

D/L 3
06.01.2025
Court. No. 3
Aritra

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

C.O. 210 of 2024

**Mohanlal Tamang @ Sri Mohanlal Tamang
Vs.
The State of West Bengal & Ors.**

*Mr. Dr. Arjun Chowdhury
Ms. Pratusha Dutta Chowdhury
Mr. Koushik Kumar Kanu
Ms. Tulip Saha
Mr. Dibyajyoti Bhowmik*
....for the petitioner
*Mr. Hirak Barman
Mr. Nabankur Paul*
....for the State

1. Affidavit of service as filed today is taken on record.
2. In this revisional application the judgment and order dated August 28, 2024 as passed by the District Judge, Darjeeling in Misc. (Appeal) No.8 of 2023 is impugned.
3. By the impugned judgment learned First Appellate Court dismissed the said appeal which has been preferred under Section 59 (A) 3 of the Indian Forest Act, 1927 (hereinafter referred to as the said Act). On perusal of the internal page No.2 of the judgment it reveals that the learned First Appellate Court proposed to consider as to whether he has got any jurisdiction to interfere with the order which impugned before him. In the impugned judgment however, this Court finds that the said Appellate Court has not returned any finding with regard to its jurisdiction.

4. It further appears that the said Appellate Court on the contrary entered into the merits of the order which is impugned before him without deciding the point of jurisdiction as raised by himself.
5. In view of such this Court finds sufficient justification to allow the instant revisional application.
6. Accordingly, the impugned order and judgment dated August 28, 2024 as passed in Misc.(Appeal) No.8 of 2023 is hereby set aside. Misc.(Appeal) No.8 of 2023 is thus remanded to the learned District Judge, Darjeeling for hearing afresh after giving opportunity of hearing both to the appellants and the respondents.
7. With the aforementioned observations the instant writ petition being **CO 210 of 2024** is disposed of.
8. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Partha Sarathi Sen, J.)