

BEFORE THE NATIONAL GREEN TRIBUNAL

(EASTERN ZONE BENCH, KOLKATA)

O.A. No. . of 2022/EZB

ORIGINAL APPLICATION

Under National Green Tribunal Act' 2010

In the matter of:

Subhas Datta

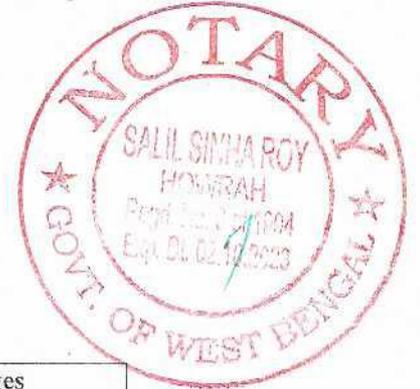
.....Applicant

-Versus-

State of West Bengal and Others

.....Respondents

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Applicant

Subhasdatta

SUBHAS DATTA

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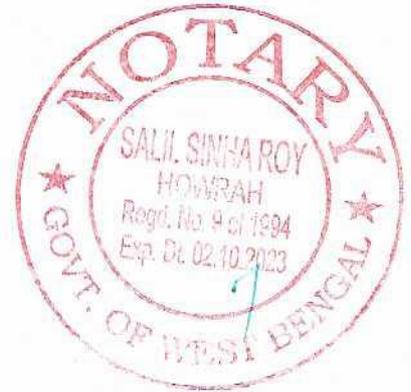
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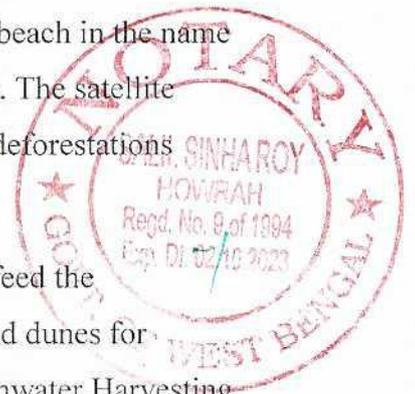
SYNOPSIS OF THE CASE

Digha is an important sea resort of West Bengal which is being badly affected due to unplanned and unscientific urbanization/growth/ development during the past few decades.

The seashore/sea-beach of Digha had two tiers of green cover which were very protective for the township. The first sand-level cover by Ipomea (kalmi), a kind of water spinach and the long stretch of Casurina and Palm trees used to take care of the soil erosion and advancement of sea towards the township, which is matter of concern now. During the last YAAS CYCLONE in May 2021, the waves were about twenty feet high at the shore and vast areas of Digha got inundated by 6/7 feet of sea water for which tourists had to be evacuated by deploying boats on the motorable roads (Dakbanglo Road etc.).

Under the disguise of sea-beach beautification and development several concrete constructions have been made and or are being built almost on the seashore/sea-beach. Even tourist lodges, commercial centers, restaurants have been developed on the beach in the name of "Sea Beach Beautification" after destroying CASURINA JUNGLE there. The satellite images, collected from Google Earth from 2016 to 2022 clearly show how deforestations have taken place there making Digha more vulnerable.

Digha is /was full of Sand Dunes through which rain-water used to feed the underground aquifers but presently there are rampart destructions of the sand dunes for concrete constructions. In this context it is pertinent to mention that the Rainwater Harvesting system is not known to the authorities and also to the people at large. Recently one mammoth project in the name of "Jagannathdham Sanskriti Kendra" has been taken up by HIDCO (Housing infrastructure Development Corporation), a public sector undertaking of the State Govt. which is being built by destroying the vast sand dune area where in the year 1959 one box-hit Bengali movie had been shoot just to show a desert look of the site. No Environmental Impact Assessment (EIA) has been done for such huge construction in that eco-sensitive area of Digha. If these conversions are allowed without any checks and balance, Digha will in future be out of gear for want of sweet water. There are about 25000 permanent residents and the floating population (mostly tourists) stretches between 50000 to 100000 per



B

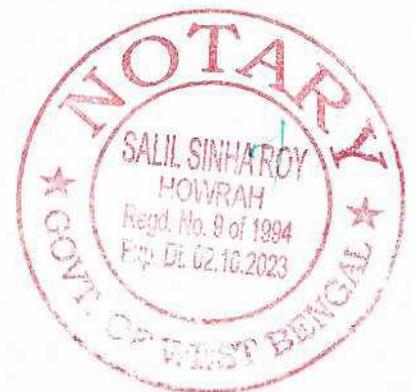
day, requiring huge quantity of water that is being supplied after extracting water from underground.

There is no Solid Waste Management in Digha and it has been observed that heaps of garbages have been dumped well inside the forest area, adjacent to the sea which have been photographed. Even huge quantity of wastes has been dumped next to walkway of sea-beach and inside residential and commercial areas. There is total violation of The Solid Wastes Management Rules 2016.

The Sewerage Treatment Plant of Digha is inadequate and inappropriate leading to discharge of filthy water into the sea causing violation of The Water (Prevention and Control of Pollution) Act 1974.

There is illegal and indiscriminate lifting of underground water in Digha for which the aquifer are being depleted very fast. There is total noncompliance of The West Bengal Ground Water Resources (Management and Regulation) Act 2005. No Rainwater Harvesting is practiced there.

Plastic menace in Digha has gone out of hands. Other then deforestation in the sea-beach, the total forest cover of this town is being depleted very fast. Such deforestations and rampart conversions of sand dunes into concrete structure are causing severe imbalances, which may lead to a disaster. The concerned authorities are found to be negligent. Hence this application.



LIST OF DATES

SI No.	Dates	Particulars
1.	1959	Box-hit Bengali movie was shoot in Digha.
2.	May 2021	Super Cyclone took place in Digha.
3.	2016 to 2022	Satellite images of Digha seashore/sea-beach collected from Google Earth.
4.	22.07.2022 to 24.07.2022	Visited Digha from 22.07.2022 to 24.07.2022 and taken photographs.
5.	12.10.2022 to 14.10.2022	Visited Digha from 12.10.2022 to 14.10.2022 and taken photographs.
6.	18.10.2022	Memorandum sent to the concerned Respondents.

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

ORIGINAL APPLICATION

National Green Tribunal Act, 2010

O.A. No. of 2022/EZB

In the matter of:

Subhas DattaApplicant

-Versus-

State of West Bengal and OthersRespondents

IN THE MATTER OF:

1) Subhas Datta

Son of Late Baneswar Datta,

25/1 Guitendal Lane,

P.O. + P.S. + District - Howrah

Pin code- 71101, West Bengal

.....Applicant

1. STATE OF WEST BENGAL,

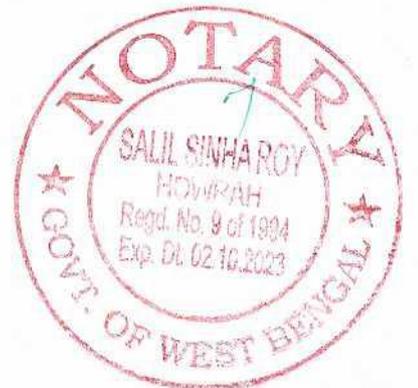
(Notice through the Chief Secretary),

Nabanna, 325, Sarat Chatterjee Road,

Shibpur, Howrah - 71102,

Tel- 033-2253-5130

Email.id - cs-westbengal@nic.in



2. URBAN DEVELOPMENT AND MUNICIPAL AFFAIRS DEPARTMENT

(Notice through the Principal Secretary),

Govt. of West Bengal

Nagarayan,DF-8, Sector-I, Salt Lake City,

Kolkata-700064

Tel – 033-2334-9356

Email id – secy.ma-wb@gov.in

3. DEPARTMENT OF ENVIRONMENT,

Govt. of West Bengal,

(Notice through the Principal Secretary),

Environment Department,

5th Floor, Pranisampad Bhawan,

Block LB-II, Salt Lake, Sec-III,

Bidhannagar, Kolkata - 700 106

Tel – 033-2335-2742

Email id - acsenvwb@gmail.com

4. WEST BENGAL POLLUTION CONTROL BOARD

(Notice through the Member Secretary),

West Bengal Pollution Control Board,

Paribesh Bhawan, 10A Block L.A, Sec-III,

Salt Lake, Bidhannagar, Kolkata – 700106,

Tel – (033) 2335 8213

Email id - ms.wbpcb-wb@bangla.gov.in

5. DIGHA SANKARPUR DEVELOPMENT AUTHORITY

(Notice through the Executive Officer)

P.O.+P.S.-Digha Purba Medinipur-721463

Tel- +91-3220-299901

Email id - eodsda@gmail.com

6. STATE WATER INVESTIGATION DIRECTORATE

(Notice through the Director)

Govt. of West Bengal

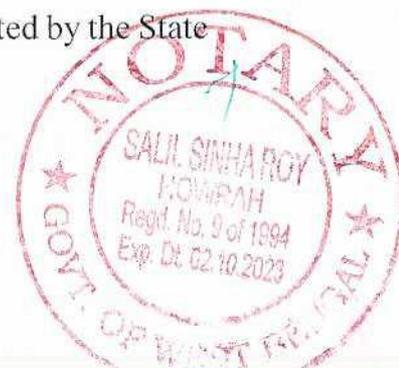
Nirman Bhaban, 3rd Floor, Salt Lake City, Kolkata-91

Tel- 033-2359-237

Email id – directorswid@gamil.com

.....Respondents

- A. The address of the Applicant as given above is for the service of notices of this application and that of their representatives.
- B. The addresses and e-mail details of the respondents as given above are for service of notices of this application and that of their representatives.
- C. The applicant above named begs to present the Original Application on the issues of dismal position of environmental degradations in the sea resort town of Digha, West Bengal. Ornamental and cosmetic developments are creating serious environmental imbalances leading to total collapse of the town. Specific actions have to be initiated by the State



Respondents within a time frame. Thus the Judicial interventions have become unavoidable.

