

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

Original Application No. 12/2015/EZ

Joydeep Mukherjee

Vs

West Bengal Pollution Control Board, & Ors.

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

PRESENT: **Applicant : None**
Respondent No. 1 : Ms. Arpita Chowdhury, Advocate
Respondent Nos. 2 to 4 : Mr. Bikas Kar Gupta, Advocate
Respondent No. 5 : Mr. M. Ahmed, Advocate
Respondent No. 6 &7 : Mr. Pintu Ghosh, Advocate
: Mr. Dipak Dey, advocate

Date & Remarks	Orders of the Tribunal
<p>Item No. 2 6th July, 2015.</p>	<p style="text-align: center;">Heard Id. Advocates for the parties present.</p> <p>The status report has been filed in the form of an affidavit by the respondent No. 1 i.e. State Pollution Control Board. In the remarks column at annexure-R1 it is clearly stated that there are illegal activities going on which are polluting the river Adi Ganga and obstructing the flow of water. Major causes of pollution of Adi Ganga have been enumerated in details. It will be relevant to reproduce the same hereinbelow :-</p> <ol style="list-style-type: none"> 1. Action may be taken against hotels operating without permission of the State Pollution Control Board. 2. It is learnt from the official of Inland Water Ways (I &WW) Department, Govt. of West Bengal during the visit that Metro Railway Authority has taken permission from Govt. of West Bengal for construction of piers. 3. All solid waste dumps including those used for roads and bund/bridge within the active river zone and across the river should be removed forthwith.

4. Construction work for development activity may be permitted across the river without any obstruction to the flow or polluting the river through disposing solid waste and discharging untreated sewage.
5. Construction of Metro Rly piers in the bed of Adi Ganga has not only reduced the water flow path way but also the cause for generation of silt and thus reduce the depth of river
6. The concerned authority may take measures for uprooting and lifting water hyacinth, weeds and floating refuses to sustain the flow channel along the up-stream of Adi Ganga.”

Having considered the matter carefully and having heard the Id.

Counsel for the parties, we pass the following orders :-

- i) As suggested by the Pollution Control Board, action should be taken against those who are running hotels unauthorisedly without proper permission from PCB. Action taken report in this regard be submitted on the next date giving details of the particulars of the hotels who are operating without permission of PCB in accordance with law.
- ii) The General Manager, Metro Railway authorities, Kolkata be added as a respondent in this proceedings. Registry is directed to amend the cause title accordingly. Notice be also served on the added respondent in usual terms i.e. speed post/dasti. A copy of the status report filed by the PCB today be also served upon the General Manager, Metro Rly including all other documents and other particulars. He may file reply, if any, particularly with reference to the allegation made that the piers of metro railway were constructed on the river bed which have not only reduced the water flow path way but also caused generation of silt and thus reduced the depth of river. Let copy of the affidavit and status report of Pollution Control Board be furnished to the Metro Railway authority so that they can file their reply within three weeks.
- iii) From the report it also transpires that solid waste dumps including those used for roads and bund/bridge within the active river zone and across the river are thrown in the river which require to be removed forthwith. It further appears from annexure-1 that at

least 12 bridges have been constructed over Adi Ganga and some bamboo made temporary bridges have also been made. However, this may not cause obstruction of flow of Adi Ganga and therefore need not be considered at this stage.

But our concern is about dumping of solid wastes and construction debris which are thrown to the river Adi Ganga causing obstruction to the flow of water as also discharge of untreated sewage etc. which is causing pollution of the river. These needs to be taken care of by the competent authority and all such solid waste should be lifted from the river bed and it should be ensured that no such waste materials are dumped in the river.

- iv) From annexure-II of the report at page 8, which are photographs it appears that floating substances have clogged Adi Ganga near Garia Metro Station and there are other structures made on the river bed and the river is almost dried up due to lack of flow of water. Although KMC respondent has in their reply affidavit submitted that they are cleaning the Adi Ganga regularly and lifting solid materials from river bed but that report of is of April 2015 whereas the status report of PCB is dt. 29th June 2015 i.e. very recent one.
- v) Having regard to the above position, Kolkata Municipal Corporation is directed to remove all solid waste and other obstructive materials which are obstructing the flow of Adi Ganga. All unauthorised structures made on the bed of Adi Ganga should also be demolished to restore the flow of water in the Adi Ganga within four weeks. Action taken report be submitted on the next date.
- vi) PCB will make further inspection after five weeks and submit a fresh status report before this Tribunal on the next date.
- vii) Metro Railway authorities are directed to submit a scheme/proposal to ensure easy flow of water course upto last stretch by making passage by the side of the pillars which have been constructed on the river bed. The Scheme and action taken report for restoring flow of river course should be filed by the GM Metro Rly. by four weeks.

Mr. Pintu Ghosh, Id. Adv. appears on behalf of President and Secretary, Kalighat Temple Committee and files his vakalatnama. Let it be kept with the record. He prays for an adjournment for filing reply affidavit to the OA. Such prayer is allowed. In the reply the Temple Committee will also specify the procedure and modalities followed for removing the used flowers and other biological products from the temple premises and how these are treated and utilised. Let the reply be filed within four weeks.

To assist the Tribunal for proper adjudication of the matter, we appoint Mr. Subhash Datta , who is present today as Amicus Curiae. The Registry to provide copy of the application and other documents to him. Mr. Dutta will personally visit the area and file his submissions/proposals for restoration of this sacred river to the Tribunal

Registry to communicate this order to the Metro Rly.

Post the matter on 20.8.15.

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Justice Pratap Kumar Ray, JM

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