

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11633 of 2021

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1. M/s R.S.M. Supply and Contractor Firm through its Proprietor Ramesh Saikia aged about 39 years, Male, Son of Shri Bishwanath Pal, Office at No-12, Ulubari, Guwahati, Kamrup Metropolitan, Assam- 781007 and Resident of Village- Adhakhana Kamalabaria, P.S.- Bihpuria, Sub Division- North Lakhimpur, District Lakhimpur, Assam.
 2. M/s Bishal Roadways, 236, Don Bosco Road, Mangaldoi Gaon, Darrang, Assam, through its Proprietor Sahidul Alam, aged about 37 years, Male, S/o Rustam Ali, Resident of 236, Mangaldai, Near Masjid, Mangaldai Gaon, Darrang, Assam- 784125.

... .. Petitioner/s

Versus

1. Union of India through the Commissioner of Customs (Prev), Patna, 5th Floor, Kendriya Rajaswa Bhawan, Bir Chand Patel Path, Patna- 800001.
2. The Additional/Joint Commissioner of Customs (Prev) Hqrs, Patna, 5th Floor, Kendriya Rajaswa Bhawan, Bir Chand Patel Path, Patna- 800001.
3. The Assistant Commissioner, Customs (Prev) Division, Muzaffarpur, Imlichatti, Muzaffarpur, 2nd Floor, Customs Building, Muzaffarpur- 842001.
4. The Superintendent (Prev), Customs (Prev) Division, Muzaffarpur, Imlichatti, Muzaffarpur, 2nd Floor, Customs Building, Muzaffarpur- 842001.
5. The Inspector (Prev), Customs (Prev) Division, Muzaffarpur, Imlichatti, Muzaffarpur, 2nd Floor, Customs Building, Muzaffarpur- 842001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Pandey, Advocate

For the Respondent/s : Mr. (Dr.) K.N. Singh, ASG

Shri Anshuman Singh, Advocate



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR**

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 05-01-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief/s :-

- i) To issue a writ in the nature of mandamus commanding the authorities to release 22,050.00 Kgs of Betel Nuts (Arecanuts) as evaluated at Rs 34,27,200/= (@Rs 160/kg) and a truck bearing Registration No. DL1GC-5327 as evaluated at Rs 11,00,000/- which was seized vide Seizure Memo dated 29.11.2019 unconditionally; And/or
- ii) To direct the Respondent Authority to upkeep the condition and safety of goods so as to prevent deterioration in it's value as the seized goods is a perishable goods; And/or



- iii) To issue a writ in the nature of Certiorari for quashing the Seizure Order/ Seizure Memo dated 29.11.2019 whereby and where under 22,050.00 Kgs of Betel Nuts (Arecanuts) as evaluated at Rs 34,27,200/- and a truck bearing Registration No. DL1GC-5327 as evaluated at Rs 11,00,000/- and all consequential proceedings in pursuance of same; And/or
- iv) As Ad-Interim relief to issue directions/orders/writs of appropriate nature commanding the Authorities to grant provisional release of 22,050kgs of Betel Nuts (Arecanuts) as evaluated at Rs 34,27,200/- under Section 110A of the Customs Act, 1962 pending this Writ Petition;
- v) To grant any other relief or reliefs to which the petitioners are entitled in the facts and circumstances of the case.



It is the grievance of the petitioners that the petitioners' application for interim release of the seized goods has yet not been decided.

The petition, as prayed for by Shri Amit Pandey, learned counsel for the petitioners, can be disposed of with a direction to the appropriate authority to consider and decide the said application for interim release of seized goods in accordance with law.

Learned Additional Solicitor General states that the petitioners' application for interim release of seized goods shall be positively considered and decided expeditiously and preferably within a period of four weeks from the date of presentation of a copy of this order before the authority concerned.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioners will make himself/themselves available in the office of concerned respondent on 17th of January, 2022 along with a copy of this order;

(b) The said respondent shall consider and dispose of the petitioners' application expeditiously by a



reasoned and speaking order preferably within a period of four weeks from the date of appearance of the petitioners before him along with a copy of this order;

(c) Needless to add, while considering such application, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, the reasoned and speaking order passed by the appropriate authority shall be supplied to the parties;

(e) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioners to challenge the order before the appropriate forum, should the need so rise subsequently;

(h) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, stands
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/K.C.Jha

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2022
Transmission Date	

