

IN THE SUPREME COURT OF INDIA**CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NO.8591 OF 2017****[Arising out of SLP (C) No. 21267 of 2014]****PINTU GHOSH****... APPELLANT****VERSUS****THE STATE OF ASSAM AND ORS.****...RESPONDENTS****O R D E R**

1 Leave granted.

2 This appeal is directed against the order in Writ Appeal No.426/2013, dated 3rd February, 2014, whereby Gauhati High Court directed deposit of a sum of Rs.14,05,000/- collected by sale of bricks in public auction. The Court further directed delivery of the bricks sold in auction to the auction-purchaser.

3 Learned counsel for the appellant submits that the amount collected by auctioning the bricks has been deposited with the Deputy Commissioner and the bricks have been handed over to the auction-purchaser. He further submits that the appellant may be permitted to withdraw the amount of Rs.14,05,000/- deposited with the Deputy Commissioner.

4 Learned counsel for the respondents submits that the Deputy Commissioner may be permitted to deduct the amount, if any, due to the respondents 1 to 3 out of the aforesaid amount.

5 Having heard learned counsel for the parties, we are of the view that it is just and proper for the appellant to make an appropriate representation before the Deputy Commissioner, District-Kamrup (Metro), Guwahati for release of the aforesaid amount. He is permitted to file a representation within a period of eight weeks from today. The Deputy Commissioner is directed to consider the representation and pass appropriate order thereon in accordance with law. Liberty is reserved to the Deputy Commissioner to deduct any amount due to respondents 1 to 3 out of the aforesaid amount.

6 The appeal is accordingly disposed of without orders as to costs.

.....J.
(J. CHELAMESWAR)

New Delhi
July 06, 2017

.....J.
(S. ABDUL NAZEER)

ITEM NO.1501
(For orders)

COURT NO.3

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 8591/2017 @ SLP(C) No.21267/2014

PINTU GHOSH

Appellant(s)

VERSUS

THE STATE OF ASSAM

Respondent(s)

Date : 06-07-2017 This appeal was called on for pronouncement of order today.

CORAM :

HON'BLE MR. JUSTICE JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Appellant(s) Mr. Anil Shrivastav, AOR

For Respondent(s) Mr. Shuvodeep Roy, AOR

Hon'ble Mr. Justice S. Abdul Nazeer pronounced the judgment of the Bench comprising Hon'ble Mr. Justice J. Chelameswar and His Lordship.

Leave granted.

The appeal is disposed of in terms of signed order.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(RAJINDER KAUR)
COURT MASTER

(Signed order is placed on the file)