

**HIGH COURT OF TRIPURA  
AGARTALA  
WP(C) 129/2026**

**Sri Bidhan Chandra Saha**, son of late Basudeb Saha, resident of Town Indranagar, near Sanghati Sanga, Dhaleswar Road No.3, P.O. Dhaleswar-799007, P.S. East Agartala, District- West Tripura.

**..... PETITIONER**

**Versus**

**1. The Agartala Municipal Corporation**, represented by the Commissioner, having its office at City Centre, Paradise Chowmuhani, Agartala, West Tripura, PIN-799001;

**2. The Municipal Commissioner**, Agartala Municipal Corporation, having his office at City Centre, Paradise Chowmuhani, Agartala, West Tripura, PIN-799001;

**3. The Assistant Municipal Commissioner**, Central Zone, Agartala Municipal Corporation, office of the Central Zone, City Centre (1<sup>st</sup> Floor), Paradise Chowmuhani, Agartala, West Tripura, PIN-799001;

**---Respondent(s)**

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| For Petitioner(s) | : | Mr. Somik Deb, Sr. Advocate<br>Mr. J. Samed, Advocate |
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| For Respondent(s) | : | Mr. A. Bhaumik, Advocate |
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| Date of hearing & delivery of judgment | : | <b>26.02.2026</b> |
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| Whether fit for reporting | : | <b>Yes</b> |
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**BEFORE  
HON'BLE JUSTICE DR. T. AMARNATH GOUD  
Judgment & Order (Oral)**

**1.** The brief facts of the case is that the petitioner is occupying a shop premise at Ujjayanta Market, Agartala for carrying on his business under Touji bearing reference No.21LNS0117 and License issued by the respondents. The petitioner has also paid the upto date annual fees to the respondents and there is no arrear, but to his surprise, the respondents-Agartala Municipal Corporation (AMC, for short) has

taken a step for relocating the petitioner to an alternative premise by demolishing the existing structure and construction. It is the further case of the petitioner that earlier on the action of the respondents regarding relocation of the shop premise of the petitioner, the petitioner had approached this court by filing writ petitions being WP(C) 919 of 2022, which was disposed of on 24.11.2023 and also WP(C) 250 of 2024, which was also disposed of on 09.04.2024, in terms of the directions passed in the Order dated 24.11.2023 in WP(C) 919 of 2022. In both the cases, the respondents were directed to consider the representation submitted by the petitioner with a further direction upon the petitioner to comply and co-operate with the respondent-AMC in terms of the procedural aspects. It is the further case of the petitioner that the respondent No.3 by issuing a notice dated 17.02.2026 directed the petitioner, including all other shopkeepers having their business in the existing site i.e. Ujjayanta Market, Agartala, to vacate the existing shop premise and shift their business to the respective allotted place. By the said notice, the respondents have summoned the petitioner for personal hearing.

**2.** Challenging the said impugned notice of eviction dated 17.02.2026, the petitioner has approached this court by means of filing this writ petition, wherein the petitioner has sought for the following reliefs:

*“(i) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, for directing them, to transmit the records, lying with them, for rendering substantive and conscionable*

*justice to the petitioner, and for quashing/setting aside the impugned Notice dated 17.02.2026 (Annexure-13 supra);*

*(ii) Issue Rule, calling upon the respondents 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 forthwith revoke/rescind the impugned Notice dated 17.02.2026 (Annexure-13 supra), to strictly comply with the Judgment & Order dated 24.11.2023 passed in WP(C) No.919 of 2022 (Annexure-8 supra);*

*(iii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Prohibition and/or in the nature thereof, shall not be issued, for restraining/prohibiting the respondents, from acting in any manner, in furtherance of the impugned Notice dated 17.02.2026 (Annexure-13 supra), from initiating any eviction proceedings, or removing structures without prior compliance of judicial directions;*

*(iv) In the ad interim, and thereafter, on hearing the parties, in the interim, an Order in terms of relief (iii) supra;*

*(v) Call for the records appertaining to this petition;*

*(vi) After hearing the parties, be pleased to make the Rule Absolute in terms of (i) to (iii) above;*

*(vii) Costs of and incidental to this writ proceeding;*

*Any other Relief(s) as to this Hon'ble High Court may deem (viii) fit and proper;"*

**3.** Heard Mr. Somik Deb, learned senior counsel assisted by Mr. J. Samed, learned counsel appearing for the petitioner. Also heard Mr. Arijit Bhaumik, learned counsel appearing for the respondents-AMC.

