

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

Original Application No.155/2024/EZ

Salboni Apartment Owner's Association

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 07.08.2024

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

For Applicant(s) : Ms. Paushali Banerjee, Advocate

**ORDER**

1. Heard Ms. Paushali Banerjee, learned Counsel for the Applicant.
2. This Original Application has been filed by the Applicant, Salboni Apartment Owner's Association, seeking restoration of the water body known as 'Salboni lake/pond' situated at Premises No.3, 3/1, 3/1/1, Jiban Krishna Ghosh Road, near 64/69 Kudiram Bose Sarani (Belgachia Milk Colony), Belgachia, Ward No.3, Kolkata, measuring an area of 32 bighas.
3. It is stated that the said water body was used for harvesting of fishes but from 2018 onwards no fishing activity has taken place in the water body due to lack of maintenance and the said lake/water body is now almost extinct.
4. It is stated that on 16.05.2017 a notice was put up on a part of the water body declaring that the control and management of the water body in question was under the Municipal Commissioner of Kolkata Municipal Corporation under the West Bengal Fisheries Act, 1993. It is also stated that the Kolkata Municipal Corporation sought an

NOC from the Railways, since a portion of the lake/water body is the property of the Eastern Railway, Sealdah, Respondent No.4, for renovation of the same which was also granted by the Respondent No.4 vide order dated 27.01.2023.

5. It is further stated that the Respondent No.2, Kolkata Municipal Corporation, is planning to build 384 houses in Rosogolla Busty and the area behind the Busty. The area of the said Rosogolla Busty is stated to be about 20,000 sq.ft. and the area behind the Busty is lake/pond. The area of the Project is stated to be about 4.65 acres and there is likelihood of the Kolkata Municipal Corporation encroaching the said lake/pond area. It is stated that a news item in this regard was also published in 'millenniumpost' on 14<sup>th</sup> March, 2024, regarding construction of 24 Banglar Bari with 384 dwelling units.
6. It is also stated that on 20.03.2024 one of the residents of the adjoining locality sent an e-mail/representation to the East Kolkata Wetland Management Authority, pointing out the grievance of the local residents and stating that the maintenance of the water body was stopped, fishery activities were stopped and the nature and character of the water body in question is sought to be changed.
7. Matter requires consideration.
8. Issue notice to the Respondents, returnable within four weeks.
9. Mr. Rajib Ray, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.1, 5 & 6, State Respondents, Government of West Bengal.
10. Mr. Sibojyoti Chakraborty, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.2, Kolkata Municipal Corporation.

11. Mr. Ayush Kumar Dadhich, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.3, West Bengal Pollution Control Board.
12. Mr. Ashok Prasad, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.4, Eastern Railway Authority.
13. All the Respondents shall file their counter-affidavits within four weeks.
14. 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 in the case, within 48 hours.
15. **List on 13.09.2024.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

August 07, 2024,  
Original Application No.155/2024/EZ  
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