

Before the Notary Public Calcutta

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EAST ZONE BENCH, KOLKATA

I.A No of 2024/EZ

In

O.A No. 162 of 2024/EZ

INTERLOCUTORY
~~MISCELLANEOUS~~ APPLICATION

Under National Green Tribunal Act 2010

In the matter of:-

Sri Arun Kumar Dutta & Ors. ... Applicants.

=Versus=

The State of West Bengal & Ors. ... Respondents.

I N D E X

Sl No	Particulars	Pages
1.	Synopsis of the Case	A
2.	List of the dates	B
3.	Main Application	1 to 15
4.	Verification	16
5.	Annexure MA/1 IA/1	17 to 18

Applicant:-

Sobhan Majumder

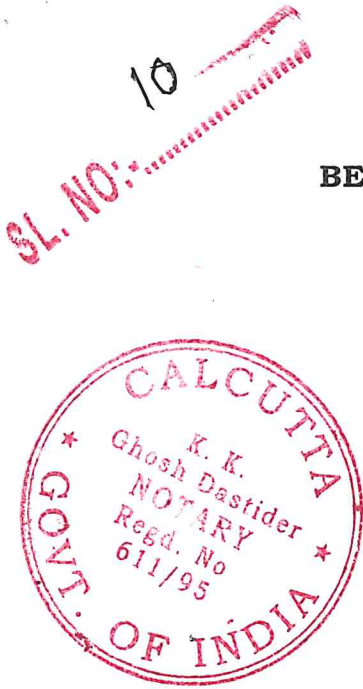
Name: Mr. Sobhan Majumder

Address: Raja Chamber,
4, Kiran Sankar Roy Road

Kolkata- 700001

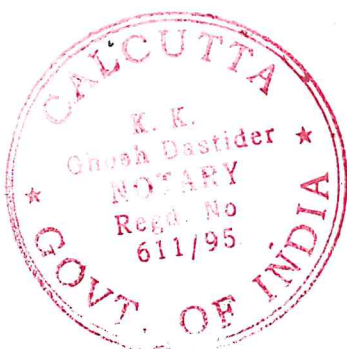
Phn No:- 7044002257/7980076115

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SYNOPSIS OF THE CASE

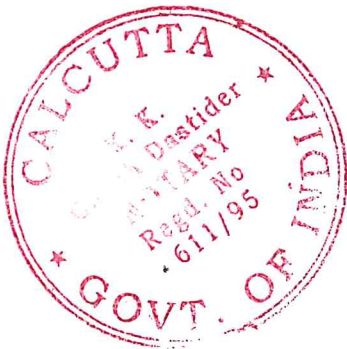
That, being aggrieved by and/or dissatisfied with illegal filling up of a water-body, namely Ashram Jhil, situated at 1, 2 and 3, Azad Hind Nagar, Jhil Park, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109 with Ward No.27, Holding Nos.218 and 219 of Panihati Municipality, the applicants herein preferred an Original Application before the Hon'ble Green Tribunal, Eastern Zone Bench at Kolkata, being O.A.No.162 of 2024/EZ (Sri Arun Kumar Dutta vs. The State of West Bengal & Ors.). The said Original Application was taken up for consideration on 13.08.2024 before the Hon'ble Tribunal, when the learned Advocate representing the applicants herein prayed for a leave to file an application impleading some persons as party-respondents and the Hon'ble Tribunal was pleased to allow the prayer made by the learned Advocate representing the applicants herein and granted liberty to the learned Advocate representing the applicants to prefer an application for addition of party/parties thereby impleading the private respondents in the array of the respondents. Hence This application



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LIST OF DATES

Sl No	Dates	Particulars
1.	August 07, 2024	The applicants filed this Original Application being O.A No 162/2024/EZ
2.	August 13, 2024	The application was taken up for consideration before the Hon'ble Tribunal when the Hon'ble Tribunal was please to grant liberty to the learned Advocate representing the applicants to prefer an application for addition of party.



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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EAST ZONE BENCH, KOLKATA**

I.A.NO. OF 2024/EZ

in

O.A.NO.162 OF 2024/EZ.

In the matter of:-

An application for Addition of Party/
Parties

=And=

In the matter of:-

1.. Sri Arun Kumar Datta, son of late Sourindra Mohan Datta, resides at 2/1/3, N. B. Mallick Road, Beadon Street, Post Office and Police Station – Maniktala, Kolkata – 700 006.

