BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH, KOLKATA

Original Application No. 36/2014/EZ

Prithiraj Dutta Vs. Chief Secretary, Govt. of West Bengal & Ors.

CORAM: Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : Mr. Joydeep Mukherjee, Advocate Respondent No. 3 : Mr. J. Karmakar, Assistant Engineer, PWD Respondent Nos. 1, 2,4 & 5 : None appeared.

	Orders of the Tribunal
Date & Remarks	
Item No. 2	
1 st December	
2014	Heard the learned advocate appearing for the applicant as well
	as the rep <mark>resentative of respondent no</mark> . 3, Assistant Engineer, Public
	Works Department, Govt. of West Bengal.
	Learned advocate Mr. Joydeep Mukherjee prays that he wants
	to add West Bengal Highway Development Corporation Limited as a
	party respondent in this application. Leave is granted to him to add
	West Bengal Highway Development Corporation Limited as a party
	respondent. Learned advocate undertakes to file Vakalatnama on
	behalf of the added party.
	Mr. J. Karmakar, Assistant Engineer appearing on behalf of
	PWD, Govt. of West Bengal, Bidhannagar, Sub-Division-II submits that
	the PWD is not undertaking any expansion of road work but it is being
	done by the added respondent. Let an affidavit be filed by him to that
	effect seeking deletion of his name.
	Both the Managing Directory West Depart History
	Both the Managing Director, West Bengal Highway Development Corporation Limited, added respondent and the Chief
	Secretary, Govt. of West Bengal are directed to submit Status Report
	with reference to the allegations made relating to violation of the
	West Bengal Trees (Protection & Conservation in non forest areas) Act,
	2006.
	It is alleged that added respondent is cutting the trees
	indiscriminately without following the norms in terms of the statute which mandates that plantation of trees as prescribed under this
	statute should be made as and when there will be necessity of felling
	trees. Hence they are directed to submit the report about the

necessity of cutting the trees and on the point whether there was any way out to expand the concerned road without cutting the trees. Such report is to be filed within 2 weeks.

Mr. Bodhisatta Biswas, Advocate undertakes to appear on behalf of added respondent WBHDCL by filing vakalatnama. Leave is granted to file it by tomorrow. He submits that for expansion work of the road there was necessity of cutting of trees and it was done following the environmental norms and with proper permission of the competent authority. He further submits that there was no violation of any rules and regulations as alleged in the application.

Mr. Mukherjee, Advocate for the applicant prays for injunction restraining the added party WBHDCL from cutting the trees for expansion work of road. Such prayer is to be considered on the next date of hearing when the report will be available to us.

Respondents are at liberty to file affidavit in opposition by one week and reply be filed within two weeks and the rejoinder, if any one week thereafter.

The applicant is directed to file affidavit of service.

Registry is directed to communicate this order by registered post with acknowledgement due to the Chief Secretary, Govt. of West Bengal and Managing Director, West Bengal Highway Project Corporation Limited and to the other non appearing respondents.

Matter is posted to 22nd December 2014.

Stand over to 22nd December 2014.

Justice Pratap Kumar Ray, JM

Prof. (Dr.) P. C. Mishra, EM