

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

Original Application No141/2024/EZ

Animesh Barman

Applicant(s)

Versus

The Union of India & Ors.

Respondent(s)

Date of hearing: 16.07.2024

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

For Applicant(s) : Mr. Tanmay Basu, Advocate (in Virtual Mode)

ORDER

1. Heard Mr. Tanmay Basu, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. This Original Application has been filed by the Applicant alleging that the Respondent Nos.11 & 12, Private Respondents, are carrying out illegal and unauthorized construction over Government land (PWD land) without any lawful sanction or permission, corresponding to LR Plot No.748, LR Khatian No.398/3, corresponding to Mouza-Kutipara (Baneswar), JL-34, PS-Pundibari, District-Cooch Behar, with its proximity to the State Highway connecting Cooch Behar to Alipurduar.
3. The Applicant is stated to be a resident of Kuthipara, Hatiduba, Cooch Behar, West Bengal, and it is alleged that in the area there is a century old Baneswar Shiva Temple and black soft shell turtles called 'Mohan' roaming around the area of ponds and other water bodies for their natural survival and are being seriously affected by

the illegal constructions being made by the Respondent Nos.11&12 thereby having an impact on local ecology.

4. Matter requires consideration.
5. Issue notice to the Respondents, returnable within four weeks.
6. Ms. Rashmi Singhee, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.1, Ministry of Environment, Forest and Climate Change.
7. Mr. Sudip Kumar Dutta, learned Counsel who is present in (Virtual Mode), accepts notice on behalf of the Respondent No.2, 3, 4, 5, 6, 7, 8 & 9, State Respondents, Government of West Bengal.
8. Issue notice to the Respondent Nos.10, 11 & 12, returnable within four weeks.
9. All the Respondent shall file their counter-affidavits within four weeks.
10. The Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon the Counsel for the Respondents who have accepted notices, within 48 hours.
11. **List on 02.09.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

July 16, 2024,
Original Application No.141/2024/EZ
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