

DISTRICT: NORTH 24 PARGANAS

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTEN ZONE BENCH, KOLKATA

I.A. NO. 51/2025/EZ

ORIGINAL APPLICATION NO. 65/2025/EZ

In the matter of:

Narattam Datta Ray

.... Petitioner

-Versus-

State of West Bengal & Ors.

..... Respondents

And

In the matter of:

Ambud Buildcom Private Limited &  
Ors.

....Applicants



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Place:

Date:



*Tanusree Kar*

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Enrolment No. F/3120/3588/2023

Sl. No. 53/26

Narattam Datta Roy

DISTRICT: NORTH 24 PARGANAS

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTEN ZONE BENCH, KOLKATA

I.A. NO. 51/2025/EZ

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AFFIDAVIT-IN-OPPOSITION TO THE INTERLOCUTORY APPLICATION

BEING I.A. NO. 51/2025/EZ IN TERMS OF THE SOLEMN ORDER

DATED 29.01.2026

I, Narattam Datta Ray, son of Late Jibesh Chandra Dutta Roy, aged about 58 years, by faith - Hindu, by occupation - Business, resident of RFA Club, Rekjuani, Post Office & Police Station – Rajarhat, District – North 24 Parganas, PIN – 700135, do hereby solemnly affirm and say as follows:



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1. That I am the applicant in the instant Original Application being O.A. No. 65/2025/EZ and as such am well acquainted with the facts and circumstances of the case. I am competent and duly authorised to sign, swear and affirm the instant affidavit before this Learned Tribunal.

2. That the present Affidavit-in-Opposition is being filed on behalf of the applicant in the Original Application against the interlocutory application being I.A. No. 51/2025/EZ filed for impleadment, in terms of the solemn order dated 29.01.2026 passed by the Learned Tribunal, whereby liberty was granted to the parties to file their respective replies opposing the prayers made therein. By way of the said interlocutory application, as many as eighteen (18) companies and/or limited liability partnerships have sought their impleadment in the proceedings of the instant Original Application presently pending before this Learned Tribunal.

3. At the outset, it is stated that the instant Original Application was initiated on the basis of a letter petition addressed by the applicant raising serious environmental concerns and, inter alia, seeking appropriate directions against illegal encroachment, unauthorised filling up and consequential degradation of a century-old water body being a large natural pond situated at Mouza: Reckjoani, J.L. No. 13, Police Station: Rajarhat, L.R. Plot No. 579 and 1176 measuring approximately 4 to 5 bighas, in violation of environmental laws and regulations.

4. It is stated that the said water body constitutes a longstanding large natural pond forming part of the local ecological framework and environmental balance of the concerned area, and the allegations pertain

Naradhyam Dutta Roy



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to systematic and illegal filling up of the same for the purpose of construction activities undertaken by private developers.

5. It is stated that during the pendency of the aforesaid Original Application before this Learned Tribunal, certain companies and/or limited liability partnerships, approached the Hon'ble High Court at Calcutta by way of a writ application being WPA No. 10540 of 2025 (Ambud Buildcom Private Limited & Ors. – Versus – State of West Bengal & Ors.) seeking, inter alia, police assistance so as to enable them to continue with and/or carry on construction activities over the selfsame property in question.

6. It is further stated that the said writ application was disposed of vide solemn order dated 20.05.2025 passed by the Hon'ble Justice Tirthankar Ghosh with a direction upon the police authorities to keep surveillance and ensure that the writ petitioners/respondents are not obstructed and/or that any untoward incident does not occur because of continuation of the petitioners' work. The said solemn order had the effect of facilitating continuation of construction activities over the disputed land.

A server copy of the said solemn order dated 20.05.2025 is annexed hereto and marked with the letter "R-1".

7. It is stated that in the said writ proceedings, the present applicant was not impleaded as a party respondent, despite being directly and substantially interested in the subject matter and despite the fact that

Narendra Prasad Gupta Ref.



