

Item No. 03

Court No.1

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

Original Application No. 06/2016/EZ
(M.A. No. 297/2017/EZ)

Subhas Datta

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 13.08.2021

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

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

For Respondent(s) : Mr. Sandipan Banerjee, Advocate
Ms. Amrita Pandey, Advocate for
Respondent No. 3
Mr. Dipanjan Ghosh, Advocate for
Respondent No. 6
Mr. Arnab Chakraborty, Advocate for
Respondent No. 7
Mr. Somir Daskar, Advocate for
Respondent Nos. 5, 8, 9, 10 & 11.

ORDER

1. Mr. Subhas Datta, Applicant in person is present.
2. Mr. Sandipan Banerjee leading Ms. Amrita Pandey, Ld. Counsel is present for Respondent No. 3, Howrah Municipal Corporation.
3. Mr. Dipanjan Ghosh, Ld. Counsel is present for Respondent No.6, West Bengal State Pollution Control Board. Mr. Arnab Chakraborty, Ld. Counsel is present for Respondent No.7, M/s Mackintosh Burn Ltd. Mr. Somir Daskar, Ld. Counsel is present for Respondent Nos. 5, 8, 9, 10 & 11, Ministry of Railways and Railway Board.
4. Mr. Bikas Kargupta, Ld. Counsel for the Respondent Nos. 1, 2, 4 & 5, State Respondents has sought an adjournment on the ground of his illness.
5. An affidavit has been filed by the Respondent No.3, Howrah Municipal Corporation (HMC) dated 12.08.2021. The same is taken on record. An affidavit has also been filed by the Respondent No.3 HMC dated 05.07.2021. The same is also taken on record. One affidavit of compliance has been filed on

behalf of State Respondents dated 20.04.2021. The same is also taken on record.

6. This matter is pending since 2017. Mr. Sandipan Banerjee and Ms. Amrita Pandey, Ld. Counsel state that land in question does not belong to the Howrah Municipal Corporation but belongs to the South Eastern Railways. Mr. Banerjee further states that Kolkata Metropolitan Development Authority (KMDA) is a necessary party to the present proceedings as the KMDA has the necessary expertise in laying drains which will be useful for the Garland Drain Project. We, therefore, direct the Applicant to implead the KMDA in the array of the Respondents as Respondent No.12.
7. Ms. Paushali Banerjee, Ld. Counsel, who is present in another matter, is directed to take notice on behalf of the newly added Respondent No.12, KMDA. The newly added Respondent No.12 shall file counter affidavit by the next date.
8. Mr. Subhas Datta shall serve e-copy of the O.A. along with its annexures to Ms. Paushali Banerjee within 48 hours.
9. We also direct the Applicant to implead the District Magistrate, Howrah in the array of the Respondents as Respondent No.13. The newly added Respondent No.13 is already represented by Mr. Bikas Kargupta, Ld. Counsel for the State.
10. A supplementary affidavit has been filed on behalf of the Respondent No.5, South Eastern Railway (SER) wherein it has been stated that in compliance of the order of the NGT dated 02.11.2017 opportunity of hearing was given to the unauthorized occupants residing around the Santragachi Jheel and thereafter eviction order was issued on each and every occupant by the South Eastern Railway (Kharagpur Divn.) and information in this regard has also been sent to the District Magistrate, Howrah for implementation of the eviction order.
11. We direct the Chief Secretary of West Bengal as well as the District Magistrate, Howrah to file their affidavit with regard to removal of encroachments from the Santragachi Jheel disclosing what action has been taken with regard to the eviction of the encroachers from the Santragachi Jheel by the next date fixed.
12. **List on 27.08.2021.**

M.A.297/2017/EZ

13. The M.A. 297/2017/EZ is taken up. This application has been filed for impleadment of the applicant of the M.A. seeking a direction to the Howrah Municipal Corporation (HMC) to withdraw the notice with regard to vacating the land around Santragachi Jheel and for further direction to HMC to give an opportunity of hearing to them. No one is present to press this application.

14. **M.A. No. 297/2017/EZ is accordingly dismissed.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

August 13, 2021
O.A. No. 06 /2016/EZ
M.A. No. 297/2017/EZ
AKC