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

Case No. : WP(C)/6756/2024

AKASHJYOTI KONWAR
S/O LATE NABIN CHANDRA KONWAR, R/O CHAPORI PATH, WARD NO. 6,
CHIRING CHAPORI, DIBRUGARH WEST, P.O., P.S. AND DIST- DIBRUGARH,
ASSAM-786001

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, ASSAM
SECRETARIAT, DISPUR, GUWAHATI-06

2:THE DISTRICT COMMISSIONER
TINSUKIA
BORGURI
TINSUKIA
ASSAM-786126

3:THE CO-DISTRICT COMMISSIONER
MARGHERITA
DIST- TINSUKIA
ASSAM-786181

4:THE DIRECTOR
DIRECTORATE OF GEOLOGY AND MINING
KAHILIPARA
GUWAHATI
ASSAM-781019

5:THE SENIOR GEOLOGIST
OFFICE OF THE RESIDENT GEOLOGIST
DIRECTORATE OF GEOLOGY AND MINING

ASSAM
DIBRUGARH-786001

6:MSTC LIMITED
BSNL EXCHANGE BUILDING
BELTOLA BASISTHA ROAD
WIRELESS GUWAHATI
ASSAM-78103

Advocate for the Petitioner : MR. B D KONWAR SR. ADV., MS S JAIN,MR P DOLEY,MS M ZOMUANPUII,MR J SINGH,MR H AGARWAL,MRS J M KONWAR

Advocate for the Respondent : SC, REVENUE, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

17.12.2024

1. Heard Mr. B.D. Konwar, learned Senior Counsel assisted by Mr. H. Agarwal, learned counsel for the petitioner, who submits that the petitioner is the sole proprietor of M/s East India Trading, which operates a Coal Depot in Tinsukia, Assam. The petitioner had bought coal from one C. Longyam Phom, Longleng, Nagaland and stored the same in a 2 Bigha piece of land, that had been leased out from one Bitul Saikia under Dag No.127, covered by Periodic Patta No.21 at Tipongpani Natun Gaon.

2. The petitioner's counsel submits that the petitioner's coal was suddenly seized by the Sub-Divisional Magistrate, Margherita, vide notice dated 28.06.2022. He submits that the petitioner clarified the source of the coal and his ownership of the same. However, the respondent no.3 submitted an Action Taken Report dated 09.07.2024, listing the petitioner's Coal Depot among the

seized assets. Adding to the petitioner's grievance, an e-auction notice has been issued for 18.12.2024 by the respondent no.6, which includes the petitioner's coal stock at Lot No.5.

3. Issue Notice returnable in 4 (four) weeks.

4. Mr. K. Gogoi, learned counsel accepts notice on behalf of the respondent nos.2, 3, 4 & 5. Mr. S. Dutta, learned counsel appears for the respondent no.1.

5. Petitioner to take steps for service of notice upon the respondent no.6 by registered post with AD within 3 (three) days.

6. List the matter on 30.01.2025.

7. In the interim, the respondent authorities shall not act upon the e-auction notice with regard to the coal that has been seized, vide Notice dated 28.06.2024 (Annexure-6) and Sl. No.5 of the Action Taken Report dated 09.07.2024 issued by the Sub-Divisional Officer (Civil), Margharita (Page-71).

JUDGE

Comparing Assistant