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the environmental issues concerning the very same water body were already sub judice before this Learned Tribunal.

8. Being aggrieved thereby, the present applicant preferred an appeal before the Hon'ble Division Bench, being MAT 869 of 2025, upon obtaining leave to prefer the appeal.

9. It is stated that the Hon'ble Division Bench, upon considering the records and submissions advanced, vide solemn order dated 30.06.2025 passed by the Hon'ble Justice Tapabrata Chakraborty and the Hon'ble Justice Reetobroto Kumar Mitra, was pleased to hold, inter alia, that the present applicant is affected by the solemn order dated 20.05.2025 and, being a person aggrieved, was a necessary and proper party to the writ application inasmuch as the environmental issues concerning the water body were already pending adjudication before this Learned Tribunal at the instance of the applicant.

A server copy of the said solemn order dated 30.06.2025 is annexed hereto and marked with the letter "R-2".

10. It is further stated that the Hon'ble Division Bench was pleased to set aside the solemn order dated 20.05.2025 and remand the matter back to the Learned Single Judge for reconsideration with a direction upon the writ petitioners/respondents to add the present applicant as a party.

11. With reference to paragraph numbers 1 to 4 of the said Interlocutory Application, save and except what are matters of record,

Narottam Dutta Roy



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the statements and/or allegations contained therein are specifically denied and disputed. It is denied that the applicants have not been made parties by the applicant, Narattyan Dutta Roy, inasmuch as the proceedings before the Learned Tribunal originated from a letter petition, and not from a formal application requiring array of parties in the conventional sense.

12. With reference to paragraph numbers 5 to 8 of the said Interlocutory Application, save and except what are matters of record, the statements and/or allegations contained therein are specifically denied and disputed. It is denied that it became apparent or clear to the applicants sought to be added as parties that the entirety of facts were not placed before the Learned Tribunal or that the Learned Tribunal was misled to believe the contentions of the original applicant, Narattyan Dutta Roy; such allegations are baseless, misconceived, and harassing and are specifically denied, and it is further denied that the applicants, as alleged bona fide purchasers, have lawfully obtained or acted upon any valid permission for conversion of the pond in question or that any purported restoration or creation of compensatory/artificial water body at any other location constitutes lawful environmental compliance, the same being contrary to settled principles recognising the ecological primacy and irreplaceability of natural water bodies.

13. With reference to paragraph numbers 1 to 4 of the said Interlocutory Application, save and except what are matters of record, the statements and/or allegations contained therein are specifically denied and disputed.

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14. With reference to paragraph numbers 5 to 8 of the said Interlocutory Application, save and except what are matters of record, the statements and/or allegations contained therein are specifically denied and disputed.

15. With reference to paragraph numbers 9 to 12 of the said Interlocutory Application, save and except what are matters of record, the statements and/or allegations contained therein are specifically denied and disputed.

16. With reference to paragraph numbers 13 to 16 of the said Interlocutory Application, save and except what are matters of record, the statements and/or allegations contained therein are specifically denied and disputed.

17. With reference to paragraph numbers 17 to 20 of the said Interlocutory Application, save and except what are matters of record, the statements and/or allegations contained therein are specifically denied and disputed.

18. With reference to paragraph numbers 21 and 22 of the said Interlocutory Application, save and except what are matters of record, the statements and/or allegations contained therein are specifically denied and disputed, and the prayers made therein are also denied and disputed.

19. It is specifically denied that mere commercial or developmental interest in the project area confers any locus to intervene in proceedings

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fundamentally concerned with environmental protection and restoration of a natural water body.

20. It is submitted that in the present interlocutory application the eighteen (18) companies/entities seeking impleadment claim that their commercial/business interests would be affected by the outcome of the Original Application and on such basis pray for addition as parties.

21. It is submitted that the said prayers are wholly misconceived and legally unsustainable, inasmuch as private commercial interest cannot be placed at a higher pedestal than environmental protection and preservation of natural resources.

