

12.11.2024
Item No.08
Court No.1.
S. De

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**MAT 150 of 2023
CAN 1 of 2023**

**Hanuman Traders.
Vs**

Additional Commissioner, Siliguri Circle & Ors.

Mr. Jagriti Mishra,
Ms. Ananya Bhattacharya
Ms. Mrinmayee Das,
...for the appellant.

Mr. Subir Kr. Saha,
Mr. Momenur Rahman, ...for the State.

Order dictated by Arijit Banerjee, J.

1. By consent of the parties the appeal and the connected application are taken up together for hearing.
2. This appeal is directed against a judgment and order dated August 14, 2023, passed in W.P. 583 of 2023, being a writ petition filed by the appellant herein. The order impugned reads as follows :

*“This court does not sit in appeal over
the order of the appellate authority.*

*I do not find any procedural defect in
the hearing of the appeal and in
passing the order by the appellate
authority.*

*This court does not interfere with this
matter, the matter is dismissed.*

No costs.”

3. The appellant says that the order is completely unreasoned. We have to agree with that submission. We are of the view that this order cannot be sustained and there should be a remand to the learned Single Judge for fresh hearing.
4. Learned advocate for the respondents, in his usual fairness, leaves the matter to the discretion of the Court.
5. The order under appeal is set aside. The matter is remanded to the learned Single Judge having determination to hear the matter, if necessary upon exchange of affidavits.
6. MAT 150 of 2023 is disposed of along with the connected application being CAN 1 of 2023, treating the same as on day's list.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)