

GAHC010076882024



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

Case No. : WP(C)/2082/2024

JULEX DAS CHOUDHURY
D/O- BHADRESWAR DAS,
W/O- ARIF ALI
PERMANENT RESIDENT OF VILLAGE- LACHIT NAGAR,
P.O.- KATIATULI, P.S.- KAMPUR,
DIST.- NAGAON, ASSAM.
PRESENTLY RESIDING AT H/NO. 95, NEAR TONGRA SATRA,
SIX MILE, P.S.- DISPUR, GUWAHATI- 36,
DIST.- KAMRUP(M), ASSAM.

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE MINISTRY OF FINANCE (DEPARTMENT OF
REVENUE),
NEW DELHI- 001.

2:THE SENIOR INTELLIGENCE OFFICER
DIRECTORATE OF REVENUE INTELLIGENCE
GUWAHATI ZONAL UNIT

MAINAAK TOWER
CHRISTIAN BASTI

G.S. ROAD
GUWAHATI- 781005.

3:THE ADDITIONAL DIRECTOR GENERAL
DIRECTORATE OF REVENUE INTELLIGENCE
GUWAHATI ZONAL UNIT

MAINAAK TOWER

CHRISTIAN BASTI

G.S. ROAD
GUWAHATI- 781005.

4:THE INTELLIGENCE OFFICER
DIRECTORATE OF REVENUE INTELLIGENCE
GUWAHATI ZONAL UNIT

MAINAAK TOWER
CHRISTIAN BASTI

G.S. ROAD
GUWAHATI- 781005

Advocate for the Petitioner : MR. J AHMED

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

29.05.2024

Heard Mr. J. Ahmed, learned counsel for the petitioner. Also heard Mr. S.C. Keyal, learned Standing Counsel, Directorate of Revenue Intelligence (DRI) for all the respondents.

2] The petitioner is aggrieved by the action of the respondent authorities, more particularly, the respondent nos. 2, 3, & 4 in keeping the tenanted premises of the writ petitioner situated on a plot of land measuring 10 Lechas covered by Dag No.5297 of K.P. Patta No.3927 at Milon Path, Brindaban Nagar, Revenue Village-Barsajai under Beltola Mouza Dispur Revenue Circle, Kamrup

(M). The said Assam type house comprises of 2 (two) bedroom halls and a kitchen. The house was let out to one Raj Kumar @ Vimal Kumar Soni and his associates with effect from 01.08.2023 at a rate of Rs.20,000/- (Rupees twenty thousand only) per month. An agreement was about to finalise by the petitioner with her tenants. However, the same could not be registered because of certain defects therein. The respondent nos.2, 3 & 4 in the course of their duty raided the tenanted premises of the writ petitioner and seized 217 (two hundred seventeen) gold biscuits of foreign origins total weighting 36,024,74 grams valued at Rs.24,13,65,758/- and Indian currency notes of Rs.13,20,435/-, 06 (six) numbers of vehicles, 24 (twenty four) numbers of cell phones and 25 (twenty-five) numbers of wi-fi dongles were recovered and seized. The DRI officials arrested all the accused persons who were the residents of the said tenanted premises and the Panchnama and the seizure list/inventory memo etc were also prepared under Section 110 of the Customs Act, 1962. After completing their search and seizure, the respondent authorities sealed the aforesaid premises and kept it under lock and key. Learned counsel for the petitioner submits that the seizure was conducted on 13.03.2024 and pursuant thereto the premises have been kept under the lock and key. It is submitted that summons were issued to the petitioner and she appeared before the authorities concerned and statements were also recorded. It is submitted that

there is no allegation against the petitioner and the accused persons having been taken into custody along with the item seized, there is no necessity to keep the tenanted premises under the lock and key. However, in spite of the request being made, the premises have not been released to the petitioner and the same is still under lock and key. Having no alternative, the petitioner has approached this Court.

3] Mr. S. C. Keyal, learned Standing Counsel, DRI, on instructions submits that the investigation is complete but the offence report has not yet been filed. He, however, submits that the authorities have intimated the petitioner to come and collect the keys as they do not require the premises to be kept under lock and key any further.

4] Taking into consideration the submission of the Mr. S. C. Keyal, learned Standing Counsel, DRI, this Court considers that the writ petition can be closed at this stage.

5] Accordingly, it is directed that the respondent Authorities will issue proper written communication to the petitioner intimating her that the premises are not required to be kept under lock and key and the premises be released from their custody for use by the petitioner. Upon receipt of such intimation, the petitioner shall proceed to use the tenanted premises. The DRI is directed to take such

steps in terms of the directions issued within a period of 2 (two) weeks from the date of receipt of a certified copy of this order.

6] The writ petition stands disposed of in terms of the above.

No order as to cost. Interim order, if any, stands vacated.

JUDGE

Comparing Assistant