



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 165 of 2024

Date of Decision: 14.06.2024

Shri Rajesh Lapang, aged about 38 years,
M/s Lapang Eco Products, Byrnihat,
Ri-Bhoi District, Meghalaya-793101
Phone No. +91-8259052813.

..... **Petitioner(s)**

Vs.

1. The Commissioner of Customs (Preventive)
North Eastern Region, CUSTOM HOUSE, 110,
M.G. Road, Shillong, Meghalaya-793001.
2. The Asstt. to the Deputy Commissioner,
Nongpoh, Ri-Bhoi District,
Meghalaya-793102.

... **Respondent(s)**

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. N. Dasgupta, Adv. with
Mr. S.D. Upadhaya, Adv.

For the Respondent(s) : Dr. N. Mozika, DSGI with
Ms. A. Pradhan, Adv.

- | | | |
|-----|---|--------|
| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |



JUDGMENT AND ORDER (ORAL)

1. This writ petition has been filed with a prayer that this Court direct the Court of the learned Assistant to Deputy Commissioner, Ri-Bhoi District, Nongpoh to conclude the Title Suit No. 2 of 2022, pending before that Court within a timeframe.
2. The reasons that the writ petitioner has approached this Court, it appears is due to the fact that the Suit was filed before the said Court pursuant to the observation of the Division Bench of this Court, with regard to the establishment of claim of ownership of the seized betel nuts, which have since been sold and the proceeds thereof, are now the subject matter of the Suit.
3. The urgency as cited by Mr. N. Dasgupta, learned counsel for the petitioner is that the seized betel nuts have been sold, and the sale proceeds are subject to the outcome of the Title Suit, and the slow progress thereof, has deprived him of his livelihood. He therefore, prays that a timeframe be prescribed for disposal of the Suit.
4. Dr. N. Mozika, learned DSGI assisted by Ms. A. Pradhan, learned counsel for the respondents submits that the Title Suit has been



instituted only in the year 2022, and as such it is but natural it should be in a nascent stage. He further submits that the Suit filed by the petitioner is for declaration that he is a legitimate and legal owner of the betel nuts that had been seized, and subsequently sold. He lastly submits that as evidence needs to be led and adduced to prove ownership, no orders are necessary at this stage and the Suit may be allowed to proceed at its own pace.

5. Heard the learned counsels for the parties.

6. It is noted that this Court by the order dated 15.12.2020, while disposing of WP(C) No. 162 of 2020 at Para-8 has directed as follows:-

“8. In such circumstances, as stated above, we are unable to grant such relief to the writ petitioner as prayed for. However, the writ petitioner is always at liberty to approach a competent civil forum in order to establish his claim of rightful ownership in respect of the seized betel nuts, which were later publicly auctioned. In the event, the writ petitioner is able to obtain a decree from a competent Civil Court, it will be open to the writ petitioner to approach the Customs authorities seeking release of the sale proceeds of the seized betel nuts in terms of his refund application dated 22nd December, 2017, in accordance with law.”

7. It is seen from the directions and observations as contained the said order, the writ petitioner had approached the Civil Court for



establishment of his claim of rightful ownership in respect of the seized betel nuts.

8. As it has been shown that the Suit is pending at the stage of framing of issues, even without any prescription of a timeframe, it is expected that the Suit be taken up and given due attention, but the same should not be at the expense or to adversely affect other long pending matters, before the said Court.

9. With the above directions, this writ petition is accordingly disposed of.

JUDGE

Meghalaya
14.06.2024

VALENTINO
LYNDEM

Digitally signed by
VALENTINO LYNDEM
Date: 2024.06.14
18:31:59 +05'30'