

Item No.02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

M.A. No.12/2024/EZ

In

Original Application No.14/2017/EZ

Tribunal on its own Motion

Re: Kestopur and Bagjola Canals

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 08.04.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Subhas Datta, in person

For Respondent(s) : Mr. Rajib Ray, Advocate for R-1, 2, 4 & 6 (in Virtual Mode),  
Ms. Paushali Banerjee, Advocate for R-3,  
Mr. Dipanjan Ghosh, Advocate for R-7,

**ORDER**

1. Compliance affidavit dated 22.02.2024 has been filed by Respondent No.2; the same is taken on record.
2. The Applicant appearing in person has taken us through the affidavit of the Respondent No.4, Irrigation and Waterways Department, West Bengal dated 13.02.2024. This affidavit mentions that cleaning of floating debris is not the actual solution with regard to cleaning of the Lower Bagjola Canal as there are encroachments on both sides of the Canal. It is stated that sustainable approach is to collect garbage and liquid waste at source by proper solid and liquid waste management and stop its dumping into the canals. This is virtually an admission by one Department of the State Respondents that there is no functional garbage collecting or liquid waste disposal by the Solid and Liquid Waste Management Department resulting in dumping of such waste into the canal.

3. It is stated that the matter relating to indiscriminate dumping into canals, controlling and removal of encroachments from both sides of the canal and for rehabilitation of encroachers requires a holistic plan and relates to the Urban Planning Department namely the Urban Local Body, Urban Development and Municipal Affairs Department with the District Administration along with Irrigation & Waterways Department.
4. The affidavit in paragraph-8 itself states that since this is a larger issue coordinated effort by various agencies is essential, in which case the Irrigation & Waterways Department may carry out the role of excavation, canal cleaning, flushing of canal through tide water wherever possible to ensure smooth drainage.
5. Considering that there are various departments of the State Government working at odds with each other resulting in each pointing a finger at the other with respect to responsibility, we direct the Principal Secretary, Department of Environment, Govt. of West Bengal, to look into the matter directly and file affidavit in this regard stating what action has been taken for coordinated action by the various Departments. The Principal Secretary shall outline the remedial measures taken or to be taken and state the timelines within which the remedial action would be taken to its completion.
6. Let an affidavit to that effect be filed within four weeks.
7. **List on 13.05.2024.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

April 08, 2024,  
M.A. No.12/2024/EZ  
In Original Application No.14/2017/EZ  
MN