

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

O.A. No. 65(THC)/2016/EZ
With
M.A. 1096/2016/EZ
M.A. 1097/2016/EZ
M.A. 1271/2016/EZ
M.A.04/2018/EZ

**PEOPLE UNITED FOR BETTER LIVING
IN CALCUTTA (PUBLIC) & ANR**

VS

UNION OF INDIA & ORS

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

PRESENT:

Applicants		: Mr. Santanu Chakraborty, Advocate
Respondents 1 & 2		: Mr. Gora Chand Roy Chowdhury, Advocate Ms. S.Ray, Advocate
Respondents No. 3,4,6-10		: Mr. Bikash Kargupta, Advocate
Respondent No. 5		: Mrs. Debanjana Ray Chaudhuri, Advocate
Respondents No. 13		: Mr. Sourav Kumar Mukhejee, Advocate Mr. Benoy Ch. Dhara, Advocate
Respondent No. 14		: Mr. Supratim Dhar, Advocate Ms. Mamoni Shaw, Advocate
Other respondents		: None

Date & Remarks	Orders of the Tribunal
Item No. 1 9 th January, 2018.	<p>This matter was to be heard finally considering the fact that all pleadings were complete. However, since the Coram is not complete, it is felt appropriate to adjourn it.</p> <p>Considering the fact that this case was initially registered in the year 2015 in the Hon'ble Calcutta High</p>

Court and later transferred to the Tribunal for disposal, it would be essential to dispose of the matter having regard to the time frame prescribed in the NGT Act, 2010. Even otherwise, the case has raised important questions relating to environment and there are considerable number of parties whose interests are involved, it would be travesty to keep the matter pending.

When the parties were asked as to whether they would appear before a Special Bench, if constituted, at New Delhi, within a month, time has been sought for by the Ld. Advocates for the parties to consider this aspect.

Let them inform us within 10 days from hence.

Leave has been sought for by Mr. Santanu Chakraborty, Ld. Advocate for the Applicant to file a Misc. Application being MA No. 4/2018/EZ, to point out that despite the order of prohibition dated 7.5.2016 issued by the Tribunal, the Applicant had noticed that on 29.12.2017, some unknown persons were dumping

fly ash and filling up parts of Dankuni Wetland at Mollarber Mouza by using a number of dumpers. It is stated that the applicant had lodged a complaint at the Dankuni PS in response to which the police had intervened on that day resulting in stoppage of such illegality but it has again been resumed and is continuing unabated.

Mr. Bikas Kargupta, Ld. Government Advocate, upon whom a copy of the MA has been served, submits that he shall take appropriate steps to ensure that the illegal activities are stopped.

Since the allegation is serious and, if whatever have been stated on behalf of the applicant, are true, the role of the Dankuni PS does not appear to be above board.

In the circumstances, we direct the District Magistrate and the Superintendent of Police, Hooghly district, to take immediate steps to ensure that such illegal activities are stopped forthwith, the culprits identified and appropriate action taken against them in

accordance with law. The dumpers/trucks and machineries being used for dumping fly ash shall be seized and kept in the custody of Dankuni PS until further orders.

An affidavit of compliance shall be filed by the District Magistrate and the Superintendent of Police, Hooghly on the next date without fail. Mr. Bikas Kargupta, Ld. Govt. Advocate assures us that necessary action shall be taken and compliance report as directed filed.

MA 04/2018/EZ filed on behalf of the Applicant be taken on record subject to rectification of defects, if any.

List on 19.1.2018.

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Justice S.P.Wangdi, JM

09-01--2018