2.. Smt. Shelly Paul, wife of late Somenath Paul.

3.. Sri Sandip Kumar Paul, son of late Somenath Paul.

4.. Sri Sanjay Kumar Paul, son of late Somenath Paul.

5.. Smt. Pratima Paul, wife of late Amarnath Paul.

- Nos.2 to 5 are residing at 26/10, Mahatma Gandhi Road, Post Office – Raja Ram Mohan Sarani, Police Station – Muchipara, Kolkata – 700 009.



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6.. Smt. Susmita Paul, daughter of late Amarnath Paul, resides at Jeevan Nir, P-9/1, Moti Jhil Avenue, Post Office – Moti Jhil, Police Station – Dum Dum, Kolkata – 700 074.

7.. Smt. Anindita Paul, daughter of late Amarnath Paul, resides at 109, Sitaram Ghosh Street, Kolkata – 700 009.

-all are represented by their constituted Power Attorney, namely Sri Sujay Sarkar, son of Sri Nirmal Sarkar, resides at 3/48, Azad Hind Nagar, Post Office – Agarpara, Police Station – Ghola, District – North 24-Pargana, Pin – 700 109.

... **APPLICANTS.**

=Versus=

1.. The State of West Bengal, service through the Principal Secretary, Departmental Urban Development and Municipal Affairs, Government of West Bengal, having its office at “Nagarayan Bhavan”, Block – DF-8, Sector-I, Bidhannagar, Kolkata – 700 064. | Email:- secy.ma-wb@gov.in



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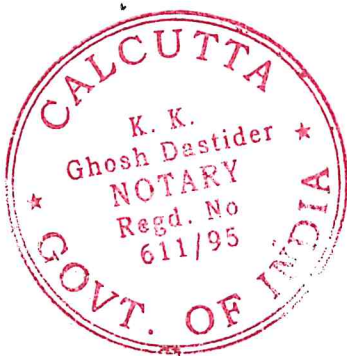
2.. The Chairman, West Bengal Pollution Control Board, having his office at "Paribesh Bhavan", 10A, LA Block, Sector - III, Salt Lake City, Kolkata - 700106, Email:- chairman@wbpcb.gov.in

3.. The District Magistrate, North 24-Parganas, having his office at Post Office and Police Station - Barasat, District - North 24-Parganas, Pin - 700 124, Email:- dm-bar-wb@nic.in

4.. The Sub-Divisional Officer, Barrackpore, having his office at Post Office and Police Station - Barrackpore, District - North 24-Parganas, Pin - 700 120, Email:- sdobarrackpore@gmail.com .

5..The Block Land and Land Reforms Officer, Sodepur, having his office at Post Office- Sodepur, Police Station - Khardah, District - North 24-Parganas, Pin - 700 110, Email:- blrosodepur@gmail.com

6.. The Board of Councillors, Panihati Municipality, having office at Sodepur, Post Office - Sodepur, Police Station - Khardah, District -



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North 24-Pargana, Pin - 700 114,

Email:

panihatimunicipality@yahoo.co.in

7.. The Executive Officer, Panihati Municipality, having his office at

Sodepur, Post Office - Panihati,

Police Station - Khardah, District -

North 24-Pargana, Pin - 700 114,

Email:

panihatimunicipality@yahoo.co.in

8.. The Inspector-in-Charge, Ghola

Police Station, having his office at

Ghola, Post Office - Ghola, District -

North 24-Parganas, Pin - 700 111.

Email;- icgholaps@gmail.com

9.. Sri Dipak Saha, son of late Anil

Chandra Saha, resides at 1/36, 1

no. Azad Hind Nagar, Jhil Par, Post

Office - Agarpara, Police Station -

Ghola, District - North 24-Parganas,

Pin - 700 109. Email:- not available

10.. Sri Surajit Paul @ Tappa, son of

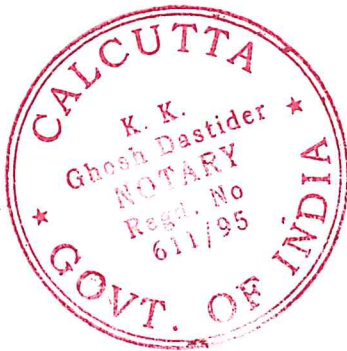
Sri Sudip Paul, resides at 1 no. Azad

Hind Nagar, Jhil Par, Post Office -

Agarpara, Police Station - Ghola,

District - North 24-Parganas, Pin -

700 109. Email:- not available

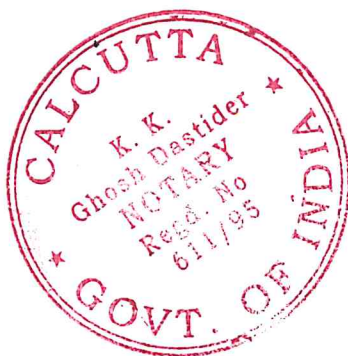


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11.. Sri Dulal Saha, son of Unknown resides at A/3, 1 no. Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- not available

