

D/L. 16.
October 10, 2023.
MNS.

WPA No. 19663 of 2023

Rathindra Nath Chaki
Vs.
The State of West Bengal and others

Mr. Anindya Lahiri,
Mr. Arkadipta Sengupta,
Mr. Sagnik Chatterjee,
Mr. Subhajit Das,
Ms. Deboleena Ghosh,
Mr. Alminhaz Kamin,
Ms. Aayushi Mukherjee,
Ms. Kakali Das Chakraborty

... for the petitioner.

Mr. Somnath Ganguli,
Mr. Sukalpa Seal

...for the State.

Ms. Sonal Sinha,
Mr. Avishek Prasad

...for the respondent nos. 9 and 10.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner contends that the petitioner's development agreement was refused to be registered by the Registering Authority, purportedly on the strength of an order passed by the National Green Tribunal (NGT) with regard to the area-in-question.

3. Apart from the fact that the said area does not fall within the purview of the NGT, it is contended by the petitioner that the Registering Authority acted *de hors* its power in refusing to register documents, even if on the strength of the order of the NGT.
4. Heard learned counsel for the parties.
5. It transpires, as rightly contended by the parties, that in a similar matter, vide order dated August 31, 2023, it was directed that there is no bar to the petitioner's agreement being registered and a liberty was given to the petitioner to approach the NGT to point out its preliminary objection as to maintainability of the matter before the NGT.
6. It is further contended that previously a Memo dated April 20, 2023 was issued by the Additional District Magistrate, Malda, to the District Registrar, Malda, restraining the latter from registering such documents.
7. However, it is contended by learned counsel for the petitioner that, in the meantime, the said memo has been withdrawn in terms of the order dated August 31, 2023 passed in WPA No. 18398 of 2023.

8. Accordingly, WPA No. 19663 of 2023 is disposed of by granting liberty to the petitioner to approach the NGT seeking to add himself as a party, to point out the issue of jurisdiction of the NGT to take OA No. 30/2023/EZ. If such an approach is made, the NGT shall act on a server copy of this order along with the communication of the learned Advocate for the petitioner and provide an opportunity to the petitioner to produce relevant documents and of hearing and upon giving such opportunity of hearing to the petitioner on the application before the NGT on such issue, the NGT shall decide the question of maintainability of the said OA in the light of the observations made in the order dated August 31, 2023 passed in WPA No. 18398 of 2023 at the earliest, prior to proceeding further in OA No. 30/2023/EZ.

9. There will be no order as to costs.

10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)