

WA 366/2008

BEFORE

HON'BLE THE CHIEF JUSTICE MR J CHELAMESWAR

HON'BLE MR JUSTICE BP KATAKEY

Aggrieved by an interim order dated 14-11-08 in WP(C) No.4575/08 of a learned Judge of this court directing release of the goods seized by the appellants functioning under the authority of the Assam Agriculture Produce Market Act, 1972 this appeal has been preferred.

Heard Mr PK Goswami, learned senior counsel for the appellants. Also heard Mr GN Sahewalla, learned senior counsel for the respondents.

Admittedly the writ petition is already directed to be listed on 4-12-08 for final hearing. In the circumstances we are of the opinion that it is not really necessary to go into the details of the case and more particularly in view of the fact that the market fee payable on the goods directed to be released is only a part amounting approximately Rs.2000/-. If the seizure and consequential proceeding of confiscation of the property are upheld the value of the goods must be higher. In view of the fact that the respondent is a limited company with an established industry which can be proceeded against, in the event of a final decision to confiscate the property, we deem it appropriate at this stage to direct the respondent to deposit the market fee payable on the goods that were directed to be released by the order under appeal within a period of two days. We, therefore, direct the respondent to deposit Rs.2000/- with the Registry of this court within two days. The payment being made, the appellant shall release the goods in accordance with the direction in the writ petition.

One of the issues in the writ, as it appears, is whether the respondent has obtained necessary licence under the provisions of the above mentioned Act. The learned counsel for the respondent stated that the respondent has made an application for such licence on 7-11-08.

The appeal is accordingly disposed of.

Registry is directed to list the writ petition for hearing on 4-12-08.