

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

Original Application No.59/2024/EZ  
(Earlier O.A. No.25/2024/PB)

Md. Sheik Ansaruddin

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 01.04.2024

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

**ORDER**

1. This Original Application was originally registered in New Delhi Bench of National Green Tribunal as O.A. No.25/2024, (*Md. Sheik Ansaruddin Vs. State of West Bengal*), on a letter petition received by the New Delhi Bench from the Applicant, a resident of Kazipura Main Road, P.O.-Kazipura, P.S.-Barasat, North 24 Parganas, West Bengal, alleging encroachment and illegal construction on a Pukur (water body).
2. The matter was entertained by the New Delhi Bench of National Green Tribunal on 16.02.2024 and has thereafter been transferred to the Eastern Zone Bench, Kolkata. The Original Application has now been re-numbered as O.A. No.59/2024/EZ, Md. Sheik Ansaruddin Vs. State of West Bengal.
3. The allegation in the letter petition dated 31.07.2023 is that illegal constructions are being carried out of house buildings in L.R. Dag No.127 (Pukur Par) owned by the Barasat Municipality being Khatian No.1679 which is recorded as Pukur Paar which cannot be

used for building constructions and there is with no conversion document to show change of character of the land.

4. It is also alleged that unknown persons are also filling up the belt of the pond and all waste water (toilet waste) is being channeled/drained out to the pond of L.R. Plot No.128 (Pukur/Pond).
5. It is further alleged that the water body is highly polluted in view of the aforesaid activities around the pond and local residents are unable to use the said pond for any purpose even pisciculture has been stopped.
6. The respondents have not been impleaded in the present case. The following are therefore directed to be arrayed as respondents.
  - (1) District Magistrate, North 24 Parganas;
  - (2) Superintendent of Police, North 24 Paraganas;
  - (3) West Bengal Pollution Control Board through its Member Secretary; and
  - (4) Barasat Municipality through its Municipal Commissioner.
7. Issue notice to the Applicant as well as the Respondents of the said case, returnable within four weeks.
8. Mr. Rajib Ray, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1 and 2, State Respondents, State of West Bengal.
9. Mr. Dipanjan Ghosh, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.3, West Bengal Pollution Control Board.
10. Issue notice to the Respondent No.4, Barasat Municipality, returnable within four weeks.

11. All the Respondents shall file their counter-affidavit within four weeks.
12. Considering the allegations made, we deem it appropriate to constitute a fact finding Committee comprising of the following Members:-
  - (i) Senior Scientist, West Bengal Pollution Control Board;
  - (ii) District Magistrate, North 24 Paraganas or his representative not below the rank of Additional District Magistrate; and
  - (iii) Senior Officer from Barasat Municipality.
13. The Committee shall visit the site in question and submit its report on affidavit within four weeks.
14. The District Magistrate, North 24 Paraganas, shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.
15. The Office of the Tribunal shall provide copy of the Original Application along with complaint and its Annexures to the learned Counsel for the Respondents within 48 hours.
16. **List on 13.05.2024.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

April 01, 2024,  
Original Application No.59/2024/EZ  
(Earlier O.A. No.25/2024/PB)  
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