22. It is submitted that the subject matter of the Original Application concerns protection, restoration and preservation of natural water bodies, which form part of the ecological commons and are protected within the broader framework of environmental jurisprudence evolved under Article 21 of the Constitution of India.

23. It is submitted that the Hon'ble Supreme Court has, in a catena of judgments, unequivocally held that protection of village commons, ponds, wetlands and natural water bodies is integral to safeguarding the fundamental right to life under Article 21, as such resources constitute the lifeline of local communities and sustain multiple ecological and livelihood systems.

24. It is submitted that natural water bodies perform irreplaceable ecological functions including groundwater recharge, flood control, micro-climatic regulation, biodiversity sustenance and support of flora

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Narendra Prasad Gupta

and fauna, all of which suffer irreversible damage upon destruction or filling up.

25. It is submitted that the attempt on the part of private entities to justify destruction of natural water bodies on the plea of creating artificial or compensatory water bodies has been judicially deprecated, it being held that artificial substitutes can never replicate the ecological, hydrological and environmental functions performed by naturally evolved water ecosystems.

26. It is submitted that reduction of ecological assets into mere numerical or compensatory metrics fails to capture the spirit of the constitutional environmental scheme, and permitting takeover or conversion of such commons for private commercial gain has been held to be grossly illegal and impermissible.

27. It is submitted that if parties driven by commercial and developmental motives are permitted to intervene as of right in environmental proceedings of the present nature, the same would dilute, delay and derail the core adjudicatory focus of this Learned Tribunal, which is protection and restitution of the environment rather than protection of private business ventures.

28. It is therefore submitted that the presence of the said applicant companies is neither necessary nor proper for effective adjudication of the environmental issues involved in the Original Application, and their impleadment would serve no purpose other than advancing private construction interests at the cost of ecological preservation.



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29. The applicant further craves leave of this Ld. Tribunal to file such further affidavits, documents, and/or make such additional submissions as may be necessary in the interest of justice or as may be directed by this Ld. Tribunal, and all the rights and contentions of the applicant are hereby kept open.

10. That the statements made in paragraphs nos. 1 to 5 and 8 are true to my knowledge, the statements made in paragraph nos. 6, 9 and 10 are matters of record and the rest are my humble submissions before this Ld. Tribunal.

Narattiyam Dutta Ray

DEPONENT

Prepared in my office.

Tanusree Kar.

Advocate

F/3120/3588/2023.



L.T.I.(s)/Signatures(s) of the  
Executant/s attested by me on Identification

NARENDRA PRASAD GUPTA, NOTARY  
Advocate, HIGH COURT, KOLKATA  
Regd. No.-13823/2018, Govt. of India

NARENDRA PRASAD GUPTA  
NOTARY  
GOVERNMENT OF INDIA  
REGD. NO. 13823/2018

ADVOCATE, HIGH COURT CALCUTTA  
8, Old Post Office Street (Ground Floor)  
Opp. F-Gate (High Court)  
Mob.-9883135090



09 FEB 2026

ANNEXURE - "R/L"  
- X -

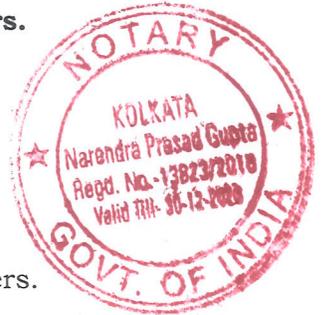
20.05.2025  
Item No.99  
Ct. No.35  
dc.

W.P.A. 10540 of 2025

**Ambud Buildcom Private Limited & Ors.  
versus  
State of West Bengal & Ors.**

Mr. Pranit Bag,  
Mr. Rahul Poddar,  
Mr. Anousko Das,  
Mr. Souvik Banerjee ... For the Petitioners.

Ms. Sonal Sinha,  
Ms. Ashmita Chakraborty,  
Mr. Sandipan Das ... For the State.



Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioners.

The petitioners are aggrieved by the fact that in spite of permission being granted by the appropriate authorities, they are unable to carry out their construction work because of interference and/or obstruction created at the behest of the local miscreants.

State has submitted a report. The report contains the enquiry which was conducted by the Inspector-in-Charge, Rajarhat Police Station wherein it is admitted that proportionate area has already been converted into pond in respect of the area for which construction is being raised by the petitioners.

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Having regard to the fact that the police authorities are having knowledge regarding the incidents which have been reported and for which the petitioners are also aggrieved, I am of the view that the police authorities would keep a surveillance and ensure that the petitioners be not obstructed and/or any untoward incident results because of continuation of work of the petitioners.

With the aforesaid observations, the writ petition being WPA 10540 of 2025 is disposed of.

There will be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.



(Tirthankar Ghosh, J.)

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ANNEXURE - "R/2"  
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30.06.2025  
Item No.26  
Court No. 11  
Avijit Mitra

MAT 869 of 2025  
with  
IA No. CAN 1 of 2025  
with  
IA No. CAN 2 of 2025

**Narattyom Dutta Roy**  
Vs.  
**Ambud Buildcom Private Limited & Ors.**



**Mr. Billwadal Bhattacharyya, Sr. Adv.**  
**Mr. Anish Kumar Mukherjee,**  
**Mr. Suryaneel Das,**  
**Ms. Tanusree Kar,**  
**Mr. Chiranjit Pal,**  
**Mr. Tamoghna Pramanick,**  
**Mr. Anish Gupta**

.... For the Appellant

**Mr. Jaydip Kar, Sr. Adv.**  
**Mr. Pranit Bag,**  
**Ms. Pooja Jewrajka,**  
**Mr. Rahul Poddar,**  
**Mr. Jyoti Rauth,**  
**Ms. A. Das,**  
**Mr. Souvik Banerjee,**  
**Ms. Srijita Chakraborty**

..... For the respondent nos. 1 to 18

**Ms. S. Sinha,**  
**Ms. Ashmita Chakraborty**

..... For the State respondents

1. The present appeal arises from an order dated 20th May, 2025 passed by the learned Single Judge disposing of the Writ Petition filed by the writ petitioners/respondents herein being WPA 10540 of 2025, directing inter alia the police authority to keep surveillance at the subject premises and also to ensure that the writ petitioners are not obstructed or any untoward incidents result therefrom due to their continuation of work.

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2. The appellant herein was not a party to the Writ Petition in which the order impugned was passed. The appellant has thus preferred an application CAN 1 of 2025 seeking leave to prefer an appeal against the impugned order and judgment of 20th May 2025.
3. The brief facts necessary for disposing of the matter may be summarised as under:
  - A. The appellant represents an association of persons known as the "Reckjoani Gram BasiBrinda".
  - B. The grievance of the appellant is that within the 5 Bighas of land, there is a water body/ pond which forms the ecological backbone of the area, used primarily as a water source for the persons staying in the locality as well as a minor source of irrigation.
  - C. The appellant further states that the pond was converted by the private respondents to land, in spite of their repeated objections thereto, with the aid and abetment of the authorities concerned including the police.
  - D. The appellant states that by letters dated 31st March 2025, 11th April 2025 and a third letter to the National Green Tribunal (hereinafter NGT), they intimated the authorities that an offence (conversion of pond to land) was brought to their notice. On the basis of such a complaint, the NGT had suo moto instituted proceedings against such "illegal conversion".



