

(2003) 05 GAU CK 0057
In the Gauhati High Court
Case No : Writ Petition (C) No. 3521 of 2003

Shamsul Hoque

APPELLANT

Vs

State of Assam and Others

RESPONDENT

Date of Decision : 16-05-2003

Acts Referred:

Citation : (2003) 3 GLR 195

Hon'ble Judges : Amitava Roy, J

Bench : Single Bench

Advocate : K. Gogoi, for the Appellant; G.A., for the Respondent

Judgement

Amitava Roy, J.—Heard Mr. Kiron Gogol, learned counsel for the petitioner and learned State counsel.

2. As agreed upon by the learned counsel for the parties, I propose to dispose of this writ petition at the motion stage itself.

3. The case of the petitioner is that, he is the registered owner of the Maruti Car bearing Registration No. AS-23/C-0298. The said Vehicle is used for his private/personal purposes only. He apprehends that the said vehicle of the petitioner may be requisitioned by the State respondents.

4. In view of the law laid down by the Division Bench of this Court in Hemanta Kumar Sarma v. State of Assam (1991) 2 GLR 52, under the Assam Requisition and Control of Vehicles Act, 1968, a private vehicle cannot be requisitioned.

5. The petition is disposed of with a direction to the State respondents that if the aforementioned vehicle of the petitioner is a private vehicle, the same would not be requisitioned by the State respondents. No costs.