

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

Original Application No.79/2023/EZ

Sandip Mitra & Anr.

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 26.07.2023

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

For Applicant(s) : Mr. Priyabrata Thakur, Advocate

For Respondent(s) : Mr. Sibojyoti Chakraborty, Advocate for State Respondents
(in Virtual Mode),
Mr. Dipanjan Ghosh, Advocate for R-3

ORDER

1. Heard Mr. Priyabrata Thakur, learned Counsel appearing on behalf of the Applicants.
2. The Applicants who are stated to be owners of plot of land under Mouza: Shitalpur, P.S. – Bagnan, District – Howrah have filed the present Original Application alleging therein that they are joint owners of a parcel of doba/waterbody measuring about 4.7 decimals by purchasing the same from Pradip Kumar Mitra, Nilkantha Mitra, Mitali Biswas, Tapash Basu and Rebarani Majumder through Sale Deed No.02625 dated 08.01.2007, registration No.4494/2007.
3. It is stated that the Applicant No.1 has received a parcel of pond measuring about 2.88 decimal in R.S. Dag No.181, R.S. Khatian No.541, L.R. Khatian No.314/1 and doba measuring about 1.01 decimal in R.S. Dag No. 182, R.S. Khatian No. 541, L.R. Khatian No.314/1 and doba measuring about 0.62 decimal in R.S. Dag

No.186, L.R. Khatian No. 541, L.R. Dag No.314/1 through Gift Deed No.050602633 dated 18.11.2020.

4. It is also stated that the Applicants had owned 4.7 decimal of doba/pond along with another 0.62 decimal, total about 5.32 decimals of Doba under the said area.
5. It is alleged that the Respondent No.11 claiming to be one of the co-owners of the said waterbody/doba situated at Khatian No.502, 323 and 404, J.L. No. 76, P.S. – Bagnan, Mouza – Shitalpur, District – Howrah measuring about 0.3 decimal situated at Dag No.181; 2.8 decimal situated at Dag No.186; 2.5 decimal situated at Dag No.182 is illegally filling up the said waterbody.
6. It is alleged that on 04.02.2023, the Respondent No.11 entered into the locality along with other co-sharers and filled up the waterbody partially with mud and debris supplied through trucks.
7. In our opinion, matter requires consideration.
8. Issue notice to the Respondents, returnable within four weeks.
9. Mr. Sibojyoti Chakraborty, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1,2,4,6,7,8&9, State Respondents, Government of West Bengal.
10. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.3, West Bengal Pollution Control Board.
11. Issue notice to the Respondent Nos.10 & 11, returnable within four weeks.
12. All the Respondents shall file their counter-affidavits within four weeks.
13. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following members: -

- i) Senior Scientist, West Bengal Pollution Control Board;
 - ii) Executive Engineer, Irrigation and Waterways Department, Govt. of West Bengal; and
 - iii) District Magistrate, Howrah or his nominee not below the rank of Additional District Magistrate
14. The District Magistrate, Howrah shall be the Nodal Office for all logistic purposes and for filing the report of the Committee on affidavit.
15. The Committee shall visit the site and after inspecting the same, it shall submit its Report on affidavit within four weeks.
16. It is further provided that till the next date of listing, the District Magistrate, Howrah shall ensure that the waterbody-in-question is not allowed to be filled up by anyone.
17. Learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Sibojyoti Chakraborty and Mr. Dipanjan Ghosh, learned Counsel for the Respondents within 24 hours.
18. **List on 28.08.2023.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

July 26, 2023,
Original Application No.79/2023/EZ
SKB