Most Respectfully Sweath:

I, Subhas Datta, aged about 72 years, son of Late Baneswar Datta, by Religion – Hindu, occupation Chartered Accountant, residing at 25/1, Guitendal Lane, P.S+P.O+Dist. - Howrah, Pincode-711101, do hereby solemnly declare and say as follows:-

FACTS IN BRIEF:

1. That the applicant is the environmental activist and public-spirited person. He is engaged in different social, environmental and philanthropic activities since 1977. The applicant is second to none in the fields of ventilating the grievances of the common people both in terms of environmental hazards as well as social problems. There is hardly any public issue in the State of West Bengal on which the applicant has not tried to project the peoples' demands before the appropriate authorities.
2. That the applicant has organized series of movements on ecology, environment and on different social aspects of the State of West Bengal. Some of such activities had to face police atrocities, arrests and institution of false and fabricated criminal proceedings against the applicant. On the basis of the Writ Petition (No. 380 of 1995) filed by the applicant in April 1995 before the Hon'ble

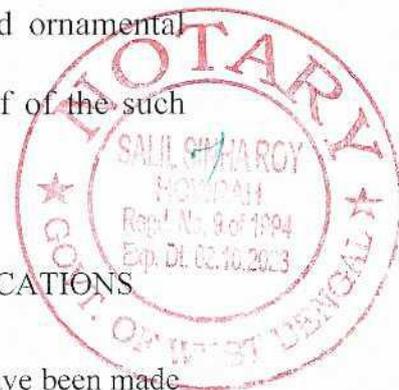


Supreme Court of India the first Environment Bench, which is popularly called as the Green Bench, had been constituted in the High Court at Calcutta.

3. That during the past forty years the applicant has been continuously fighting hard to save and protect the environment and ecology of the State of West Bengal and some of the Eastern and North Eastern States. The applicant has brought more than one hundred environmental matters and also various matters of public interest before the Hon'ble Apex Court of the Country, Environment Bench and Public Interest Litigation Bench of the High Court at Calcutta and also have been interacting with various related issues and assisting the Hon'ble Court as Amicus Curiae in some matters. At present the Hon'ble Eastern Zone Bench of the National Green Tribunal is hearing several matters filed by the applicant.
4. That there is a very popular sea resort town in the State of West Bengal named as Digha, which is being subjected to various types of environmental and other hazards causing severe imbalances. The unplanned and unscientific developmental works being undertaken there may even lead to the total collapse of the town. No appropriate developmental plan and programme is there and various concerned authorities are simply indulging cosmetic and ornamental operations. The things are going out of hands very fast, the brief of the such disorders have been enumerated seriatim below.

CONSTRUCTION ON THE SEA-BEACH VIOLATING CRZ NOTIFICATIONS

5. That during the past decades several concrete and other constructions have been made almost on the sea-beach of Digha in order to promote tourism and other sorts of entertainments. Such so called developments have been carried out by ignoring the



CRZ notifications and other environmental norms. From different display boards it is found that mostly the Urban Development and Municipal Affairs Department (hereinafter called as UD&MA) of the Govt. of West Bengal and Digha Shankarpur Development Authority (hereinafter called as DSDA) one State Govt. wing are doing such work.

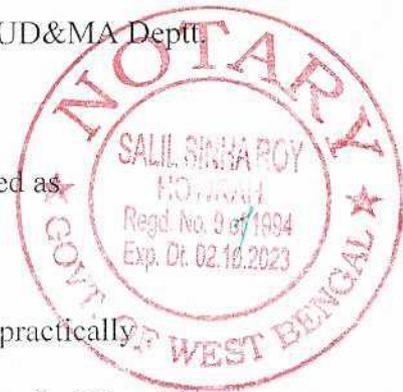
6. That one Amusement Park at Dhuesagar, Digha has recently been developed on the sea-beach which is found to have been made as Tourist Center having several concrete constructions almost on the sea-beach of Digha . Such constructions are prohibited within the CRZ areas but reportedly it has been developed by the UD&MA Department of the State.
7. That in the name of Beach Front Beautification, a massive project has been undertaken by the Digha Sankarpur Development Authority of UD&MA, Govt. of West Bengal. The board fixed on this score has been photographed, which goes by saying as follows:-

“ Beach Front Beautification, Jatranala : New Digha

A project of Digha Sankarpur Development Authority UD&MA Deptt
Government of West Bengal”

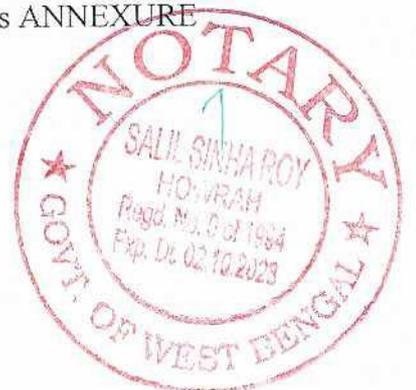
Such photograph taken on 23.07.2022 is enclosed and marked as
ANNEXURE P/1.

8. That although it goes by the name of Beach Front Beautification, it is practically conversion of the sea-beach into concrete amusement park with tourism facilities. The applicant had entered into the site, which is called as DHEUSAGAR. The entry tickets purchased by the applicant and his companion on 23rd July 2022 @Rs20 each is enclosed to the application and marked as ANNEXURE P/2.



9. That although Dheusagar is claimed to be an Amusement park various types of concrete and other structures have been developed on the sea-beach of Digha, the photographs of which have been taken by the applicant which are enclosed and collectively and or individually marked as under:-

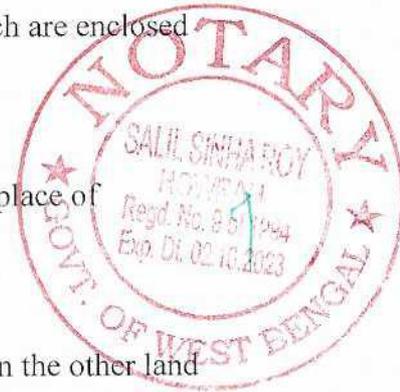
- a) Photographs taken on 23.07.2022 showing the concretization of the ground of the beach which are enclosed and marked as ANNEXURE P/3.
- b) Photographs taken on 23.07.2022 showing the constructions of resort in Dheusagar having rooms for the tourists, which are enclosed and marked as ANNEXURE P/4.
- c) Photographs taken on 23.07.2022 showing the constructions of designed amusement center on the sea-beach within Dheusagar complex at Digha, which are enclosed and marked as ANNEXURE P/5.
- d) Photographs taken on 23.07.2022 showing the constructions at temporary habitations within the Dheusagar complex area on the beach at Digha, which are enclosed and marked as ANNEXURE P/6.
- e) Photographs taken on 23.07.2022 showing the constructions of restaurants, named as Dheusagar Restaurant on the sea-beach of Digha which are enclosed and marked as ANNEXURE P/7.
- f) Photographs taken on 23.07.2022 showing the construction of a commercial center having fish spa and other things in the Dheusagar complex at Digha, which are enclosed and marked as ANNEXURE P/8.



10. That in respect of the constructions of amusement Park and Tourist Center at Dheusagar ,Digha it is pertinent to mention that the particular site where so called beatification of sea-beach has been undertaken had full green cover earlier with several thousands of trees. It was practically casurina jungle in the past, which had been very famous. On the seashores/sea-beach of Digha several types of natural plantations used to exist earlier, which had been very protective for the Digha township. The first sand level cover was by Ipomea(kalmi),a kind of water spinach, which used to make the sand base of the beach stable. The stretch of casurina and palm trees at the seashore used to protect the land by stopping/minimizing soil erosion. Both the protective tiers at the sea-beach /seashore of Digha have now been destroyed simply by several concrete structures/constructions made in the name of beautification/development. The applicant has been able to get the satellite images of the sea-beach of Digha taken for the last five/six years from 2016 to 2022, which will clearly show the devastating process of change .The applicant begs to enclose such satellite image of sea-beach/seashore of Digha from 2016 to 2022 which are enclosed and collectively marked as ANNEXURE P/9.

It will be crystal clear from the images of Google Earth that in place of Casurina forest (Jhaw Ban) of Digha concrete jungle is being developed.

11. That in one hand sea is advancing towards the town very rapidly and on the other land the sea-shore is becoming more and more vulnerable because of massive man-made deforestations. Owing to such imbalances it had been evident that during the YAAS CYCLONE in May 2021, several parts of the Digha Town got inundated by even 6/7 feet of sea water. The tourists had to be evacuated at that time from different hotels/resorts through deployment of boats on the motorable roads. The



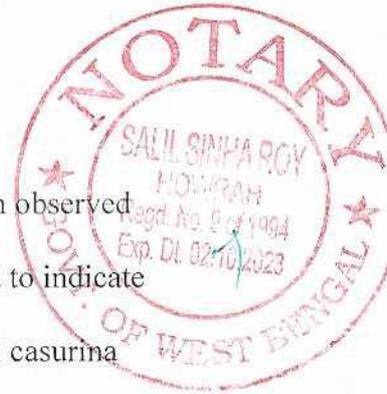
DAKBANGLO ROAD, the main thoroughfare of the town was under water for several days.

