

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.794 of 2024

Shri Surajit Sengupta, S/o – Lt. Sankar Sengupta, residence of A.D. Nagar, Dindayal, Ashram Para, Agartala, West Tripura-799003.

..... Petitioner

Versus

1. The State of Tripura, to be represented by the Secretary, Department of Home, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, Agartala, West Tripura, Pin-799010.

2. The District Registrar, Office of the District Magistrate & Collector, West Tripura, Agartala (West)-799001.

... The Respondents

For the Petitioner(s) : Mr. B.N. Majumder, Sr. Advocate
Mr. K. Deb, Advocate

For the Respondent(s) : Mr. Kohinoor N. Bhattacharyya, GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

18/12/2024

Heard Mr. B.N. Majumder, learned senior counsel assisted by Mr. K. Deb, learned counsel appearing for the petitioner. Also heard Mr. Kohinoor N. Bhattacharyya, learned GA appearing for the respondents-State.

The main grievance of the petitioner is that he being a registered deed writer, his license had been cancelled in violation of the provision of Rule 131 of Tripura Registration (Amendment) Rules, 1989. The fact of the case is that the petitioner is a Secretary of Deed Writer's Association. In that capacity, on the basis of some newspaper reports and anonymous letters, a general body meeting of Deed Writer's Association was held. In that meeting, it was decided that all the facts under different complaints may be placed before the District Registrar. According to such decision, the Association had submitted representations through the Secretary i.e. the petitioner. The petitioner has not submitted the representation in his personal capacity. It is the decision of all the members of the Deed Writer's

Association. In spite of that the District Registrar had issued a show-cause notice stating *inter alia* that the petitioner has to explain as to why he had submitted such representation making false allegations in connection with granting of new deed writer's license to the intending candidates. The petitioner duly replied the show-cause notice. Thereafter, on consideration of the statements made in the reply, the District Registrar vide order dated 27.11.2024(*Annexure-7* to the writ petition) had cancelled the license of the petitioner w.e.f. 27.11.2024. The order dated 27.11.2024 issued by the District Registrar is under challenge before this Court.

Mr. Majumder, learned senior counsel has submitted that under Rule 131 of Tripura Registration (Amendment) Rules, 1989 (here-in-after referred to as Rules of 1989), before cancelling the license of any deed writer, a regular proceeding must be initiated in case there is breach of any of the provisions of the rules contained in Rules of 1989 or of any misconduct. Mr. Majumder, learned senior counsel has further submitted that the license of the petitioner had been cancelled without conducting any regular procedure or enquiry. In view of this, the order of cancellation dated 27.11.2024 was passed in violation of the principles of natural justice.

On the other hand, Mr. Bhattacharyya, learned GA appearing for the State-respondents, particularly District Registrar has submitted that there is an alternative remedy and the petitioner has not taken the recourse of this alternative remedy. Under Rule 131 there is a specific provision for preferring an appeal before the Inspector General of Registration. The petitioner has not exhausted the remedy itself lies in the Rules of 1989.

I have considered the submissions of learned counsel appearing for the parties.

In my opinion, since Rule 131 of the Rules of 1989 clearly provides for initiating a regular proceeding before cancelling the license of deed writers, then, in that case, the cancellation of the license without conducting a regular proceeding is definitely in violation of the principles of natural justice.

It is also true that Rule 131 clearly provides for preferring an appeal before the Inspector General of Registration within 30(thirty) days from the date of the order of cancellation of the license.

Having considered the issues involved in the present writ petition, in my opinion, since the order was passed under Rule 131 without conducting a regular proceeding, the said order is necessary to be kept in abeyance till an appropriate order is passed by the appellate authority.

The petitioner is directed to exhaust the remedy as provided under Rule 131 of Rules of 1989 within the prescribed period.

With the aforesaid observations and directions, the instant writ petition stands disposed.

Pending application(s), if any, also stands disposed.

JUDGE

Snigdha

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KAR

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by SAIKAT KAR
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