**4.** The contention of Mr. Deb, learned senior counsel appearing for the petitioner is that the petitioner has been doing his business at Ujjayanta market under valid Touji and License issued by the respondents-AMC and he has paid the upto date rent and tax for the said shop premise. Learned senior counsel further argued that despite having valid touji and license, the AMC has no authority for passing such eviction/relocation order. Mr. Deb, has also argued that prior to passing of such direction, no show-cause notice was issued upon the petitioner for cancellation of his touji and also that in existence of the lease deed, such order is vague in nature.

**5.** Mr. A. Bhaumik, learned counsel appearing for the respondent-AMC, has submitted that period of lease deed has expired and the same was not renewed. Mr. Bhaumik, learned counsel has further submitted that despite receipt of the notice dated 17.02.2026, the petitioner did not avail the opportunity of being heard personally and also remained un-responded, though the petitioner has received the said notice under his signature. Learned counsel has also submitted that in exigency of public convenience and infrastructure improvement, the notice issued by the respondent No.3 directing the petitioner and other shopkeepers of that market to vacate their existing shop and shift to alternative space is just and appropriate, hence no interference is required.

**6.** This court has perused the record meticulously. Mr. Deb, learned senior counsel has argued that the petitioner was not afforded with any reasonable opportunity of being heard personally. To controvert the submission of learned senior counsel, learned counsel for the respondent-AMC, Mr. Bhaumik has pointed out that the petitioner in terms of notice dated 20.05.2024 submitted his representation dated 05.06.2024 without availing the opportunity of personal hearing. Subsequently, the respondent No.3 by notice dated 20.11.2024 again directed the petitioner to remain present on 26.11.2024 at 3.00 pm and on 26.11.2024 the petitioner by his application attended before the respondent no.3 for his personal hearing and after conclusion, the respondent No.3 passed the Order dated

26.11.2024 allocating plot No.09, measuring 108 sq.ft. at Jackson gate in favour of the petitioner to his satisfaction. From a close scrutiny of all the correspondences, it is revealed that the petitioner has availed the opportunity of personal hearing before the respondent no.3 and on conclusion his grievance was addressed to by Order dated 26.11.2024 passed by the respondent No.3 herein. The notice dated 20.05.2024 directing the petitioner to remain present on 07.06.2024 at 11.30 a.m. to resolve the matter in terms of the directions passed by this court in WP(C) 919 of 2022, is reproduced hereunder:

**"OFFICE OF THE ASSISTANT MUNICIPAL COMMISSIONER  
AGARTALA MUNICIPAL CORPORATION  
CENTRAL ZONE,**

**No.F 13(C)/SC/CZ/AMC/2021/1723-24**

**Dated: 20/05/2024.**

**NOTICE**

As per the direction of Higher Authority of AMC in reference to the Hon'ble High Court Order No. WP(C)250 of 2024 by the representation of the petitioner, Sri Bidhan Ch. Saha versus Agartala Municipal Corporation (Respondent(s) regarding to resolved in compliance of the Judgment & Order, dated 24-11-2023, passed by the Hon'ble High Court in WPC No. 919 of 2022.

You are hereby directed to remain present on 07-06-2024 at 11.30 a.m. to resolved the matter, before the Office of the Assistant Municipal Commissioner, Central Zone, AMC along with necessary relevants documents if any, failing which steps will be taken as per provisions of Tripura Municipal Act.

To  
Sri Bidhan Ch. Saha,  
Ujjayanta Market, near Jackson Gate,  
Infront of MTB School for compliance.

Assistant Municipal Commissioner,  
Central Zone,  
Agartala Municipal Corporation.

Copy to,

1. The Hon'ble Mayor, AMC for kind information.
2. The Municipal Commissioner, AMC for kind information.

Assistant Municipal Commissioner,  
Central Zone,  
Agartala Municipal Corporation."

**6.a.** The representation dated 05.06.2024 submitted by the petitioner is reproduced hereunder:

"To,  
The Assistant Municipal Commissioner  
Central Zone  
Agartala Municipality Corporation  
Tripura West  
Agartala.

