

IN THE BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE
 BENCH, KOLKATA,
 ORIGINAL APPLICATION NO.135 OF 2023/EZ
 IN "A" No - 71 2024/EZ
 (Under Section 18(1) read with Sections 14, 15 of National Green
 Tribunal Act. 2010)

In the matter of :

Mousri Jana

.....Applicant

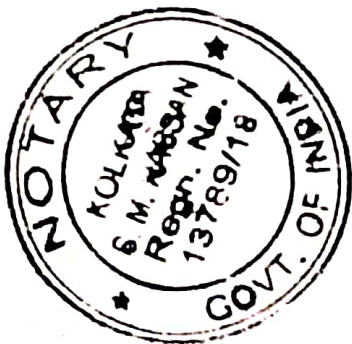
-Versus-

The State of West Bengal & Ors.

.....Respondents

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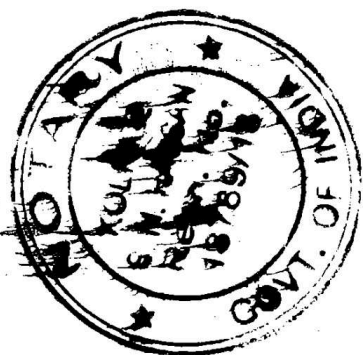
daughter of Mr. Nitai Jana

78/1, Baruipara Lane, Police
Station - Dakshineswar, Post
Office - Alambazar, Kolkata -
700035.

.....Applicant

-Versus-

1. The State of West Bengal,
service through the Principal
Secretary, Department of
Environment, Pranisampad
Bhawan, 5th Floor, Block LB-II,
Salt Lake, Sector - III,
Bidhannagar, Kolkata - 700106;
Email : psey.env-wb@gov.in



10 SEP 2024

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2. West Bengal Pollution Control Board, service through the Chairman, Paribesh Bhawan, 10A, Block - LA, Sector -III, Bidhannagar, Kolkata - 700106.

Email : chrnmn.wbpcb-wb@bangla.gov.in

3. Member Secretary, West Bengal Pollution Control Board, Paribesh Bhawan, 10A, Block - LA, Sector-III, Bidhannagar, Kolkata - 700106.

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

4. West Bengal Fisheries Department, service through the Secretary, having office at Benfish Tower, 8th Floor, 31, GN Block, Salt Lake, Sector -V, Kolkata - 700091.

Email : prsecy.fisheries@gmail.com

5. Block Land and Land Reforms Officer, Block - Canning-I, Post



X

Office - Canning Town, Police
Station - Canning, near Canning
Bazar, Baruipur Canning Road,
Malda, District - South 24
Parganas, PIN - 743329.

Email : bdocng12014@gmail.com

6. The Executive Officer,
Canning-I Panchayat Samity,
Canning, South 24 Parganas, Pin
- 743329.

Email : sdocan@gmail.com

7. The Sub-Divisional Officer,
Canning, Canning-Basanti Road,
Matla, Post Office - Canning
Town, District - South 24
Parganas, West Bengal, Pin -
743329.

Email : sdocan@gmail.com

8. Pradhan, Canning -I, Gram
Panchayat, Post Office - Canning,



✕

Police Station - Canning, PIN -
743329.

Email : sdocan@gmail.com

9. District Magistrate, South 24
Parganas, having office at
Alipore, South 24 Parganas,
Kolkata - 700027.

Email : dm.s24pgs@gmail.com

10. Secretary Land Reforms and
Revenue, Department of Land
Reforms, having office at
Nabanna, 325, Sarat Chatterjee
Road, Mandirtala, Shibpur,
Howrah - 711102.

Email : seclr@wb.gov.in

.....Respondents

11. Uttam Das,
son of Late Bihari Lal Das,
of Village - Mithakhali, Post
Office - Canning Town, Police
Station - Canning, Sub-Registry

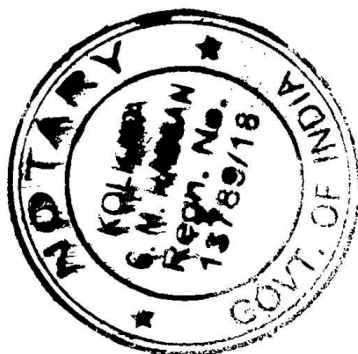


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Office – Matla, District - South 24
Parganas, Pin – 743329.

12. Pallab Sardar, son of Pranab
Sardar, of Village – Mithakhali,
Post Office and Police Station –
Canning, District - South 24
Parganas, Pin – 743329.

