

THE HIGH COURT OF MEGHALAYA

WP(C) No.401/2014

Shri. Alet Marak @ Alneth G Marak,
S/o Shri. Airen Sangma,
R/o 14-Niangshiken,
District: West Khasi Hills, Meghalaya. ::: Petitioner

-Vs-

1. The State of Meghalaya represented by the
Commissioner & Secretary Home, Govt. of Meghalaya,
Shillong.
2. Superintendent of Police,
South Garo Hills District,
Baghmara, Meghalaya.
3. Superintendent of Police,
West Khasi Hills District,
Nongstoin, Meghalaya.
4. Officer-in-Charge,
Shallang Police Station,
West Khasi Hills, Meghalaya.
5. Officer-in-Charge,
Nongalbibra Police Station,
South Garo Hills District, Meghalaya.
6. Shri. Kulendro R. Sangma,
Sub-Inspector, C/o Nongalbibra Police Station,
South Garo Hills, Nongalbibra, Meghalaya. ::: Respondents.

**BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

For the Petitioner	:	Mr. S Dey, Adv.
For the Respondents	:	Mr. KP Bhattacharjee, GA,
Date of hearing	:	27.01.2015
Date of Judgment & Order	:	27.01.2015

JUDGMENT AND ORDER(ORAL)

Heard Mr. S Dey, learned counsel for the petitioner and Mr. KP Bhattacharjee, learned GA appearing for the respondents.

2. This writ petition was moved on 17.12.2014; and on that day, this Court taking into consideration of the serious allegations made by the petitioner in the present writ petition, Mr. ND Chullai, learned Sr. GA appearing for the respondents is directed to take instructions in regard to the allegations made in the present writ petition within three weeks. Even, after a lapsed of three weeks from 17.12.2014, the respondents neither file the affidavit-in-opposition nor produce any instruction received from the respondents. The only prayer sought for in the present writ petition is for a direction to the respondent No.6 Shri. Kulendro R. Sangma, to issue the seizure list for seizing the Gypsy bearing registration No.ML-07 2975. This prayer is made on the fact mentioned in the writ petition that the petitioner is a businessman residing at 14-Niangshiken, West Khasi Hills District. In the writ petition, it is categorically stated that the petitioner is a registered owner of the Gypsy bearing No.ML-07 2975. It is also categorically stated in the writ petition that the petitioner is a resident of Niangshiken under the jurisdiction of the Shallang Police Station, West Khasi Hills District and without the permission of the said Police Station and also without any search warrant, the respondent No.6 Shri. Kulendro R. Sangma and his police personnel had searched the house and also the premises of the petitioner. In that searched the respondent No.6 Shri. Kulendro R. Sangma and his police personnel of Nongalbibra Police Station had seized the said Gypsy bearing registration No. ML-07 2975.

3. It is also stated in the writ petition that a sum of Rs. 72,500/- (Rupees seventy two thousand five hundred) only was also forcibly taken away by the respondent No.6 Shri. Kulendro R. Sangma, and his police personnel from the petitioner. Without the affidavit-in-opposition of the respondents, this Court is not deciding this fact if the respondent No.6 Shri. Kulendro R. Sangma and his police personnel had seized an amount of Rs.

72,500/- (Rupees seventy two thousand five hundred) only from the possession of the petitioner. But, however it is clear from the pleadings in the present writ petition and also from the submission of Mr. KP Bhattacharjee, learned GA appearing for the respondents that the respondent No.6 Shri. Kulendro R. Sangma and his police personnel had seized the said Gypsy bearing registration No.ML-07 2975 from the possession of the petitioner. In this writ petition, this Court is not deciding the ownership of the said registered Gypsy. The respondent No.6 Shri. Kulendro R. Sangma, who seized the said Gypsy bearing registration No.ML-07 2975 from the possession of the petitioner is duty bound under the law to issue seizure memo for seizing the said vehicle i.e. Gypsy to the petitioner.

4. The respondent No.6 Shri. Kulendro R. Sangma, is directed to issue the seizure memo for seizing the said Gypsy bearing registration No.ML-07 2975 to the petitioner within a period of seven days from today. The petitioner may take appropriate remedy under the appropriate forum after receiving the seizure memo for seizing the said Gypsy having registration No.ML-07 2975 from the respondent No.6 Shri. Kulendro R. Sangma.

5. With the above observations and directions, this writ petition stands disposed of.

6. The Registry is directed to furnish a copy of this judgment and order to the learned counsel appearing for the parties in the course of the day.

JUDGE

Lam