

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

Original Application No. 20/2014/EZ

**Tribunal on its own Motion regarding Sunderbans Forests
Vs
Union of India and Ors.**

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

PRESENT: Applicant : Mr. Subhas Datta as Amicus Curie
Respondent No. 1 : Mr. Gora Chand Roy Choudhury, Advocate
Respondent No. 2, 3 & 4 : Mr. Bikas Kargupta, Advocate
Respondent No.5 : Ms. Arpita Chowdhury, Advocate
Respondent No. 6 : None.

Date & Remarks	Orders of the Tribunal
Item No. 2 04th March, 2015	<p>Heard Id. advocates appearing for the parties.</p> <p>Mr. Bikas Kargupta, Id. counsel appearing for the State of West Bengal submits that 'action taken' report of the Chief Secretary, Govt. of West Bengal in the form of affidavit is ready, but only one copy is with him. As such, he prays for time to file it on the next Monday. Having regard to such, liberty is granted to file the same on the next Monday. Let action taken report be served to all the respondents and the Amicus Curie, Mr. Subhas Datta.</p> <p>Ms. Arpita Chowdhury, Id. counsel appearing for State Pollution Control Board has filed the status report in the form of</p>

affidavit today. Let it be kept on record. Copies of such affidavit have already been served to all the respondents and the Amicus Curie.

Mr. Gora Chand Roy Choudhury, Id. counsel has filed vakalatnama today on behalf of Ministry of Environment & Forests, i.e. Respondent No. 1. Let it be kept on record. He prays for time to file the reply to the action taken report within a week. Copies of the reply be served to the other respondents and Amicus Curie, Mr. Subhas Datta and Ms. Ajanata De, who is assisting the Tribunal.

Mr. Subhas Datta, Amicus Curie and Ms. Ajanta De , if they desire, may file rejoinder/suggestion to the action taken report filed by Chief Secretary, Govt. of West Bengal and to the status report filed by State Pollution Control Board.

Having regard to the service extended by Mr. Subhas Datta, Amicus Curie, for rendering proper justice on environment issue which has broader impact on the society and for the eco-balance, we are of the view that for such service, particularly for doing the paper works and collection of documents as well as for his travel expenses to Sunderban area, he should not be burdened with the financial cost and appropriate assistance to be provided by the Tribunal.

In view of such, we are directing the National Green Tribunal Bar Association, Eastern Zone which has been provided with adequate amount by this Tribunal through imposition of penalty to the defaulter. Hence the Secretary, Bar Association, National Green Tribunal, Eastern Zone is directed to pay Rs. 30,000/- to Mr. Subhas Datta, Amicus Curie to meet his expenses for the paper works, filing of the reply and other documents including his journey, if any, to make necessary inspection for the area in question. The Secretary, NGT Bar Association is further directed to hand over the cheque amounting to Rs.30,000/- to Mr. Subhas Datta within a week.

Registry is directed to communicate this order to the Secretary, Bar Association, NGT, Eastern Zone by name.

Ms. Ajanta De, Joint Secretary and Project Director, Nature Environment and Wild Life Society has produced a letter dated 12.02.2015 today. Let it be kept on record. From the letter addressed to the Sub Divisional Officer, Canning Sub Division, Canning, it appears that a grievance was lodged for construction of some houses on the mudflats of the river Matla under the Gitanjali Scheme of Housing. The Sub-Divisional Officer, Canning was also requested to take appropriate steps as the same is causing illegal encroachment on the mangrove area of Sunderban forest and also causing violation of the CRZ

regulations in Sunderban Biosphere Reserve. Ms. De submits that no action as yet has been taken by the said officer and construction of the houses is going on in full swing and very soon the construction will be completed. She has also annexed some photographs in support of her contention. Let the letter and photographs be kept on record and copy of the letter be served to the State respondent and other respondents in course of the day.

Having regard to the allegation made, the District Magistrate, South 24 Parganas is directed to take steps on the issue by removing illegal construction aforesaid. Registry is directed to serve the copy of the letter produced by Ms. Ajanta De to the District Magistrate, South 24 Parganas along with today's order, who will in turn submit an action taken report on the next date of hearing.

Registry is also directed to serve this order to the Chief Secretary, Govt. of West Bengal for his action of said issue.

Matter stands adjourned to 20.03.2015.

.....
Justice Pratap Kumar Ray, JM

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

--	--

