HIGH COURT OF TRIPURA
AGARTALA
<u>WP(C) 169 of 2025</u>

Sri Rakhal Chandra Banik,(82 yrs.)Son of Late Bishnu Charan Banik, resident of Village Ishan Chandra Nagar, P.O. Subhash Chandra Nagar, P.S. Belonia, District -South Tripura.

………Petitioner

-VERSUS-

1.The Union of India, represented by the Joint Secretary to the Government of India, Ministry of Finance, Revenue Department. New Delhi-110001.

2. The Commissioner of Customs (Prev.). North-Eastern Region, Custom House, M.G. Road, Shillong-793001,(Meghalaya);

3. The Assistant Commissioner of Customs. Customs Division, Agartala, Mantribari Road, Netaji Chowmuhani, 799001, Tripura, Agartala,

4. The Superintendent of Customs, Agartala Customs Division, Agartala, Mantribari Road,Netaji Chowmuhani, 799001, Tripura, Agartala,

5. The Inspector, Customs Preventive Force**,** Agartala, Mantribari Road, Netaji Chowmuhani, Agartala, 799001, Tripura,

……….Respondents

For the Petitioner(s)	:	Mr. T.K. Deb, Advocate. Ms. B. Acharjee, Advocate.
For the Respondent(s)	:	Mr. B. Majumder, Dy.SGI. Mr. P. Datta, Advocate.
Date of hearing	:	19.01.2026.
Date of delivery of Judgment & Order	:	19/ 01 /2026.
Whether fit for reporting	:	NO.

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R (ORAL)

[1] Heard learned counsel appearing for the respective parties.

[2] This present writ petition is filed under Article 226 of the Constitution of India seeking the following reliefs:

> *"In the premises aforesaid, it is therefore prayed that Your Lordships may be pleased to consider the above facts, call for the records, issue a rule calling upon the respondents to show cause as to why impugned letter issued by the Respondent No.3 dated 19.04.2013 shall not be set aside and further as to why the Respondent authorities shall not be directed either to return the said seized 9 (nine) pieces of gold (24 karat) weighing 194.414 gms in same condition or alternatively make payment of the value of the gold of same purity and weight at current market price along with cost and adequate compensation to the petitioner for the illegal act of the Customs Authority as this Hon'ble Court deem fit and proper in the ends of justice to the poor and old petitioner and upon such cause or causes that may be shown hearing the parties perusing the records, and further be pleased to make the rule absolute and/or pass any other order or orders as Your Lordship deem fit and proper.*

[3] Brief fact of the case is that, on 22.10.2003 while petitioner's son was travelling by a passenger bus bearing Registration No. TR-03-A-3790 from Barpathari to Udaipur with the 6(six) pieces of gold (24 carat) accompanied with list of ornaments to be manufactured by goldsmiths at Udaipur, the Customs personnel seized the said gold thereafter, the same was released. Further, on 13.01.2005 when the petitioner's son proceeded from Barpathari to Udaipur by a passenger bus bearing Registration No. TR-03-1259 with said 9 pieces of gold (24 Karat) weighing 194.414 gms (6 pieces weighing 111.1725 gms + 3 pieces weighing 83.2415 gms) accompanied with the list of the ornaments to be manufactured by the goldsmith of Udaipur as per order of the Customer, the said gold was also seized but subsequently released as per order of the Commissioner of Customs (Appeal) vide his order dated 02.01.2013. After that, on 19.04.2013, the petitioner was asked to apply for receiving sale proceeds. Being aggrieved by the action of the respondent No.3, the petitioner herein preferred this appeal.

[4] Learned counsel Mr. T. K Deb, appearing for the petitioner submits before this Court that the respondent- customs official has illegally seized the gold from the petitioner, and thereafter, petitioner preferred appeal but subsequently released as per order of the Commissioner of Customs (Appeal) vide his order dated: 02.01.2013. He further submits that the action of the Respondent No. 3, offering the petitioner the value of the gold as on 19.04.2013, and asking the petitioner to apply for receiving the sale proceeds even after passing the order of the Hon'ble Commissioner (Appeal) Guwahati, is an attempt to total disregard and disrespect . He, therefore prayed before this Court to allow his petition.

[5] Heard and perused the evidences of record.

[6] According to this Court, this present writ petition is hit by *laches* and there is no reasonable explanation given in this regard. However, in pursuance of the intimation dated 19.04.2013, the petitioner to approach the respondent authorities to receive the sale proceed of Rs. 1,91, 877/- and this Court is of the view that the petitioner is always at liberty to approach the concerned respondents and receive the sale proceed of the gold.

[7] The counsel for the petitioner submits that the relief be granted by imposing interest for the said amount for all these years . This Court, declines the said submission on the ground that though the respondents have intimated the petitioner to receive the sale proceed in 2013, the petitioner has not chosen to receive the same althrough.

[8] This Court also opines that there is no evidence on the part of the petitioner that when the gold was confiscated in 2005 and put to sale in 2007. The petitioner has not taken any diligent steps in this regard. However, since, this Court has held that the petitioner on the ground of *laches* is not entitled for any relief at this point of time to say that whether the procedure with the petitioner the respondents have followed or not the same is not open to challenge at this juncture. Hence, on the ground of *laches* and holding that the petitioner has not approached this Court with clean hands, the above writ petition stands dismissed. This Court also feels that this is only a chance litigation.

[9] Finally, the counsel for the petitioner confined the case and sought for claiming the amount of Rs. 1,91,877/- which is the sale proceeds. Counsel for the respondent(s) agreed that the said amount would be paid to the petitioner.

[10] In view of the above, being devoid of merit, the present writ petition is liable to be dismissed and the same is ordered.

[11] With the above observation and direction, this present writ petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

DR. T. AMARNATH GOUD, J

Paritosh

SABYA SACHI GHOSH
Digitally signed by SABYASACHI GHOSH
Date: 2026.01.27 17:17:07 +05'30'