

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

9 21.09.2023
Ct. no. 2
SK

WPA/175/2022

GOWARDHAN SHAW
VS
ADDITIONAL ASSISTANT DIRECTOR, DIRECTORATE
GENERAL OF GST INTELLIGENCE, SILIGURI ZONAL
UNIT AND ORS

Mr. Biswaraj Agarwal ...for the respondent

Mr. B. Ghosh
Mr. M. Rahaman ...for the state

None appears on behalf of the petitioner nor is any adjournment prayed for on their behalf even in the third call. Significantly, the petitioner was not represented on 18 September, 2023. It is obvious that the petitioner is not keen in proceeding with this writ petition and has filed the same with oblique and ulterior motives.

Notwithstanding any order of restrain or stay of the impugned proceeding, the Department has mechanically decided not to take any steps in furtherance of the impugned proceeding on the ground that the matter is subjudice. A Report filed by the Assistant Director DGGI, Siliguri Zonal Unit be kept with the records.

Mere pendency of a writ petition does not automatically result in stay of the proceedings or the impugned notice. The prayer for restraint or grant of stay of proceedings is to be specifically made and positively passed in order to result in stay of operation of the impugned notice or the proceedings. Notwithstanding repeated pronouncements, the pernicious practice whereby statutory authorities simply stall and bring to a stalemate the proceedings on the ground that the matter is *subjudice* is to be deprecated. More so in revenue matters delay or stalemate of proceedings without any specific order of restraint or stay causes incalculable damage.

In view of the repeated non-appearance of the petitioner, WPA/175/2022 stands dismissed for default. Liberty is granted to the respondent to take necessary expeditious steps in accordance with law.

(Ravi Krishan Kapur, J.)