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WPA 15659 of 2021

Samaresh Biswas

Vs

Deputy Commissioner, State Tax, Krishnanagar
Charge & Ors.

Mrs. Rita Mukherjee,
Mr. Himangshu Kumar Ray
... For the Petitioner.

Mr. A. Roy, Ld. GP
Mr. S. Mukherjee,
Mr. Debasish Ghosh
... For the State.

Affidavit-of-service filed in court be kept with the
record.

Heard learned Advocates appearing for the parties.

In this writ petition, the petitioner has challenged the impugned order dated 19th August, 2021 passed by the Joint Commissioner, Baharampur Circle, the Appellate Authority dismissing the appeal of the petitioner ex parte. It is the case of the petitioner, which is supported by documents annexed to the writ petition that date of hearing in the impugned proceedings was fixed on 29th July, 2021 and the petitioner had sought adjournment on the medical ground of the learned Advocate appearing for the petitioner and without considering that adjournment petition, the respondents passed the impugned order on another date i.e. on 19th August, 2021 without prior

intimation to the petitioner of fixing such date of 19th August, 2021 for passing the interim order.

Mr. Ghosh, learned Advocate appearing for the respondents is not in a position to contradict these facts, which appears from record.

I am of the view that the impugned order is in gross violation of principle of natural justice by not considering the adjournment petition of the petitioner and also passing the impugned order on a different date without intimation to the petitioner. Considering these facts, the impugned order dated 19th August, 2021 is set aside with a direction upon the respondents/the Appellate Authority concerned to pass fresh order strictly in accordance with law expeditiously and after giving effective opportunity of hearing to the petitioner and without granting any unnecessary adjournment to the petitioner.

It is recorded that this court has not gone into the merits of the appeal and the respondent concerned shall consider the same strictly in accordance with law.

It is submitted by the learned Advocate appearing for the petitioner that the learned Advocate who was representing the petitioner before the Appellate Authority is suffering from a dreaded disease. In such

a situation, the petitioner should take the legal service of another member from the legal profession.

With these directions, this writ petition being WPA 15659 of 2021 is disposed of.

(Md. Nizamuddin, J.)