

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.101 of 2025

Asraful Alom

.....Petitioner

_V_E_R_S_U_S_

The Union of India and 4 Others

.....Respondents

For Petitioner(s) : Ms. R. Purkayastha, Advocate.
For Respondent(s) : Mr. B. Majumder, Deputy SGI.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

27.02.2025

Heard.

[2] The present petition has been filed under Article-226 of the Constitution of India directing the respondent authorities to release the Truck vehicle bearing registration No. AS-01RC-1327 in favour of the petitioner which has been seized by the respondent authority on 19.11.2024 in connection with the case No. 06/CL/EXP/DPF/AGT/24-25 dated 19.11.2024.

[3] The petitioner has prayed for the following reliefs:

(1) Issue RULE NISI;

(ii) Issue a Rule calling upon the Respondents and each one of them to show cause as to why a Writ of mandamus and/or in the nature thereof, shall not be issued mandating/directing/commanding the respondent authorities particularly the respondent No. 3 to release the vehicle in favour of the petitioner which has been seized by the respondent authority on 19.11.2024 in connection with the Case No. 06/CL/EXP/DPF/AGT/24-25, dated 19.11.2024;

(iii) Issue a Rule calling upon the Respondents and each one of them to show cause as to why a Writ of Certiorari and/or in the nature thereof, for calling of the records pertaining to the Case No. 06/CL/EXP/DPF/AGT/24-25, dated 19.11.2024, from the office of the respondent No. 3;

(iv) After hearing the parties be pleased to make the rule absolute in terms of (i), (ii) & (iii), above”

[4] The facts in brief are that, the truck vehicle bearing registration No. AS-01RC-1327 boarded/loaded with the consignment consisting of 700 bags containing the quantity of 35,000 kgs. sugar was intercepted by the custom authority while the said consignment was being transported through the truck vehicle from Jiban Kumar Saha, M.G. Bazar, Agartala, West Tripura to M/s. Saikat Enterprise, Bishalgarh, Sepahijala, Tripura and subsequently the seizure has been

effected in connection with the said intercepted consignment by the authority by preparing a seizure report dated 19.11.2024. The petitioner has prayed for provisional release of the vehicle by submitting an application under Section-110A of the Customs Act, 1962 since the vehicle is lying under the open sky in a very inappropriate condition. But till date no such response from the side of the respondents, nor the vehicle has been released in favour of the petitioner. However, the respondent No. 3 has passed the order dated 13.01.2025, allowing the provisional release of the consignments.

[5] Hence, the petitioner has preferred the instant petition before this Court seeking a direction upon the respondent authorities by issuing the appropriate order to release the vehicle in favour of the petitioner.

[6] In view of above and having heard the learned counsel appearing for the parties, without expressing any opinion on merits, this Court is of the view that ends of justice would be met if the matter is disposed of by directing the respondents to consider the case of the petitioner, in accordance with law as early as possible preferably within a period of one month from the date of the receipt of the copy of this order. Accordingly, the same is ordered.

[7] As such, the present petition stands disposed of. As a sequel, miscellaneous application, pending if any, shall stands closed.

T. AMARNATH GOUD, J

A. Ghosh

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