

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

**O.A. No. 95/2015/EZ**

**Sk. Kamre alam**

**VS**

**Government of West Bengal & Ors.**

**CORAM:**           **Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member**  
                          **Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member**

**PRESENT:**       **Applicant**                               **: Mr. Sougata Mitra, Advocate.**  
                          **Respondent No.1 to 8**                       **: None.**

<b>Date &amp; Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 3</b> <b>1<sup>st</sup> October, 2015.</b>	<p style="text-align: center;">Heard Id. Counsel appearing for the applicant.</p> <p>It is alleged in this application that a mobile tower is being installed by the Respondent no.8 viz. VIOM Network Limited in Plot No. 542 &amp; 556 of Kashipur Mouza in a thickly populated residential locality. The applicant further alleges that the radiation emanated from such tower will cause serious incurable diseases among the people.</p> <p>For proper adjudication of the case the owner of the land is required to be added as party in this proceeding. Hence leave is granted to the applicant to add the owner of the concerned plot wherein the installation of mobile tower is in progress, as party respondent. It is also alleged that the owner of the plot</p>

allowed the Respondent No.8 to install the mobile tower over a land which is recorded as a water body. In support of his contention Id. Counsel has annexed relevant document as Annexure-E/1. Under Section 4D of the West Bengal Land Reforms Act, conversion of land in the area, change in character or mode of use of any land, except in accordance with the provision of Section 4C of the said Act mentioned in the record of right, requires permission from the concerned authority. Besides such, a water body cannot be filled up for the purpose of setting up/installation of mobile tower destroying the local environment. Considering that issue we are of the view that a substantial environmental issue has been raised which is required to be adjudicated by us. Hence the application is admitted for hearing. Let notice be served by dasti/speed post/registered post with A/D on usual terms along with the copy of the application returnable by four weeks. Reply, if any, by the respective parties be filed by three weeks and rejoinder, if any, within one week thereafter.

Let status reports be filed by Respondent Nos. 1,2,3,6 & 7 by three weeks. Leave is granted to the applicant to amend the cause title in respect of Respondent No.2 by incorporating the name of the Member Secretary in lieu of the Chairman, West

Bengal Pollution Control Board. Ld. Counsel for the applicant has referred to a letter of the Pradhan, Guaberia Gram Panchayet, Purba Medinipore dated 28.09.2015 wherefrom it appears that on inspection of the land in question by the Engineer and two members of the said Gram Panchayat it was declared that the disputed plot Nos. 556 & 542 are not suitable for installation of mobile tower. Let the copy of the letter dated 28.09.2015 be kept on record.

Let supplementary affidavit be filed by the applicant annexing the aforesaid document.

**Matter is listed on 10.11.2015.**

Justice Pratap Kumar Ray, JM

Prof. (Dr.) P. C. Mishra, EM