

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA/348/2026

Shri Y. Mohd. Saleem

Vs

The Port Management Board and Others

Mrs. Anjili Nag, Sr. Adv.

Ms. K.Sneha

Ms. Sohini Biswas ... for the petitioners

Mr. Rakesh Kumar ... for the respondent nos. 1 to 3 & 5

Mr. Sumit Kumar Karmakar ... for the respondent no.4

July 13, 2026
[AKB]
Item No.12

Mr. Rakesh Kumar, learned advocate appearing for the respondent Nos. 1 to 3 and 5 submits that at no point of time, a ‘*no objection*’ was ever issued by the respondent CID authorities to the Port Management Board. He submits that the letter dated March 29, 2026 written on behalf of the Port Management Board to the Station House Officer, CID Branch only states that no objection or communication was received from the office of the Station House officer, CID Branch at the time of notification/advertisement dated April 07, 2023.

Upon reading the said letter dated March 29, 2026 it is clear that the earlier observation made in the order dated July 10, 2026 was incorrect inasmuch as the letter does not mean to suggest that a no objection was issued to Port Management Board. It only means that no objection was ever raised or that no objection was ever communicated by the Station House Officer to the Port Management Board. The earlier observation

of this court in the order dated July 10, 2026 stands corrected to that effect.

Mr. Karmakar, learned advocate appearing for the respondent No. 4 also submits that no letter indicating '*no objection*' was ever issued by the CID authorities to the Port Management Board.

Mrs. Nag, learned Senior Advocate appearing for the petitioner takes this Court through the letter dated March 29, 2026 once again and submits that it will be clear therefrom that a the joint inspection was conducted and that during such joint inspection, although the representative of the CID authorities was present yet no objection was raised "*regarding the wreck lying at Junglighat Jetty*", while "*objections were raised in respect of vessels lying at Hatti Tappu Jetty*". The said letter was also reveals that it was agreed that 10 confiscated vessel at Hatti Tappu jetty auctioned at Port Management Board earlier were to be handed over to the Port Management Board for further disposal and the last thereof was provided to the Manager (Cargo operation). The letter further indicates that "*at any point in time no objection was raised regarding the Myanmarese Wreck lying at Junglighat, and the details of 31 vessels were duly published on the MSTC portal*".

Mr. Karmakar and Mr. Kumar seek time to respond to the allegations made in the writ petition by way of affidavit-in-opposition. Mrs. Nag however presses for an interim order.

Presently, there is nothing on record to contradict the statements made in the letter March 29, 2026. *Prima facie* it is

not in dispute that the petitioner has been selected as the highest bidder and the present tussle pertains only to the apprehended Myanmarese wooden boat i.e. the item described at serial no. 1 at page 38 of the writ petition. Since both parties are at loggerheads and allowing one to take away the material might prejudice the other therefore, this Court is of the view that both the parties i.e. the petitioner as well as the respondent No.4 i.e. the Station House Officer, CID Unit should maintain *status quo* as regards the apprehended Myanmarese wooden boat including the materials in the said boat.

At this juncture it is submitted by Mrs. Nag, learned Senior Advocate appearing for the petitioner and Mr. Kumar, learned advocate appearing for the Port Management Board (upon instruction from his client) that the petitioner has already dismantled a portion of the boat, however, the dismantled portion is also lying at the jetty.

It is therefore clarified that there shall be an order of *status quo* in respect of the partially dismantled apprehended Myanmarese wooden boat along with other materials including timber wooden logs lying inside as well as outside the said boat i.e. neither the petitioner nor the respondent No.4 shall be entitled to remove or deal with the same for a period of six weeks from date or until further orders whichever is earlier.

The respondent shall be at liberty to file affidavit-in-opposition to the writ petition within two weeks from date. Affidavit-in-reply thereto, if any, be filed within one week thereafter.

List this matter for further consideration before the next Circuit Bench available immediately after expiry of the time fixed for exchange of the affidavits.

(Om Narayan Rai, J.)