For Respondent(s) : Mr. K. De, Addl. G.A

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

08.01.2024

This present writ petition has been filed for seeking a writ of mandamus under article 226 of the constitution of India challenging the action of the respondents in suspending the license of the petitioner by an order dated 06.10.2023.

Brief facts of the case is that the license of Govt. F.P. Shop of the petitioner in East Nalichera was suspended without making any proper enquiry on the ground of excess amount of PDS rice. Aggrieved thereby, the petitioner by way of filing this writ petition has approached this Court seeking the following relief(s):-

"Admit this petition, call for records, issue Rule calling upon the respondents to show cause as to why a writ in the nature of certiorari should not be issued quashing and setting aside the impugned suspension order dated 06/10/2023 whereby the license of the petitioner as a dealer of East Nalichera No. 2 Govt. F.P. Shop has been suspended until further orders.

And/Or

Be pleased to direct the respondents to show cause as to why a writ in the nature of mandamus should not be issued directing/ commanding the respondent authorities to recall the impugned suspension order dated 06/10/2023 and restore the license of the petitioner as a dealer of East Nalichaa No.2. Govt. of F. P Shop , Kulai bazaar, Ambassa, Dhalai Tripura."

Heard Mr. S. Sarkar, learned senior counsel assisted by Ms. V. Poddar, learned counsel appearing for the petitioner. Also heard Mr. K. De, learned Addl. GA, appearing for the State-respondents.

Mr. S. Sarkar, learned senior counsel for the petitioner submits before this Court that an FIR was lodged on 12.05.2023 in Ambassa PS regarding misappropriation of PDS rice. In connection with this, the petitioner has been falsely implicated in the case. Thereafter, the petitioner has been served a show cause notice on 13.09.2023. Being dissatisfied with the reply, the licensing authority i.e, Sub-Divisional Magistrate, Ambassa suspended his license by an order dated 06.10.2023.

A fair reading of the impugned suspension order indicates that this order is passed in pursuance of the show cause notice issued on 13.09.2023. The said show cause notice pertains to cancellation of license. To which the petitioner has also submitted his reply.

After a fair reading of the impugned suspension order dated 06.10.2023, it appears that as a measure of punishment, the impugned suspension order has been passed. This order of suspension is not preceded by any show cause notice. The show cause notice has been issued for cancellation of license but the respondents have not initiated any action in pursuance of the same.

The said suspension order dated 06.10.2023 is not a suspension pending enquiry or suspension for specific period enabling the respondents to take appropriate steps in the meanwhile.

In view of the said observation, this court finds that the order dated 06.10.2023 is defective and is contrary to law and accordingly, the same needs to be set aside. Accordingly, the same is set aside. To the extent as indicated above. The writ petition is allowed. The respondents are at liberty to take steps in accordance with law in the subject-matter, if so advised.

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 stand disposed of.

JUDGE

Paritosh

**SABYASACHI
GHOSH**

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