



**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.289 OF 2026**

Smt. Jayanti Deb Nath (Age-54 years)
W/o: Arjun Kumar Debnath,
D/o: Jitendra Debnath,
R/o: 177, Jagat Pur, Agartala Ward No.3, P.O. Abhoy Nagar, Town/Vill-
Agartala, District- West Tripura, Pin-799005
..... Petitioner(s)

Versus

- 1. The State of Tripura,**
To be represented by the Principal Secretary to the Govt. of Tripura, Home
Department, Civil Secretariat Building, New Capital Complex, Lichu Bagan,
P.S. NCC, Agartala, West Tripura, Pin 799010.
- 2. The Secretary,**
Food, Civil Supplies & Consumer Affairs, Government Of Tripura
Gorkhbasti Agartala, Tripura, 799006.
- 3. The Director,**
Food, Civil Supplies & Consumer Affairs. Government Of Tripura Agartala,
Tripura, 799006.
- 4. The Sub-Divisional Magistrate,**
Mohanpur. Mohanpur West Tripura, West Tripura, 799211.

..... Respondent(s)

For the Petitioner(s)	: Mr. P. Roy Barman, Sr. Advocate. Mr. S. Bhattacharjee, Advocate. Mr. K. Nath, Advocate. Ms. S. D. Barman, Advocate. Ms. A. Debbarma, Advocate. Mr. D. Paul, Advocate. Ms. S. R. Das, Advocate.
For the Respondent(s)	: Mr. Kohinoor N. Bhattacharyya, G.A.

Date of hearing and delivery of

Judgment & Order : 11.05.2026.

Whether fit for reporting : YES/NO. _____

HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)

1. The present writ petition has been filed by the petitioner seeking, inter alia, quashing of the impugned order dated 07.04.2026 issued by the Sub-Divisional Magistrate, Mohanpur, whereby the prayer of the petitioner for allotment of Ishanpur Fair Price Shop No. 2 was rejected. The petitioner has also prayed for a direction upon the respondents to consider her case for allotment of the said Fair Price Shop in terms of the Memorandum dated 04.12.2006 issued by the Director of Food, Civil Supplies & Consumer Affairs, Government of Tripura.

2. The brief facts of the case are that the mother of the petitioner, Late Anita Debnath, was the dealer of Ishanpur Fair Price Shop No. 2 and was appointed as such in the year 2015. She died on 02.01.2026 while operating the said Fair Price Shop. After her death, the petitioner, being one of the legal heirs, submitted representations before the competent authorities seeking allotment of the dealership in her favour on the basis of the policy decision contained in the Memorandum dated 04.12.2006, which provides preference to legal heirs of a deceased dealer, subject to suitability.

3. It is the case of the petitioner that despite submitting representation, the authorities proceeded to tag the said Fair Price Shop with another shop and subsequently rejected the claim of the petitioner by the impugned order dated 07.04.2026 without assigning proper reasons.

4. Earlier, the petitioner had approached this Court in WP(C) No.102 of 2026, which was disposed of by order dated 16.02.2026 directing the respondents to consider the case of the petitioner in accordance with law.

However, according to the petitioner, the said direction has not been complied with in its true spirit. Aggrieved thereby, the petitioner has filed this present appeal seeking the following reliefs:-

“i. Issue Rule upon the Respondents to show cause as to why writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby quashing and cancelling the Impugned Order, dated, 07.04.2026, issued by the SDM, Mohanpur, i.e. Respondent No. 4, whereby the prayer of the Petitioner for allotment of Ishanpur F.P. Shop No. 2, has been rejected.

ii. Issue Rule upon the Respondents to show cause as to why writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to consider the allotment of the Ishanpur F.P. Shop No.2, in favour the Petitioner, in terms of the Memorandum, dated, 04.12.2006.

iii. Issue Rule upon the Respondents to show cause as to why writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby quashing and cancelling the Order, dated, 08.01.2026, issued by the SDM Mohanpur, directing handing over and taking over charge of Ishanpur F.P. Shop No.2, between Abhijit Debnath and Bairagi Para F.P. Shop under Daldali Lamps on 13.01.2026.

iv. Make the rules absolute.

V. Call for records.

vi. Pass any further order/orders as this Hon'ble High Court considers fit and proper.”

5. Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Mr. Samarjit Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. Kohinoor N. Bhattacharyya, learned G.A., appearing for the respondents.

6. Mr. Barman, learned Sr. counsel appearing for the petitioner submits that the impugned order is arbitrary, non-speaking, and has been passed without considering the binding policy contained in the Memorandum dated 04.12.2006 and earlier Memorandum dated 20.04.2005. It is further submitted

that no reasons have been assigned as to how the petitioner is ineligible or disqualified.

7. On the other hand, learned G.A. submits that the dealership of a Fair Price Shop is not a matter of inheritance or automatic succession, but is governed by statutory provisions, executive guidelines, and administrative discretion. The petitioner cannot claim allotment as a matter of right merely on the ground of being a legal heir of the deceased dealer. Learned G.A. further submits that the fact that family members are in Government service was also taken into consideration, which attracts disqualification under the applicable norms governing allotment. Accordingly, it is prayed that the writ petition be dismissed.

8. Heard the perused the evidence on record.

9. It is seen from the materials on record that the respondents have not passed any order in the light of the Memorandum issued by the Union of India dated 20.04.2005, followed by the Memorandum dated 04.12.2006 issued by the State of Tripura. Neither in the impugned proceedings nor in the counter affidavit have the respondents explained the issue with regard to preference and disqualification.

10. The respondents have also not clarified in the counter affidavit, nor in the Gram Panchayat resolution, the ambiguity regarding the three members working in Government service and whether the same falls within any disqualification for granting authorization to the petitioner as a legal heir.

11. In view of the above, the impugned rejection order is set aside and the respondents are directed to consider the case of the petitioner afresh and pass appropriate orders in accordance with law. It is further clarified that this Court is not passing any adverse order against the allotment of

authorization in favour of any third party. However, insofar as denial of the claim of the petitioner is concerned, the official respondents are required to answer the same. Once a decision is taken either way, the same shall be communicated to all concerned parties and, if any party is aggrieved thereby, they shall be at liberty to challenge the same in accordance with law.

12. Accordingly, this present writ petition stands allowed. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

DR. T. AMARNATH GOUD, J