

**BEFORE
TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA**

Complaint No. 14 of 2024

Sri Sudarshan Sutradhar

VS

Agartala Municipal Corporation

FINAL ORDER DATED 26.07.2024

On 07.02.2024 the Commission received a complaint submitted by one Sudarshan Sutradhar of Bholananda Palli, Bholagiri, Agartala, West Tripura. In the complaint it was stated that he hails from a renowned Artisan Family and he also produces different handcraft materials and supply the same to Purbasha and other shops. It was further stated by the complainant that he had a small stall near Ranirpukur where he started a small business. He alleged that on 29.11.2023 the Assistant Municipal Commissioner, North Zone, Agartala Municipal Corporation lifted his stall with all his personal properties valued approx Rs. 50,000/-. In the process, his right to life had been infringed by the Assistant Municipal Commissioner and therefore he prayed to the Commission for restoration of the same.

2. On examination of the allegations made in the complaint, before taking the formal cognizance, the Commission thought it appropriate to ask the Municipal Commissioner Agartala, Municipal Corporation to



inquire into the allegations made in the complaint and to submit a report.

3. The Assistant Municipal Commissioner, North Zone, AMC submitted his report to the Commission on 06.03.2024. In the report it was stated that the complainant Sri Sudarshan Sutradhar is an unauthorized vendor and he does not have any legal instrument to carry on such business at Ranirpukur. It was further stated in the report that the site of Ranirpukur has been beautified jointly by the Agartala Smart City Ltd. and AMC as a tourist spot. Occasionally, there is huge gathering at the site and any unauthorized structure at that place causes public nuisance and disturbance to the visiting people.

4. Regarding the alleged removal of pushcart of the complainant by the AMC, it was stated by the Assistant Municipal Commissioner that an announcement was made prior to the enforcement drive as part of regular exercise by the AMC Task Force asking the unauthorized small businessmen to vacate the site for the sake of greater public convenience. Some of them had already removed their belongings from the site and made it free from any occupation. In spite of repeated such announcements, a few structures remained as they were. As such, the AMC had to intervene and the aforesaid structures were removed from the site.



5. The Commission recorded on oath the statement of Sri Rajib Debbarma S/O Lt. Sachi Mohan Debbarma, Assist Municipal Commissioner, North Zone. Sri Debbarma stated that regarding removal of pushcart of the complainant, he came to learn that announcement had been made beforehand for removal of unauthorized pushcart/trolley. Since some of the vendors, even after announcement, did not remove their pushcart / trolley, the Municipal Task Force removed all those obstructions from the spot on 29.11.2023. He further stated that after removal of such pushcart or property, it is released to the concerned vendor after payment of fine, if they so approach. The complainant also had a pushcart at Ranirpukur but even after announcement, he did not remove his pushcart from that spot and therefore it was taken to Children's Park where it was kept. He further stated that he was not sure whether the complainant had taken back his pushcart on payment of fine or not. He assured the Commission that he would look into the matter and will take necessary steps for returning the same to the complainant. On 21st May, 2024 the Assistant Municipal Commissioner, North Zone, AMC further informed the Commission that he had inquired the matter regarding pushcart / trolley of complainant Sudarshan Sutradhar but that pushcart or trolley was not found anywhere.



6. The Commission meticulously examined the report of the Assistant Municipal Commissioner, North Zone and also his statement recorded on oath by the Commission which revealed that certain unauthorized construction were made on the land belonging to Assistant Municipal Corporation wherefrom those were removed by the AMC Task Force. However, the Commission thought it appropriate to make further inquiries in the matter and as such directed its Investigation Wing to inquire about the allegations made by the complainant Sudarshan Sutradhar and submit a detailed report.


7. The Investigation Wing of the Commission headed by Dy. SP L. Molson submitted its report on 07.05.2024. From the detailed report of Investigation Wing of the Commission, the following facts transpired :

Sri Sudarshan Sutradhar, the complainant hails from a renowned Artisan Family and produces different handcraft articles and supplies to Purbasha. The complainant has meager income, not sufficient to pay his house rent, run house hold and educate his son. For this reason, the complainant started a small business at Ranirpukur.


It is to be mentioned here that none of the stall owners in Ranirpukur has vendor certificate, neither had taken prior permission from AMC, North Zone for running such fast food stall.

An announcement was made beforehand by Task Force A.M.C North Zone at Ranirpukur on 25/26.11.2023 asking the unauthorized small businessmen to vacate the site. On 27.11.2023 evening, all the temporary vendors present in Rainrpukur were also verbally informed by the Task Force, AMC, North Zone regarding the eviction drive and also to pass the same information to the vendors who were absent on that day.