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- E. Two orders were passed by the NGT, the first on 16th April 2025 directing impleadment of the District Magistrate, North 24 PGS and Department of Environment and also directed that a fact-finding committee be constituted with the District Magistrate and/or his nominee not below the rank of Additional District Magistrate and a scientist to apprise the Tribunal about the true facts and circumstances in the matter by filing a report in respect thereof.
- F. In the meantime, the private respondents herein, coming to learn of such proceeding, approached the NGT and sought impleadment in the proceeding as a party respondent thereto. This application was made on 7th May 2025.
- G. On the very same day, that is 7th May 2025, the private respondents herein filed a Writ Petition before this Hon'ble Court seeking inter alia a direction to the police authorities to maintain peace and tranquillity in the area "as miscreants were disturbing the construction process and thereby impeding progress of the project".
- H. The NGT, on the returnable date, that is on 19th May 2025, granted the prayer of the fact-finding committee for extended time to file the report and posted the matter for further consideration on July 11, 2025. By the same order, the application by the private respondents/writ petitioners herein was taken



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on board and directions were given to file affidavits. The application was also made returnable on July 11, 2025.

I. On May 20<sup>th</sup> 2025, the Writ Petition was heard and disposed of with a direction to the police authorities to keep surveillance and ensure that the petitioners were not obstructed from continuation of the work at the project site.

J. It is this order, which is being assailed before us.

4. These are, in short, the admitted facts of the case.
5. In order to obtain leave to appeal as prayed for in CAN 1 of 2025, the appellant has to satisfy the Court that he is an "aggrieved person".
6. The appellant, in addition to arguing that he is indeed an aggrieved person and a necessary and proper party to the proceeding, has also raised a tandem issue alongside the primary issue. The tandem issue relates to suppression of material facts by the writ petitioners/respondents herein while moving the Writ Petition.
7. The appellant has stated that as members of the village, they would be seriously affected if the water body is converted into land. This, primarily because the ecological balance of the area would be completely disrupted as such a water body serves the local population, contributes significantly to the ground water recharge and/or environmental sustainability of the area.



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8. The appellant has also argued that they demonstrated, peacefully, to object to and oppose the act of filling up the water body to convert the same into land. The appellant has also further argued that the police authority, despite knowledge of the same, deliberately took no action in the matter and permitted the filling up of the water body by the writ petitioners/respondents herein.
9. The appellant has relied upon the following decisions of the Hon'ble Supreme Court of India as well as of this Hon'ble Court. The decisions relied upon by the appellant are: (i) 2012 8 SCC 326, in which it was held that this sort of litigation falls squarely within the jurisdiction of the NGT and cannot be entertained by the Hon'ble High Court to ensure that there is no conflict of orders between the High Court and the NGT.
10. The second decision is reported in 2020 (20) SCC 581, where the definition of a person aggrieved has been clearly spelled out by the Hon'ble Supreme Court holding inter alia that the responsibility is to ensure protection and integrity of the environment, especially one which is a source of livelihood for the rural population and life for local flora and fauna. In fact, the Hon'ble Supreme Court further adds that the protection of village commons is essential to safeguard the fundamental rights guaranteed by Article 21 of the Constitution. In fact, the Supreme Court took note of the fact that these areas are the



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lifeline of the village community and often sustained various chores and provide resources necessary for life.

11. The third decision reported in 2008 12 SCC 481 relied upon by the appellant relates to abuse of process of Court and on suppression of material facts.
12. The fourth decision is one reported in 2006 (4) CHN 847 where it has been categorically held that parallel remedies cannot be pursued by a person to aid his remedies.
13. Learned senior advocate for the respondents has argued that the appellant does not fulfil any of the criteria as set forth in the decisions of the Hon'ble Supreme Court of India by which he can be said to be bound by the impugned order or that the impugned order is in any manner detrimental or prejudicial to him. Thus, the appellant is by no stretch of imagination a necessary or a proper party in the Writ Petition. Learned senior advocate also argued that the writ petitioners/respondents have obtained necessary permission to convert the water body into a land mass. In fact, he went on to argue that the writ petitioners/respondents have also created an alternative water body. The respondents/writ petitioners have also relied upon certain decisions of the Supreme Court.
14. The respondents have relied upon 2020 (9) SCC 501 where it was held that a person aggrieved does not include a person who suffers from a psychological or



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imagined injury but one whose right has been adversely affected and jeopardized. The second decision relied upon by the writ petitioners/respondents is reported in 2025 SCC On-Line SC 183 where the Hon'ble Supreme Court has in no uncertain terms reiterated the principles regarding an aggrieved person.