The applicant has been able to collect some photographs of the flooded situation of Digha, that took place in least YAAS CYCLONE of May 2021, which are enclosed and collectively marked as below:-

- a) Photographs taken in May 2021 during YAAS CYCLONE showing the high tidal wave at the seashore of Digha which are enclosed and marked as ANNEXURE P/10.
- b) Photographs taken in May 2021 during YAAS CYCLONE showing inundated position of the Dakbungalow Road of Digha, which are enclosed and marked as ANNEXURE P/11.

SEVERAL CONCRETE CONSTRUCTIONS AT THE SEA-BEACH

12. That on the sea-beach of Digha, near to the Jagannath Temple, it has been observed that a big three storied building is being constructed and there is no board to indicate about the purpose of this building on the sea-beach by destructing several casurina trees. Nobody could throw any light in this regard. It is apprehended that to facilitate tourism, such construction is being made by ignoring CRZ notifications. The applicant has taken photographs of the said construction on 14th October 2022, which are enclosed and marked as ANNEXURE P/12.
13. That other than the building under construction on the sea-beach as stated in the earlier paragraph, it has been found that another small building (one storied) has been constructed at the same stretch, the purpose of which is also not clear and it appears that the said construction has been made in violation of the CRZ norms. The information goes that the Digha Shankarpur Development Authority (DSDA) has



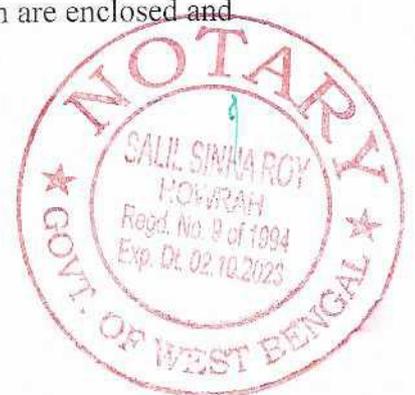
made such construction. The applicant has taken photographs of such building on the seashore on 14th October 2022, which are enclosed and marked as ANNEXURE P/13.

SOLID WASTE MANAGEMENT

14. That the solid wastes management is totally absent in this town where it has been found that huge quantity of wastes have been and/or are being dumped well inside the forest area and in other areas. The Solid Wastes Management Rules 2016 is not practiced at all. In fact no Solid Wastes Mismanagement Rules are prevailing there. Garbage's are dumped well inside various commercial/residential areas. This is a criminal offence to dump the solid wastes of the town inside the forest. The way the wastes area invading into the forest areas in Ramnagar/Gadadharpur of Digha, near to Dheusagar, the day will come soon when there will be no forest and all dumping grounds only. The photographs taken in this regard clearly show such pathetic situation.

The applicant has visited several parts of the Digha town and it is observed that huge quantity of solid wastes is being dumped here and there, the photographs of which have been taken and enclosed with locational details and marked as under:-

- a) Photographs taken on 12.10.2022 showing dumping of garbage inside the forest area, adjacent to Dheusagar complex at Digha, which are enclosed and marked as ANNEXURE P/14.
- b) Photographs taken on 22.07.2022 showing the dumping of garbage inside forest area, adjacent to Dheusagar complex at Digha , which are enclosed and marked as ANNEXURE P/15.
- c) Photographs taken on 23.07.2022 showing the dumping of solid wastes near to Jawaharlal Market at Digha, which are enclosed and marked as ANNEXURE P/16.



- d) Photographs taken on 13.10.2022 showing the garbage being dumped adjacent to Jawaharlal Market at Digha , which are enclosed and marked as ANNEXURE P/17.
- e) Photographs taken on 23.07.2022 showing the dumping of garbage at the side of the pavement on sea-beach, adjacent to Fish Trading Market at Digha , which are enclosed and marked as ANNEXURE P/18.

DEVELOPMENT OF CULTURAL CENTRE ON SAND DUNES

15. That one developmental work has been undertaken at Digha which goes in the name of style as JAGANNATHDHAM SANASKRITI KENDRA by the West Bengal Housing Infrastructure Development Corporation (HIDCO), a State Govt. undertaking under the UD&MA. The construction site is/was a sand dune within the Digha Town. Such dunes are very common feature of Digha and through these sand dunes rain water percolates down under the ground to feed the aquifer. The underground water level is drastically going down in Digha because of various factors like concretization of sand dunes, indiscriminate lifting of ground water etc. Under such circumstances, the sand dunes are needed to be preserved and protected. But the so called development and beautification of Digha is being carried out to the contrary to the basic concept of sustainable development.

16. That the site of the Jagannath Dham Sanskriti Kendra was a complete sand dune site. In the year 1959 one Bengali super-hit movie was released in the name of Marutirtha Hingluj. The plot of the said movie had been related to the religious place of a desert, named as Hingluj, now in Pakistan .It is gathered that the shooting of this movie was undertaken in the site of the said Cultural Center which is now under construction. It is, therefore imperative that before going for such massive project in the sand dune



area, proper Environmental Impact Assessment (EIA) study should have been carried out. But no such EIA has been done and the concerned authority has failed to provide any clue on the same.

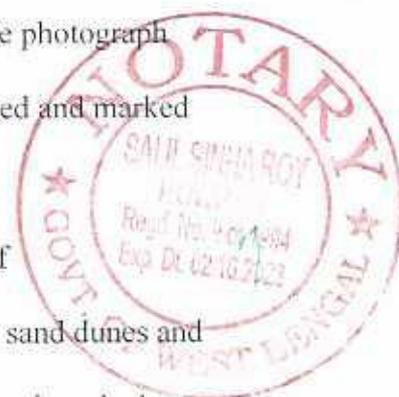
17. That the applicant has personally visited the site of Jagannathdham several times from 22nd to 24th July and again from 12th to 14th October 2022 just to take the stock and it has been observed that massive construction work is being carried out there. The media report goes to say that a big structure like Jagannath Temple of Puri will be built up there so that the people of West Bengal need not go to Puri to offer Puja to Lord Jagannath. The billboard fixed by HIDCO at the site shows the image of Jagannath Temple of Puri . In one hand it is being claimed to be a cultural center and on the other hand the images of Jagannath Temple have been displayed at the site. It is not certain whether this is a Religious Center or Cultural Centre. The photograph taken on 23.07.2022 by the applicant of the board of HIDCO is enclosed and marked as ANNEXURE P/19.

18. That the applicant has taken the photographs of the construction site of Jagannathdham Cultural Centre on several occasions just to vouch the sand dunes and the nature of construction being carried out there, which are enclosed and marked as follows :-

- a) Photographs taken on 13.10.2022, which are enclosed and marked as ANNEXURE P/20.
- b) Photographs taken on 23.07.2022 which are enclosed and marked as ANNEXURE P/21.

INEFFECTIVE AND INAPPROPRIATE SEWAGE TREATMENT PLANT

19. That the Sewage Treatment Plant of Digha at Gadadharpur is not only inadequate, it has been found not effectively operational during our last visits there. Because of such



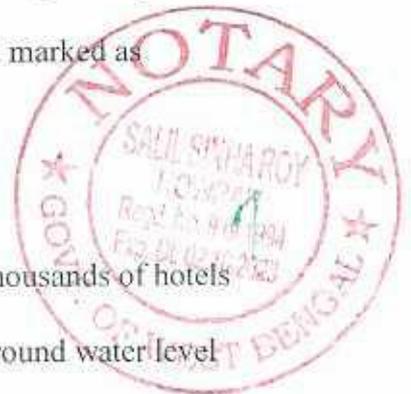
situation, the untreated waste water is fouling the sea, which is bad in Law (The Water (Prevention and Control of Pollution) Act 1974). The concerned authorities give more emphasis to beautify and decorate the town through ornamental process but the solid and liquid wastes management aspects have been and/or are being treated as orphans.

20. That the applicant has visited the Sewerage Treatment Plant of Digha on 22nd July 2022 and have taken several photographs of the same, which are enclosed and marked as ANNEXURE P/22.

21. That due to inadequate and inappropriate functioning of the sewerage treatment plant of Digha filthy and untreated waste water with pungent smell is being discharged into the sea. The applicant has visited one such outfall point within Dhuesahgar complex of Digha and taken photographs of the same, which are enclosed and marked as ANNEXURE P/23.

ILLEGAL EXTRACTIONS OF UNDERGROUND WATER.

22. That there are rampant illegal extractions of underground water by thousands of hotels and other establishments in Digha. Due to such illegality the underground water level has gone down drastically. In one hand the underground water level is going down day-by-day and on the other hand the sand-dunes by which rainwater percolates down have been destroyed. The rain water harvesting concept is totally unknown to all the concerned authorities and users of underground water. As per the provisions of The West Bengal Ground Water Resources (Management as Regulation) Act 2005, without obtaining permit from the appropriate authority no extraction of ground water is permissible. Very unfortunately even the public water distribution system undertaken by the State PHE is totally dependent on the underground water and about 25000 private operators/users are extracting sweet water indiscriminately for which an



imbalance has been caused. If there is no system of rain water harvesting and if surface water distribution system is not introduced, Digha may be totally out of gear very soon for want of sweet water.

PLASTIC MENACE

23. That there are rampant uses of prohibited plastic materials in Digha which have become a direct threat to the aquatic life of the sea and is causing a problem to the process of solid waste management of this town, which is claimed to be inhabited by 25000 permanent people and 50000 to 100000 floating population (mainly tourists)per day. Plastic menace in Digha is going out of hands day-by-day. The photographs take on the solid waste dumping position clearly show such menace.
24. That the massive deforestation in Digha is taking place very fast,Such deforestation and rampant conversions of sand dunes into concrete structures are causing severe imbalances which may lead to a disaster, if not checked and controlled immediately.
25. That the applicant has sent representation to all concerned authorities stating briefly all the major environmental aspects concerning the most popular sea resort of the state, in Digha on 18th October 2022, the faesimile of which with postal receipt is enclosed and marked as ANNEXURE P/24.

