

Item No.245
30.07.2024
Court. No. 9
GB

W.P.A. 18960 of 2024

Sri Manojit Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Saptansu Basu
Mr. Ayan Banerjee,
Ms. Riya Ghosh

...for the Petitioner.

Mr. Somnath Ganguli,
Ms. Kalpita Paul

...for the State.

1. Affidavit-of-service filed in Court today, is taken on record.
2. None appears on behalf of the respondent no.5.
3. The notice that the matter will be mentioned for being taken up today, out of turn, has also been served upon the respondent no.5.
4. However, as this Court is not inclined to pass any mandatory directions by setting aside the order of the learned Green Tribunal, the writ petition is entertained in his absence. The petitioner is being directed to approach the learned Green Tribunal by filing appropriate applications.
5. The only contention of the petitioner which is taken note of is that the petitioner was not made a party to the proceeding before the learned Green Tribunal and the order was passed for removal of the structure of the petitioner, without hearing the petitioner.
6. Mr. Basu, learned senior advocate for the petitioner contends that the order was passed by the learned

Green Tribunal without considering that the petition filed by the respondent No.5, was barred by limitation and also barred by the principles of non-joinder of parties. Such issue will also be raised before the learned Green Tribunal.

7. The merits of the order passed, are not gone into. The petitioner is at liberty to approach the concerned forum with her grievances.
8. Till August 16, 2024 and until further orders of the learned Green Tribunal, the notice of demolition issued by the District Magistrate, Purba Bardhaman shall remain stayed.
9. However, there will be no order as to costs.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)