

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 44 of 2025

Sri Nihar Ranjan Saha

---Petitioner(s)

Versus

The State of Tripura and 5 Ors.

---Respondent(s)

For Petitioner(s)	:	Mr. Bhaskar Debbarma, Advocate.
For Respondent(s)	:	Mr. K. De, Addl. GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

24.01.2025

Today when the case is called for consideration, none appears for the petitioner. However, Mr. K. De, learned Addl. GA appears for the respondents.

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

- (i) *Issue Rule, calling upon the Respondent No.2 to 6 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 them, to investigate the F.I.R, dated 08.10.2024, and letter to S.P. (Dhalai Tripura) on 09.10.2024, (Annexure 3 & 4) in accordance with law.*
- (ii) *Issue Rule, calling upon the Respondent No. 6, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, against the Respondent No. 6 in connection with search and seizure on 04.10.2024 for not investigating the matter in accordance with law.*
- (iii) *Issue Rule, calling upon the Respondent No. 4, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, against the Respondent No. 4 in connection with F.I.R, dated 08.11.2024, (Annexure 1) directing the Respondent No.4 to perform his duty under Chapter XIII of BNSS, and submit the entire investigation done by him till now before this Court and to secure the ends of justice.*
- (iv) *Call for the relevant records for kind perusal of this Honorable court;*
- (v) *Cost of and incidental to this proceeding may be directed to be borne by Respondent No.2 to 6.*
- (vi) *Any other relief/reliefs, order or orders may be given as the Hon'ble High Court deem fit and proper.*

[3] It is the case of the petitioner that on 04.10.2024, respondent no. 6, assisted by DCM and Excise Police (respondent no. 3 and 5), conducted a raid on the petitioner's

godown and confiscated all Dabur Mritsanjivani cartons without any search warrant. No seizure memo was created at the moment, but respondent no. 6 got Uttam Saha's (the petitioner's son) signature on blank sheets. The petitioner asked for the return of the confiscated items and a copy of the seizure list on the same day but obtained neither. On 08.10.2024, the petitioner submitted an FIR against respondent no. 6 to the Gandachara Police Station through registered post. On 09.10.2024, the petitioner notified SP, Dhalai (respondent no. 2) via registered post. On 08.11.2024, the petitioner filed a comprehensive protest representation to the S.D.M., Gandachara, Dhalai Tripura, opposing the unlawful seizure and requesting the return of the confiscated ayurvedic Dabur Mritsanjivani bottles. Aggrieved by the said action of the respondents, the petitioner has approached before this court for seeking relief.

[4] Heard and perused the record.

[5] It is apparent from the record that the trade license which the petitioner has filed was valid upto 31.03.2024. The so called inspection according to the petitioner took place on 04.10.2024. It is settled principle of law and the respondents are also supported by the statute that wherever there is reasonable suspicious, a search without warrant is permissible and the investigation officer can enter into the premises and also seize the suspected contrabands. In the case in hand, the same has happened. a FIR has been registered by the respondent No.4 In the event, if the petitioner seeks to get back the seized goods, it is open for the petitioner to approach before the appropriate forum by placing all relevant documents pertaining to the goods which are seized i.e. 8745 bottles of Ayurvedic Dabur Mritsanjivani.

[6] It is not open for this court under Article 226 to take cognizance for the same for releasing of the goods seized nor to give any direction to initiate action against the investigating officer. Since the FIR has been registered under law, the procedure contemplated under law needs to be followed. Moreover, the petitioner has neither stated

in the affidavit about the particular batch number, way bills, invoices of the stock seized. The trade license which got expired on 31.03.2024 pertains to a grocery shop of the petitioner and it is a retail store. As per the affidavit, filed in support of the writ petition indicates that godown of the petitioner has been inspected. Both the premises are separate and no such godown license is placed on record before this court. The certificate obtained from Health and Family Welfare Department, Food Safety and Standards Authority of India Registration Certificate under FSS Act, 2006 also relates to a retail business premises and it does not indicate with regard to a godown.

[7] The petitioner preferred and filed copy of the complaint addressed to the SDM Gandechemra, Dhalai Tripura, which bears no acknowledgement to say that the said copy has been served. In the said complaint, the petitioner has stated that the person, who was present at the godown, was the son of the petitioner (Uttam Saha) produced the cash memo of the product, GST papers of the Ayurvedic product and other related documents. Neither of the description of the said documents are categorically stated neither in the copy of the complaint nor in the affidavit. They are neither made part of the court record also as they have not filed any such document.

[8] For the reasons stated above, as the petitioner is having efficacious alternative remedy and the relief sought for by the petitioner cannot be gone into under Article 226 of the Constitution of India, the case of the petitioner fails and the same is liable to be dismissed. Accordingly, the same is dismissed. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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