



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 52 of 2020

Date of order: 19.02.2020

Subir Modak Vs. The Additional Commissioner of Custom
(Preventive) North Eastern Region

Coram:

Hon'ble Mr. Justice Mohammad Rafiq, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant (s) : Mr. N. Das Gupta, Adv.

For the Respondent(s) : Dr. N. Mozika, Sr. Adv. with
Ms. T. Sutnga, Adv.

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

Per Mohammad Rafiq, CJ,

1. Issue notice.

2. Dr. N. Mozika, learned Senior counsel accepts notice on behalf of the respondent.

3. This writ petition has been filed by Shri Subir Modak under Article 226 of the Constitution of India, inter alia, with the prayer that the show cause notice issued by the Additional Directorate General, DRI, Guwahati Zonal Unit dated 31.12.2018 may be quashed and set aside.

4. During the course of arguments, learned counsel for the petitioner submitted that after seizure of betel nuts about 20 metric tonnes way back on 03.07.2018, hearing was concluded by the Adjudicatory Officer on 14.05.2019, but so far adjudicatory order has not been passed. Learned counsel submitted that the betel nuts being perishable items are getting damaged in the custom's godown. Since no adjudicatory order has been passed, the petitioner is left without any remedy. The Adjudicatory Authority has taken an unduly long time to pass the adjudicatory order.



5. Having regard to the facts of the case since Dr. N. Mozika, learned Senior counsel on instructions submitted that the Adjudicatory Officer shall pass the order within one month from today.

6. In view of the above, this writ petition is disposed of with a direction to the Adjudicatory Officer to pass the adjudicatory order positively within thirty days from today.

(W. Diengdoh)
Judge

(Mohammad Rafiq)
Chief Justice

Meghalaya
19.02.2020
"Sylvana PS"

