

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

Original Application No.01/2024/EZ

Ankur Sharma

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 09.12.2024

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

For Applicant(s) : Mr. Ankur Sharma, in person

For Respondent(s) : Mr. Amitesh Banerjee, Sr. Adv. a/w
Mr. Sudip Kumar Dutta, Adv. for R-1,3,6,7,8,10&11,
State Respondents,
Mr. Apurba Ghosh, Adv. for R-2 (in Virtual Mode),
Mr. Ayush Kumar Dadhich, Adv. for R-4 (in Virtual Mode),
Mr. Dipanjan Ghosh, Adv. for R-8 (in Virtual Mode),
Mr. Preetam Majumdar, Adv. for R-9 (in Virtual Mode),
Mr. Indradip Das, Adv. for R-15 & 23 (in Virtual Mode),
Mr. Bhaskar Dwivedi, Adv. a/w
Ms. Jyoti Rauth, Adv. for R-14 (in Virtual Mode),
Mr. Tanmoy Saha, Adv. for R-12,13,17&19

ORDER

1. Mr. Ankur Sharma, the Applicant, is present in person.
2. Affidavit of service has been filed by the Applicant which shows that the fresh notice which were issued to the Respondent No.16, Shri Swapan Majumder, proprietor of S.R. Enterprise, having office at 122, Kalikapur, P.O.- Mukundapur, P.S.- Purba Jadavpur, Kolkata-700099, Private Respondent has been returned back with the postal track report "*Item Returned Addressee cannot be located*".
3. We, therefore, direct the notice to Shri Swapan Majumder, Respondent No.16 to be served through the office of the District Magistrate, South 24 Parganas within ten days.
4. The Respondent No.6, District Magistrate, South 24 Parganas shall file affidavit of service through his office by the next date of listing.

5. Mr. Sibojyoti Chakrabarti, learned Counsel who is present in Court states that he and Mr. Nayan Chand Bihani, learned Counsel will not be representing the Respondent No.5, East Kolkata Wetlands Management Authority on instructions received and instead Mr. Sudip Kumar Dutta, learned Counsel who is present in Court today will be representing the East Kolkata Wetlands Management Authority.
6. When the case is next listed, the names of Mr. Nayan Chand Bihani and Mr. Sibojyoti Chakrabarti shall not be shown in the Cause-list instead the name of Mr. Sudip Kumar Dutta shall be printed in the Cause-list as Counsel for the Respondent No.5, East Kolkata Wetlands Management Authority.
7. Affidavit dated 07.12.2024 has been filed by the Respondent No.6, District Magistrate, South 24 Parganas, Government of West Bengal; the same is taken on record.
8. In paragraph no.5 of the affidavit of the District Magistrate, South 24 Parganas certain L.R. Dag Nos.186, 192, 215, 223, 226, 228, 229, 230, 232 and 234, Mouza- Atghara, J.L. No. 05, Police Station- Narendrapur (erstwhile Sonarpur), District- South 24 Parganas have been given and at the bottom of the paragraph it is mentioned that *'The East Kolkata Wetlands Management Authority is the competent authority that can only say whether the aforesaid structures are unauthorized encroachments over the said wetlands or not'*.
9. No fresh affidavit has been filed by the Respondent No.5, East Kolkata Wetlands Management Authority to show what is the status of the constructions on the Dag numbers mentioned in the

affidavit of the District Magistrate, South 24 Parganas dated 07.12.2024.

10. Mr. Amitesh Banerjee, learned Senior Counsel led by Mr. Sudip Kumar Dutta, learned Counsel who is present in Court on behalf of the State Respondents then referred to the previous affidavit of the East Kolkata Wetlands Management Authority dated 19.07.2024 and the request sent to the District Magistrate, District-South 24 Parganas to undertake demolition of illegal constructions to which the response of the District Magistrate is that six weeks time had been granted and the six weeks time has not expired.
11. We, therefore, direct the District Magistrate, South 24 Parganas to file their affidavit showing compliance of the request of the East Kolkata Wetlands Management Authority.
12. Let the affidavits be filed within four weeks time.
13. We also direct that when the case is next listed, the name of Mr. Amitesh Banerjee, learned Senior Counsel shall be printed in the Cause-list.
14. **List on 12.02.2025.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

December 09, 2024,
Original Application No.01/2024/EZ
OM