

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O.A. No. 12/2015/EZ

JOYDEEP MUKHERJEE
VS

THE CHAIRMAN POLLUTION CONTROL BOARD & ORS

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : Mrs. Leena Mukherjee, Advocate
Respondent No. 1 : Ms. Arpita Chowdhury, Advocate
Respondents No. 2-4,9,11&12 : Mr. Bikas Kargupta, Advocate
Respondent No. 5 : Mr. Alok Ghosh, Advocate
Mr. G.C.Das, Advocate
Respondent No. 8 : Mr. Amitava Das, Advocate
Amicus Curie : Mr. Subhas Datta
Other Respondents : None

Date & Remarks	Orders of the Tribunal
Item No.1 17 th November, 2016.	<p>Mr. Alok Ghosh, Id. counsel for Respondent No.5, viz., Municipal Commissioner, KMC, submits that as per the commitment made by the Corporation earlier, all khatal and piggeries existing on both the banks of Adi Ganga have since been removed. Some of the evicted piggeries and Khatal which returned, have again been evicted by a second drive and at the moment, the area is free of all khatal and piggeries. To that effect he prays that he may be granted leave to file an affidavit in course of the day.</p>

Prayer is considered and allowed. Let the affidavit be filed as prayed for. A copy of the same be handed over to the Amicus Curie, Mr. Subhas Datta. However, it is made abundantly clear that the khatal and piggeries should not be permitted to return at the place but kept confined to the area identified by the State Government.

It is also submitted that even the garbage heaped in the area have since been removed but the disposal of garbage continues despite efforts to sensitize the people. We are conscious of the fact that it would not be possible to change the habits of the people overnight but that does not mean that the authorities should not endeavour to spread awareness which ought to be a continuous process. In fact, we would suggest that the sensitization programme should be aggressive, mode and manner of which can be decided by the authority.

It has been suggested by Mr. Subhas Datta, Amicus Curie that the area now lying vacant ought to

be developed to discourage the owners of khatalas and piggeries re-appearing again. This, as per him, could be avoided by creating park or such other facility which would benefit the public or the residents of the area and also ameliorate the pollution condition. Since the suggestion appears to be quite appealing, we leave it open upon the KMC to evolve a proposal which would help in achieving such object.

Ms. Arpita Chowdhury, Id. counsel for the State PCB, i.e., Respondent No.1 prays for leave to file the report as directed by us vide order dated 22.09.2016. The report is ordered to be taken on record.

We have considered the report filed by the State PCB.

Mr. Alok Ghosh, Id. counsel for Respondent No. 5 submits that the Corporation shall take all necessary steps to remedy the inadequacies pointed out by the State PCB.

Upon careful examination of the report, we find that the contents of various pollutants viz. BOD, COD,

Ph, TSS and DO, appear to be the same both during the high tide and low tide. This would indicate that the surface water flowing during the high tide does not effectively dilute the pollutants thereby clearly indicating that there are heavy pollutants in the sediment settled at the bottom of the Adi Ganga. This, in our view, is quite serious and needs urgent attention of the concerned authority.

We are conscious of the fact that this would involve huge expenses and massive mobilisation of machinery and labour and, therefore, would require some time.

However, we have been informed that the Adi Ganga is a part of the 'Namami Gange' project. In such view of the matter, we do not find any reason as to why there should be any difficulty in raising funds for the purpose. Mr. Ghosh submits that there has been some delay in implementation of the project on the Adi Ganga as it is at the stage of preparation of the DPR.

Considering the fact that 'Namami Gange'

project was introduced since over a year, we do not understand as to why there should be such delay in preparation of the DPR. Considering the criticality of the situation we direct KMC to expedite the matter and ensure that the project is put into operation expeditiously. Report on the progress made on the preparation of the DPR shall be filed by the KMC on or before the next date with advance copies on the other side.

We have noted that the same statement was made by the State Government on 27.05.2015 in their affidavit filed on that date. The matter shall be taken up by the Chief Secretary, Govt. of West Bengal who had filed the affidavit on 27.05.2015.

Mr. Subhas Datta, Amicus Curie has pointed out a number of other aspects but for the moment, we shall restrict ourselves to the above issues in order to ensure phase-wise progress.

List on 19.12.2016.

	<p>.....</p> <p>Justice S.P.Wangdi, JM 17.11.2016</p> <p>.....</p> <p>Prof. (Dr.) P. C. Mishra, EM 17.11.2016</p>
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