

GAHC010132622022



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

Case No. : WP(C)/4536/2022

MUBARAK HUSSAIN
SON OF SRI NURUL ISLAM, RESIDENT OF VILLAGE- LAHARIGHAT,
BOGOLIPARA GAON, POST OFFICE- CHITIAKATHI, POLICE STATION
LAHARIGHAT, DISTRICT- MORIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, FOREST AND ENVIRONMENT DEPARTMENT,
DISPUR, GUWAHATI-6.

2:PRINCIPAL CHIEF CONSERVATOR OF FOREST
REHABARI
GUWAHATI- 781008.

3:THE CONSERVATOR OF FOREST
EASTERN ASSAM CIRCLE
JORHAT.

4:THE DIVISIONAL FOREST OFFICER
SIVASAGAR DIVISION (T)
SIVASAGAR

Advocate for the Petitioner : DR R C BORPATRA GOHAIN

Advocate for the Respondent : SC, FOREST

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 25/07/2022

Heard Mr. R.C. Borpatra Gohain, learned senior counsel assisted by Mr. S. Ahmed, learned counsel for the writ petitioner. Also heard Mr. D. Gogoi, learned Standing Counsel, Forest Department, Assam, appearing for the official respondents.

The petitioner herein has challenged the order of seizure of his vehicle (Ashok Leyland Truck). According to the petitioner, the respondents have not followed the due process of law while making seizure of his vehicle.

Responding to the above, Mr. Gogoi, learned Standing Counsel, Forest Department, Assam has produced a copy of the order dated 08/07/2022, by means of which, the vehicle belonging to the petitioner has already been confiscated by the authorities. Mr. Gogoi, however, prays for some time to produce the records of the confiscation proceeding.

In view of the above, issue notice of motion returnable on 26/08/2022.

Since the respondents are represented by Mr. Gogoi, learned Standing Counsel, Forest Department, Assam, no formal notice is required to be sent in this case. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel.

Mr. Gogoi to produce the records of the confiscation proceeding before this Court on the next date fixed.

Heard on the prayer of interim relief.

Having regard to the facts and circumstances of the case, it is hereby provided that the respondents shall not put the vehicle of the petitioner to auction sale nor dispose of the same by any other process till the returnable date.

JUDGE

sukhamay

Comparing Assistant