

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

Original Application No.74/2024/EZ

Ram Gayan & Ors.

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 21.03.2024

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

For Applicant(s) : None

ORDER

1. The present Original Application is being taken up *suo motu* on a complaint letter submitted by the Applicants, Sri Ram Gayan and others, stated to be the residents of J. L. No.008, R.S. Dag Nos. 437, 438, 439, 440 and 447, in Mouza-Bhagbanpur, Block-Sonarapur, Village & Post-Uchheypota, P.S.-Narendrapur, District-South 24 Parganas, alleging that the land in question is a Pond but the owner/promoter of the said Pond has been filling-up the same with soil using dumpers and construction is going on on this Pond for the purpose of buildings, boundary walls etc.
2. Matter requires consideration.
3. We, therefore, direct the following be impleaded as Respondents in the present case:-
 - (1) Principal Secretary, Department of Environment, Government of West Bengal,
 - (2) Member Secretary, West Bengal Pollution Control Board,
 - (3) Collector & District Magistrate, South 24 Parganas,

(4) Anant Mandol, S/o Late Nirapad Mandol,

(5) Sannyasi Mandol, S/o Late Mohan Mandol

Respondent Nos.4&5 are R/o Village & Post-Uchheypota,
P.S.-Narendrapur, District-South 24 Parganas,
Pin – 700150,

4. Issue notice to the Respondents, returnable within four weeks.
5. Mr. Sibojyoti Chakraborty, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.1&3, State Respondents, Government of West Bengal.
6. Ms. Mahasweta Pramanik, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.2, West Bengal Pollution Control Board.
7. We also direct that notice upon the Respondent Nos. 4 & 5, shall be served through the Office of the Collector & District Magistrate, South 24 Parganas.
8. All the Respondents shall file their counter-affidavits within four weeks.
9. Considering the allegations made, we deem it appropriate to constitute a fact finding Committee to enquire into the allegations made in the complaint comprising of the following Members:-
 - (i) Senior Scientist, West Bengal Pollution Control Board,
 - (ii) Collector & District Magistrate, South 24 Parganas, or his representative not below the rank of Additional District Magistrate,
10. The Committee shall visit the sites in question and cause an inspection to be carried with respect to the allegations made in the Original Application and submit its report on affidavit within four weeks.

11. The Collector & District Magistrate, South 24 Parganas, shall be the Nodal Office for all logistic purposes.
12. The Report of the Committee on affidavit shall be filed by the West Bengal Pollution Board.
13. The Office of the Tribunal shall serve e-copy/soft copy of the Original Application along with complaint upon Mr. Sibojyoti Chakraborty and Ms. Mahasweta Pramanik, Counsel for the Respondents within 48 hours.
14. **List on 09.05.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

March 21, 2024,
Original Application No.74/2024/EZ
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