15. We have heard the parties at length and considered the documents on record and decisions relied on by them.

16. From a short conspectus of facts germane to the present application (CAN 1 of 2025) seeking leave to appeal, it is useful to start with the fact that on 7th May, 2025, when the writ petitioners/respondents herein filed an application for impleadment before the NGT and also the Writ Petition before this Hon'ble Court, not a whisper was made in either of the petitions regarding pendency of the other proceeding. Thus, the NGT was not aware of the Writ Petition filed, and the Hon'ble High Court was not aware that a proceeding in the NGT had been initiated. In fact, other than the writ petitioners, none of the other parties to either of these proceedings were aware that the other proceeding had been initiated by the writ petitioners. This is unacceptable. The writ petitioners cannot pick and choose the facts that they wish to disclose and those that they do not wish to. The hide-and-seek approach adopted by the writ petitioners is in clear violation of the principles of natural justice and cannot be condoned in any manner whatsoever. Insofar



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as the issue of an aggrieved person is concerned, it would not have been one of much concern, had the writ petitioners not mentioned the "Reckjoani Gram BasiBrinda" as the miscreants in the Writ Petition, alleging that it was these common villagers who were threatening the writ petitioners, making illegal demands of money and using abusive language. The direct allegation was against these common villagers who are before us through a representative of theirs.

17. To come within the four corners of a "person aggrieved" and thereby entitled to prefer an appeal from the impugned order, certain parameters have been laid down by the Hon'ble Supreme Court of India in various decisions over a period of time. These parameters may be summarised as under:

- (i) The person aggrieved is bound by the order he seeks to challenge.
- (ii) The order which the person aggrieved seeks to challenge is detrimental and prejudicial to the interest or right or title of the person concerned.
- (iii) The detriment and/or prejudice cannot be remote and has to be shown to have a direct effect on the rights of the aggrieved person.



18. The villagers are rustic and are not equipped with the wherewithal to establish a club or a society or an association, as alleged by the writ petitioners/respondents herein. Undisputedly, the

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appellant represents the common people of Reckjoani village, and it is the apprehension of the villagers which has been brought to our notice by way of this application.

19. In the impleadment application before the NGT, filed by the writ petitioners/respondents, such allegations against these common villagers were reiterated, without making a single assertion that on the very same day the impleadment application was being filed, the writ petitioners had also approached the High Court of Calcutta filing a Writ Petition seeking orders of restraint against those same villagers.

20. The allegation against the villagers, if probed, may turn out to be serious in nature and may have serious consequences for such villagers. Clearly, the villagers are affected by the order passed by the Writ Court. The direction to the police authority by the learned Single Judge to ensure that the writ petitioners' construction process is carried on smoothly, is a clear indication that the writ petitioners, in the garb of seeking an innocuous order, had on the sly, obtained orders nullifying the proceeding before the NGT.

21. The allegation against the appellant in the Writ Petition is a clear indication that the appellant is a person bound by such order and against whom the order is detrimental and prejudicial, if proceedings are drawn up against them under the provisions of the BNS 2023. The appellant is also a person aggrieved under Section 2(m) of the



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National Green Tribunal Act, 2010 where the community at large is likely to be affected by the environmental consequences of converting the pond into a land mass.

22. The decisions relied upon by the respondents/writ petitioners all relate to civil disputes. In fact, the judgment reported in 2025 SCC On-line SC 183 specifically relates to the addition of a party who is a transferee pendente lite. The decision of the Hon'ble Supreme Court in 2020 9 SCC 501 is also one dealing with the locus standi of a person apropos Sections 96, 100 and Order 1 Rule 10 in a civil matter.