GROUNDS

- I. For that there are gross violations of the CRZ Notifications in the township of Digha ;
- II. For that the concerned authorities have indulged to built constructions on the seashore/sea-beach of Digha ;
- III. For that the Respondents concerned have caused massive deforestation in Digha beach/shore by destroying the casurina jungle ;
- IV. For that the Respondents concerned have failed to take appropriate steps as per The Municipal Solid Wastes (Management and Handling) Rules 2016 ;



- V. For that the concerned Respondents are indulging/allowing to extract underground sweet water illegally by violating the provisions of Law;
- VI. For that there are rampant conversions of sand dunes into concrete constructions in Digha ;
- VII. For that the authorities concerned have failed to take steps in Rain Water Harvesting ;
- VIII. For that the Respondents have failed to discharge their statutory duties by not prohibiting any such activities, which are aggravating or culminating pollution in and around Sea- Beach of Digha ;
- IX. For that the Respondents ought to have taken immediate measures against the discharge of untreated sewage and drainage water into sea ;
- X. For that the Respondents should have taken steps for pollution free atmosphere in Digha ;
- XI. For that the Respondents concerned have failed to take steps as envisaged under The Water (Prevention and Control of Pollution) Act, 1974 ;
- XII. For that the Respondents concerned have not taken any step as should have been taken under The Air (Prevention and Control of Pollution) Act 1981 ;
- XIII. For that it is the bounden duty of the Respondents concerned to take all measures and steps as envisaged under the Environment (Protection) Act,1986 ;
- XIV. For that the concerned Respondents have miserably failed to make Digha as plastic free zone and have allowed the rampant use of such non-degradable item at the coastal areas;

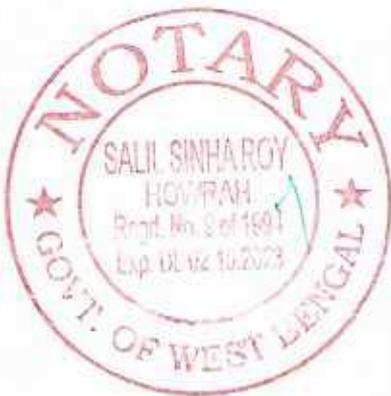
LIMITATION

1. That the problem of environmental disorders in Digha is continuing for a long period on which the concerned Respondents have failed to take any effective step. There are unplanned and unscientific urbanization and developments during the past decades. The applicant is vigilant on the issues raised by him and have visited Digha in order to vouch

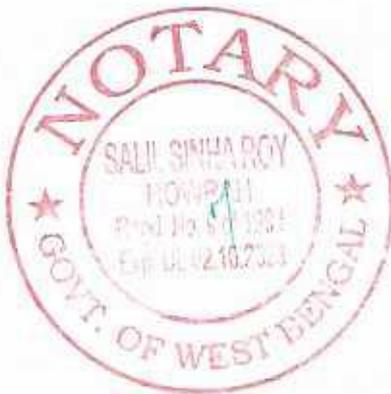
the latest position in July and October 2022. He has sent representation to various authorities on 18th October 2022. Hence the application is within the time limit.

PRAYERS

- i. To direct the Respondents concerned to stop all sorts of construction works violating CRZ norms on the seashore/sea-beach of Digha.
- ii. To direct the concerned Respondents not to do and or allow any conversion of green covers of Digha sea-beach/seashore.
- iii. To direct the concerned Respondents to take measures as prescribed in the Municipal Solid Waste (Management and Handling) Rules 2016 at Digha.
- iv. To direct the concerned Respondents not to allow any dumping of garbage in the forest area, adjacent to sea-beach at Digha.
- v. To direct the concerned Respondents to stop illegal lifting of underground water of Digha.
- vi. To direct the Respondents concerned not to indulge conversions of sand dunes of Digha into concrete structures.
- vii. To direct the concerned Respondents to ensure compulsory rain-water harvesting in Digha.



- viii. To direct the Respondents concerned to take steps for making the Sewage Treatment Plant upto the mark and functional.
- ix. To direct the Respondents to take steps, actions and measures to stop all discharges of untreated sewerage and drainage water into sea of Digha.
- x. To direct the concerned Respondents to take appropriate steps as envisaged under The Water (Prevention and Control of Pollution) Act, 1974.
- xi. To direct the Respondents concerned to take all immediate steps under The Air (Prevention and Control of Pollution) Act 1981.
- xii. To direct for the constitution of an Independent Committee of Experts for preparing and monitoring appropriate Environmental Management Plan (EMP) for Digha Town.
- xiii. Such other and/or further order or orders be made and/or direction or directions be given as the Hon'ble Tribunal may deem fit and proper.



Subhorsetta

VERIFICATIONSL. NO. H-4647

I, Sri Subhas Datta, son of Late Baneswar Datta, aged about 73 years, by occupation Chartered Accountant, by religion Hinduism, residing at 25/1, Guitendal Lane, Post Office, Police Station and District - Howrah, Pin code - 711101, do hereby declare and state that the contents of the paragraph nos. 5, 7, 8, 9, 10, 12, 13, 14, 17, 18, 20, 21 & 25 are true to the best of my knowledge and the contents of the paragraph nos. 16, 11, 15, 16, 19, 22 & 23 are my information derived from the relevant records which I verily believe to be true and the rests are my respectful submissions before the Hon'ble Tribunal.

Subhas Datta
DEPONENTS

Prepared by me in my office

Subhas Datta
(Subhas Datta)

Applicant-in-person

Date : 14.11.2022

Place: Howrah.

SOLEMNLY AFFIRMED & DECLARED
BEFORE ME ON IDENTIFICATION

14.11.22
SALIL SINHA ROY
NOTARY HOWRAH

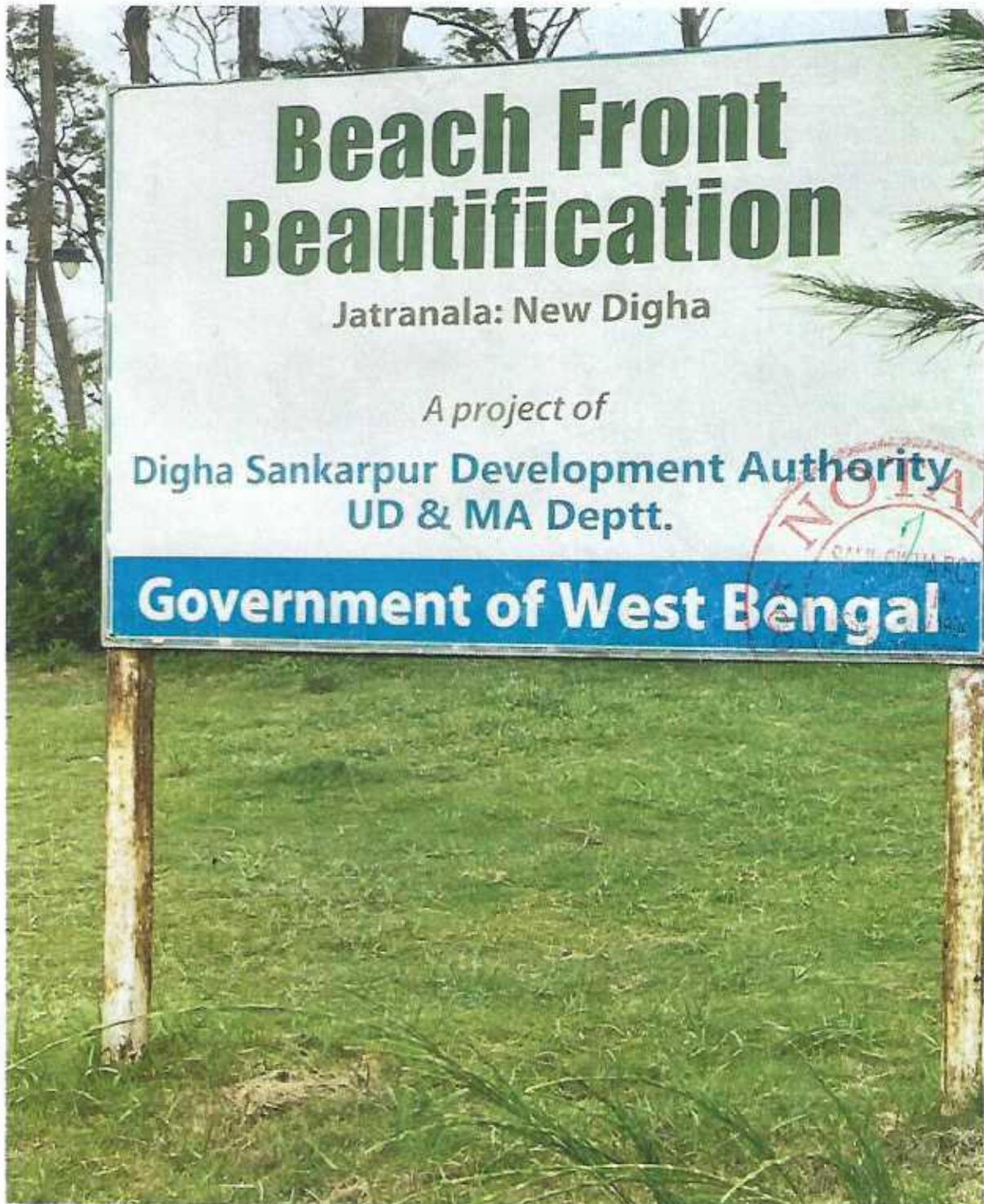
14 NOV 2022

IDENTIFIED BY ME &
SIGNED/L.T.I. TAKEN IN MY PRESENCE

Kalipada Dhali
Advocate

Kalipada Dhali (Army Rtd)
Advocate, M.A., LL.B.
Registration No.- WB/669/2007
Judges' Court, Howrah





Photograph taken on 23.07.22 showing the signboard of Beach Front Beatification of DSDA at Jatranala , at the sea-beach of Digha

DHEUSAGAR
 Amusement Park
 New Digha :: Purba Medinipur

₹ 20/-
 Sl. No. : 43079

Opening Time : 10 A.M.
 Closing Time : 10 P.M.