12.. Smt. Mina Orao, wife of late Bishu Orao, resides at 1 no. Azad Hind Nagar, Jhil Par, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- not available

13.. Sri Bappa Orao @ Tapa Orao, son of late Bishu Orao, resides at 1 no. Azad Hind Nagar, Jhil Par, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- not available



14.. Sri Nelo Majhi, son of late Sishupada Majhi, resides at 1 no. Azad Hind Nagar, Jhil Par, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109, Email:- not available.

15.. Sri Surajit Mahali, son of late Souren Mahali, resides at 1 no. Azad Hind Nagar, Jhil Par, Post Office – Agarpara, Police Station - Ghola,

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District – North 24-Parganas, Pin – 700 109. Email:- not available

16.. Sri Abhijit Mahali, son of late Souren Mahali, resides at 1 no. Azad Hind Nagar, Jhil Par, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- not available

17.. Smt. Asha Mondal, wife of late Rabi Mondal, resides at 2 no. Azad Hind Nagar, Jhil Par, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- not available

... **RESPONDENTS.**

=And=



In the matter of:-

1.. Radhesyam Saha, residing at A/4, 1 no. Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Kolkata-700109. Email:- not available

2.. Bapi Rajbanshi, residing at 3 No. Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas,

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Kolkata- 700 109. Email:- not available

3.. Pritam Dutta @ Bapi, residing at Patna Thakurtala, Post Office and Police Station - Nimta, District - North 24-Parganas, Kolkata - 700 049. Email:- not available

4.. Shibu Saha, residing at 2/6, 2 Azad Hind Nagar, Post Office - Agarpara, Police Station - Ghola, District - North 24-Parganas, Kolkata- 700 109. Email:- Not available

5.. Swapan Das, residing at A/37, 1 Azad Hind Nagar, (Near Milansamity Club) Post Office - Agarpara, Police Station - Ghola, District - North 24-Parganas, Kolkata- 700 109. Email:- Not available.

6. Biswanath Sarkar, residing at A/13, 1 No Azad Hind Nagar, Post Office - Agarpara, Police Station - Ghola, District - North 24-Parganas, Kolkata- 700 109, Email:- Not known.

7. Milon Bhattacharya, residing at A/12, 1 No Azad Hind Nagar, Post Office - Agarpara, Police Station -



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Ghola, District – North 24-Parganas,
Kolkata– 700 109, Email:- Not
known

08. Sanat Gayen residing at
A/24, 1 No Azad Hind Nagar, Post
Office – Agarpara, Police Station -
Ghola, District – North 24-Parganas,
Kolkata– 700 109, Email:- Not
known

09. Raju Paul, residing at 2/4, 2
No Azad Hind Nagar, Post Office –
Agarpara, Police Station - Ghola,
District – North 24-Parganas,
Kolkata– 700 109, Email:- Not
known.

10. Arun Paul, residing at A/1,
Asharam Jhil Par, Ushunpur Battala
Bazar (Near Dhopapatti), Post Office
– Agarpara, Police Station - Ghola,
District – North 24-Parganas,
Kolkata– 700 109, Email:- Not
known.

11. Kedar Paul, residing at A/1,
Asharam Jhil Par, Ushunpur Battala
Bazar (Near Dhopapatti), Post Office
– Agarpara, Police Station - Ghola,
District – North 24-Parganas,



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Kolkata- 700 109, Email:- Not known.

12. Barun Paul, residing at A/1, Asharam Jhil Par, Ushunpur Battala Bazar (Near Dhopapatti), Post Office - Agarpara, Police Station - Ghola, District - North 24-Parganas, Kolkata- 700 109, Email:- Not known.

13. Aritra Paul, residing at A/1, Asharam Jhil Par, Ushunpur Battala Bazar (Near Dhopapatti), Post Office - Agarpara, Police Station - Ghola, District - North 24-Parganas, Pin - 700 109, Email:- Not known.