23. The decisions relied upon by the appellant are clear and unequivocal, especially the decision reported in 2020 (20) SCC 581, the facts whereof are very similar to the present case. In the said case, the Hon'ble Supreme Court of India considered a water body being converted into a land mass, which was held to be impermissible in law, even if geographically larger water bodies were made to replace the natural water body which was being converted. In fact, in the said decision the Hon'ble Supreme Court has in no uncertain terms stated that a person aggrieved is one who falls within the parameters of Section 2(m) of the National Green Tribunal Act, 2010.



24. The counsel appearing for the writ petitioners/respondents herein has argued that the basis of the two proceedings were separate and distinct and they could not have affected each other. From the

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pleadings, we find that such an argument is ill-founded. In the application for impleadment (at page 42 of the stay petition), we find that the writ petitioners have categorically mentioned therein that the appellant and the association of persons he represents had illegally demanded money from the writ petitioners, threatened them with dire consequences, abused and attacked them. It is also pleaded in no uncertain terms that such association had impeded and obstructed the work of the writ petitioners.

25. Likewise, in the Writ Petition at page 355 and 366, it has been clearly mentioned that the association of which the appellant is a member is the group of miscreants who impeded the work of the writ petitioners/respondents, by illegal demands of money, threats, abuse and attacks. The "miscreants" referred to in the Writ Petition and the persons against whom the writ petitioners/respondents sought orders of restraint from the Court and orders of facilitation of progress of the project by engaging police authorities, are the very same persons who are before us in this appeal through their authorized representatives. Thus, there is absolutely no reason to construe that the Writ Petition does not in any manner impinge on the rights of the appellant, certainly their well-being and goodwill, reasons enough to array them as party respondents to the Writ Petition.



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26. Thus, whatever the reasons, filling up the Pond or otherwise, the allegation of the writ petitioners was levelled against the villagers of Reckjoani, represented by the appellant herein, which the writ petitioners ought to have disclosed before the Hon'ble High Court as well as the NGT.

27. Thus, the learned Judge should have had the opportunity to ascertain the feasibility of adding the appellants herein as party respondents in the Writ Petition, prior to passing the order. This could only have been ensured by the writ petitioners/respondents, as it is not for the learned Judge to identify necessary or proper parties and implead them suo moto. The writ petitioners have acted in a manner not befitting a person approaching a Writ Court seeking direction by way of issuance of a writ. Clearly, the conduct of the writ petitioners in obtaining the order of 20th May 2025 undermines consideration of any order in their favour. The writ petitioners ought to have indicated to the learned Single Judge that the persons against whom the complaint was being made, who had allegedly indulged in activities against the writ petitioners' progress with their project, had approached the NGT on the very same cause of action. Not having done so, the writ petitioners are not entitled to any relief in the absence of the appellant.



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28. We hold that the appellant herein is affected by the order of 20th May 2025, and is thus a person aggrieved. We grant leave to the appellant to prefer the appeal.
29. As the parties would be denied a forum, we deem it fit to remand the matter to the learned Single Judge, to be heard afresh in the presence of the appellant as a necessary and proper party thereto.
30. We refrain from commenting or expressing any opinion on the merits of the case as we have restricted our findings to the issues which have been raised before us. The parties shall be at liberty to raise all issues on merits both before the learned Single Judge of this Hon'ble Court as well as before the NGT.
31. In the circumstances, we set aside the order of 20th May 2025 and direct the writ petitioners to implead the appellant as a party respondent in WPA 10540 of 2025 and remand the matter back to the Hon'ble Single Judge to be heard afresh in the presence of the appellant.
32. The appeal and the applications being CAN 1 of 2025 and CAN 2 of 2025 are disposed of without any order as to costs.
33. Urgent photostat certified copy of this judgment, if applied for, shall be given to the parties as expeditiously as possible, upon compliance with all formalities.



(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)

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