

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

Original Application No. 69/2021/EZ

Indian Institute of Bio-Social Research
& Development (IBRAD)

Applicant(s)

Versus

Union of India & 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. Sanjay Upadhyay, Advocate

For Respondent(s) : None.

ORDER

1. Heard Mr. Sanjay Upadhyay, Ld. Counsel for the Applicant.
2. The allegation of the Applicant is that adjacent to his property there is a wetland/water body which has not been notified as a wetland but it is a substantial water body. The submission is that the Irrigation Department, Govt. of West Bengal had constructed a pump house between January-February, 2020 by opening a part of the fencing but had failed to restore the fencing over the wetland/water body with the result that the said water body has been severely encroached upon and there is litter of plastic bags, domestic wastes and other solid wastes thrown into the water body.
3. Matter requires consideration.
4. Issue notice to the Respondents returnable within four weeks.
5. For better appreciation of the controversy, we are of the view that a committee should be constituted comprising of the following members:-
 - (a) Senior Scientist/Official from the West Bengal State Pollution control Board as nominated by the Chairman, WBPCB.
 - (b) The District Magistrate or his representative not below the rank of the Addl. District Magistrate.

(c) The Superintending Engineer of that area from the Department of Irrigation and Waterways.

Nodal Office shall be the West Bengal Pollution Control Board for all logistic purposes.

6. The Committee shall visit the site in question and submit its report before the next date of listing on the following parameters:-

- (i) Assess the number of encroachers in the said area.
- (ii) Conduct water analysis test by taking samples from the water body. The water analysis test should include PH, TSS, BOD, COD, TC & FC
- (iii) Indicate the extent of solid wastes, plastic bags and garbage being dumped in the said water body.
- (iv) Assess the environmental damage caused on account of the encroachment and dumping of solid wastes in the water body.
- (v) Recommend the remedial measure to be taken therein for restoration of the water body.

The report shall include the environmental compensation assessed, the remedial measure to restore the area and time line for removal of encroachments and also penalty being imposed on the encroachers for illegally occupying the said area.

7. In the meantime, the District Magistrate, North 24-Parganas, Respondent No. 4 shall ensure that there shall be no dumping of solid wastes, garbage and liquid wastes or encroachment shall be permitted with respect to the water body in question. The District Magistrate shall also file his affidavit stating what action has been taken by them with reference to our interim order.

8. **List on 22.09.2021.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

August 13, 2021
O.A. No.69/2021/EZ
AKC

