

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

Original Application No.91/2022/EZ
(I.A. No.238/2022/EZ, I.A. No.14/2023/EZ)

Asif Iqbal	Versus	Applicant(s)
The State of West Bengal & Ors.		Respondent(s)

Date of hearing: 21.04.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Megnad Dutta, Adv. (in Virtual Mode) a/w
Mr. Abhishek Shaw, Advocate

For Respondent(s) : Ms. Arpita Chowdhury, Adv. for R-4,
Mr. Sabyasachi Roy, Adv. for R-7 & 8 (in Virtual Mode),
Mr. Rajib Ray, Adv. for R-1 to 6 & 9,
Mr. Arindam Das, Adv. for R-10 & 11,
Ms. Nasreen Islam, Adv. for R-12 to 18,
Mr. Somnath Roy Chowdhury, Adv. in I.A.

ORDER

1. Mr. Megnad Dutta, learned Counsel appearing (in Virtual Mode) assisted by Mr. Abhishek Shaw, learned Counsel for the Applicant.
2. Affidavit-in-opposition dated 13.04.2023 has been filed by the Respondent No.12 to 18, Private Respondent; same is taken on record.
3. Supplementary-affidavit dated 20.04.2023 has been filed by the Respondent No.10, Berhampore Municipality; same is taken on record.
4. As per the Order of the Hon'ble High Court dated 04.04.2023, we are informed by the Office of the Tribunal that the records of WPA (P) 300 of 2022 with I.A. No.CAN 1 of 2022, I.A. No.CAN 2 of 2022 and I.A. No. CAN 3 of 2023 (*Babusona Debnath Vs. The State of West Bengal & Ors.*) have been received in the Office of the

Tribunal. The Office of the Tribunal is, therefore, directed to register this case as an Original Application and list this case along with the present O.A. No.91 of 2022 as we are informed by the learned Counsel for the parties that the issues involved in the two cases are identical.

I.A. No.238/2022/EZ

1. I.A. No.238/2022/EZ has been filed by the Applicants 1 to 11 therein seeking impleadment as Respondents in O.A. No.91/2022/EZ.
2. The learned Counsel for the Applicant states that he has no objection if the I.A. No.238 of 2022 is allowed.
3. Ms. Nasreen Islam, learned Counsel appearing for the Respondent Nos.12 to 18 has filed an objection on affidavit dated 13.04.2023 stating therein that the Respondent Nos.12 to 18 are legal and recorded owners of the said water body 'Molla Ghera' situated at Mouza-Khagra, JL No.97, Plot No.1700, District-Murshidabad since 30.05.1955 by a registered deed.
4. In none of the paragraphs of the objection has a categorical stand been taken that the Applicants 1 to 11 in I.A. No.238 of 2022 are not in occupation of the land/water body in question. All that has been stated in Para-9 of the objection is that the Respondent Nos.12 to 18 does not have any knowledge of the trade licenses issued by the municipality and electricity connection with regards to the respective shops on the bank of the water body.
5. In this view of the matter, we allow I.A. No.238 of 2002.
6. The applicants in the I.A. from serial no. 1 to 11 i.e. Goutam Biswas, Srikanta Das, Chhanda Roy, Ranu Sadhukhan, Shibnath Pal, Tapan Singha, Kripasindhu Das, Panch Kari Das, Padmabati

Saha, Amit Das and Malati Sadhukhan, Private Respondents, shall be impleaded in the O.A. in the array of Respondents as Respondent Nos.19 to 29 respectively.

7. **List on 25.04.2023.**

I.A. No.14/2023/EZ

1. I.A. No.14 of 2023 is being taken up.
2. The prayer in the I.A. No.14/2023/EZ is that further proceedings in the O.A. No.91 of 2022 may remain stayed. The ground for the prayer was the pendency of the Public Interest Litigation being WPA (P) No.300 of 2022 (*Babusone Debnath Vs. State of West Bengal and Ors.*) pending in the High Court. However, since the said P.I.L has already been disposed of by the Hon'ble High Court and remitted to this Tribunal by Order dated 04.04.2023, this I.A. has become infructuous and is accordingly dismissed as such.

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B. Amit Sthalekar, JM

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Dr. Afroz Ahmad, EM

April 21, 2023
Original Application No.91/2022/EZ
(I.A. No.238/2022/EZ, I.A. No.14/2023/EZ)
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