

**THE HIGH COURT OF TRIPURA
AGARTALA**

WP(C) NO.440 OF 2006

Sri Jiban Ch. Saha,
S/O Late Ruhidas Saha,
Of village Jagabandhupara, Ultachara,
P.S. Gandachara, Dhalai Tripura.

..... *Petitioner*

- *Vs* -

1. The State of Tripura,
Represented by the Secretary cum Commissioner,
Department of Food Civil Supplies & Consumer Affairs,
Government of Tripura, Agartala.

2. The Director,
Department of Food Civil Supplies & Consumer Affairs,
Government of Tripura,
Gurkhabasthi, Agartala.

3. Sub-Divisional Magistrate,
Gandachara, Dhalai District.

4. Sub-Divisional Controller(Food),
Gandachara, Dhalai District.

5. Sri Bakarai Reang,
S/O Sri Karamjoy Reang,
Of village Jagabandhupara, Ultachara Gram Panchayat,
Gandachara, Dhalai Tripura.

6. Sri Arjun Saha,
S/O Late Dasharath Saha,
Jagabandhupara, Gandachara,
Dhalai Tripura.

..... *Respondents*

**BEFORE
HON'BLE MR. JUSTICE S.C. DAS**

For the petitioner : Mr. D.C. Roy, Advocate

For the respondents : Mr. D.C. Nath, Advocate

Date of hearing and
delivery of judgment &
order : **04.02.2015**

Whether Fit for Reporting :

Yes	No
	✓

JUDGMENT & ORDER(ORAL)

Heard learned counsel, Mr. D.C. Roy for the petitioner and learned counsel, Mr. D.C. Nath for the State respondents.

2. The petitioner was the owner of Fair Price Shop Nos.1 and 2 of J.B. Para and Ultacherra under Gandacherra Sub-Division. It is stated by the petitioner that because of non-arrival of some vehicles loaded with food-grains to the Fair Price Shops in time, the Fair Price Shop Dealerships in the name of the petitioner were cancelled by order dated 31.10.2003(*Annexure-L to the writ petition*).

3. A criminal proceedings was also initiated against the petitioner and the criminal case ended by judgment dated 25.07.2006 passed by learned Judicial Magistrate, First Class, Kamalpur and the petitioner was acquitted from the charge.

4. After the criminal case was over the petitioner made representation to respondent No.3 for reinstatement of his Dealerships but the petitioner received no positive response.

5. Thereafter, the petitioner approached this Court on 27.11.2006 seeking direction to respondent No.3 to recall and/or cancel order dated 31.10.2003(*Annexure-L*) and to issue fresh Fair Price Shop Dealership Licences to the petitioner for the Fair Price Shop Nos.1 and 2 of J.B. Para and Ultacherra.

6. Learned counsel, Mr. Roy has submitted that on flimsy ground the dealerships of the petitioner were cancelled and the criminal case did not succeed. The petitioner is therefore entitled to get the dealerships of those Fair Price shops for running his livelihood.

7. Learned counsel, Mr. Nath has submitted that the dealership licences were cancelled on 31.10.2003 and so long the petitioner was sitting ideal and in the year 2006 he filed the writ petition and therefore the writ petition does not deserve any consideration.

8. The petitioner, as it appears, did neither immediately approach the superior authority by filing an appeal nor the Court seeking the relief sought in the writ petition. However, the petitioner made a representation after he was acquitted from the criminal case and that representation has not been considered or at least nothing was informed to the petitioner about that representation.

9. In the circumstances of the case, I think the writ petition may be disposed of with a direction to the respondent Nos.1 to 3 that the petitioner may make a representation to respondent No.3 for consideration of his licences of Dealership of those Fair Price Shops or any part thereof and in case such a representation is made within fifteen days from today the

respondents should humanely consider the representation within two months from today and communicate the decision to the petitioner. If the petitioner feels aggrieved, he will be at liberty to approach this Court.

10. With the above observations and directions this writ petition stands disposed of.

JUDGE