13. Ayan Sardar,
Son of Gopal Sardar, Nationality
– Indian, by faith – Hindu,
Profession – Business, of Village –
Mithakhali, Post Office and Police
Station - Canning, District -
South 24 Parganas, Pin -
743329.



....Added Respondents

The humble petition on behalf of
the applicant abovenamed –

Most Respectfully Sheweth :-

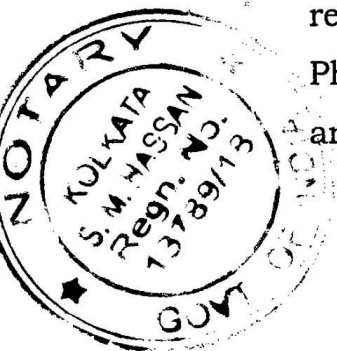
1. That a writ application was filed before The Hon'ble High Court at Calcutta being W.P.A. No. 18252 of 2024 (in re: Uttam Das and

X

Others -vs- State of West Bengal and Others) With a IA being CAN 1/2024 by (1) Uttam Das, (2) Pallab Sardar and(3) Ayan Sardar.

2. That on 4th September, 2024 the matter was taken up by The Hon'ble Chief Justice and Hon'ble Justice Hiranmoy Bhattacharya and after hearing all the parties Their Lordships were pleased to dismiss the writ application.
3. That However, in order to have a binding adjudication Their Lordships were pleased to direct the Original Applicant to implead the writ petitioners as respondents in the original Application. Photostate copy of the order dated 4th September, 2024 is annexed herewith and marked as annexure "A".
4. That the server copy was received by the original applicant on 7th September, 2024. That in regard to the observations made by the The Hon'ble Chief Justice and Hon'ble Justice Hironmoy Bhattacharyaa in writ petition being W.P.A. No. 18252 of 2024 (in re: Uttam Das and Others -Vs- State of West Bengal and Others) it is humbly prayed before this Hon'ble Tribunal that the above referred three writ petitioners be made respondents in this application for binding adjudication.
5. That as per the direction of the Hon'ble High Court the petitioner filed this application for addition of parties which was already served before the Learned Advocates appearing on behalf of the respondents.

Photostat copy of the emails sending report are annexed hereto and collectively marked as Annexure "B".

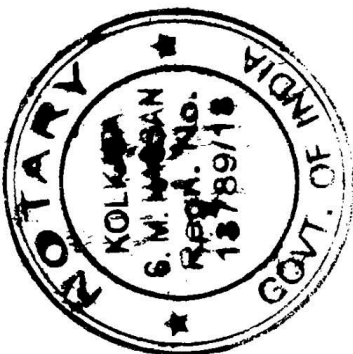


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Under the circumstances your applicant humbly pray before this Learned Tribunal added the respondent in the main application or pass such other order or orders as Your Tribunal may deem fit and proper.

And for this act of Kindness, your applicant as in duty bound shall ever pray.

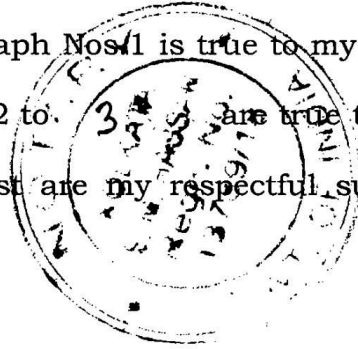
Mousri Jana



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VERIFICATION

Verified at Kolkata by the deponent above named on this the 10th Day of September, 2024 and say that the contents of this affidavit made in paragraph Nos.1 is true to my knowledge and those made in paragraphs No.2 to 3 are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.



Mousri Jana.

*Verified by me,
Tanita Guroy
Advocate.*



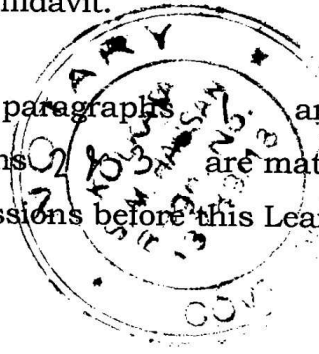
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AFFIDAVIT

I, Mousri Jana, daughter of Mr. Nitai Jana, aged about 28 years, by faith -Hindu, by Profession - Practicing Lawyer, residing at 78/1, Baruipara Lane, Police Station - Dakshineswar, Post Office - Alambazar, Kolkata - 700035, do hereby solemnly affirm and say as follows:-

1. That I am the Applicant of this application and as such, I am well conversant with the facts and circumstances of the instant case and I am competent to affirm this affidavit.

