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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 27729 of 2023

Sri Sanjay Singha
Vs.
Union of India & Ors.

Mr. Suddhasatva Banerjee,
Ms. Sneha Singh
...for the petitioner

Mr. Ashok Kumar Chakraborty, Ld. ASG
Ms. Amrita Pandey
...for the respondent no. 1

Mr. Somnath Ganguli, Ld. AGP,
Mr. Balarko Sen
...for the State

Ms. Soumi Guha Thakurta
...for the respondent nos. 7 to 9

1. The petitioner contends that the petitioner runs a resort by the name of Ma Saradamoyee Resort at the Mandarmoni beach in West Bengal, immediately adjacent to the Sonar Bangla Hotel, which had obtained an order of stay in connection with a writ petition filed against the impugned order herein.
2. By the impugned order, the National Green Tribunal has directed demolition of the property of the petitioner and other similarly placed hotels near the coastline as well as closure of the said hotels.
3. Learned counsel contends that a coordinate Bench, in the writ petition challenging the same order at the behest of the Sonar Bangla Hotel, had

restrained the respondents from demolishing the property of the petitioner therein. The same order was subsequently extended and made absolute by this Court.

4. Seeking parity, learned counsel for the petitioner asks for a similar order in this case as well. That apart, a question is raised by the petitioner pertaining to the demarcation of the high tide line in the impugned order in terms of a Memo of 2011, which was issued subsequent to the petitioner initially being granted sanction to run the resort, which was in the year 2008.

5. Learned Additional Solicitor General points out that it was not specifically mentioned in the writ petition that the present writ petitioner's resort is situated immediately adjacent to or in the same line as Sonar Bangla Hotel.

6. Upon hearing learned counsel for the parties, it transpires that the impugned order pertains not only to Sonar Bangla Hotel but several other similarly placed hotels.

7. The very premise of the present challenge is that the petitioner's resort is also situated on the same coastline, apparently within the prohibited zone, which has itself been challenged in the writ petition.

8. Since Sonar Bangla Hotel has obtained an interim order on a similar challenge, there is no

reason to deprive the petitioner of the same benefit. That apart, certain germane issues have been raised as to whether the fixation of the high tide line by the Memorandum issued by the State, which was the basis of the National Green Tribunal order, was arbitrary or in consonance with prior research work.

9. In such view of the matter, the respondents are restrained by an order of injunction from carrying out the demolition of the petitioner's property in terms of the order impugned herein till May 15, 2024 or until further order, whichever is earlier.

10. However, it is made clear that the other component of the impugned order directing closure of the petitioner's resort is not interfered with or stayed.

11. The respondent(s) shall file their affidavit(s)-in-opposition within three week from date. Reply/replies thereto, if any, shall be filed within a week thereafter.

12. The matter shall next be listed for hearing on April 22, 2024.

13. Affidavit of service filed today be kept on record.

(Sabyasachi Bhattacharyya, J.)