

27-01-2022
Item No.37
Subrata

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.1170 of 2022
Narayan Prasad Sharma

-vs-

**The Senior Intelligence Officer, Directorate of Revenue
Intelligence & Ors.**

Mr. Ranjan Kali
Mr. Chitrak Biswas ...for the petitioner

Ms. J.D. Chakraborty ...for the Union of India

Mr. Kaushik Dey
Mr. Tapan Bhanja ...for respondents no.1-2

In this writ petition, petitioner has challenged the impugned summons dated January 6, 2022 being Annexure P8 to the writ petition by which he was asked to appear before the authority concerned on January 12, 2022.

It is submitted by the petitioner that today it is January 27, 2022, and as such the impugned summons has lost its force and question of interfering with the said summons does not arise.

The petitioner also submits that he is aggrieved against inaction on the part of the respondent concerned in disposing of his representation dated December 29, 2021.

Mr Dey appearing for the first and second respondents opposing the writ petition submits that the writ petition is not maintainable, since the petitioner is not complying with the summons issued to him; and further that investigation is in process which should be allowed to be continued.

Mr Dey also submits that the petitioner's representation dated December 29, 2021 was against the summons which has already lost its force, and that after its expiry today there is no scope for granting any relief to the petitioner on the aforesaid representation.

Considering the submission of the parties, this writ petition being WPA No.1170 of 2022 is disposed of by directing the respondent concerned to consider and dispose of the petitioner's representation dated December 29, 2021 in accordance with law, within four weeks from the date of communication of this order.

It is clarified that this court has not interfered with the impugned investigation proceeding and issuance of summons.

The respondents are free to issue summons in accordance with law. If such summons is issued, petitioner shall comply with the same and shall also cooperate with the investigation in question; but the authority shall take into consideration the aforesaid representation of the petitioner in proceeding with the matter, in accordance with law.

[Md. Nizamuddin, J]

