

**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

The State of West Bengal & Ors.

Respondent(s)

Date of hearing: 18.01.2024

**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

ORDER

1. Mr. Subhas Datta, the Applicant, is present in person.
2. Regarding acute environmental issues relating to Kestopur-Bagjola Khal (also known as Bagjola Canal), the Original Application No.14/2017/EZ (*Tribunal on its Own Motion Vs. State of West Bengal*) was disposed of by this Tribunal and had issued several directions had been issued vide order dated 23.05.2022.
3. However, the present M.A. has been filed by the Applicant on the allegation that huge quantity of solid waste has remained in the Bagjola Canal which was noticed by the Applicant on his visit to the various sites of Kestopur-Bagjola Canal on 10.01.2024. The observations of the Applicant are as under:-

- a) Solid wastes of huge quantity are thrown/dumped in the canal every now and then.*
- b) Discharges of filthy water from innumerable pipelines/open drains are continuing there.*
- c) Garbages are dumped at both the banks of the canal.*
- d) Make shift toilets have been constructed there.*

e) Temporary (bamboo) and permanent structures are there on the canal at both the sides.

f) Untreated sewage through the big dia pipe is still polluting and has changed the character/colour of the canal water very grossly.

g) CCTV cameras do not appear to have been set-up.

h) There is no Special Task Force to vouch the problems and action taken thereon.”

4. The contention of the Applicant is that no action appears to have been taken by the State Respondents with regard to the cleaning of the Kestopur-Bagjola Canal. The Applicant has also filed photographs from page nos.178-206 of the paper book, to show the extremely poor condition of the said canal.
5. Matter requires consideration.
6. Issue notice to the Respondents, returnable within four weeks.
7. Mr. Rajib Ray, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1,2,4&6, State Respondents, Government of West Bengal.
8. Ms. Paushali Banerjee, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.3, Department of Urban Development and Municipal Affairs, Government of West Bengal.
9. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.7, West Bengal Pollution Control Board.
10. Issue notice to the Respondent No.5, South Dum Dum Municipality, returnable within four weeks.
11. At this stage, we are not issuing any notices to the Respondent Nos.8&9.

12. All the Respondents shall file their counter-affidavits within four weeks.
13. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Rajib Ray, Ms. Paushali Banerjee and Mr. Dipanjan Ghosh, Counsel for the Respondents within 48 hours.
14. **List on 14.02.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

January 18, 2024,
M.A. No.12/2024/EZ
In
Original Application No.14/2017/EZ
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