

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

Original Application No.80/2024/EZ

Subhas Datta

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 10.04.2024

**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 (in Virtual Mode)

ORDER

1. Heard Mr. Subhas Datta, the Applicant, appearing in person (in Virtual Mode).
2. The present Original Application has been filed by the Applicant appearing in person stating that in the tourist township of Darjeeling there is the 'Senchal Wildlife Sanctuary' popularly known as 'Tiger Hill' which was established sometime in 1915. It is stated that this place is not only a green zone but also a water catchment area for supplying drinking water to the whole of the Darjeeling town and adjoining areas. The place is stated to be at an altitude of about 8000 feet having an area of 38.88 square kilometers which is also a viewing point for the Kanchanjunga and Mount Everest mountains.
3. It is stated that the said Wildlife Sanctuary has several endangered plants, animal and birds species and vide draft Notification published in 2017 the place has been declared as 'Protected Area' and thereafter the said place has been declared to be as 'Senchal

Wildlife Sanctuary' in the year 2019 vide Gazette Notification No. S.O. 319(E) dated 14.07.2019.

4. The allegation of the Applicant is that the topmost part of Tiger Hill has been completely concretized having concrete and steel structures. The allegation further is that mobile connectivity towers have been set-up at Tiger Hill without any environmental permission. It is also alleged that human habitations have been added without the authority of law.
5. It is further alleged that public convenience has been established without proper sewage management system. It is stated that large number of tourists visit the top of Tiger Hill for viewing sun rise and sun set who use the public convenience and the human waste generated thereby pollutes the underground aquifer causing health hazards to the people of the area.
6. It is also alleged that there is a Bustee a little below the Tiger Hill where several people reside but the said Bustee does not have any sewage management system in place. It is stated that considerable plastic waste is littered all over the Tiger Hill which is also burnt at places contrary to the Plastic Waste Management Rules, 2016.
7. The allegation further is that new construction is being made on Tiger Hill which may be a Rest House or Guest House with a board mentioning 'Forest Museum', Sinchel, within the Senchal Wildlife Sanctuary.
8. It is also alleged that a big car parking space is being developed at Senchal Wildlife Sanctuary destroying the trees and lush green vegetation and completely changing the nature and character of the land.
9. Matter requires consideration.

10. Issue notice to the Respondents, returnable within four weeks.
11. Ms. Paushali Banerjee, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.1, Urban Development and Municipal Affairs Department.
12. Ms. Rashmi Singhee, learned Counsel who is present in (Virtual Mode), accepts notice on behalf of the Respondent No.2, Ministry of Environment, Forests and Climate Change.
13. Mr. Sibojyoti Chakraborty, learned Counsel who is present in (Virtual Mode), accepts notice on behalf of the Respondent No.3,4 & 6, State Respondents, Government of West Bengal.
14. Ms. Mahasweta Pramanik, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.5, West Bengal Pollution Control Board.
15. Issue notice to the Respondent No.7, Darjeeling Municipality, returnable within four weeks.
16. All the Respondents shall file their counter-affidavits within four weeks.
17. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Ms. Paushali Banerjee, Ms. Rashmi Singhee, Mr. Sibojyoti Chakraborty and Ms. Mahasweta Pramanik, Counsel for the Respondents, within 48 hours.
18. **List on 15.05.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

April 10, 2024,
Original Application No.80/2024/EZ
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