

GAHC010280122023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7186/2023

ANWAR HUSSAIN LASKAR
S/O ALIM UDDIN LASKAR, R/O VILL-LAILAPUR, BHAGA BAZAR, DIST-
CACHAR, ASSAM, PIN-788120

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, AGRICULTURE DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE DIRECTOR OF AGRICULTURE
ASSAM
KHANAPARA
GUWAHATI-22

3:THE DISTRICT COMMISSIONER
HAILAKANDI
ASSAM
PIN-788151

4:THE ADDL. DISTRICT COMMISSIONER (MAGISTRACY)
HAILAKANDI
ASSAM
PIN-788151

5:THE DISTRICT AGRICULTURAL OFFICER
HAILAKANDI
ASSAM
PIN-78815

Advocate for the Petitioner : MR. N H BARBHUIYA

Advocate for the Respondent : SC, AGRI. DEPARTMENT

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

13.12.2023

Heard Shri N.H. Barbhuiya, learned counsel for the petitioner.

Also heard Shri B. Choudhury, learned Standing Counsel, Agriculture Department as well as Shri M. Chetia, learned State Counsel.

Though this matter was listed for motion today as item no. 31, on a special mention, this matter has been upgraded and taken as item no.1 as it was expressed that there is grave urgency in this matter.

The challenge is with regard to an Auction Notice which was published on 30.11.2023. The said auction is in respect of sale of seized Areca Nut, the quantity of which has been stated to be 56,278.78 Kgs.

The primary contention advanced by the learned counsel for the petitioner is that there is no condition mentioned in the notice with regard to the quality of the Areca Nut, more specifically as to whether those are fit for human consumption.

It is submitted that the petitioner is also a businessman dealing with Areca Nuts and there was a seizure of some of his goods in which there is a litigation pending wherein the stand of the Department is that the said goods were unfit for human consumption. It is apprehended that it is the same Areca Nuts which are now put for sale.

It is further contended that there is violation of the SOP and the Auction Notice does not give any details of the goods *vis-a-vis* the aspect of seizure.

The learned counsel has accordingly submitted that the said Auction Notice is

liable to be interfered with.

Both Shri B. Choudhury, learned Standing Counsel and Shri M. Chetia, learned State Counsel has opposed the prayer and also raised the question of lack of *locus standi* on the part of the petitioner.

On a pointed query put by this Court, the learned counsel for the petitioner has failed to point out any legal provision as per which details are required to be given in an Auction Notice regarding the seized materials which are the subject matter of the Auction Notice.

With regard to the aspect that the goods are not fit for human consumption, it is up to a prospective bidder to inspect the goods before offering his price and therefore this Court is of the opinion that no legal rights of the petitioner has been shown to be violated.

It further appears that the instant writ petition has been filed to stall a process of law by abusing the process of the Court and an impression was given regarding the extreme urgency. This Court has also noticed that the Auction Notice is dated 30.11.2023 whereas the writ petition has been filed on 11.12.2023.

In view of the above, the writ petition is dismissed.

Considering the facts and circumstances and the apparent lack of *bona fide* in instituting this writ petition, this Court imposes a cost of Rs. 10,000/- (Rupees Ten Thousand) only to be paid to the Gauhati High Court Bar Association Welfare Fund.

JUDGE

Comparing Assistant