

Serial No. 08 29/04/2024

BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH,  
KOLKATA

ORIGINAL APPLICATION NO. 126/2023/EZ

MUJIBUR RAHAMAN MALIK  
.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL &  
ORS.  
.....RESPONDENT(S)

INDEX

Sl. No.	Particulars	Annexure	Page No.
1.	Application		1 to 3
2.	Photocopy of the order dated 22.11.2023	"A"	

Filed by

*Prithwish Kumar Basu*

Advocate

High Court, Calcutta



29 APR 2024

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

ORIGINAL APPLICATION NO. 126/2023/EZ

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**AFFIDAVIT FILED BY DANKUNI MUNICIPALITY**

Most Respectfully Sheweth:-

I, Hasina Shabnam, wife of Sukur Ali, aged about 45 years, by faith Islam, by Occupation Social Service, residing at Chakundi, Dankuni, West Bengal, Pin 712310, do hereby solemnly declare and say as follows:-

01. That, I am the Chairman of Dankuni Municipality and I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 05, to affirm this Affidavit on its behalf and as such, I am competent to do so.

2. That one Original Application being No.126/2023/EZ, in the matter of Mujibur Rahman Malik -Versus- State of West Bengal and Hon'ble Green Tribunal passed directions on 22.11.2023 for adding up of the Dankuni Municipality as a necessary respondent in the instant case.



29 APR 2024

Photocopy of the order dated 22.11.2023 is annexed hereto and marked with Letter "A".

3. That in compliance of the said solemn order dated 22.11.2023 and accordingly the municipality of Dankuni has been added as respondent in the above said application.

4. That thereafter the copy of application along with the said order has been received by the Dankuni Municipality and after receiving such the officials went for the inspection of the site as per the petition.

5. That, while inspecting the site that is mentioned in the petition, the officials of the Dankuni Municipality found that, the annexed site is not in the territorial limits of Dankuni Municipality. The site is beyond such limits and falls under the Chanditala Gram Panchayat 1. Accordingly the officials reported the days fact to the Chairman of Municipality.

6. In the view of above stated facts and circumstances the Chairman of Dankuni Municipality along with the other officials of the municipality decided to state the same fact and bring it in the notice of the honourable Green Tribunal decided to file one application for expunging the Dankuni Municipality presented to the chairman as a party to the case.

7. That it is most humbly and respectfully submitted that the Hon'ble Tribunal may graciously be pleased to consider the above mentioned grounds and expunge the applicant as a respondent to the case.



VERIFICATION

I, Hasina Shabnam, wife of Sukur Ali, aged about 45 years, by faith Islam, by Occupation Social Service, residing at Chakundi, Dankuni, West Bengal, Pin 712310, do verify that I am the applicant in the instant Interlocutory Application (I.A.) and I am well acquainted and conversant with the facts and circumstances of the instant case and the statements contained in Paragraph nos. 1 to 5 are true to the best of my knowledge and rest are my humble submission before the Hon'ble Tribunal.

*Prithwish Kumar Basu*

ADVOCATE

DEPONENT

*Hasina Shabnam*

Chairman  
Dankuni Municipality  
Manaherpur, Dankuni, Hooghly



SOLEMNLY AFFIRMED AND DECLARED  
BEFORE ME ON IDENTIFICATION

*S. M. Hassan*  
S. M. HASSAN  
NOTARY

29 APR 2024

Annexure- A

4.

Item No.06

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.126/2023/EZ

Mujibar Rahman Malik

Applicant(s)

Versus

State of West Bengal

Respondent(s)

Date of hearing: 22.11.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Bikash Shaw, Advocate

For Respondent(s): Mr. Sibojyoti Chakraborty, Advocate for R-1 (in Virtual Mode),  
Mr. Surendra Kumar, Advocate for R-2 (in Virtual Mode),  
Mr. Rajib Ray, Advocate for R-3 (in Virtual Mode)

**ORDER**

1. Mr. Bikash Shaw, learned Counsel states that he has been instructed to appear in this matter by the Applicant who is initially appearing in person. Let him e-file his Vakalatnama in the office today itself. When the case is next listed, the name of Mr. Bikash Shaw shall be printed in the cause list as counsel for the Applicant.
2. Mr. Sibojyoti Chakraborty, learned Counsel appearing (in Virtual Mode) for the Respondent No.1, West Bengal Pollution Control Board, prays for and is granted two weeks time for filing additional counter-affidavit bringing on record the current status.
3. Mr. Surendra Kumar, learned Counsel appearing (in Virtual Mode) for the Respondent No.2, Central Pollution Control Board, prays for and is granted two weeks time for filing counter-affidavit.
4. Learned Counsel for the parties urged that the Irrigation and Waterways Department, Govt. of West Bengal should be impleaded in the present proceedings as it is a necessary party.



5. We, therefore, direct the Applicant to implead the Irrigation and Waterways Department, Govt. of West Bengal, in the array of Respondents as Respondent No.4 through its Principal Secretary.
6. Mr. Rajib Ray, learned Counsel who is already appearing for the Respondent No.3 shall also accept notice on behalf of the Respondent No.4, Irrigation and Waterways Department, Govt. of West Bengal.
7. We are also informed that the pollution is being caused within the jurisdiction of the Dankuni Municipality. Therefore, Dankuni Municipality is a necessary party to the present proceedings.
8. We accordingly direct the Dankuni Municipality be impleaded in the array of Respondents as Respondent No.5 through its Chairman/Executive Officer.
9. Let notices be issued to the Respondent No.5, Dankuni Municipality, returnable within four weeks.
10. Affidavit dated 21.11.2023 has been filed by Respondent No.3, District Magistrate, Howrah; the same is taken on record.
11. In Paragraph-11 of this affidavit, it is stated that four industries have been identified as causing pollution which are as under: -
  - (i) M/s Paul Fabrics, Village-Kalachara, PO & PS: Chanditala, Pin-712702;
  - (ii) M/s Kohinoor Sarees Pvt. Ltd., Village-Kalachara, PO & PS: Chanditala, Pin-712702;
  - (iii) M/s Uday Industries (Processing Division), Village-Kalachara, PO & PS: Chanditala, Pin-712702; and
  - (iv) M/s Sarat Industries Limited, Village-Kalachara, PO & PS: Chanditala, Pin-712702.



12. We accordingly direct that the aforesaid industries to be impleaded in the array of Respondents as Respondent Nos.6, 7, 8 & 9.
13. Let notices be issued to the Respondent Nos.6, 7, 8 & 9, returnable within four weeks.
14. The notice and copy of this order shall be served through office of the District Magistrate, Howrah, within one week.
15. Mr. Rajib Ray, learned Counsel shall serve copy of the complaint as well as affidavits on record to the newly added Respondents i.e. within one week.
16. The newly added respondents shall file their counter-affidavits within four weeks.
17. **List on 04.01.2024.**

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

November 22, 2023,  
Original Application No.126/2023/EZ  
MN



BEFORE THE NATIONAL GREEN  
TRIBUNAL EASTERN ZONE BENCH,  
KOLKATA

ORIGINAL APPLICATION NO.  
126/2023/EZ

MUJIBUR RAHAMAN MALIK  
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AFFIDAVIT FILED BY DANKUNI  
MUNICIPALITY



*Priyankumar Basu.*

ADVOCATE  
HIGH COURT, CALCUTTA

29 APR 2024