ENTRY TICKET
 ADMIT ONE

DHEUSAGAR
 Amusement Park
 New Digha :: Purba Medinipur

₹ 20/-
 Sl. No. : 43080

Opening Time : 10 A.M.
 Closing Time : 10 P.M.

ENTRY TICKET
 ADMIT ONE





Photograph taken on 23.07.22 showing the concretization of sea-beach within Dheusagar complex at Digha.



Photographs taken on 23.07.22 showing the construction of tourist lodge at the sea-beach within Dhue Sagar complex, Digha .



Photographs taken on 23.07.22 showing the construction of tourist lodge at the sea-beach within Dhue Sagar complex, Digha .





Photographs taken on 23.07.22 showing construction of amusement center on the sea-beach within Dheu sagar complex at Digha.



Photographs taken on 23.07.22 showing construction of amusement center on the sea-beach within Dheu sagar complex at Digha.



Photographs taken on 23.07.22 showing construction of temporary habitation within Dheu sagar complex at Digha .



RAJIB SINGH ROY
 HOVRAH
 Regd. No. 9 of 1694
 09-10-2023
 BENGAL

Photographs taken on 23.07.22 showing the restaurant contracted at the sea-beach within Dheu sagar complex at Digha.



Photographs taken on 23.07.22 showing commercial center having fish spa etc at Dheusager, constructed by destroying forest within CRZ areas at Digha.



Satellite image taken from Google Earth Showing the position of greenery vis-à-vis deforestation at the sea beach of Digha at Dheusagar from January 2016 to May 2022



Satellite image taken from Google Earth Showing the position of greenery vis-à-vis deforestation at the sea beach of Digha at Dheusagar from January 2016 to May 2022



Satellite image taken from Google Earth Showing the position of greenery vis-à-vis deforestation at the sea beach of Digha at Dheusagar from January 2016 to May 2022



Satellite image taken from Google Earth Showing the position of greenery vis-à-vis deforestation at the sea beach of Digha at Dheusagar from January 2016 to May 2022



Satellite image taken from Google Earth Showing the position of greenery vis-à-vis deforestation at the sea beach of Digha at Dheusagar from January 2016 to May 2022





Photographs taken in May 2021 during YAAS cyclone showing the high tidal wave at the seashore of Digha.



NOTARY
GOVT. OF WEST BENGAL
Exp. Dt. 02.10.2023



Photographs taken in May 2021 during YAAS CYCLONE showing inundated position of the Dak Bungalow Road of Digha.



Photographs taken in May 2021 during YAAS CYCLONE showing inundated position of the Dak Bungalow Road of Digha.



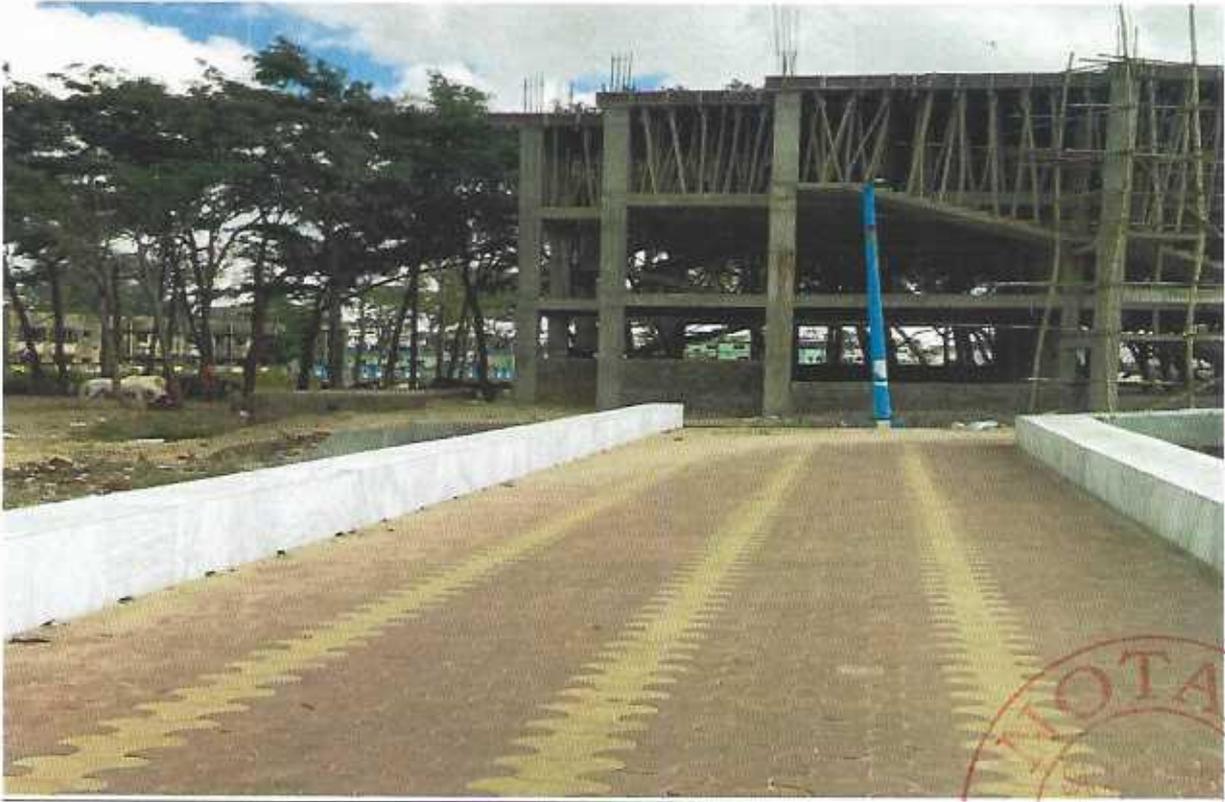
NOTARY
SINHA ROY
DWER/1/1
No. 04/1204
02.10.2023
WEST BENGAL

Photographs taken in May 2021 during YAAS CYCLONE showing inundated position of the Dak Bungalow Road of Digha.



Photographs taken on 14.10.22 showing the concrete construction of 3 storied building on the sea-beach on Digha, near to Jagannath Temple.

38A



Photographs taken on 14.10.22 showing the concrete construction of 3 storied building on the sea-beach on Digha, near to Jagannath Temple.





Photographs taken on 14.10.22 showing the small concrete building at the sea-beach of Digha near to Jagannath Temple.



Photographs taken on 12.10.22 showing dumping of wastes within the forest area near to sea-beach at Digha, Ramnagar-1.





Photographs taken on 12.10.22 showing dumping of wastes within the forest area near to sea-beach at Digha, Ramnagar-1.

42



Photographs taken on 12.10.22 showing dumping of wastes within the forest area near to sea-beach at Digha, Ramnagar-1.

43



REGISTRY
Regd. No. 11 of 1894
BENGAL

Photographs taken on 12.10.22 showing dumping of wastes within the forest area near to sea-beach at Digha, Ramnagar-1.



Photographs taken on 12.10.22 showing dumping of wastes within the forest area near to sea-beach at Digha, Ramnagar-1.

45



Photographs taken on 12.10.22 showing dumping of wastes within the forest area near to sea-beach at Digha, Ramnagar-1.



WEST BENGAL
SALU SIMP...
Region: ...
Eo. ...
2022
BENGAL

Photographs taken on 22.07.22 showing the dumping on waste within the forest area near to sea beach of Digha at Ramnagar-1 .

47



Photographs taken on 22.07.22 showing the dumping on waste within the forest area near to sea beach of Digha at Ramnagar-1 .





Photographs taken on 22.07.22 showing the dumping on waste within the forest area near to sea beach of Digha at Ramnagar-1 .



Photographs taken on 22.07.22 showing the dumping on waste within the forest area near to sea beach of Digha at Ramnagar-1 .



Photographs taken on 22.07.22 showing dumping of solid wastes inside the forest area near to mini solid waste processing unit at Ramnagar-1, Digha.





Photographs taken on 23.07.22 showing the dumping of solid wastes near to Jawaharlal Market at Digha.



Photographs taken on 23.07.22 showing the dumping of solid wastes near to Jawaharlal Market at Digha.



Photographs taken on 13.10.22 showing dumping on solid wastes near to Jawaharlal Market at Digha.

NOTARY
SALU SINGH ROY
ADVOCATE
SINCE 1904
13.10.2023
WEST BENGAL



Photographs taken on 23.07.22 showing dumping of garbage at the side of the pavement on sea-beach, adjacent to fish trading market at Digha.