Sri Mahindra Kambey Chakma, Assistant Municipal Commissioner North Zone passed an order vide No. F.239/ Eviction /NZ/AMC/2023/7937-7946 dated 27th November, 2023 to conduct a special anti-encroachment drive to remove unauthorized vendors from Ranirpukur area at Bholagiri, Agartala positively on 28.11.2023, instructing all the team members to assemble at North Zonal office, Shyamali Bazar at 05.30 AM along with JCBs, Bobcats and sufficient Trippers.




Based on the above order, on 28.11.2023 at 05.30 AM in presence of Mahindra Kambey Chakma, Asst. Municipal Commissioner, Police of NCC PS along with other staff of AMC, North Zone, with the help of JCB, Bobcats and Trippers confiscated the pushcart (shop) from Ranirpukur and shifted the same to the Children's Park.



On the alleged day of the incident i.e 28.11.2023 morning, one vendor named Sri Prasanjit Das got an information that the Municipality staff were about to take his pushcart. Immediately, Prasanjit along with his friends rushed to the spot and requested Asst. Municipal Commissioner not to take their Pushcart. Accordingly, Asst. Municipal Commissioner asked them to pay fine of Rs. 5,000/-. Thereafter, Prasanjit with his friends somehow managed to get the money and paid the fine in Bill Serial Book Number of AMC, North Zone no 22 dated 28.11.2023 in the name of Jiten Das, which was received by Sunny Lagardo, Task Force Cell, signed by Mahindra Kambey Chakma Asst. Municipal Commissioner. It was also mentioned here that till that date Prasanjit Das along with few others were running their fast food stalls at Ranirpukur.



Sri Sudarshan Sutradhar, complainant of the instant case did not go to Ranirpukur for a few days as he was engaged with some other work and did not know about the eviction drive of AMC, North Zone. The complainant got the news on 28.11.2023 morning, after his pushcart was taken away by the A.M.C. Thereafter, he went to Children's Park and found his pushcart in broken condition. Not only that, somebody also broke the main lock of his pushcart and had taken his light battery, pump stove utensils and other articles. All his



personal properties in the stall which valued about 25,000/- to 30,000/- worth of things were destroyed and lost.

The complainant Sri Sudarshan Sutradhar approached AMC, North Zone Office regarding his pushcart but the AMC staff asked him to pay fine amounting Rs.5,000/-. Unable to pay the said amount, the complainant could not take back his pushcart.

8. From an in-depth analysis of the reports submitted to the Commission and other materials on record, it appears that complainant Sudarshan Sutradhar was doing small business on a pushcart / trolley at Ranirpukur area, a public place. He had no authorized licence to run such a business on a pushcart / trolley. The Assistant Municipal Corporation as a part of their routine exercise, removes the unauthorized structures / pushcarts occasionally but before removing they make announcement so that the owner of unauthorized structure could remove their articles including pushcart etc. voluntarily. In this case also the AMC made announcement asking the unauthorized vendors to remove their articles. While most of the vendors removed their articles, some vendors including the complainant Sudarshan Sutradhar did not remove their pushcart / trolleys. As such, the AMC Task Force made a special anti-encroachment drive on 28.11.2023 at



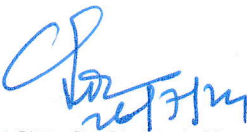
05:30 AM in presence of Mahindra Kambey Chakma and removed unauthorized vendors from Ranirpukur area at Bholagiri, Agartala.

9. Subsequently, the complainant was asked by the AMC to pay a fine of Rs. 5000/- and take back his pushcart but he did not pay the said amount and also could not take back his pushcart which was lying in Children's Park uncared for. The complainant did not inquire about his pushcart for a long period. Later on, when the AMC tried to trace out the pushcart in Children's Park, it was not found there.


10. It is clear that for the loss of the pushcart and certain articles as alleged by the complainant Sudarshan Sutradhar, he himself is responsible as he was running the small business at Ranirpukur area unauthorizely and did not take any step to take back his pushcart after paying requisite fine. In the circumstances Commission found no material to hold that his human rights were violated by any employee of Agartala Municipal Corporation or by any other Govt. official or authority. As such, the Commission considered it appropriate to close the inquiry and dispose of the case.

11. A copy of this order be sent to the Chief Secretary, Govt. of Tripura and the DGP, Tripura for information.

12. Copy also be sent to the complainant Sri Sudarshan Sutradhar S/O Lt. Chandra Kumar Sutradhar of Town Bordowali, West Tripura, for information.


(JUSTICE S.C. DAS)
CHAIRPERSON


(UDIT CHOUDHURI)
MEMBER


(B.K. RAY)
MEMBER