2. That the statements made in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 are true to my knowledge those made in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 are matters of record and the rest are my humble submissions before this Learned Court.



Prepared in my office

Tanuta Guroy
Advocate

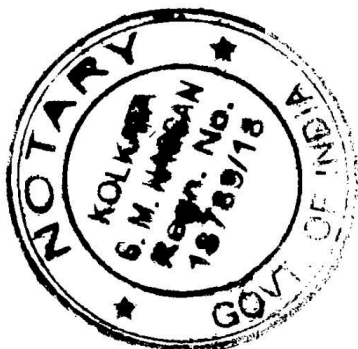
Mousri Jana
DEPONENT

High Court, Calcutta.

Enrol. No. F/1192/2007

Identified by me

Tanuta Guroy
Advocate



SOLEMNLY AFFIRMED AND DECLARED BEFORE ME ON IDENTIFICATION

S. M. Hassan
S. M. HASSAN
NOTARY

11 0 SEP 2024

04.09.2024
Item No.39
gd/ssd

WPA/18252/2024
UTTAM DAS AND ORS.
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2024

Mr. Masud Karim,
Ms. Anushika Bharati
Mr. Rashed Rashid
..for the Petitioners.

Mr. Jahar Lal De,
Mr. Rudranil De
..for the State.

Mr. Arjun Ray Mukherjee
..for the Respondent Nos.2 and 3.

Mr. Soumya Dasgupta
..for the Respondent No.11.

1. This writ petition has been filed challenging the order passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No.135/2023/EZ dated 10.05.2024.

2. We failed to understand as to how the petitioners would be aggrieved by the impugned order since the Hon'ble Tribunal had directed affidavits to be filed and has yet to decide the matter.

3. The other ground canvassed by the learned advocate for the petitioners is that the petitioners were not made parties to the Original Application before the Hon'ble Tribunal.



4. Nothing prevents the petitioner from seeking to implead himself in the proceeding. Therefore, this is also not a ground to entertain the writ petition.

5. In any event the Hon'ble Tribunal is functioning under a specialized statute and the petitioner cannot be permitted to bypass the procedure laid down under the Act and file a writ petition.

6. For the above reasons, the writ petition is dismissed.

7. However, in order to have a binding adjudication we direct the Original Applicant before the Hon'ble Tribunal, namely, Mousri Jana, who is the 11th respondent in this writ petition to implead the writ petitioners, namely, Uttam Das, Pallab Sardar and Ayan Sardar as respondents in Original Application No.135/2023/EZ dated 10.05.2024.

8. Such application for impleadment shall be filed within a week from the date of the server copy of this order after which it will be open to the petitioners to enter appearance before the tribunal and place his submissions before the Hon'ble Tribunal.

9. It is made clear that this court has not gone into the merits of the matter which will be decided by the Hon'ble Tribunal.



(T. S. SIVAGNANAM)
CHIEF JUSTICE

- 12 - 3

(HIRANMAY BHATTACHARYYA, J.)





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Annexure 'B' 246
collectively.

Document from Soumya Dasgupta

Message

Soumya Dasgupta <dasgupta.soumya@gmail.com>
Masud Karim <masudkarim1000@gmail.com>

Tue, 10 Sep 2024 at 4:07 p



TANUTA GURAY

Advocate
High Court, Calcutta
Bar Association Room No.16

-IX-

Residence & Chamber :
4/2B, Raja Rajendra Lal Mitra
Road, Kolkata - 700085
(M) : 9874456180
Email : tanutaguray3@gmail.com

Date : 17.09.2024

Sub : Original Application No.135 of 2023/EZ
Mousri Jana

.....Applicant

-Versus-

The State of West Bengal & Ors.

.....Respondents

Sir(s).

Enclosed please find herewith a scan copy of the application for addition of party alongwith all annexure are annexed herewith which will be taken up before The Learned National Green Tribunal, or soon thereafter as and when the business of the Learned Tribunal permits.

Thanking you,

Yours sincerely,

Tanuta Guray
Advocate





- 15 -

Atanu Chatterjee <c.atanu15@gmail.com>

Application for Addition of party.

1 message

Atanu Chatterjee <c.atanu15@gmail.com>

Tue, Sep 17, 2024 at 2:56 PM

To: "dllro.s24pgs@gmail.com" <dllro.s24pgs@gmail.com>, nayanbihani bihani <nayanbihani@gmail.com>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>, "Rajib Ray, Advocate" <rajib.ray.official23@gmail.com>

Sir(s),

Enclosed herewith a scan copy of the Addition of Party.

 **mousri jana.pdf**
355K

