

**HIGH COURT OF TRIPURA
AGARTALA**

WA 27 of 2026

Sri Karan Sarkar

son of late Kanti Sarkar

of village- Hapania, Durgapara

P.O. ONGC, P.S. Amtali,

District- West Tripura, PIN- 799014

.....Appellant

Versus

- 1. The State of Tripura,***
Represented by the Chief Secretary
Government of Tripura,
New Secretariat Building, New Capital Complex,
P.O. Kunjaban, Agartala, West Tripura.
- 2. The Principal Secretary***
Department of Home, Government of Tripura,
New Secretariat Building, New Capital Complex,
P.O. Kunjaban, Agartala, West Tripura
- 3. The Director General of Police***
Government of Tripura,
Police Headquarter, Fire Brigade Chowmuhani Agartala,
P.O. Agartala, P.S. West Agartala, District-West Tripura, Pin-799001
- 4. The Inspector General of Police,***
T.S.R, P.H.Q, Fire Brigade Chowmuhani Agartala,
P.O. Agartala, P.S. West Agartala District-West Tripura, Pin-799001
- 5. The Commandant,***
1st Bn, Tripura State Rifles,
Gakulnagar, Sepahijala, P.O. Bishalgarh, District-Sepahijala
- 6. The Accountant General (A & E)***
Kunjaban, Agartala, P.O. Kunjaban,
P.S. N.C.C. District-West Tripura
- 7. Smt. Sita Rani Bhowmik (Sarkar)***
W/O Late Kanti Sarkar
Resident of Vill- Karailong,
P.S. Teliamura, P.O. Teliamura, District - Khowai, State-Tripura.
- 8. Smt. Bidhiya Sarkar, (Minor)***
D/O Late Kanti Sarkar Resident of Vill- Karailong,
P.S. Teliamura, P.O. Teliamura, District - Khowai, State-Tripura.

(Respondent no. 8 is a minor, as such the respondent no.7 her natural mother has been representing the respondent no.8)

9. **Smt. Urmila Sarkar,**
D/O Late Kanti Sarkar,
W/O Sri Raju Sutradhar.
Resident of Vill- Karailong,
P.S. Teliamura, P.O. Teliamura,
District - Khowai, State-Tripura.

.....*Respondents*

For Appellant(s) : Mr. Anjan Kanti Pal, Advocate
For Respondent(s) : Mr. Kohinoor N. Bhattacharya, G.A.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

18.03.2026

[1] Heard Mr. AK Pal, learned counsel appearing for the appellant. Also heard Mr. Kohinoor N. Bhattacharya, learned G.A. appearing for the State respondents.

[2] The present appeal has been preferred by the appellant seeking the following reliefs:

- “(i) Admit the writ appeal of the appellant;
- (ii) Issue notice upon the respondents;
- (iii) Call for the relevant records from the custody of the respondents;
- (iv) To call the service book of deceased employee Kanti Sarkar from the custody of respondent no. 5 for proper adjudication the case.

AND

- (v) After hearing the parties, Your Lordships would be kind enough to set aside/quash/cancel the said Judgment & order dated 28/07/2025 passed by the Learned Single Judge, ***** in case No. W.P.(C) 618/2024.

AND

- (vi) After hearing the parties, Your Lordships would be kind enough to direct the respondent Govt. to release 1/4th share of total death benefits like Leave Salary, DCRG, GPF and Group Insurance etc of his father as the appellant is only one son of the deceased person.”

[3] On perusal of record, this Court has observed that the writ petition being WP(C) 618 of 2024 was filed without challenging any impugned order/decision of the respondents and there was no cause of action. As such, *prima facie* this Court observes that the writ petition preferred by the petitioner itself was not maintainable.

[4] The present writ appeal is filed challenging the order dated 28.07.2025 passed by the learned Single Judge in WP(C) 618 of 2024 wherein a specific direction was given by the writ court to the petitioner to represent the matter before the concerned respondents. In this regard, the relevant contents from the order of the learned Single Judge are extracted as under:

“.....[17] With this observation the present writ petition stands disposed of with the following observations :

That the respondent No.5 being the controlling/disbursal authority of the deceased Karan Sarkar shall ensure release of 1/4th share in respect of Earn leave salary and group insurance in favour of the present petitioner if necessary by deducting from the withhold amount as mentioned in para No.7 of the counter affidavit filed by the State-respondents. The amount to be calculated by the said respondent in respect of the accrued amount of the deceased employee as the respondent No.7 failed to pay the entitled amount to the petitioner, within a period of 2(two) months from the date of delivery of judgment. The petitioner herein shall submit one representation along with a copy of this judgment to the respondent No.5 for immediate compliance within a period of 7(seven) days after receipt of a copy of this judgment. The relevant file of the Department be restored accordingly to the Department through Learned G.A. along with a copy of the judgment/order.....”

