

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 428 of 2025

Shri Utpal Bhowmik

.....Petitioner(s)

Versus

State of Tripura and others

.....Respondent(s)

For Petitioner(s) : Ms. Megha Sarkar, Advocate

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

HON'BLE JUSTICE DR. T. AMARNATH GOUD

ORDER

01.08.2025

[1] Heard Ms. M. Sarkar, learned counsel appearing for the petitioner. Also heard Mr. K. De, learned Addl. G.A. appearing on behalf of the State.

[2] The present petition is filed under Article 226 of the Constitution of India seeking the following reliefs:

“1. Issue an appropriate writ of Mandamus, or any other order or direction, commanding the respondents to immediately re-allot a permanent stall in the newly constructed building at or near the location of Stall No. 57, near J.N.S Club, Sabroom, to the petitioner in accordance with law;

2. Declare that the actions of the respondents in denying re-allotment to the petitioner, despite his prior lawful possession and compliance with all official directives, are arbitrary, discriminatory, and violative of the petitioner's fundamental rights under Articles 14, 19(1)(g), and 21 of the Constitution;

3. Pass an interim order restraining the respondents from allotting Stall No. 57 or any equivalent stall to any third party, and direct the respondents to keep the said stall reserved until final disposal of the writ petition;

4. Direct the respondents to compensate the petitioner for the financial losses suffered, owing to the arbitrary denial of stall re-allotment, by way of appropriate monetary compensation, as assessed by this Hon'ble Court;.....”

[3] It is the case of the petitioner that he is a long-standing license holder of a municipal stall and he has filed this instant petition seeking redress against the action of the respondent authorities, namely the Sabroom Nagar Panchayat, in denying re-allotment of a stall in the newly constructed municipal complex, thereby affecting his fundamental right to livelihood. It is contended that the petitioner was

initially granted provisional allotment of Stall No. 54 near J.N.S Club, Sabroom, on 21.06.2013 by the Executive Officer, Sabarum Nagar Panchayat. Since then, the petitioner has been running a small-scale business of automobile spare parts under the name Joyram Spare House and has consistently paid the stall rent and renewed his trade license annually, the latest of which is valid up to 31.03.2026. It is further contended that due to the dilapidated condition of the original stall, the petitioner made written requests for repair on 02.05.2022 and again on 20.08.2022 and in response, the Deputy Executive Officer issued a notice dated 14.12.2022, informing the petitioner that Stall No. 57 (re-numbered) was to be dismantled for construction of new double-storied stalls under the SDS scheme directing him to vacate the stall within five days. The petitioner accordingly complied with the same and was temporarily allotted Stall No. 46, on making a written request for such stall dated 22.12.2022 which was unfit for regular business and only usable as a makeshift godown. It is also submitted that subsequently, the petitioner made repeated oral and written requests for allotment in the newly constructed stalls, on 28.11.2024, and 07.03.2025, enclosing proof of license, rent receipts, and the earlier official correspondence but, despite continuous follow-ups, no action was taken by the respondent authorities.

[4] It is further contended by the learned counsel appearing for the petitioner that on 16.05.2025, the petitioner issued a legal notice demanding re-allotment and compensation for financial loss. Later the petitioner filed two RTIs on 17.05.2025, to which replies were received on 23.06.2025, disclosing that Stall No. 57 had already been allotted to another person, one Sri Ratan Dey and the petitioner's name did not appear in the list of allottees, despite his prior occupation.

[5] During the course of argument, it is brought to the notice of this Court that the legal notice dated 16.05.2025 is still pending for consideration of the concerned authorities. In view of the said pendency, this Court, without going into the merits of the case, directs the concerned respondents of Sabroom Nagar Panchayat, Sabroom, South Tripura to decide the case of the petitioner in the light of his legal notice dated 16.05.2025 as expeditiously as possible. The decision taken in

that regard, be communicated to the petitioner within one month from the date of receipt of the copy of this order.

[6] With the above observations and directions, the present writ petition is disposed of. As a sequel, miscellaneous application(s) pending, if any, shall also stand closed.

Dr. T. Amarnath Goud, J.

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