

25-03-2025  
Item No.15  
Court no. 14  
AGM

**IN THE HIGH COURT AT CALCUTTA**

Constitutional Writ Jurisdiction  
Appellate Side

**WPA No. 5324 of 2025**

**DLPC Developers Private Limited**

**-vs-**

**State of West Bengal & Ors.**

Mr. Anindya Lahiri, Sr. Adv.

Mr. Debashis Karmakar

Mr. Arkadipta Sengupta

Mr. Arya Nandi.

Mr. Parikshit Lakhotia

...for the Petitioner.

Mr. Sk. Md. Galib

Mr. Manish Biswas

...for the State.

Ms. Sonal Sinha

Ms. Shabnam Farooqui

...for the Respondent no. 11.

Mr. Soumya Mukherjee.

... for the Digha Shankarpur  
Development Authority.

1. The direction passed by the National Green Tribunal on January 21, 2025 in **Original Application No. 151/2022/EZ** in the matter of (**Subhas Dutta – Versus- State of West Bengal & Ors.**) directing the respondent no. 1 to ensure that all constructions which have been made in CRZ-IA as referred in the preceding paragraphs of the judgment and the prohibited area Para 8 (I) II (I) of CRZ Notification 2011 are completely removed and the area is restored to its original form within three months.
2. Specific contention of the petitioner is that as on date there is no map, which demarcates the Coastal Regulation Zones. In the absence of proper demarcation, the parties will not be in a position to

ascertain as to whether the subject construction falls within the prohibited area or not.

3. The impugned order was passed relying on a report filed by a committee constituted by the said Tribunal. An inspection was conducted by the committee members without giving any notice to the petitioner.
4. Reliance has been placed on an order passed by this Bench on 22<sup>nd</sup> November, 2024 in **WPA 27403 of 2024 (Mandarmoni Hoteliers Association –Versus- Union of India & Ors)** wherein the Court took note of the fact that the CRZ notification is yet to be published and in the absence of the notification, the prohibition cannot be implemented.
5. It appears that in the instant case the petitioner is running an amusement park relying on a tender which was floated by the Digha Sankarpur Development Authority on 4<sup>th</sup> September, 2020.
6. Prayer has been made to stay the operation of the order impugned.
7. None represents the private respondent being the applicant before the Tribunal.
8. None also represents the Central Pollution Control Board and the National Centre for Sustainable Coastal Management.
9. Learned advocate representing the State respondents and the State Pollution Control Board submits, upon instruction that, map delineating the Coastal Regulation Zones are not readily available. The map in terms of the notification published by the Ministry of Environment, Forest and Climate Change dated 18<sup>th</sup> January, 2019 is under process.
10. An issue of maintainability of the writ petition has also been raised by the State respondents.
11. As it prima facie appears that the map delineating the Coastal Regulatory Zones is not readily available,

accordingly, it will not be possible for the implementing agencies to identify whether there is a breach of the prohibitions as laid down in the notification published by the Ministry of Environment, Forest and Climate Change.

12. For the purpose of implementing the order passed by the learned tribunal, the zones are to be identified first. None is aware with regard to the limitation of the demarcation of CRZ-IA. The boundaries of the Coastal Regulatory Zones are yet to be made public.
13. In view of the above, it appears that there is practical difficulty on the part of the respondents to ensure compliance of the direction passed by the learned Tribunal.
14. The Court in the matter of Mandarmoni Hoteliers Association (supra), passed interim order on 22<sup>nd</sup> November, 2024 restraining the authority not to give any effect to the impugned order of demolition.
15. In line with the said interim order, the Court is inclined to pass an interim order in this matter also.
16. The direction passed in paragraph 81 of the judgment passed by the Id. Tribunal on 21<sup>st</sup> January, 2025 in the Original Application no. 151/2022/EZ is directed to be kept in abeyance till 30<sup>th</sup> June, 2025 or until further order whichever is earlier.
17. The respondents are directed to file affidavit-in-opposition by 25<sup>th</sup> April, 2024. Reply, if there be any, be filed by 8<sup>th</sup> May, 2025.
18. Re-list the matter for hearing in the monthly list of June 2025.
19. Instruction forwarded by the Additional District Magistrate and District Land and Land Reforms Officer, Purba Medinipur dated 18<sup>th</sup> March, 2025 be retained with the records.
20. Urgent certified photocopy of this judgment, if

applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

[Amrita Sinha, J]