

**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

The State of West Bengal & Ors.

Respondent(s)

Date of hearing: 18.01.2024

**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

ORDER

1. Heard Mr. Ankur Sharma, the Applicant, present in person.
2. This Original Application has been filed by the Applicant, seeking a direction to the Respondents to safeguard the East Kolkata Wetlands in L.R. Dag Nos.186, 192, 215, 223, 226, 228, 229, 230, 232 and 234 at Mouza-Atghara, J.L. No.05, P.S.-Narendrapur (erstwhile Sonarpur), South 24 Parganas, from contamination and pollution. A further direction is sought to the Respondent Authorities to take all steps to ensure the ecology of the Wetlands on the said plots are properly maintained as per law.
3. The allegation in the Original Application is that the Respondent Nos. 12 to 25 are illegally filling-up several wetlands forming part of East Kolkata Wetlands admeasuring about 88.52 acres under Atghara Mouza. It is alleged that all the wetlands have been partially filled up which have been classified as 'Beel' except L.R. Dag No.232 which is classified as 'Shali' land. The details of the plots are given in the Original Application which read as under:-

(i) *L.R. Dag No. 186 (R.S. Dag No.154) Total area- 12.9 acres;*

- (ii) *L.R. Dag No. 192 (R.S. Dag No.130) Total area 17.2 acres;*
- (iii) *L.R. Dag No. 215 (R.S. Dag No.131) Total area 8.74 acres;*
- (iv) *L.R. Dag No. 223 (R.S. Dag No.152) Total area 5.67 acres;*
- (v) *L.R. Dag No. 226 (R.S. Dag No. 157) Total area 9.24 acres;*
- (vi) *L.R. Dag No. 228 (R.S. Dag No. 159) Total area 13.89 acres;*
- (vii) *L.R. Dag No. 229 (R.S. Dag No. 160) Total area 3.4 acres;*
- (viii) *L.R. Dag No. 230 (R.S. Dag No. 161) Total area 3.56 acres;*
- (ix) *L.R. Dag No. 232 (R.S. Dag No. 164) Total area 5.72 acres’;*
- (x) *L.R. Dag No. 234 (R.S. Dag No. 156) Total area 8.2 acres.*

Totalling to 88.52 Acres.

4. It is stated that the East Kolkata Wetlands is an internationally recognized Ramsar Site being Site No.1208 and is protected by the East Kolkata Wetlands (Conservation and Management) Act, 2006, as well as the Wetlands (Conservation and Management) Rules, 2017.
5. It is also alleged that a registered deed of conveyance in respect of wetlands comprising in Dag No.226 (R.S. Dag No.157) part of which is a wetland was sold to Smt. Jayanti Naskar, Respondent No.24 herein, by Sati Rani Mondal, Respondent No.20, Anindya Mondal, Respondent No.21, Ananya Mondal, Respondent No.22, Jayadeb Mondal, Respondent No.23, and M/s Rinita Nirman through its partners Ranjit Mondal and Rita Mondal, Respondent No.25.
6. It is also alleged that the West Bengal State Electricity Distribution Company Limited and local body are executing electricity poles and constructing approach roads and that the Registry offices under the Inspector General of Registration & Commissioner of Stamp Revenue, West Bengal, are allowing registration of wetlands falsely as “Bastu” land.
7. Matter requires consideration.

8. Issue notice to the Respondents, returnable within four weeks.
9. Mr. Sudip Kumar Dutta, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1,3,6,7,8,10&11, State Respondents, Government of West Bengal.
10. Mr. Apurba Ghosh, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.2, Ministry of Environment, Forests and Climate Change.
11. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.4, West Bengal Pollution Control Board.
12. Issue notice to the Respondent Nos. 5, 9, and 12 to 25, returnable within four weeks.
13. All the Respondents shall file their counter-affidavits within four weeks.
14. Considering the allegations made, we deem it appropriate to constitute a Committee to elicit the veracity of the allegations comprising of the following Members:-
 - (i) Senior Scientist from the West Bengal Pollution Control Board,
 - (ii) Deputy Director General, MoEF&CC, Integrated Regional Office, Kolkata, or his representative of senior rank,
 - (iii) Senior Representative from the East Kolkata Wetlands Management Authority, and
 - (iv) District Magistrate, South 24 Parganas, or his representative not below the rank of Additional District Magistrate,

- 15. The Committee shall inspect the site in question and submit its report within four weeks with regard to the allegations made in the Original Application.
- 16. The District Magistrate, South 24 Parganas, shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.
- 17. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Sudip Kumar Dutta, Mr. Apurba Ghosh and Mr. Dipanjan Ghosh, Counsel for the Respondents within 48 hours.
- 18. **List on 14.02.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

January 18, 2024,
Original Application No.01/2024/EZ
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