14. Nirmal Das, residing at Dakshin Subhas Nagar, Dhanmath, Asharam Jhil Par, Post Office and Police Station - Ghola, District - North 24-Parganas, Kolkata- 700 111, Email:- Not known.

15. Mithun Barman, residing at Dakshin Subhas Nagar, Dhanmath, Asharam Jhil Par, Post Office and Police Station - Ghola, District - North 24-Parganas, Kolkata- 700 111, Email:- Not known.



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16. Bikash Barman, residing at Dakshin Subhas Nagar, Dhanmath, Asharam Jhil Par, Post Office and Police Station - Ghola, District - North 24-Parganas, Kolkata- 700 111, Email:- Not known.

17. Nilu Sarkar, residing at 3/10, 3 Azad Hind Nagar, Post Office - Agarpara, Police Station - Ghola, District - North 24-Parganas, Pin - 700 109, Email:- Not known

18 Nani Mondal, residing at Thirthbharati Saral Pally, Post Office- Tirthabharati, Police Station- Ghola, District- North 24 Parganas, Kolkata- 700111, Email:- Not available.

19. Surajit Chowhan, residing at 2 Azad Hind Nagar, (Near Ntaji Samaj Kallyan Sangha Club) Post Office - Agarpara, Police Station - Ghola, District - North 24-Parganas, Pin - 700 109, Email:- Not known.

20. Rabi Mondal residing at Dakshin Subhas Nagar, Dhanmath, Asharam Jhil Par, Post Office and Police Station - Ghola, District -



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North 24-Parganas, Pin – 700 111,
Email:- Not known.

... .. Respondents (proposed to be added).

- A. The address of the applicants as given above is for the service of this applicant and that of their representatives.
- B. The address and email details of the respondents and proposed to be added respondents as given above are for service of notices of this application and that of such representatives.
- C. The applicants named above begs to present this Miscellaneous Application on the issue of addition of party and/or parties in the matter of OA/162/EZ, the liberty of which has been granted by Order dated August 13, 2024 by the Hon'ble Tribunal.

MOST RESPECTFULLY SHEWETH:-

I, Sri Sujoy Sarkar, son of Sri Nirmal Sarkar, aged about 38 years, by faith- Hindu, by occupation- Business, residing at 3/48, Azad Hind Nagar, Post Office- Agarpara, Police Station- Ghola, District- North 24 Parganas, Kolkata- 700109 do hereby solemnly declares and states as follows

- 01.. That, the applicants are the citizens of India having their permanent places of residences at the addresses as mentioned in the cause title of the instant application.
- 02.. That, being aggrieved by and/or dissatisfied with illegal filling up of a water-body, namely Ashram Jhil, situated at 1, 2 and 3, Azad Hind Nagar, Jhil Park, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109 with Ward No.27, Holding Nos.218 and 219 of Panihati Municipality, the applicants herein preferred an Original

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Application before the Hon'ble Green Tribunal, Eastern Zone Bench at Kolkata, being O.A.No.162 of 2024/EZ (Sri Arun Kumar Dutta vs. The State of West Bengal & Ors.)

03.. That, the said Original Application was taken up for consideration on 13.08.2024 before the Hon'ble Tribunal, when the learned Advocate representing the applicants herein prayed for a leave to file an application impleading the following persons as party-respondents (proposed to be added):-

1.. Radhesyam Saha, residing at A/4, 1 no. Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- not available

2.. Bapi Rajbanshi, residing at 3 No. Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- not available

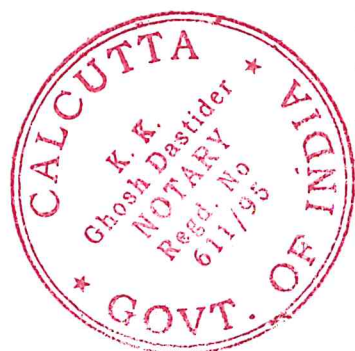
3.. Pritam Dutta @ Bapi, son of unknown, residing at Patna Thakurtala, Post Office and Police Station – Nimta, District – North 24-Parganas, Kolkata – 700 049. Email:- not available

4.. Shibu Saha, residing at 2/6, 2 Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- Not available

5.. Swapan Das, residing at A/37, 1 Azad Hind Nagar, (Near Milansamity Club) Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109.

