

ORDER SHEET
WPO/1389/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

RAAIDA EXIM PVT. LTD. AND ANR.
VS
UNION OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date: 9th August, 2023.

Appearance:
Mr. Farook M. Razzack, Sr. Adv.
Mr. Jaydeb Ghorai, Adv.
Mr. Subail Farook, Adv.
Mr. Diptesh Ghorai, Adv.
...For the Petitioner
Mr. Debasish Chaudhuri, Adv.
Ms. Sanjukta Gupta, Adv.
...For Union of India
Mr. Kaushik Dey, Adv.
...For respondent nos. 2 and 3

The Court: Heard learned advocates appearing for the parties.

Petitioner has filed this writ petition challenging the impugned action of the respondent DRI Authority concerned in sealing the office premises in question of the petitioner on 18th May, 2022 without any intimation to the petitioner, on the ground that such action of the respondent Authority concerned is not legal and without having any authorisation under any provision of the relevant statute.

Mr. Dey, learned advocate appearing for the respondents in opposing the writ petition submits that since the search team by virtue of an authorisation had gone to the premises in question and finding the premises in question under lock and key they sealed the premises but he could not show me any provision of law under which provision of law such action of seizing of an immovable property can be taken by the respondents. Mr. Dey

submits that the respondent Authority have information and material which necessitates the searching of the premises and leave should be granted by this Court to search the premises in question. It is well settled principle of law that power of search and seizure by an authority must have to be conferred under the statute and subject to fulfillment of the criteria under the relevant provision of such statute and no any authorisation or leave is required from the Court for such purpose. If the statutory authority has got any material or information and valid reason or ground they are always free to search any premises by following due procedure of law.

Mr. Dey on instruction makes statement in Court that the respondent Authority concerned is ready and willing to desal the premises in question at any time and considering his such statement of Mr. Dey, without going into the merit of any proceeding if at all pending against the petitioner before the authority concerned, this writ petition is disposed of by directing the respondent authority concerned to desal the premises in question on 12th August, 2023 at 11 A.M. in presence of the petitioner no. 2. Since this order is being passed in presence of the learned advocates of both the parties, any further intimation is not required to either of the parties for compliance of this order.

With these observations, this writ petition being WPO 1389 of 2023 is disposed of.

(MD. NIZAMUDDIN, J.)

TR/

