



2026:THC:581

TRHC010007582026

HIGH COURT OF TRIPURA
AGARTALA
WP(C) 306/2026

Smt. Malabika Pal (Majumder)

W/o Sri Pranab Majumder,

R/o East Shibnagar, P.O. College Post Office, Presently residing at Dhaleswar Road No. 18, West Tripura District, Tripura - 799007.

Proprietor, M/s Maa Santoshi Petroleum Agency (BPCL Retail Outlet at Km 461.6275 on NH-08/NH-44, Mouja Joynagar, Jirania Sub-Division, West Tripura).

.....Petitioner

VERSUS

1. Union of India Through the Secretary, Ministry of Road Transport & Highways, Transport Bhawan, 1, Parliament Street, New Delhi-110001.

2. The District Magistrate & Collector, West Tripura District, Agartala (also acting as Competent Authority /District Authority under Petroleum Rules, 2002).

3. The National Highways & Infrastructure Development Corporation Ltd. (NHIDCL) Through its General Manager (Projects), PMU-Khowai / PMU-Teliamura, Karailong, Teliamura, West Tripura.

4. Bharat Petroleum Corporation Limited (BPCL) Through its Territory Manager (Retail), Shillong.

-----Respondent(s)

For Petitioner(s)	:	Mr. T.D. Majumder, Sr.Advocate. Mr. D. Kalai, Advocate. Ms. S. Rani Kaipeng, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Dy.SGI. Mr. R. Saha, Advocate.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
ORDER

11.05.2026

[1] Heard learned counsel appearing for the respective parties.

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

- “a. Issue a Rule calling upon the Respondents to show cause as to why the impugned Hearing Notice dated 23.04.2026 shall not be quashed and set aside;*
- b. After hearing the parties, make the Rule absolute and quash and set aside the impugned Hearing Notice dated 23.04.2026;*
- c. Issue a writ of Mandamus directing the Respondents not to cancel the NOC granted to the Petitioner under the Petroleum Rules, 2002 and not to interfere with the peaceful operation of the Petitioner's petrol retail outlet in any manner whatsoever;*
- d. Grant an ex-parte ad-interim stay of the operation of the impugned Hearing Notice dated 23.04.2026 and all proceedings pursuant thereto, including the hearing fixed for 24.04.2026, and restrain the Respondents from cancelling the NOC or taking any coercive steps against the petrol pump during the pendency of the writ petition;*
- e. Call for the records of the acquisition proceedings and the Petroleum NOC;*
- f. Award costs of the petition;*
- g. Pass any other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.”.*

[3] Mr. T.D Majumder, learned Sr. counsel assisted by Ms. S. Rani Kaipeng, learned counsel submits before this Court that the petitioner is the owner and sole proprietor of a petroleum Agency. The outlet has been running lawfully since 2013. He contends before this Court that a notification was issued on 10.01.2024 for widening of NH-08 to which the petitioner submitted an objection. Thereafter, several proceedings were taken place in favour of the petitioner. Finally, a hearing notice was issued on 23.04.2026 by DM & Collector, West Tripura District, proposing to cancel the petitioner's NOC solely on the ground that the land has been vested under Section 3D (2) of the NH Act. He further contends that the said notice is without jurisdiction, premature and the same is arbitrary also.

[4] According to this Court, since the matter is already *sub-judice* before the concerned authority i.e. DM & Collector, West Tripura District, wherein on 23.04.2026 a proceeding was initiated fixing a date

for hearing on 24.04.2026 at 11:00 AM and to which the petitioner has sought for an adjournment of the proceeding. In regard to this para 6 of the affidavit has been quoted as under:

“ The petitioner prayed for adjournment as one day time to participate in the proceeding is highly prejudice to her as order will have serious civil consequence”

[5] According to the petitioner, she has only sought for an adjournment as she was falling short of time.

[6] This Court is of the opinion that without facing hearing and even before concluding the proceeding before the respondent(s), the petitioner is before this Court with several legal arguments .

[7] Without expressing any opinion on merits of the case, this Court leaves it open to the petitioner to raise all objections including the issue of maintainability and jurisdiction to issue a show cause notice by the respondent to the petitioner and on such objections being filed before the concerned respondent(s), the respondent(s) shall examine the matter in its entirety and pass a reasoned order in accordance with law at the earliest.

[8] In terms of the above, this present writ petition stands dismissed as premature.

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

DR. T.AMARNATH GOUD,

Paritosh

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