

12.
13.12.2022
S.D.

W.P.A. 25743 of 2022

Soumen Kumar Sadhukhan & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Susnigdho Bhattacharyya

...For the petitioners

Mr. Raja Saha

Mr. Debasish Ghosh

Mr. Debraj Sahu

..For the State

The petitioners have challenged a show-cause notice dated November 3, 2022 issued by the Excise Commissioner, Government of West Bengal, Excise Directorate. The petitioners claim that a Special Court under the NDPS Act at Krishnanagar, Nadia has already acquitted the petitioners. Therefore, the said show-cause notice is illegal and without any authority. A point of maintainability of the writ petition has been urged by the learned counsel appearing on behalf of the respondents. He submits that under Section 15 (1)(b) of the Administrative Tribunals Act, 1985, the appropriate authority to adjudicate the issues in the present proceeding is the State Administrative Tribunal.

In the circumstances, the writ petition being **W.P.A 25743 of 2022** is **dismissed** with the liberty to approach the

appropriate forum on the selfsame cause of action, if so advised.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)