

Unlisted
17.3.2020
Ct. No. 23
SD

W.P. 5163 (W) of 2020

Ashok R. Mansata Vs.
Union of India & Ors.

Mr. Ashok R. Mansata

... for the Petitioner(in person).

“When we think of the major threats to our national security, the first to come to mind are nuclear proliferation, rogue states and global terrorism. But another kind of threat lurks beyond our shores, one from nature, not human – an avian flu pandemic.” – Barack Obama.

1. The prophetic words of Barack Obama, former President of United States looms large upon us today. This present situation has arisen due to a pandemic, namely, the Coronavirus that has brought to a standstill all activities around the world including our High Court.

2. On March 15, 2020, the Registrar General has issued a notification providing guidelines with respect to the functioning of the Court in view of the said pandemic. The same includes a direction not to pass any adverse/default orders in case where parties are found to be absent.

3. Furthermore, on March 16, 2020, the Bar Council of West Bengal has also taken a decision directing its members not to take part in any judicial proceedings.

4. This writ petition is taken up for hearing by treating the same as on day's list on the request made by the petitioner appearing in person.

5. The petitioner has made a specific prayer seeking a writ of mandamus upon the Income Tax Authorities preventing them from distributing jewellery that was seized almost four decades back. One need not go into the various grounds raised in this writ petition at this stage.

6. The petitioner has served notice upon the respondent authorities and filed affidavit of service evidencing the same.

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7. Owing to the resolution of the Bar Council that prohibits lawyers from participating in judicial proceedings, I find that none has appeared on behalf of the respondent authorities.

8. In the prevailing situation, I am of the view that passing a writ of mandamus against the Income Tax Authorities would go against the notification issued by the Registrar General. However, keeping in mind the extra-ordinary calamity that we are combating and for the ends of justice, I request the Income Tax Authorities to stay their hands with regard to distribution of jewellery that has been lying with them for four decades, for a limited period of time.

9. In light of the above, I request the Authorities to consider the representation made by the petitioner on March 11, 2020 and accordingly not release the jewellery to the private respondents for the time being.

10. This matter shall be taken up on *March 25, 2020* at the *top* under the heading 'Motion'.

11. Petitioner is directed to serve copies of this order passed in Court today upon all the respondents within 24 hours.

12. Photostat plain copy of this order duly counter-signed by the Assistant Registrar (Court) be handed over to the petitioner on usual undertaking. **(Shekhar B. Saraf, J.)**