

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

Original Application No. 19/2014/EZ

ROHIT CHOUDHURY

Vs
UNION OF INDIA & ORS

CORAM: **Hon'ble Mr. Justice S.P.Wangdi, Judicial Member**

PRESENT:

Applicant	: Ms. Sayanti Sengupta, Advocate
Respondents No. 2,3,6 & 7	:Mr. Devajit Saikia, Sr. Addl. Advocate General Mr. Santanu Bora, Advocate
Respondents No. 1	: Mr. Gora Chand Roy Chowdhury, Advocate Ms. S. Ray, Advocate
Respondent No. 4	: Mrs. Malabika Roy Dey, Advocate Mr. S.D.Mazumdar, Advocate
Respondent No. 5	: Ms. Millie Hazarika, Sr. Advocate Ms. Sruti Khund, Advocate
Respondents No. 8 & 9	: Mr. Swapan Banerjee, Advocate Mr. Arunava Ganguly, Advocate

Date & Remarks	Orders of the Tribunal
Item No. 1 23 rd November, 2017.	<p style="text-align: center;">Affidavits filed on behalf of the State Respondents by Mr. Devajit Saikia, Ld. Sr. Addl. Advocate General, State of Assam, and by Ms. Millie Hazarika, Ld. Sr. Advocate, on behalf of GMDA, the Respondent No. 5, in compliance of the interim order dated 14.9.2017 are ordered to be taken on record.</p> <p style="text-align: center;">Since copies have been served on the Applicant, let it be examined by him and place his views and</p>

suggestions on the next date.

Mr. Arunava Ganguly, Ld. Advocate appearing for the Respondents No. 8 and 9, NF Railway and the Secretary, Ministry of Railways, prays for further time to file their proposal as directed vide order dated 14.9.2017. He submits that inspection of the area has been conducted but the report could not be placed due to delayed receipt.

Let the affidavit be filed on the next date as prayed for. However, we make it clear that the plea of impossibility of constructing an over-bridge in the area shall not be entertained. The Respondents No. 8 and 9 shall also explore other means to free the elephant corridor of the railway line that passes through it.

Mr. Saikia, Ld. Sr. Addl. Advocate General, has placed before us the revenue map pertaining to "Deepor Beel". He submits that as per survey conducted in terms of the map, there is no encroachment. In our view, it may perhaps be true so far as core area of Deepor Beel is concerned but what

has been observed by us in our last order, clearly demonstrates encroachments in the water body.

On a perusal of the Guwahati Water Bodies (Preservation and Conservation) Act, 2008, certain water bodies have been declared as protected water bodies where use of such water bodies is strictly restricted as would appear from Sections 4,6 and 7 of the Act. Schedule IV of the Act describes one of the protected water bodies as "Near Deepor Beel". From this it can safely be assumed that all water bodies surrounding and adjacent to the core Deepor Beel area fall under this schedule. This being a protected water body, we direct the State Respondents and GMDA to inspect and survey and ascertain as to whether any encroachments have been made upon this also.

Let a report be filed on the next date.

List on 18.1.2018.

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Justice S.P.Wangdi, JM

23-11-2017