55



SALU SINGHARAY
HOVIRAN
Right No. 4 of 1994
Exp. On 07.10.2023
GOVT. OF WEST BENGAL

Photographs taken on 23.07.22 showing dumping of garbage at the side of the pavement on sea-beach, adjacent to fish trading market at Digha.



Photographs taken on 23.07.22 showing dumping of garbage at the side of the pavement on sea-beach, adjacent to fish trading market at Digha.



Photographs taken on 23.07.22 showing the display board of Jagannathdham Sanskriti Kendra being constructed by HIDCO, Govt. of West Bengal.

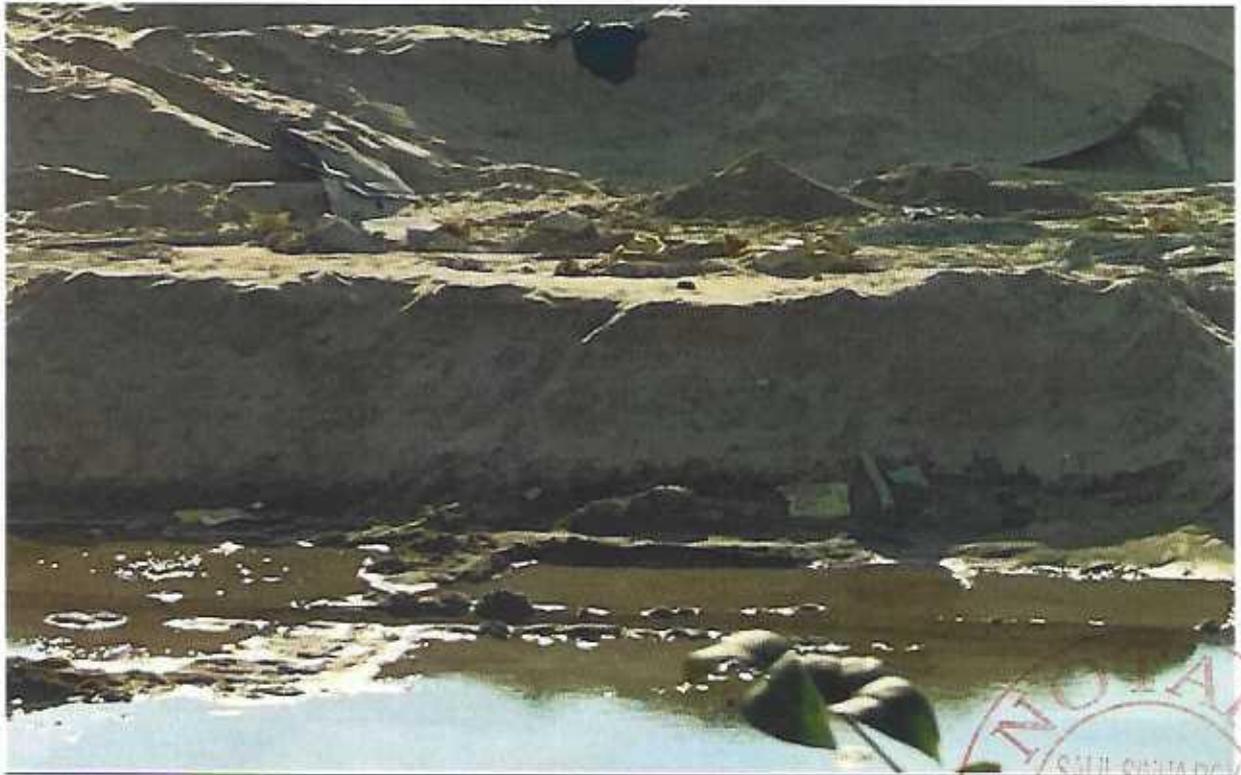




Photographs taken on 13.10.22 showing the construction site of Jagannathdham Sanskriti Kendra with sand dune and work going on at Digha by HIDCO.



Photographs taken on 13.10.22 showing the construction site of Jagannathdham Sanskriti Kendra with sand dune and work going on at Digha by HIDCO.



Photographs taken on 13.10.22 showing the construction site of Jagannathdham Sanskriti Kendra with sand dune and work going on at Digha by HIDCO.

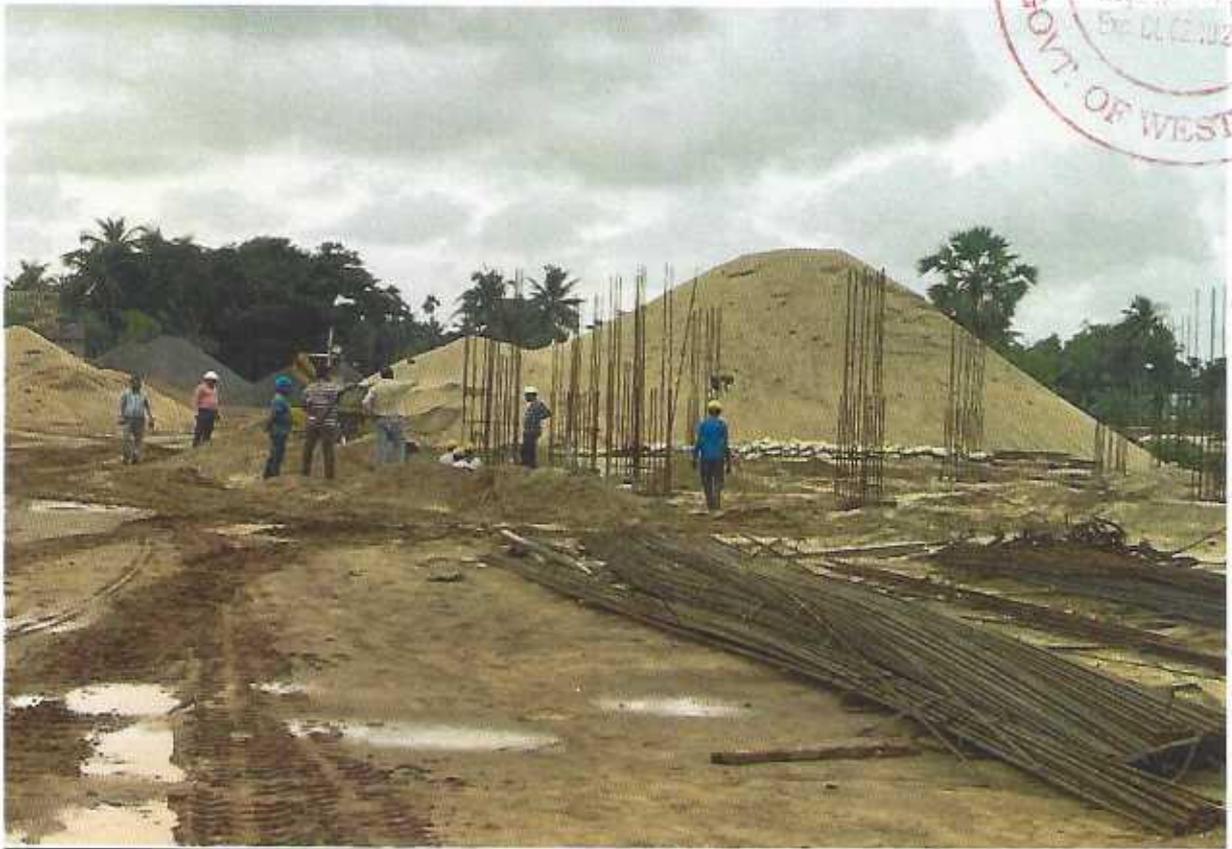
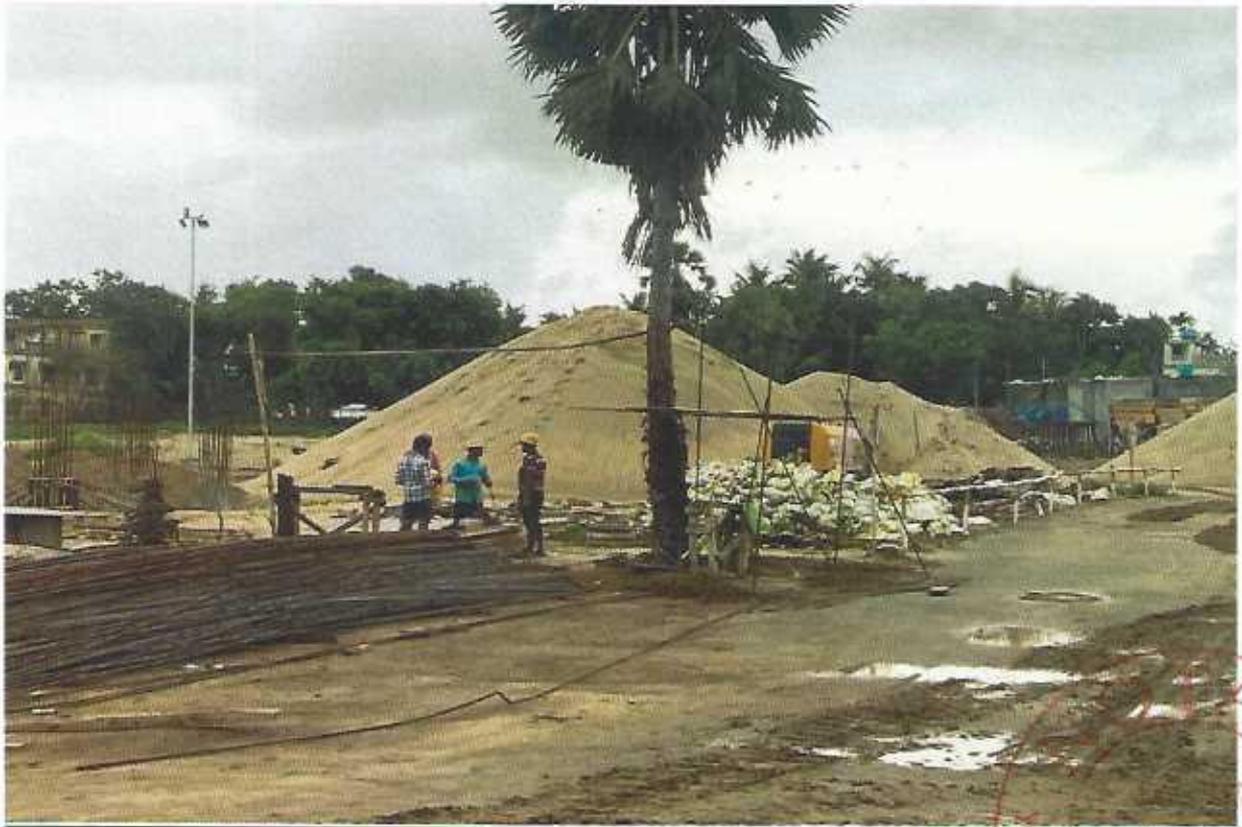


NOTARY
SALIL CHANDRA
MUMBAI
2022

Photographs taken on 13.10.22 showing the construction site of Jagannathdham Sanskriti Kendra with sand dune and work going on at Digha by HIDCO.



