

**HIGH COURT OF TRIPURA  
AGARTALA  
WP(C)No.734 of 2022**

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For Petitioner(s)	: Mr. P. Roy Barman, Sr. Adv. Mr. D. Paul, Adv.
For Respondent(s)	: Mr. D. Sharma, Addl. G.A.

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**HON'BLE THE CHIEF JUSTICE(ACTING)**

**Order**

**30/11/2022**

Heard Mr. P. Roy Barman, learned senior counsel appearing for the petitioner as well as Mr. D. Sharma, learned Addl. G.A. appearing for the respondents.

2. By means of this writ petition the petitioner has sought for necessary directions for staying the operation of the impugned memorandum dated 22.08.2022 issued by the Sub-Divisional Magistrate, Dharmanagar, North Tripura, during the pendency of the instant writ petition. The petitioner has also sought for necessary directions for quashing the said memorandum, dated 22.08.2022. The petitioner has also prayed to direct the respondents to appoint the petitioner as the dealer of Baruakandi F.P. Shop, being the legal heir of late Dulu Biswas(Das), Ex-Dealer of Baruakandi F.P. Shop in compliance with the memorandum dated 20.04.2005 issued by the Director, FCS & CA, Tripura.

3. Mr. P. Roy Barman, learned senior counsel appearing for the petitioner has submitted that the mother of the petitioner was having a license to run a fair-price shop under the respondents-State. She died on 14.05.2022 leaving behind her son as the only legal heir. After her death, the said legal heir i.e. the petitioner herein informed the fact of death of his mother to the competent authority. Mr. Roy Barman,

learned senior counsel has referred to a letter dated 06.08.2022 issued by the Additional Secretary & Director, FCS & CA, Tripura to the Sub-Divisional Magistrate, Dharmanagar, North Tripura District. The said letter dated 06.08.2022 reads as under:

**“To the Sub-Divisional Magistrate,  
Dharmanagar, North Tripura District**

**Subject : Regarding prayer for transferring the Dealership of Barukandi F.P. Shop.**

**Sir,**

Please find enclosed a prayer for Rational Dealership submitted by one Sri Sandip Das, S/O Lt. Dulu Biswas (Das), Baruakandi, Dharmanagar, North Tripura addressed to the undersigned, which will speak for itself.

2. It appears from the prayer that Lt. Dulu Biswas (Das), mother of Sri Sandip Das was the dealer of Baruakandi F.P. Shop being Licence No.207/K/04/2007 issued by the Licencing Authority on 07/05/2007. His mother died on 14/05/2022 and father died on 26/01/2020. After the death of his mother, he is continuing the dealership business till the date of being the only legal heirs. It also appears that he passed H.S.(+2 Stage) Examination and he has a capability to continue the dealership business which was holding by his deceased mother being the son.

3. In this regard, you are requested to take necessary action by observing all codal formalities laid down in the departmental guidelines.

**Yours faithfully,  
illegible  
Tapan Kr. Das  
Addl. Secretary & Director,  
FCS & CA, Tripura”**

4. Mr. Roy Barman, learned senior counsel has further referred to a memorandum dated 20.04.2005 issued by the Director, Food, Civil Supplies and Consumer Affairs, Tripura. In the said memorandum, it has been clearly stated that it is recommended in the State Food Minister's Conference on 28.10.2004 that legal heirs of a Fair Price Shop licensee may be given preference for allotment of a Fair Price Shop subject to suitability. Accordingly, all the Sub-Divisional Magistrate and Officer-In-Charge, Agartala Rationing Authority are directed to follow the aforesaid recommendation while allotting dealership of a Fair Price Shop in case of death of a dealer.

5. In reply to the submission of Mr. Roy Barman, learned senior counsel, Mr. D. Sharma, learned Addl. G.A. appearing for the respondents has referred to para 16 of the counter affidavit filed by the respondents where it has been stated that the Panchayat resolution signed by the Pradhan of Baruakandi GP, Chairperson of Kalacharra Panchayat Samity, Panchayat Secretary of Baruakandi GP and eleven members present in the meeting date 28.07.2022 submitted by the BDO Kalacharra R.D. Block, it is revealed that the petitioner is still a student studying in Karimganj College and that a series of problems had arisen in the F.P. Shop after the death of dealer Dulu Rani Biswas (Das). From the report of Chief Inspector (Food) it is also revealed that the petitioner is a student. The petitioner's statement regarding the qualification is totally false. It may be mentioned that the Food grains are delivered directly to the F.P. Shop through Transport Contractor under door-step-delivery system. Hence, the statement of the petitioner that he used to lift Food-grains is totally wrong.

6. In reply to the submission of Mr. Sharma, learned Addl. G.A., Mr. Roy Barman, learned senior counsel has shown the marksheet of various qualifications of the petitioner from where it is clear that the petitioner has sufficient qualification to continue a fair price shop.

7. Mr. Sharma, learned Addl. G.A. has placed a enquiry report dated 25.07.2022 issued by the Chief Inspector(Food), SDM Office, Dharmanagar to the Sub-Divisional Magistrate, Dharmanagar, North Tripura regarding the death of late Dulu Biswas(Das), Ex-Dealer of Baruakandi F.P. Shop where it has been stated that it will be difficult for the petitioner to run the F.P. Shop properly as he is still studying.

The counsel for the petitioner has strongly opposed the report of enquiry and stated that this report is utterly false as the petitioner has completed his graduation.

8. Mr. Sharma, learned Addl. G.A. has also referred to the memorandum dated 22.08.2022 issued by the Sub-Divisional Magistrate, Dharmanagar where it has been stated that :

**"It has come to the notice of the undersigned that the dealer of Baruakandi F.P. Shop has been expired for which smooth functioning of PDS will be hampered. All the cardholders of Baruakandi F.P. Shop are hereby tagged with nearest Sakaibari F.P. Shop.**

**The dealer of Sakaibari F.P. Shop is hereby asked to deposit the value of Foodgrains etc for Baruakandi F.P. Shop in consultation with in-Charge of D.O. Section, and he is also instructed to open a separate counter for said F.P. Shop in existing places for distribution of Foodgrains etc for said shop.**

**In view of the above, Sri Kang Kan Dewan, Chief Inspector (Food) is hereby requested to conduct handover and takeover in between the nominee of Ex-dealers of Baruakandi F.P. Shop and dealers Sakaibari F.P. Shop for handover of sale Register/Stock Book, all related paper and un-sold Foodgrains/K.Oil/Sugar/Salt etc if any of said F.P. Shop to the dealer of Sakairabir F.P. Shop immediately as per procedure for the interest of cardholders, attached with the said F.P. Shop."**

9. This court is totally disagreed with the submissions of Mr. Sharma, learned Addl. G.A. as there is no mention from which Karimganj College the present petitioner is pursuing education and in which stream he is reading. According to this court, the officers who are collecting the report are working in a very casual manner and they are not serious regarding their work. According to this court, it is not clear whether the memorandum dated 22.08.2022 is considered by the officials and the memorandum dated 20.04.2005 also considered. After considering all these things he is a student pursuing his graduation there and he is not working here and inconvenience is caused to all the card holders and someone else is coming and doing the business here. All these things should be there in the impugned order and as a result of which the workers who are attached with High Court premises put all their

effort. But all went in vain. This court impose cost of Rs.10,000/- who has filed this counter affidavit in a very casual manner. The amount shall be paid to the Tripura High Court Employees Association, Agartala.

In terms of the above, this petition stands allowed and disposed of.

A copy of this order be furnished to the President of Tripura High Court Employees Association, Agartala.

**CHIEF JUSTICE(ACTING)**

