

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

**Original Application No.45/2023/EZ
(I.A. No.50/2023/EZ)**

Babusona Debnath	Versus	Applicant(s)
The State of West Bengal & Ors.		Respondent(s)

With

Original Application No.91/2022/EZ

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

Date of hearing: 25.09.2023

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

For Applicant(s) : Mr. Meghnad Dutta, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Rajib Ray, Advocate for R-1,2,4,5,8&9 (in Virtual Mode),
 Ms. Arpita Chowdhury, Advocate for R-3,
 Mr. Atanu Banerjee, Advocate for R-6&7 (in Virtual Mode),
 Ms. Nasreen Islam, Advocate for R-10 to 16,
 Mr. Somnath Roy Chowdhury, Advocate for R-17 to 27

(in O.A. 91/2022/EZ): -

For Applicant(s) : Mr. Meghnad Dutta, Advocate (in Virtual Mode)

For Respondent(s) : Ms. Arpita Chowdhury, Advocate for R-4,
 Mr. Rajib Ray, Advocate for R-1,2,3,5,6&9 (in Virtual Mode),
 Mr. Atanu Banerjee, Advocate for R-10 & 11 (in Virtual Mode),
 Ms. Nasreen Islam, Advocate for R-12 to 18,
 Mr. Somnath Roy Chowdhury, Advocate for R-19 to 29

ORDER

1. Mr. Meghnad Dutta, learned Counsel is present (in Virtual Mode) on behalf of the Applicants in both the Original Applications.
2. Affidavit dated 23.09.2023 has been filed on behalf of the Respondent Nos.4 and 5, Block Land & Land Reforms Officer (BL&LRO), Berhampore, Murshidabad in O.A. No.45/2023/EZ; the same is taken on record.

3. Ms. Arpita Chowdhury, learned Counsel files Vakalatnama on behalf of the Respondent No.3, District Magistrate, Murshidabad in O.A. No.45/2023/EZ; the same is taken on record. When the case is next listed, the name of Ms. Arpita Chowdhury shall be printed in the cause list as Counsel for Respondent No.3 in O.A. No.45/2023/EZ.
4. **I.A. No.50/2023/EZ** has been filed praying that the proceedings of the present Original Application Nos.**45/2023/EZ** and **91/2022/EZ** be stayed till the disposal of the WPA No.12129 of 2023 pending before the Hon'ble High Court, Calcutta.
5. It is pointed out that on 30.03.2023, an order has been passed in response to the previous order of the High Court dated 20.09.2022 passed in WPA (P) 300 of 2022. By this order proceedings under Section 17A of the West Bengal Inland Fisheries Act 1984 have been initiated against the private respondents holding them liable for illegally filling of the pond/waterbody known as 'Mollaghera'. We also find that the dispute relates to Mouza Khagra, J.L. No.97, Plot No.1700 which is the same plot as in the present Original Application Nos.45/2023/EZ and 91/2022/EZ. Vide this Application, an order dated 18.05.2023 has been placed before us which is the order of the Hon'ble High Court at Calcutta passed in W.P.A. 12129 of 2023 wherein the order of 30.03.2023 passed by the Executive Officer, Berhampore Municipality is under challenge. This fact is not disputed by any of the parties before us.
6. In this view of the matter, since the order of restoration under Section 17A of the West Bengal Inland Fisheries Act 1984 is under challenge before the Hon'ble High Court, it is not proper for this Tribunal to proceed with the hearing of the case.

7. Ms. Arpita Chowdhury, learned Counsel appearing for District Magistrate, Murshidabad in both the Original Applications states that she has not been served with the copy of the Original Application No.45/2023/EZ and its annexures. We direct the learned Counsel for the Applicant to serve the copy of the Original Application No.45/2023/EZ along with all its annexures on Ms. Arpita Chowdhury, learned Counsel within 48 hours.
8. We are also informed by the Registry of the Tribunal that Respondent Nos.10 and 11 appear to have been wrongly impleaded in the array of Respondents and the persons who should have been impleaded, have not been impleaded in the array of respondents. The learned Counsel for the Applicant shall make the necessary corrections.
9. **List on 03.11.2023.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

September 25, 2023,
Original Application No.45/2023/EZ
(I.A. No.50/2023/EZ)
With
Original Application No.91/2022/EZ
SKB