Photographs taken on 13.10.22 showing the construction site of Jagannathdham Sanskriti Kendra with sand dune and work going on at Digha by HIDCO.



Photographs taken on 23.07.22 showing the construction work of Jagannathdham Sanskriti Kendra at Digha being build by HIDCO.

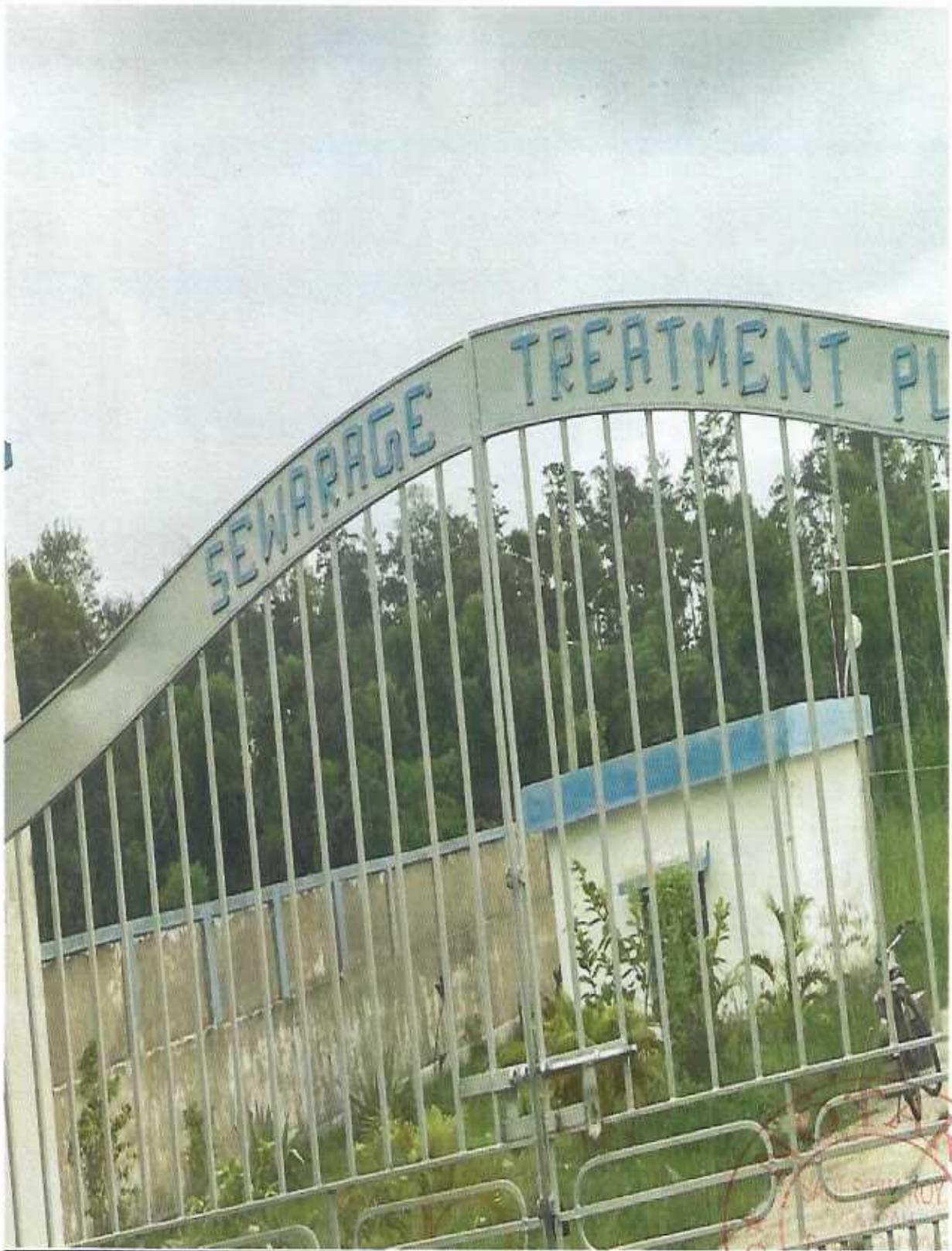
64,



Photographs taken on 23.07.22 showing the construction work of Jagannathdham Sanskriti Kendra at Digha being build by HIDCO.



Photographs taken on 23.07.22 showing the construction work of Jagannathdham Sanskriti Kendra at Digha being build by HIDCO.



Photograph taken on 22.07.22 showing the entrance of Sewerage Treatment Plant of Digha.



67



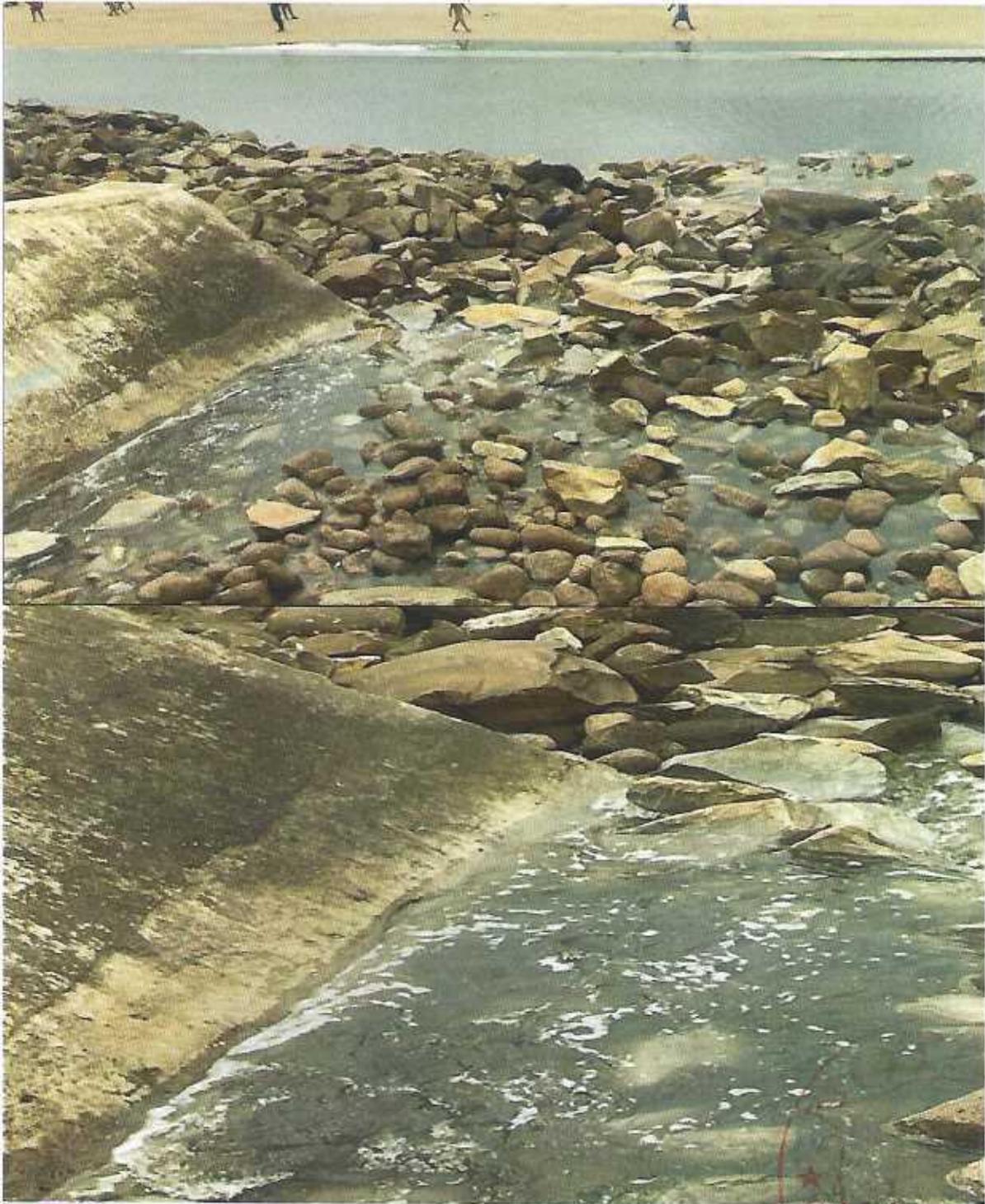
REGISTRY
GOVT. OF WEST BENGAL
Regd. No. 6 of 1994
Exp. Dt. 02.10.2023

Photographs taken on 22.07.22 showing non-working Sewage Treatment plant at Gadhadherpur, Digha .



