

GAHC010119432024



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

Case No. : WP(C)/3240/2024

SUKANTA BISWAS
S/O- SRI SACHINDRA BISWAS, R/O- VILLAGE UTTAR PAROKATA,
NORTHERN SIDE, N.F. RAILWAY LINE, P.S. CHAMALTOLA, DIST. ALIPUR,
WEST BENGAL AND PRESENT ADDRESS- BEHARBARI, DEHALPATH, P.S.
BASISTHA, GUWAHATI, DIST. KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
GUWAHATI DEVELOPMENT DEPARTMENT, GUWAHATI-06.

2:THE COMMISSIONER

GUWAHATI MUNICIPAL CORPORATION
GUWAHATI-05.

3:THE DEPUTY COMMISSIONER

I/C
DISPUR ZONE
GUWAHATI MUNICIPAL CORPORATION
GUWAHATI-05

Advocate for the Petitioner : MR. A ALI

Advocate for the Respondent : SC, GMC

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

26.06.2024

Heard Mr. A. Ali, learned counsel for the petitioner. Also heard Mr. P. Naik, learned Standing Counsel, GMC for the respondent Nos. 1, 2 & 3.

By filing the instant petition under Article 226 of the Constitution of India, the petitioner is assailing the Order of dated 22.01.2024 (Annexure-1), whereby his shop "Krishna Guru Jewellery" has been sealed by the respondent No. 3.

An FIR was filed being Basistha P.S. Case No. 823/2023 registered under Section 457/380, wherein it has been alleged by the informant that the accused mentioned therein, has taken some jewelery ornaments worth Rs. 5 Lakhs and cash amount of Rs. 50,000/-. Thereafter, it appears that on the basis of the statement of one Teg Bahadur Chetry, the petitioner's shop was raided wherefrom, the stolen gold and the cash of Rs. 50,000/- and of Rs. 18,000/- were recovered and the petitioner was also arrested.

In the meantime, the respondent No. 3 issued notice dated 22.01.2024, asking the petitioner to produce requisite documents pertaining to his shop within a period of 3 (three) days. However, since the petitioner was in custody, he could not submit the aforesaid documents, whereupon the respondent No. 3 sealed his shop.

The petitioner, after being released on bail, submitted application dated 13.03.2024 before the respondent No. 3. However, the same was not accepted.

It is submitted at the bar that the aforesaid application dated 13.03.2024 (Annexure-7) being pending, this writ petition can be disposed of with a direction to the respondent No. 2 to dispose of the aforesaid application, in accordance with law.

As such, this Court disposes of this writ petition with a direction to the respondent No. 2 to dispose of the application dated 13.03.2024 filed by the petitioner within a period of 1 (one) month from the date of receipt of a certified copy of this order, in accordance with law.

JUDGE

Comparing Assistant