6. Biswanath Sarkar, residing at A/13, 1 No Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109, Email:- Not known.

7. Milon Bhattacharya, residing at A/12, 1 No Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109, Email:- Not known



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8. Sanat Gayen residing at A/24, 1 No Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109, Email:- Not known

09. Raju Paul, residing at 2/4, 2 No Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109, Email:- Not known.

10. Arun Paul, residing at A/1, Asharam Jhil Par, Ushunpur Bttala Bazar (Near Dhopapatti), Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109, Email:- Not known.

11. Kedar Paul, residing at A/1, Asharam Jhil Par, Ushunpur Bttala Bazar (Near Dhopapatti), Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109, Email:- Not known.

12. Barun Paul, residing at A/1, Asharam Jhil Par, Ushunpur Bttala Bazar (Near Dhopapatti), Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109, Email:- Not known.

13. Aritra Paul, residing at A/1, Asharam Jhil Par, Ushunpur Bttala Bazar (Near Dhopapatti), Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109, Email:- Not known.

14. Nirmal Das, residing at Dakshin Subhas Nagar, Dhanmath, Asharam Jhil Par, Post Office and Police Station - Ghola, District – North 24-Parganas, Pin – 700 111, Email:- Not known.

15. Mithun Barman, residing at Dakshin Subhas Nagar, Dhanmath, Asharam Jhil Par, Post Office and Police Station - Ghola, District – North 24-Parganas, Pin – 700 111, Email:- Not known.



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16. Bikash Barman, residing at Dakshin Subhas Nagar, Dhanmath, Asharam Jhil Par, Post Office and Police Station - Ghola, District - North 24-Parganas, Pin - 700 111, Email:- Not known.

17. Nilu Sarkar, residing at 3/10, 3 Azad Hind Nagar, Post Office - Agarpara, Police Station - Ghola, District - North 24-Parganas, Pin - 700 109, Email:- Not known

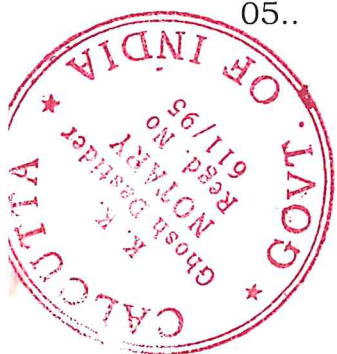
18 Nani Mondal, residing at Thirthbharati Saral Pally, Post Office- tirthabharati, Police Station- Ghola, District- North 24 Parganas, Kolkata- 700111, Email:- Not available.

19. Surajit Chowhan, residing at 2 Azad Hind Nagar, (Near Ntaji Samaj Kallyan Sangha Club) Post Office - Agarpara, Police Station - Ghola, District - North 24-Parganas, Pin - 700 109, Email:- Not known.

20. Rabi Mondal residing at Dakshin Subhas Nagar, Dhanmath, Asharam Jhil Par, Post Office and Police Station - Ghola, District - North 24-Parganas, Pin - 700 111, Email:- Not known.

04.. That, the Hon'ble Tribunal was pleased to allow the prayer made by the learned Advocate representing the applicants herein and granted liberty to the learned Advocate representing the applicants to prefer an application for addition of party/parties thereby impleading the private respondents in the array of the respondents. A photocopy of the said order passed by the Hon'ble Tribunal is annexed hereto and marked as Annexure - IA/1.

05.. That, the private respondents (proposed to be added) are also very much involved in illegal filling up of the said water-body and, accordingly, addition of the private respondents is very



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much required for proper and effective adjudication of the instant case.

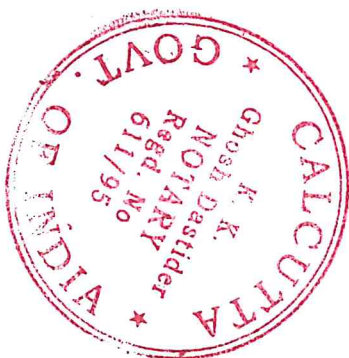
- 06.. That, unless and until the private respondents (proposed to be added) are impleaded as party-respondents by this Hon'ble Tribunal, the applicants will suffer irreparable loss and injury.

LIMITATION:-

07. This application for addition of party and/or parties is filed within the period of limitation

PRAYER

In the circumstances stated above, the applicants herein most humbly pray that Your Lordships may graciously be pleased to forthwith in the instant application for Addition of Party/Parties thereby granting liberty to the applicants to implead the proposed added respondents as respondent in this present original application and/or to pass such other or further order or orders and/or direction or directions as to Your Lordships may deem fit and proper.



