

04.09.2024
Item No.39
gd/ssd

WPA/18252/2024
UTTAM DAS AND ORS.
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2024

Mr. Masud Karim,
Ms. Anushika Bharati
Mr. Rashed Rashid
..for the Petitioners.

Mr. Jahar Lal De,
Mr. Rudranil De
..for the State.

Mr. Arjun Ray Mukherjee
..for the Respondent Nos.2 and 3.

Mr. Soumya Dasgupta
..for the Respondent No.11.

1. This writ petition has been filed challenging the order passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No.135/2023/EZ dated 10.05.2024.

2. We failed to understand as to how the petitioners would be aggrieved by the impugned order since the Hon'ble Tribunal had directed affidavits to be filed and has yet to decide the matter.

3. The other ground canvassed by the learned advocate for the petitioners is that the petitioners were not made parties to the Original Application before the Hon'ble Tribunal.

4. Nothing prevents the petitioner from seeking to implead himself in the proceeding. Therefore, this is also not a ground to entertain the writ petition.

5. In any event the Hon'ble Tribunal is functioning under a specialized statute and the petitioner cannot be permitted to bypass the procedure laid down under the Act and file a writ petition.

6. For the above reasons, the writ petition is dismissed.

7. However, in order to have a binding adjudication we direct the Original Applicant before the Hon'ble Tribunal, namely, Mousri Jana, who is the 11th respondent in this writ petition to implead the writ petitioners, namely, Uttam Das, Pallab Sardar and Ayan Sardar as respondents in Original Application No.135/2023/EZ dated 10.05.2024.

8. Such application for impleadment shall be filed within a week from the date of the server copy of this order after which it will be open to the petitioners to enter appearance before the tribunal and place his submissions before the Hon'ble Tribunal.

9. It is made clear that this court has not gone into the merits of the matter which will be decided by the Hon'ble Tribunal.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)