

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

Original Application No.81/2023/EZ

Prithvigaurov Chakravarty

Applicant(s)

Versus

Kolkata Municipal Corporation & Ors.

Respondent(s)

Date of hearing: 08.09.2023

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

For Applicant(s) : Mr. Prithvigaurov Chakravarty

For Respondent(s) : Mr. Sibojyoti Chakraborty, Advocate for R-1&2,
Mr. Dipanjan Ghosh, Advocate for R-3,
Mr. Ashok Prasad, Advocate for R-4 (in Virtual Mode)

ORDER

1. Mr. Prithvigaurov Chakravarty, the Applicant is present in person.
2. Mr. Sibojyoti Chakraborty, learned Counsel files Vakalatnama on behalf of the Kolkata Municipal Corporation; the same is taken on record.
3. Affidavit dated 07.09.2023 has been filed on behalf of the Respondent No.3, West Bengal Pollution Control Board; the same is taken on record.
4. Along with this affidavit, an Inspection Report has been filed which confirms that opposite the Plot No.50A (G+4 storied residential apartment of the Applicant) comprising an area of 1½ bigha was found to be dumped with silt dredged from different Irrigation canals.
5. It is stated that the operations was not being carried out during inspection but movement of 2 nos. JCBs, 2 nos. trucks were found at the peripheral area of the plot and wreckages of a burnt bus and

an abandoned car were also found. Due to improper dumping and instrumental operations, potholes had also developed inside the premises (temporary dumping ground) which contains accumulated stagnant water.

6. The Report further mentions that if this dumping activity further continues in the vicinity of a residential complex, the premises (temporary dumping ground) may be converted into a permanent dumping ground in the near future.
7. The Inspection Report mentions that it is the Irrigation and Waterways Department, Government of West Bengal who is carrying out the dumping activities.
8. We, therefore direct the Principal Secretary, Irrigation and Waterways Department, Government of West Bengal to be impleaded in the array of Respondents as Respondent No.5.
9. We further direct the Principal Secretary, Irrigation and Waterways Department, Government of West Bengal to file his personal affidavit with regard to the allegations made in the Original Application and the Committee Report within two weeks.
10. We find that in this regard West Bengal Pollution Control Board had also issued a letter dated 07.09.2023 to the Principal Secretary, Irrigation and Waterways Department, Government of West Bengal to take steps for removal of the stored materials at the earliest and to file compliance report within 15 days.
11. The affidavit of the Principal Secretary, Irrigation and Waterways Department shall state categorically that the entire muck and dump which has been filled in the area in question has been removed and the land in question is restored to its original form by the next date of listing.

12. Mr. Sudip Kumar Dutta, the learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the newly impleaded Respondent No.5, Irrigation and Waterways Department, Government of West Bengal.

13. **List on 22.09.2023.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

September 08, 2023,
Original Application No.81/2023/EZ
SKB