

14
10.04.2025
Ct. No. 551
Jayanta

WPA 27801 of 2024

Gour Chandra Saha & Anr.
vs.
The State of West Bengal & Ors.

Mr. Sayan Chattopadhyay
Mr. Manas Ajoy Sankar
Mr. Shubha Dey

....For the Petitioner.

Mr. Nilanjan Bhattacharjee, Ld. Sr. Adv
Ms. Debapriya Gupta

....For the UoI.

Affidavits-of-service filed today be kept on record.

None appears for the respondent nos. 2, 3 and 4.

Respondent nos. 1 and 5 are represented.

The petitioner has filed the instant writ petition seeking quashing of a notice to show cause issued under Section 124 of the Customs Act, 1962. The petitioner has already replied to such notice as would be evident from the petitioner's letter dated September 3, 2024 at pages 21 to 28 of the writ petition. It is well-settled that a notice to show cause cannot be lightly interfered with by the Court under Article 226 of the Constitution of India in as much as the same does not give rise to any cause of action. Nothing has been demonstrated to suggest that the show cause notice has been issued by an authority lacking jurisdiction. Therefore, the prayers made in the writ petition cannot be granted.

Faced with the aforesaid, the Learned advocate appearing for the writ petitioner seeks a direction on the respondent for consideration of the petitioner's reply to the show cause notice and for passing appropriate order thereon upon giving a hearing to the petitioner.

The instant writ petition is disposed of by directing the concerned respondent to consider the reply given by the petitioner to the show cause notice dated September 3, 2024 in accordance with law within a period of four weeks from the date of communication of this order.

WPA 27801 of 2024 thus, stands disposed of. No costs.

(Om Narayan Rai ,J.)