[5] But, the appellant -writ petitioner has not chosen to represent the matter before the respondents in terms of the order passed by the learned Single Judge dated 28.07.2025 in WP(C) 618 of 2024 and in turn, the present writ appeal is filed. There has been no impugned proceedings/action of the respondents which is under challenge. The appellant has failed to bring on record whether he has approached the respondents seeking to consider his reliefs. This Court in several similarly situated matters has categorically observed that writ under Article 226 of the Constitution of India does not lie unless there is any specific cause of action made out or there is any impugned proceeding /action of the respondents which is under challenge. This Court by a common order dated 05.11.2025 passed analogously in WA No.91 of 2025 alongwith other connected appeals also held that in the absence of any impugned proceedings or any impugned action of the respondents under challenge, mandamus cannot be issued and accordingly, these appeals were dismissed in the following manner:

“.....[10] In view of this, the appellants presumed that the respondents would consider the case of the appellants and also grant equal pay for equal work by regularizing their services. The petitioner preferred the writ petitions before this Court under Article 226 of the Constitution of India by filing writ of mandamus. Thereafter, learned Single Judge dismissed the writ petitions holding that the petitioners, (appellants herein) are not entitled for any relief. Aggrieved thereby, the present writ appeals are filed .

[11] Admittedly, there is no impugned proceedings nor any impugned action of the respondents under challenge nor the appellants approached the respondents seeking to consider their reliefs. It is needless to observe that mandamus cannot be issued unless there is any challenge in impugned proceedings nor impugned action of the respondents. There is no cause of action. In the absence of which, there cannot be any writ be issued. Accordingly, the writ appeals fails and the writ petitions at the preliminary stage is hit by maintainability and the same are liable to be dismissed.

[12] At this juncture, learned Senior counsel for the appellants represents before this Court that liberty may be given to the appellants to file representation before the respondents as they have not approached the respondents so far and there is no impugned order. It is needless to observe that it is always open for the appellants to make any representation before the respondents, if they so desired. On any representations, if preferred the respondents are at liberty to consider the same and pass appropriate orders as per law uninfluenced by the writ orders.

[13] Since, the writ itself is not maintainable, all the writ proceedings and order dated 12.08.2025 passed in the writ petitions stands set aside for the reasons indicated. Resultantly, these present appeals also stand dismissed.....”

[6] Since in the present case too, there is no cause of action made out and the appellant by filing the present writ appeal has failed to bring on record that he has approached before the respondents seeking his reliefs and the respondents have taken any adverse decision by which, he became aggrieved, this Court, in the absence of all such facts, is not inclined to entertain the case of the appellant in the present writ appeal under Article 226 of the Constitution of India. Accordingly, it is needless to observe that writ of mandamus cannot be issued unless there is any challenge made against any impugned proceedings or impugned action or decision of the respondents. Hence, since writ of mandamus cannot be issued, the writ petition being WP(C) 618 of 2024 at the preliminary stage itself was not maintainable and accordingly, all the proceedings in the said writ petition including the order dated 05.11.2025 passed by the learned Single Judge in WP(C) 618 of 2024 is liable to be set aside and accordingly, the same is set aside. Resultantly, the present writ appeal fails as not maintainable and the same stands dismissed.

[7] However, it is needless to observe that it is always open for the appellant to make any representation before the respondents, if he so desires. On any representation, if preferred, the respondents are at liberty to decide the same and pass appropriate orders as per law uninfluenced by the writ orders at the earliest. Thereafter, the appellant, if so becomes aggrieved by the decision of the respondents, shall also be at liberty to seek remedy in accordance with law and doctrine of *res judicata* will not be applicable to his case.

[8] As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

S. Datta Purkayastha, J.

Dr. T. Amarnath Goud, J.



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