

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

Original Application No. 46/2015/EZ

**PASCHIM BANGA VIGYAN MANCH & Anr
VS
UNION OF INDIA & Ors**

CORAM: Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicants : Mr. Somenath Roychowdhury, Advocate
Ms. Issita Paul, Advocate
Respondents 5 & 6 : Ms. Arpita Chowdhury, Advocate
Other Respondents : None

| Date & Remarks | Orders of the Tribunal |
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| On mentioning 21st July, 2015. | <p>On mentioning by the Id.adv. for the applicants, the matter is taken up on day's list for admission. None is present for the respondents. Heard Id. Adv. for the applicant. Perused the application along with its annexures.</p> <p>Applicant No. 1 Paschim Banga Vigyan Manch is a society registered under the Society Act. It is contented in the application that the Nayanjuli starting from Ultadanga to Lake Town crossing of VIP road has already been encroached illegally by so many persons as well as builders and they have already constructed buildings. It is further contented in the application that at the present moment many have illegally started or going to start new construction thereon. Due to such encroachment, the capacity of the canal has reduced to hold the excess rain water as well as recharging of ground water has been affected. This Nayanjuli is situated by the side of a busy road which is called VIP road where very huge number of vehicles are playing at high rate daily for reaching Dum Dum Airport and other north bound areas. It is also alleged that South Dum Dum Municipality has not entertained the grievances raised in this respect and no step was taken to arrest the damage to the environment already made.</p> <p>It is further submitted that an identical matter viz. OA 27/2015/EZ, is already pending before this Tribunal.</p> <p>In this connection, reference may be made to Annexure-C of the original application wherefrom it appears that already there is encroachment on the bank of Nayanjuli by one builder viz. Pranav Builder. A communication was made by the Chairperson of South Dum Dum Municipality by a letter dt. 25.10.2013 to the concerned Minister of PWD requesting for taking steps for demolishing the illegal</p> |

construction and to free the land belonging to PWD.

It is, therefore, clear that the allegation as made in the application, prima facie, appears to be true.

Having regard to the environmental degradation caused, particularly due to filling up of Nayanjuli and illegal construction thereon by many persons, we are of the view that substantial question of environmental issue has been raised and accordingly, we admit the application for adjudication. Let copy of the application be served on all the respondents on usual terms i.e. by speed/registered post or by Dasti service.

Ld. Adv. prays for an ad interim order restraining the respondents to take necessary steps to stop such illegal construction further. Generally, we do not pass any ex parte interim order, but considering that an important issue relating to environmental degradation has been raised, we direct the respondents, particularly, the WB Pollution Control Board, South Dum Dum Municipality and Chief Secretary, Govt. of West Bengal to instruct their concerned officers to take all steps and measures to stop such illegal construction and further encroachment on the Nayanjuli land. South Dum Dum Municipality is also directed to take all measures to stop further encroachment and also see that no further construction is raised illegally. Reply, status report and action taken report to be submitted by the WB PCB, South Dum Dum Municipality and Chief Secretary, Govt. of West Bengal within three weeks.

Water quality of the Nayanjuly is to be measured by the PCB and a report be submitted on the next date.

None is present for the PCB. However, Ms. Arpita chowdhury, Id. Adv. who generally appears for WB PCB is present in court. We, therefore direct her to appear on behalf of PCB and take note of this order.

Let reply be filed by the respondents within three weeks and rejoinder, if any, within one week thereafter. Status report/action taken report and Water testing report as directed be also filed on the next date.

Matter is fixed on 12.8.2015.

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Justice Pratap Kumar Ray, JM

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Prof. (Dr.) P. C. Mishra, EM

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