

GAHC010117902020



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

Case No. : WP(C)/3512/2020

BHARAT CH. BARMAN
S/O- ANIL CH. BARMAN, VILL- BAROSHOULMARI, P.O. SUBHACHANIR
PATH, P.S. DINHATA, DIST.- COOCHBEHAR, PIN- 736135, WEST BENGAL

VERSUS

STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, HOME AND
POLITICAL DEPTT., DISPUR, GHY-06

2:THE DIRECTOR GENERAL OF POLICE
ASSAM POLICE HEAD QUARTER
ULUBARI
GHY-7

3:THE INVESTIGATING OFFICER
IN GAURIPUR P.S. CASE NO. 280/2020 (G.R. CASE NO. 1077/2020)
GAURIPUR P.S.
PIN- 783331
DHUBRI
ASSAM

4:THE INVESTIGATING OFFICER
IN CHAPAR P.S. CASE NO. 190/2020 (G.R. CASE NO. 616/2020)
CHAPAR P.S.
PIN- 783371
DHUBRI
ASSA

Advocate for the Petitioner : MR. JYOTIRMOY ROY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 08.05.2024

Heard Mr. J. Roy, learned Senior Counsel assisted by Mr. B. Das, learned counsel for the petitioner. Also heard Ms. S. Boruah, learned Government Advocate for the State respondent.

By this writ petition, the petitioner is challenging the illegal and wrongful seizure of the trucks belonging to the petitioner by the officials of Gauripur P.S. and Chapar P.S. under Dhubri District.

By an interim order dated 11.09.2020, it was provided that in the event any of the trucks of the petitioner carrying Tobacco or tobacco leaves is intercepted by the Assam police at NH-31 in the district of Dhubri, the concerned police while issuing seizure memo, shall clearly indicate that for what particular reason the said vehicle has been detained and the goods have been seized and shall also clearly indicate the document, which are found lacking along with goods carrying.

It is further provided in the aforesaid order that in the event there is no deficiency in the document carried by the truck engaged the petitioner's Transport company, the movement of the goods in nature of tobacco leaves in the vehicle engaged by the petitioner should not be interfered with without the due process of law.

Today, when the matter has been called, it is submitted at the bar that the subject truck seized by the police, which were the subject matter of the instant

writ petition has already been released. Thus, nothing survives for adjudication in the writ petition.

In view of the aforesaid endorsement made by the learned counsels for the parties, this Court is of the considered view that this writ petition can be disposed of with the direction that the vehicle engaged by the petitioner should not be interfered with without following due process of law.

Accordingly, this writ petition stands disposed of.

JUDGE

Comparing Assistant