Srijay Sarkar

Deponent

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VERIFICATION

I, Sri Sujoy Sarkar, son of Sri Nirmal Sarkar, aged about 38 years, by faith- Hindu, by occupation- Business, residing at 3/48, Azad Hind Nagar, Post Office- Agarpara, Police Station- Ghola, District- North 24 Parganas, Kolkata- 700109 do hereby declare and state that I am the constituted power of the attorney of the applicants herein and the statements made in paragraph no 1, 5 and 6 are true to my knowledge and the statements made in paragraph nos 2, 3 and 4 are based on records and information which I verily believe to be true and rest are my humble submissions before the Hon'ble Tribunal.

Sujoy Sarkar
DEPONENT

Identified by me

Prepared in my office

Jobhan Majumdar
Advocate

Date:- *27.08.2024*

Place:- *Kolkata*

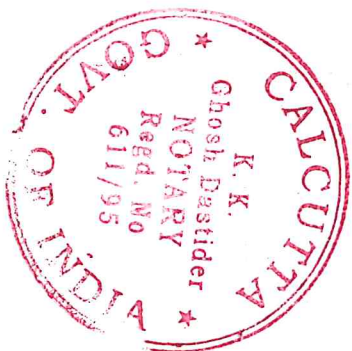
Jobhan Majumdar

Advocate

WB/429/2010

Solemnly Affirmed And declared
Before me on Identification

K. K. Ghosh
Notary
Govt. of India
Regd. No -611/95
Calcutta



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.17-

Annexure - ~~JAI~~ 177

Item No.01

Court No.1

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

Original Application No.162/2024/EZ

Sri Arun Kumar Dutta & Ors.

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

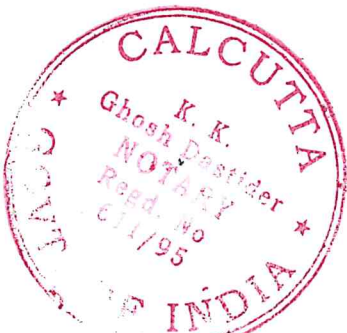
Date of hearing: 13.08.2024

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

For Applicant(s) : Mr. Sobhan Majumdar, Advocate (in Virtual Mode)

ORDER

1. Mr. Sobhan Majumdar, learned Counsel is present (in Virtual Mode) for the Applicant.
2. In para 10 of the Original Application, allegations have been made against certain persons in addition to those who are already impleaded as Respondent Nos.10 and 17 in the present Original Application. Those additional Private Respondents have not been impleaded in the present Original Application.
3. Mr. Sobhan Majumdar, learned Counsel for the Applicant, prays that he may be permitted to file impleadment application within one week impleading Shri Radhashyam Saha, Shri Bapi Rajbanshi, Shri Pritam @ Bapi, Shri Shibu Saha and Shri Swapan Das, in the array of Respondents.
4. Time as prayed is granted. Let the impleadment application be filed within one week impleading the aforesaid Private Respondents in the array of Respondents.



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~ 18 -

5. List on 28.08.2024.

.....
B. Amit Sthalekar, JM

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

August 13, 2024,
Original Application No.162/2024/EZ
AK.



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DISTRICT- NORTH 24 PARGANAS
BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL, EASTERN ZONE
BENCH, KOLKATA

J.A.NO. OF 2024/EZ

in

O.A.NO.162 OF 2024/EZ.

In the matter of:-

An application for addition of
party/parties

And

In the matter of:-

Sri Arun Kumar Dutta and Ors

... Petitioners

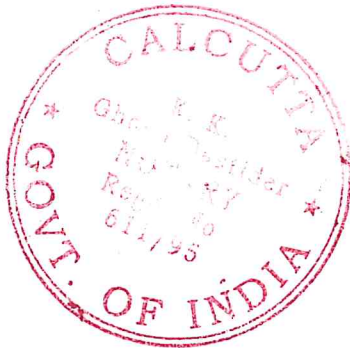
Versus

The State of West Bengal and Ors

And

Radhesyam Saha and Ors

... Proposed added respondents



APPLICATION

Sobhan Majumder

Advocate

High Court, Calcutta

Raja Chamber, 4, Kiran Sankar Roy,

Road, Kolkata- 700001, Phn No

7044002257/ 9674062587, Email:-

majumdersobhan7@gmail.com.

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