Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 259 of 2024

Date of order: 18.10.2024

Shri. Bimalendu Roy

...Petitioner

- Versus -

The Commissioner of Customs (Preventive),
North Eastern Region, CUSTOM HOUSE, 110,
M.G. Road, Shillong – 793001, Meghalaya. **...Respondent**

Coram:
Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Mr. N. Dasgupta, Adv. with
Mrs. A. Synrem, Adv.

For the Respondent : Dr. N. Mozika, DSGI with
Ms. K. Gurung, Adv.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

(Made by Hon'ble, the Chief Justice)

This is a writ petition directly instituted before our Division Bench.

The question is whether this writ petition is maintainable before this Bench.

Learned counsel for the petitioner submits that he does not find any authority which is superior to the authority which passed the impugned order empowered to hear this appeal. The appellant having no other remedy has approached this Court in its writ jurisdiction through the Division Bench.

We may refer to a portion of Rule 4 of the High Court of Meghalaya Rules, 2013 which reads as follows:

"**4. Matters cognizable by Division Bench. –** (1) Petition falling within any one or more of the following categories shall be heard by a Division Bench except where the Chief Justice otherwise directs:

(a) Public Interest Litigation;
(b) Habeas Corpus Application,
(c) Petition relating to externment or deportation;
(d) A Petition which a Single Judge has referred to the Chief Justice for placing it before the Division Bench having regard to the importance of complexity of the case.
(e) Writ Petition in which constitutional validity of any Act, Rules or any provisions thereof have been challenged.
(f) Any other matter regarding which the Chief Justice has directed to be listed before Division Bench and
(g) Any matter required to be heard by Division Bench under a Statute.

....."

Only writs which are specifically classified can be moved before the division bench. This is not one of the matters mentioned in the Rules which could be moved before a division bench. Neither there is any direction of the Chief Justice in this behalf.

In those circumstances, this writ petition from the impugned decision of the Customs authority is not maintainable.

We dismiss this writ petition [WP(C) No. 259 of 2024] with the express liberty granted to the petitioner to approach an appropriate jurisdiction in respect of the same cause of action.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Signature Not Verified
Digitally signed by SYLVANA LIZ KHARBHIH
Date: 2024.10.18 13:54:05 IST