

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

Original Application No.169/2024/EZ

Shri Nabendu Kumar Bandyopadhyay Applicant(s)

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 16.08.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s) : Mr. Subham Kumar Das, Adv. (in Virtual Mode) a/w
Mr. Shubhayu Roy, Adv. and
Mr. Dipankar Saha, Adv. (in Virtual Mode)

ORDER

1. Heard Mr. Subham Kumar Das, learned Counsel assisted by Mr. Shubhayu Roy, learned Counsel and Mr. Dipankar Saha, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. This Original Application has been filed by the Applicant, seeking a direction to the Respondent authorities to take immediate steps to stop illegal filling of water body commonly known as 'Nayanjuli' and to take steps to determine as to how long ago such filling up of the water body was carried out on the said premises.
3. Reference has also been made to certain Original Applications which were filed in this regard earlier such as – Original Application No.27/2015/EZ (*Dwaipayan Sengupta Vs. Union of India & Ors.*) and the directions issued therein.
4. Photographs have also been filed along with the Original Application to show that the water body in question is almost covered with plant growth and filled with garbage apart from

certain constructions of shops and high-rise buildings in the area showing garbage lying all around.

5. Matter requires consideration.
6. Issue notice to the Respondents, returnable within four weeks.
7. Mr. Sibojyoti Chakraborty, learned Counsel who is present in Court accepts notice on behalf of the State of West Bengal.
8. Mr. Dipanjan Ghosh, learned Counsel who is present in (Virtual Mode), accepts notice on behalf of the Respondent no.5, West Bengal Pollution Control Board.
9. At this stage, this Court is not issuing any notice to the Respondent No.16, State Environment Impact Assessment Authority (SEIAA) West Bengal.
10. All the Respondents shall file their counter-affidavits within four weeks.
11. 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, West Bengal Pollution Control Board,
 - (ii) Representative of Urban Development & Municipal Affairs Department, Government of West Bengal,
 - (iii) Executive Officer or Senior Representative, South Dum Dum Municipality, and
 - (iv) Executive Engineer or Senior Representative, Canal Division, Irrigation and Waterways Department, Government of West Bengal,
12. The Committee shall inspect the site in question and submit its Report within four weeks with regard to the allegations made.

13. The Urban Development & Municipal Affairs Department, Government of West Bengal, shall be the Nodal Agency for all logistic purposes and for filing the Report of the Committee on affidavit.
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 27.09.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Satyagopal Korlapati, EM

August 16, 2024,
Original Application No.169/2024/EZ
AK