

Item No.04

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(Through Video Conferencing)**

Original Application No.107/2022/EZ

Animesh Das

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 12.09.2022.

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Mr. Nilanjan Pal, Advocate

**ORDER**

1. Mr. Nilanjan Pal, learned Counsel has put in appearance on behalf of the Applicant. Let him file his Vakalatnama in the course of the day.
2. The allegation in this Original Application is that a pond situated in L.R. Plot No. 3424, J.L. No.8, Mouza-Kotrung under Uttarpara-Kotrung Municipality, P. S.-Uttarpara, in 95, Kotrung Ghoshpara, Lane, P.O.-Hindmotor, District-Hooghly, is being filled up by the Respondent No.10, Private Respondent.
3. In support of the contention, photographs have also been filed from pages 37 to 40 to the Original Application.
4. In our opinion, matter requires consideration.
5. Issue notice to Respondent Nos. 9 & 10, returnable within four weeks.
6. Mr. Apurva Ghosh, learned Counsel who is present in Court in another matter, accepts notice on behalf of the Respondent No.1, Ministry of Environment, Forests and Climate Change, Govt. of India.

7. Mr. Dipanjan Ghosh, learned Counsel who is present in Court in another matter, accepts notice on behalf of the Respondent No.2, Central Pollution Control Board.
8. Mr. Sibojyoti Chakraborty, learned Counsel who is present in Court in another matter, accepts notice on behalf of the Respondent Nos. 3, 5 , 6, 7 & 8, State Respondents, Govt. of West Bengal.
9. Mr. Prithwish Basu, learned Counsel who is present in Court in another matter, accepts notice on behalf of the Respondent No.4, West Bengal Pollution Control Board.
10. All the Respondents shall file their counter-affidavits within four weeks.
11. Considering the nature of allegations made in the Original Application, we deem it appropriate to constitute a Committee comprising of the following Members:-
  - (i) *Scientist from the Central Pollution Control, Regional Office, Kolkata;*
  - (ii) *Scientist from the West Bengal Pollution Control Board; and*
  - (iii) *Additional District Magistrate & District Land and Land Reforms Officer, Hooghly,*
12. The Committee shall visit the site in question and thereafter submit its report within four weeks with regard to the nature and status of the pond/water body in question and shall also assess the total area of pond in question as per the land records and area of pond encroached. The West Bengal Pollution Control Board shall also file the water analysis report of the pond/water body. The Committee shall also suggest remedial measures to restore the pond to its original form.
13. The West Bengal Pollution Control Board shall be the Nodal Body for filing the report of the Committee and for all logistic purposes.

14. We also direct the Respondent No.6, Additional District Magistrate & District Land and Land Reforms Officer, to file his personal affidavit in the matter within four weeks, meeting the allegations made in the Original Application and bring on record the status of the pond/water body in question and remedial action taken by him for restoring the said pond/water body to its original character.
15. Learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Apurva Ghosh, Mr. Dipanjan Ghosh, Mr. Sibojyoti Chakraborty and Mr. Prithwish Basu, learned Counsel, who may share their respective E-mail IDs in the chat-box of Virtual Court Proceedings, in the course of the day.
16. **List on 19.10.2022.**

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**B. Amit Sthalekar, JM**

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**Saibal Dasgupta, EM**

September 12, 2022,  
Original Application No.107/2022/EZ  
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