

November 30, 2023
Sl. No. 6
Court No.2
srm

**In the Calcutta High Court
Circuit Bench at Jalpaiguri
Appellate Side**

W.P.A. No.2707 of 2023

Sri Sourab Mohata

vs.

The State of West Bengal and others

Mr. Amales Ray,
Mr. Deborshi Dhar,
Ms. Oshmita Banerjee

... for the petitioner.

Mr. Pretom Das,
Mr. Nabankur Paul,
Ms. Patralekha Choudhury

... for the State

The petitioner runs a proprietorship firm, which is carrying on business of sale of veneer and plywood from different manufacturing units of plywood and veneer, located in the district of Cooch Behar. The petitioner has challenged the notification dated July 24, 2017 issued by the Secretary to the Government of West Bengal, Agricultural Marketing Department. By the said notification, veneer and plywood was included in the table of agricultural produce. The same notification had been challenged in different writ petitions by similarly situated production units of veneer and plywood. Orders were passed on numerous occasions

by the Co-ordinate Benches, staying the operation of such notification and also subsequent notification issued by the said department on the basis of the said notification. The petitioner has annexed such decisions. One such interim order is at page 71 of the writ petition, which reads as follows:

“As the operation of the notification dated July 24, 2017 has already been stayed, no further direction is necessary for protection of the petitioners, save and except, that the petitioners shall not be harassed in any way by the regulated market committees and their vehicles will not be stopped until an order is passed in the pending appeal and the order of the coordinate bench of the court is either set aside and/or modified.

Judicial discipline demands that the orders of the coordinate benches must be followed at least at the interim stage as I do not find any shockingly unacceptable proposition of law which has been laid down so that this court can differ, without proper hearing of the writ petition on affidavits.”

In a similar matter being WPA 283 of 2020, the notification had been stayed by an interim order and this court disposed of WPA 283 of 2020 by making the interim order absolute.

Admittedly, the notification challenged in the present writ petition has already been stayed in other proceedings and against the said order of stay, the State authorities have preferred appeals, being MAT 960 of

2021, MAT 1257 of 2021 and MAT 686 of 2017, presently pending before the Hon'ble Division Bench of this Court.

The Court is of the view that the impugned memo which has already been stayed, has become inoperative. Thus, nothing remains to be decided in the writ petition, until and unless the appeals are decided.

Accordingly, the writ petition is disposed of, granting liberty to the parties to take steps upon disposal of the appeal and as may be permissible under the law. In case the appeal is decided in favour of the respondents, they shall be at liberty to proceed, in accordance with law.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)