Reference: Notice No. F.13(C)/SC/CZ/AMC/2021/1722-24 dated 20-05-2024./

Sir,

Kindly refer to your above cited Notice dated 20-05-2024.

In reference to the above mentioned Notice, I, with due respect, am to state as well as inform the following points for information of your kind honour:

That sir, I being a responsible citizen, am always ready to cooperate the Agartala Municipality Corporation in every respects;

That sir, I being a senior citizen and poor person, have presently, been suffering from mental depression and physical illness & weakness. I therefore, am in need of more some times i.e. 3/4 weeks times so that I may be in a position to remain present before your kind honour instead of the day dated 07-06-2024 (at 11-30 A.M.) as you directed vide your above mentioned Notice dated 20-05-2024;

That sir, I being an unemployed poor person have been feeding myself and my family members by way of earnings from my present running small business/shop situated on the existing land of with valid permission of Touji and License issued by your kind for a long-long years;

That sir, I, being a responsible citizen, have always been paying the rent in time and even updated the payment (of rent) for the period from 01-04-2024 to 31-03-2025 vide the Touji Payment Receipt No. 28809 dated 03-04-2024 copy of which is enclosed herewith for your kind information and ready reference.

Further, I already, paid the Tax/Rent for the period of 2024-25 vide the Property Tax Receipt 2024-25 (Property id AMCCZ23254) dated 03-04-2024 in compliance of your instruction/direction vide the Bill No. AMCCZ23254/2023-24/153279 dated 06-09-2023 issued by your kind copy of which is also enclosed herewith, for your kind information and ready reference;

That sir, I shall provide all the available necessary relevant documents to your kind at the time of my presence before your kind honour;

That sir, I shall pray and hope that your honour would be kind enough to see my case so that I may be in a position to pass my rest life without mental depression & financial problem with running of my existing business:

I shall therefore, request to your kind henger to allow me some more times i.e. 3/4 weeks so that I may present before your kind instead of the day dated 07-06-2024, in consideration of my above stated circumstances and thus oblige me thereby.

Date, Agartala, 5th June'2024

Enclo: As stated.

Yours faithfully,

(Bidhan Ch. Saha)

S/o-Lt. Basudeb Saha

Near Jackson Gate

Agartala, West Tripura, Pin-799001"

**6.b.** After receipt of the representation dated 05.06.2024, the respondent No.3 by notice dated 20.11.2024 again informed the petitioner to take part in personal hearing, and the said notice is reproduced hereunder:

**"OFFICE OF THE ASSISTANT MUNICIPAL COMMISSIONER  
AGARTALA MUNICIPAL CORPORATION  
CENTRAL ZONE,**

No.F 13(C)/SC/CZ/AMC/2021/648-650

Dated: 20<sup>th</sup> Nov'2024.

**NOTICE**

In persuance to the order Dated: 09-04-2024 of the Hon'ble High Court of Tripura, Agartala in connection with the court case of WP(C) 250 of 2024 regarding the allotment of Touji in favour of the petitioner Sri Bidhan Chandra Saha, in this regard an earlier notice with vide no. F.13(C)/SC/CZ/AMC/2021/ 1722-24, Dated: 20th May'2024 has been already issued and served upon the petitioner.

Whereas, in this regard the petitioner Sri Bidhan Chandra Saha did not appear in the hearing, thereafter the case or allotment procedure in taking to resolve the compliance of the Judgment & Order, Dated: 09-04-2024 passed by the Hon'ble High Court in WP(C) 250 of 2024 was not executed/completed.

Now therefore, as the case is remanded back to the AMC to re-enquire into the matter above, Sri Bidhan Chandra Saha of Ujjyanta Market, near Jackson Gate, is hereby again directed to appear before the undersigned in the office chamber (City Centre 1st floor) on 26-

11-2024 at 3:00 pm along with relevant documents failing to which ex-parte decision shall be taken as per the law of Municipal Act..

To

Sri Bidhan Ch. Saha,  
Ujjayanta Market, near Jackson Gate,  
Infront of MTB School for compliance.

Assistant Municipal Commissioner,  
Central Zone,  
Agartala Municipal Corporation."

**6.c.** Subsequently, by an application dated 26.11.2024, the petitioner took part in personal hearing, and the said application is reproduced hereunder:

"To,  
The Assistant Municipal Commissioner  
Central Zone  
Agartala Municipality Corporation  
Tripura West  
Agartala.

