

ORDER SHEET

WPO/231/2021
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

PURNANAND RAMCHANDRA MISHRA
VS
UNION OF INDIA AND ORS.

BEFORE:
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date: 2nd March, 2023

Appearance:
Mr. T.K. Mitra, Adv.
Mr. R.N. Bandyopadhyay, Adv.
...for the petitioner.

Mr. B.P. Banerjee, Adv.
Mr. Tapan Bhanja, Adv.
Mr. S. Rudra, Adv.
...for the respondent.

The Court: Affidavit-in-opposition filed in Court today is taken on record.

Heard learned Advocates appearing for both the parties.

The petitioner has filed this writ petition making only prayer for release of the gold bars in question seized on 19th February, 2015, to the petitioner. The learned Advocate appearing for the respondents opposing this writ petition submits that subsequent to the seizure of gold bars in question, proceedings were initiated by issuing show cause notice and that show cause notice has been culminated into final adjudication order after giving opportunity of hearing to the petitioner from time to time. Not only that, it has been further submitted that even after the final adjudication, the petitioner has filed an appeal before the appellate authority which is

pending. It is to be recorded that pursuant to the seizure, neither the show cause notice nor the final adjudication order has been challenged before this Court and the same are not the subject-matter of this writ petition and any order passed in this writ petition will have adverse effect on the pending appeal before the appellate authority.

Considering the facts and circumstances of the case and in view of subsequent development as indicated above after filing this writ petition, no order can be passed or relief can be granted in this writ petition and, accordingly, this writ petition being WPO No.231 of 2021 is dismissed. However, dismissal of this writ petition will not be a bar on the part of the petitioner to urge all the points raised in the writ petition before the appellate authority in pending appeal and which may be considered in accordance with law.

(MD. NIZAMUDDIN, J.)

