

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

Original Application No.133/2023/EZ

Serajul Islam & Anr.

Applicant(s)

Versus

The State of West Bengal & Ors.

Respondent(s)

Date of hearing: 04.10.2023

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

For Applicant(s) : Ms. Nasreen Islam, Advocate

ORDER

1. Heard Ms. Nasreen Islam, learned Counsel appearing on behalf of the Applicants.
2. The allegations in the present Original Application are that Respondent Nos.13 to 17 are actively involved in illegal stone quarrying activities over plot Nos.707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian Nos.88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No.11, Mouza-Madna, P.S. – Nalhati, Dist. – Birbhum.
3. It is alleged that heavy explosives are being used for fragmentation of big rocks and the air in the entire area is filled with dust, smoke and heavy metals. It is further alleged that the big boulders generated from such quarrying activities are being transferred to the stone crushing units operating in different areas of the district and about 20 truckloads of big boulders are being carried towards the crusher mills.
4. It is stated that the Applicant has also lodged complaint with the Superintendent of Police, Sub Division Police Officer, Officer-in-

Charge, Birbhum, West Bengal and the West Bengal Pollution Control Board, Bidhannagar, Kolkata on 11.04.2023 through speed post but no action has been taken till date.

5. It is also alleged that following criminal proceedings have been initiated in District Court: -
 - i) Misc. Case No. 2248 of 2022;
 - ii) Misc. Case No. 95 of 2023;
 - iii) Misc. Case No. 2037 of 2023;
 - iv) Misc. Case No. 2038 of 2023;
 - v) Misc. Case No. 437 of 2023;
 - vi) Misc. Case No. 454 of 2023; and
 - vii) Misc. Case No. 2070 of 2023
6. Applications for injunction have also been stated to have been filed in the Court of the Learned Civil Judge, Senior Division, Second Court, Rampurhat being T.S. No.94 of 2023 and T.S. No.144 of 2023 but no action has been taken till date.
7. Photographs have been filed with the Original Application in support of the allegations made.
8. In our opinion, matter requires consideration.
9. Issue notice to the Respondents, returnable within four weeks.
10. Mr. Sudip Kumar Dutta, learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1, 2, 3, 4, 5, 6, 7 and 11, State Respondents, Government of West Bengal.
11. Mr. Sibojyoti Chakraborty, learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos.8 and 9, West Bengal Pollution Control Board.

12. Mr. Apurba Ghosh, learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.10, State Environment Impact Assessment Authority (SEIAA), West Bengal.
13. Respondent No.12, Ministry of Environment, Forests and Climate Change (MoEF&CC) is not a necessary party in this case since State Environment Impact Assessment Authority (SEIAA), West Bengal has already been impleaded in the array of Respondents. Therefore, we direct the Applicant to delete the Respondent No.12, Ministry of Environment, Forests and Climate Change (MoEF&CC) from the array of Respondents.
14. Issue notice to the Respondent Nos.13 to 17, returnable within four weeks.
15. All the Respondents shall file their counter-affidavits within four weeks.
16. Considering the allegations made out in the Original Application, we deem it appropriate to constitute a Committee comprising of the following Members:-
 - i) Senior Scientist, West Bengal Pollution Control Board;
 - ii) Senior Scientist, State Environment Impact Assessment Authority (SEIAA), West Bengal; and
 - iii) District Magistrate, Birbhum or his representative Officer not below the rank of Additional District Magistrate (A.D.M.)
17. The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks.
18. The West Bengal State Pollution Control Board shall be the Nodal Body for all logistic purposes and shall file the Inspection Report on affidavit.

- 19. In case violations are found, the Committee shall recommend penalty as well as Environmental Compensation and also suggest remedial measures, if any.
- 20. Learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Sudip Kumar Dutta, Sibojyoti Chakraborty and Mr. Apurba Ghosh, learned Counsel for the Respondents within 24 hours.
- 21. **List on 23.11.2023.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

October 04, 2023,
Original Application No.133/2023/EZ
SKB