Photographs taken on 23.07.22 showing the discharge point of untreated drainage/sewage water into the sea from within Dhue sagar complex, Digha.





Photographs taken on 23.07.22 showing the discharge point of untreated drainage/sewage water into the sea from within Dhue sagar complex, Digha.



18.10.2022

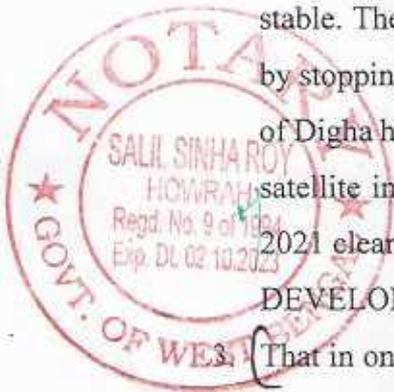
TO,
The Chief Secretary,
Govt. of West Bengal,
Nabanna, 325 Sarat Chatterjee Road, Shibpur,
Howrah-711102

Sir, Sub:-Unplanned & unscientific urbanization of Digha, Purba Midnapur

I like to place the following points in the matter of unplanned and unscientific urbanization/growth /development of the most popular sea resort of the State of West Bengal in Digha :-

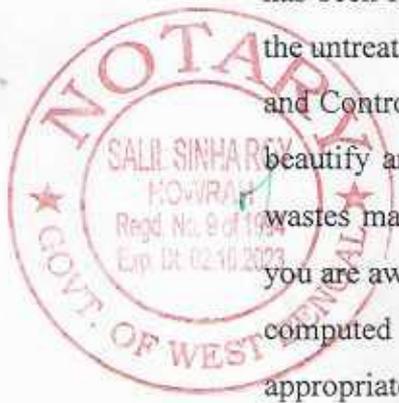
1. That several constructions have been made almost on the sea beach of Digha by violating the norms of C.R.Z. Notifications. In the name of tourism and or to facilitate the tourism activities such developments have been and/or are being undertaken mostly by the Urban Development and Municipal Affairs Department of the State Govt.
2. That on the seashore/sea beach of Digha several types of natural plantations used to exist earlier, which had been very protective for the township. The first sand-level cover was by Ipomea (kalmi), a kind of water spinach, which used to make the sand base stable. The stretch of Casurina and Palm trees at the seashore used to protect the land by stopping/minimizing soil erosion. Both the protective tiers at the sea beach/seashore of Digha have been destroyed simply to make several concrete constructions there. The satellite images of sea-shore of Digha taken for the past five/six years from 2016 to 2021 clearly indicate such devastating process of change. We should keep in mind that **DEVELOPMENT DOES NOT MEAN/EMBRACE DESTRUCTION.**

That in one land sea is advancing towards the town very rapidly and on the other land the sea-shore is becoming more and more vulnerable because of man-made deforestation. Owing to such imbalances it had been evident that during the YAAS CYCLONE in May 2021, several parts of the Digha Town got inundated by even 6/7 feet of sea water. The tourists had to be evacuated at that time from different hotels/resorts through deployment of boats on the motorable roads. The DAKBANGLO



ROAD of the town was under water for several days.) The photographs taken on such occasion will clearly indicate the severity of the position.

4. That there are rampant illegal extractions of underground water by thousands of hotels and other establishments in Digha. Due to such illegality the underground water level has gone down considerably. In one hand the water level is going down day-by-day and on the other hand the sand-dunes by which rainwater used to percolate down have been destroyed. The rain water harvesting concept is totally unknown to all the concerned authorities and users of underground water. As per the provisions of The West Bengal Ground Water Resources (Management as Regulation) Act 2005, without obtaining permit from the appropriate authority no extraction is permissible. Very unfortunately the public water distribution system undertaken by the state PHE is totally dependent on the underground water and about 25000 private operators/users are extracting sweet water indiscriminately for which an imbalance has been caused. If there is no system of rain water harvesting and surface water distributing system is not introduced, Digha may be totally out of gear very soon for want of sweet water supply.
5. (That the solid wastes management is totally absent in this town where it has been found that huge quantity of wastes have been and/or are being dumped well inside the forest area. The Solid Wastes Management Rules 2016 is not practiced at all. In fact **Solid Wastes Mismanagement Rules** are prevailing there. Garbages are dumped well inside various commercial/residential areas. This is a criminal offence to dump the solid wastes of the town inside the forest. The way the wastes area invading into the forest areas in Ramnagar/Gadadharpur, the day will come soon when there will be no forest and all dumping grounds. The photographs taken in this regard clearly show such pathetic situation.)
6. (That the Sweage Treatment Plant of Digha at Gadadharpur is not only inadequate, it has been found not operational during our last visits there. Because of such situation, the untreated waste water is fouling the sea, which is bad in Law (The Water(Prevention and Control of Pollution) Act 1974). The concerned authorities give more emphasis to beautify and decorate the town through ornamental process but the solid and liquid wastes management aspects have been and/or are being treated as orphans) Possibly you are aware that in our State, the environmental damages of Rs3500 cores have been computed by National Green Tribunal for the failure to manage such wastes appropriately. Similar situation is prevailing in Digha.
7. That due to soft sandy soil at Digha ,permission would not have been given for constructions of more than two storied buildings earlier but now-a-days high-rises are being allowed in the Digha town, which may pose a problem in near future.



8. That there are rampant uses of prohibited plastic materials in Digha which have become a direct threat to aquatic life of the sea and is causing a problem to the process of solid waste management of this town, which is claimed to be inhabited by 25000 permanent people and 50000 to 100000 floating population per day. Plastic menace in Digha is going out of hands day-by-day.
9. That the massive deforestation in Digha is taking place very fast, Such deforestation and rampant conversions of sand dunes into concrete structures are causing severe imbalances which may lead to a disaster, if not checked and controlled immediately.

In view of the above position, I earnestly request you to look into the aforesaid aspects and initiate necessary steps at the earliest.

Thanking You,

Yours faithfully,

Subhas Datta
(Subhas Datta)

C.C.- 1. PRINCIPAL SECRETARY,

Urban Development and Municipal Affairs,
Department, Govt. of West Bengal,
Nagarayan, DF-8, Sector-1, Salt Lake City,
Kolkata-700064

2. ADDITIONAL CHIEF SECRETARY,

Department of Environment,
Govt. of West Bengal,
Pranisampad Bhawan, Block LB-II, Salt Lake, Sec-III,
Bidhannagar , Kolkata - 700106

3. MEMBER SECRETARY,

West Bengal Pollution Control Board,
Paribesh Bhawan, 10A Block-LA, Sec-III, Bidhannagar, Kolkata- 700106

4. EXECUTIVE OFFICER,

Digha Sankarpur Development Authority,
P.O.+P.S.- Digha Purba Medinipur,721463

5. THE DIRECTOR,

State Water Investigation Directorate,
Govt. of West Bengal,
Nirman Bhaban, 3rd Floor, Salt Lake City, Kolkata-91





EW902634337IN IVR:6987902634337
 SP HOWRAH BPC (711101)
 Counter No:1,18/10/2022,16:02
 To:THE DIRECTOR ,STATE WATER INVE
 PIN:700091, Sech Bhawan SO
 From:SUBHAS DATT,25/1, GUITENDAL L
 Wt:20gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666968> <Wear Masks, Stay Safe>



EW902634368IN IVR:6987902634368
 SP HOWRAH BPC (711101)
 Counter No:1,18/10/2022,16:02
 To:ADDY.CHIEF SE.DEPT.OF ENVIRONN
 PIN:700106, Bidhan Nagar IB Market SO
 From:SUBHAS DATT,25/1, GUITENDAL L
 Wt:20gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666968> <Wear Masks, Stay Safe>



EW902634345IN IVR:6987902634345
 SP HOWRAH BPC (711101)
 Counter No:1,18/10/2022,16:02
 To:EXECUTIVE OFF.DIGHA SANKARPUR
 PIN:721463, Digha New Township SO
 From:SUBHAS DATT,25/1, GUITENDAL L
 Wt:20gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666968> <Wear Masks, Stay Safe>



EW902634371IN IVR:6987902634371
 SP HOWRAH BPC (711101)
 Counter No:1,18/10/2022,16:02
 To:PRINCIPAL SEC.URBAN DEVELOPMEN
 PIN:700064, Bidhannagar CC Block SO
 From:SUBHAS DATT,25/1, GUITENDAL L
 Wt:20gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666968> <Wear Masks, Stay Safe>



EW902634354IN IVR:6987902634354
 SP HOWRAH BPC (711101)
 Counter No:1,18/10/2022,16:02
 To:MEMBER SECRET.WB POLLUTION CDN
 PIN:700106, Bidhan Nagar IB Market SO
 From:SUBHAS DATT,25/1, GUITENDAL L
 Wt:20gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666968> <Wear Masks, Stay Safe>



EW902634385IN IVR:6987902634385
 SP HOWRAH BPC (711101)
 Counter No:1,18/10/2022,16:02
 To:THE CHIEF SEC.GOVY.OF WB HABAN
 PIN:711102, Sibpur SO
 From:SUBHAS DATT,25/1, GUITENDAL L
 Wt:20gms
 Amt:17.70(Cash)Tax:2.70
 <Track on www.indiapost.gov.in>