Subject: Attendance for Hearing.  
Ref. No. F.13(C)/SC/CZ/AMC/2021/648-650, dated 20-11-2024

Sir,

In pursuance of the Notice vide No. F.13(C)/SC/CZ/AMC/2021/648-650. dated 20-11-2024 I would inform you that I have appeared before you on 26-11-2024 at 3.00 P.M.

Dated: 26/11/2024

Agartala

Yours faithfully

Sd/ Bidhan Ch. Saha  
S/o-Lt. Basudeb Saha  
Mobile:9862603426"

**6.d.** On conclusion of personal hearing, the respondent No.3 by his Order dated 26.11.2024 allotted plot No.09 measuring 108 sq.ft. at Jackson subject to certain conditions. The order dated 26.11.2024 is as under:

"OFFICE OF THE ASSISTANT MUNICIPAL COMMISSIONER  
AGARTALA MUNICIPAL CORPORATION  
CENTRAL ZONE,

No.F 13(C)/SC/CZ/AMC/2021/664

Dated: 26.11.2024.

ORDER SHEET

Case: Allotment of space at Southern side of Tulsibati School  
Name of Applicant: Sri Bidhan Ch. Sahu, S/o. Lt. Basudeb Saha  
Date of Hearing: 26-11-2024  
Ref. No. F.13(C)/SC/CZ/AMC/2021/648-650, dated 20-11-2024

On this day, 26-11-2024 at 3.00 p.m. the matter relating to allotment of Touji at Southern side of Tulsi bati School in favour of Sri Bidhan Ch. Saha, S/o. Lt. Basudeb Saha was taken up for hearing before the undersigned.

It is placed on record that on previous occasions during the process of allotment of Touji conducted through lottery system on 07-03-2024 Sri Saha remained absent despite due intimation. Consequently, the allotment process was completed through lottery and allotment of plots were given to eleven (11) eligible parties.

Subsequently, Sri Saha approached the Hon'ble Court seeking appropriate relief in the matter vide case No. WP(C) 250 of 2024.

During the course of hearing, the relevant records and documents were examined. It is observed that the allotment of earlier notified had already been allotted to the aforesaid eleven (11) parties through a duly conducted lottery process.

Considering the facts and circumstances of the case, and in view of the submissions made during hearing, it is hereby ordered that Sri Bidhan Ch. Saha, S/o. Lt. Basudeb Saha be allowed plot No. 09, measuring No. 108 sqft. at Jackson gate, subject to the following conditions:

- 1) The allotment shall be provisional and subject to verification of all requisite documents and compliance of formalities.
- 2) The allottee shall strictly adhere to the terms and conditions prescribed by the Agartala Municipal Corporation.
- 3) No encroachment beyond the allotted area shall be permitted under any circumstances.
- 4) The allotment shall be liable to cancellation in case of any violation of conditions or suppression of facts.

The matter stands disposed of accordingly.

Assistant Municipal Commissioner  
Central Zone  
Agartala Municipal"

**6.e.** Hence, from the above correspondences, the petitioner has left with no scope to urge that he was not provided with any opportunity of being heard personally since the said correspondences clearly demonstrate that he has been noticed by the respondent No.3, to hear him personally, and to that the petitioner has appeared and was heard by the respondent-AMC personally and thereafter by Order dated 26.11.2024, the petitioner was allotted plot no.9 measuring 108 sq.ft. at Jackson gate subject to his satisfaction. Thus, the direction passed by this court in WP(C) 919 of 2022 was considered by the respondents-AMC, and after hearing the petitioner personally and after allocating a plot of land by the respondent No.3, the proceeding with regard to the Notice dated 17.02.2026 was initiated by the respondent No.3. The entire fact was suppressed by the petitioner in all manner in the instant writ proceeding which proves that the petitioner has approached this court with unclean hand.

**6.f.** Considering the submission of learned counsel for the respondent that opportunity was given to the petitioner and he has attended the hearing and his signature is also available on

the proceeding sheet, when this court to this factual aspect, inquired Mr. Deb, learned senior counsel, for the petitioner, he, in all fairness submitted that his client i.e. the petitioner did not apprise him on this aspect and expressed his grievance that his client was not fair to him.

