

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

**M.A. 182/2017/EZ
IN
O.A. 33/2015/EZ**

**THE DEPARTMENT OF PUBLIC HEALTH
ENGINEERING, GOVT. OF WEST BENGAL**

VS

**SOCIETY FOR DIRECT INITIATIVE FOR SOCIAL
& HEALTH ACTION (DISHA)**

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicants in the MA : Mr. Bikas Kargupta, Advocate
Respondent No. 1 : Mr. Rahul Ganguly, Advocate

Date & Remarks	Orders of the Tribunal
<p>Item No. 6 31st May, 2017.</p>	<p>Mr. Rahul Ganguly, Ld. Advocate appearing for the respondent No. 1 in the MA and applicant in OA 33/2015/EZ, prays for leave to file affidavit-in-opposition (wrongly mentioned as affidavit-in-reply) to the MA.</p> <p>Leave is granted. The counter affidavit is ordered to be taken on record.</p> <p>It is stated in the MA that the work of preparing CRZ map with respect to HTL and LTL has been completed by Institute of Environmental Studies and Wetland Management (IESWM) and has since been delivered to the Public Health Engineering Deptt, which</p>

is the applicant in the MA on 17.12.2016. It is further stated that as per the CRZ map, the tube well No. 1 proposed to be installed on Plot No. 59, Mouza Dadanpatra, JL No. 284, does not fall within the CRZ area as it is 500 m beyond the HTL as per the map.

Under such circumstances, prayer has been made for permission to start and continue with the work of installing tube well No. 1.

Mr. Rahul Ganguly, Ld. advocate for the respondent No. 1/original applicant seriously objects to this prayer on the ground that the CRZ map has been prepared without taking into account inputs from all stake holders particularly, the local people. It is further argued that while preparing the CRZ map, the IESWM did not follow the procedure and fulfil the requirements for the purpose, particularly, the necessity to do so during the spring tide. There are also other cognate issues raised by Mr. Ganguly which, as per him, were overlooked before the CRZ map is finalised.

However, on a perusal of the report of the IESWM, we find that all the parameters necessary for preparation of such map have been taken into consideration and, therefore, we have no reason as to why we should not accept the report.

Since Tube well No. 1, which is said to be a deep tube well which, as per Mr. Ganguly would require

boring upto a depth of one kilometre, falls beyond 500 m from the CRZ during high tide line and as is also a permissible activity apart from the immense public interest involved in the matter, we allow the prayer and permit continuation of the work of commissioning and running of the 1st Tube Well on Plot No. 59 at Dandanpatra (JL No. 284), Ramnagar-II Block, District Puba Medinipur.

Granting of this order shall not, however, prejudice the original applicant in raising the technical aspects on the impermissibility of boring tube wells of the kind as tube well No.1.

It is needless to state that the concerned authorities shall comply with all the requirements and procedures under the law necessary for demarcation of coastal regulation zone, mapping based on HTL and LTL or any such activity, if not already complied with.

MA is thus allowed and stands disposed of.

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Justice S.P.Wangdi, JM

31-5-2017

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

31-5-2017

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