

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.117 of 2025

M/S Ashok Petroleum Agency and Others

.....Petitioner

_V_E_R_S_U_S_

UCO Bank (a Nationalized Bank) and 4 Others

.....Respondents

For Petitioner(s)	:	Mr. S. S. Debnath, Advocate.
For Respondent(s)	:	Mr. B. N. Majumder, Sr. Advocate. Mr. R. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

06.03.2025

Heard.

[2] The present petition has been filed under Article-226 of the Constitution of India for a direction to the respondents bank and respondent No.4 who were responsible for dealing with the land in mortgage failed to deal with the matter and realize the amount which the bank received by sale to the respondent No.3 paid to respondent No.1 through respondent No.4 with interest. Further, to pay the same amount with interest to the respondent No.1 at which the land was sold to respondent No.3 in a so called auction sale.

[3] The petitioners have prayed for the following reliefs:

- Notice to the respondents No.1, 3 and 4 as to why a writ of certiorari or similar order declaring the sale, if any, by the respondent No.1 and 4 to respondent No.3 is unfair, illegal, inequitable and accordingly, void ab-initio.
- Notice to the respondent No.1 or for that matter the respondent No.4 as to why the offer was not made to the petitioners, in view of their continuing business on the land to purchase, in-stead of selling the land to the respondent No.3, or now to offer the petitioner to pay the sum and interest accrued thereon to be paid and legitimize the sale.
- After hearing the parties and being satisfied that civil right of the petitioner has been violated and unfairness has taken place in the sale which needs to be removed, issue rule in terms (a) and (b) above.”

[4] The facts in brief are that the UCO Bank or its agent, the ASHREK INDIA Ltd. (who are respondent Nos. 1 and 2) being instrumentalities has a duty to treat the petitioner's business continuing for last 50 years, with equity and good conscience, but most unfairly the land has been sold to Tripur India Pvt. Ltd., who is a party here, ignoring the fact of livelihood of the petitioners by continuing business on the proceeding land. By this Writ Petition, the petitioner prays to quash

the deal of so called sale to Tripur India Pvt. Ltd. and thereafter order a Mandamus for allowing the petitioner firm, still in business on the land, to deposit the same amount to the bank with interest on whatever they received from Tripur India Pvt. Ltd., and thereafter to register the said Transfer.

[5] In view of above, this Court is of the view that the issue involved in the present matter is purely civil in nature and not maintainable under Article-226 of the Constitution of India. There is no impugned order to adjudicate the matter afresh and it is better to go before the appropriate authority agitating their grievances whether they are legally entitled the benefits as prayed for. No application is also filed by the petitioners before the appropriate authority and the entire affidavit is silent about the same. According to this Court, it is a chance litigation no impugned order is there in the present case as such, the present writ is not maintainable under Article-226 of the Constitution of India and the reliefs sought for by the petitioners in the present petition cannot be adjudicated under Article-226 of the Constitution of India. The petitioners have to go before the concerned Court/forum to meet the ends of justice.

[6] As such, the present petition stands dismissed. As a sequel, miscellaneous application, pending if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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