**7.** There is no dispute with regard to issuance of touji, license in favour of the petitioner and also the petitioner has paid all the rent and taxes as upto date. However, from the Memo dated 27.10.2022, it is seen that the respondent no.3 invited the shop keepers of Jackson gate area to participate in the distribution of space for construction of stall through lottery meaning thereby the respondents-AMC was supposed to relocate space to the petitioner and others for carrying on their business on the land owned by AMC. Challenging the Memo dated 27.10.2022, the petitioner filed writ petition before this court being WP(C)919 of 2022, and the said writ petition was disposed of on 24.11.2023 with some directions to the respondents and the petitioner. Subsequently, on 04.03.2024, the respondent No. 3 herein, issued another Memo inviting the petitioner and others to participate in fresh lottery process for distribution of space from the existing place to south side of MTB school. The petitioner after receipt of such memo challenging the same filed another writ petition being WP(C)250 of 2024 before this court on the ground that he was not provided with reasonable opportunity of being heard personally, and by order dated 09.04.2024, the said writ petition was disposed of in terms of the

directions passed in WP(C) 919 of 2022. Surprisingly, the application dated 26.11.2024 and order dated 26.11.2024 clearly reveals that the petitioner has availed the opportunity of personal hearing before the respondents-AMC and after such hearing the petitioner was re-allocated with plot no.9 measuring 108 sq.ft. at Jackson gate subject to his satisfaction. Further, on perusal of the affidavit filed with the writ petition, this court does not find anywhere that the petitioner has disclosed the fact of his appearance before the respondent-AMC and he has entirely suppressed the said fact.

**8.** From the Memo dated 27.10.2022 and 04.03.2024 alongwith other correspondences it can safely be presumed that the respondents-AMC has taken all possible measures to provide alternative space to the petitioner which by Order dated 26.11.2024 is clearly revealed, for doing his business in shop no. 9 measuring 108 sq.ft. at the location of Ujjayanta market. Further, the land on which the petitioner is doing his business is owned exclusively by AMC, and only upon issuance of Touji, the petitioner is entitled to carry on his business since long. Considering the project of Smart City Mission, the respondents-AMC has undertaken various development works including widening of road for convenience of public in interest and for such public convenience and development infrastructure the steps taken by respondent-AMC remain undisputed. Further, this court is of the view that the act and action of the petitioner is serious in nature and manner in which he has suppressed the

fact before this court, is unfair since he has not approached this court with clean hand

**9.** Thus, it transpires that the petitioner has availed alternative efficacious remedy in respect of his grievance raised in the writ petition. Moreover, it also appears that the writ petition earlier filed by the petitioner were disposed of with direction upon the respondents to afford opportunity to the petitioner of being heard personally which has been complied with by the respondents to the satisfaction of the petitioner, and the same would be well established from the correspondences, as quoted here-in-above. However, it appears that the present petitioner has not disclosed the material fact of availing opportunity of personal hearing in the aforesaid writ petitions filed before this Court. Moreover, I find substance in the arguments advanced by the learned counsel for the respondents-AMC that the petitioner has not disclosed about appearance before the respondents-AMC. It also appears that the petitioner has suppressed the material facts and thereby made an attempt to obtain an order of *status quo* from this court. Thus it appears that he has also made an attempt to invoke the writ jurisdiction by suppressing the material fact and therefore, in view of the aforesaid position, the present writ petition deserves to be dismissed. It is trite law that a writ petition is liable to be dismissed for suppression of fact when a litigant fails to disclose material information, acts dishonestly, or misleads the court,

violating the principle of "clean hands" which tantamounts to abuse of the legal process.

**9.** The discretion exercised by the Court under Article 226 of the Constitution of India is extraordinary, equitable and discretionary. While exercising the extraordinary power, the Court shall necessarily bear in mind the conduct of the parties. Needless to say, the conduct of the petitioner herein is nothing but playing fraud on the court as well on the other side by suppressing material facts to gain undue advantage. Hence, in the considered opinion of this Court, the petitioner, who has approached this Court with unclean hands, by suppression all material facts is not entitled to any relief from this Court.

**10.** In view of the same, the instant writ petition is liable to be dismissed, for the above reasons. Accordingly, the same stands dismissed. As a sequel, the interlocutory application(s), if any, also stands closed.

**JUDGE**

**SAIKAT  
KAR**

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SAIKAT KAR

Date: 2026.02.27  
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