

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

Under Section 18(1) read with Sections 19(1)(i) of the National Green
Tribunal Act, 2010

Interlocutory Application No. 41 of 2024

in **O.A. No. 119/2024/EZ**

Between:

Mr. Srinivasan Sampath Kumar

.....Applicant

-- Versus --

1) The Chief Executive Officer
Kolkata Metropolitan Development
Authority
Government of West Bengal

2) The Secretary
Govt. of India
The Ministry of Environment,
Forest & Climate change

3) The Addl. Chief Secretary,
The Department of Environment, Govt. of
West Bengal

.....Respondents

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FORM I
[See rule 8(1)]

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in **O.A. No. 119/2024/EZ**

Between:

Mr. Srinivasan Sampath Kumar
P 590 Purna Das Road
P.O. Ballygunge
P.S. Rabindra Sarobar
Kolkata 700029
Mobile: 9831005197
Email: sskumarlegal@gmail.com

.....Applicant

- versus-

1) The Chief Executive Officer
Kolkata Metropolitan Development
Authority,
Government of West Bengal
Unnayan Bhavan, DJ-11, Sec-II,
Salt Lake, Kolkata 700091
Email: ceokmda@gmail.com

2) The Secretary
Govt. of India
The Ministry of Environment,
Forest & Climate change
Indira Paryavaran Bhawan
Jorbagh Road, New Delhi-110003
Email: secy-moef@nic.in

3) The Additional Chief Secretary,
The Department of Environment,
Government of West Bengal
Prani Sampad Bhavan, 5th Flr, LB-II,
Sector 3, Salt Lake, Kolkata-700098
Email: acsenvwb@gmail.com
Psecy.env-wb@gov.in

.....Respondents

The Applicant respectfully Sheweth:

That I, Srinivasan Sampath Kumar s/o Venkatachari Srinivasan, Hindu, aged about 72 years, an advocate and an activist, residing at P-590, Purna Das Road, P.O. Ballygunge and P.S. Rabindra Sarobar, Kolkata-700029 do hereby solemnly affirm and state as follows:

- 1) That I am the applicant in the matter O.A. No. 119/EZ of 2024. I have filed an application against the illegal conversion of a portion of the green corridor of the environmentally sensitive Rabindra Sarobar, recognised as a National Lake of immense environmental importance. The matter had come up for hearing on 31st May 2024 before the NGT, EZ, when the Hon'ble Court was pleased to admit the application and direct the Applicant to serve e-copy/soft copy of the original application with all annexures upon all the Respondents and file affidavit of service.
- 2) That the applicant craves to state that the said Order of the Hon'ble Court has been duly complied with, and all the Respondents have confirmed receipt of the application with annexures.
- 3) That the applicant, today on a usual morning walk in the Rabindra Sarobar Lakes, found hundreds of tonnes of earth dumped in the Green corridor and a huge bulldozer had dug up deep pits in the area which the KMDA had announced as being handed over to a few film celebrities for establishing a celebrity cricket club.
- 4) That the said land of 5 (five) bighas bordering Southern Avenue is being altered beyond recognition taking advantage of the summer vacation in the NGT in blatant violation of all norms, even while when the Hon'ble Court has admitted the application.
- 5) That the applicant was approached by many concerned citizens requesting that the matter be taken up immediately with this Hon'ble court and the attention of the NGT drawn to stop the blatant violations happening to the detriment of environment in Rabindra Sarobar.

- 6) That the applicant has annexed 3 (three) photographs taken today (20th of June, 2024) in Rabindra Sarobar Green corridor, which will explain the gravity of the situation.
- 7) That the applicant, therefore, humbly prays before this Hon'ble Court to immediately issue an interim order restraining the respondents, their men and agents to stop forthwith any and all activities of transforming the said Rabindra Sarobar Green corridor in any manner whatsoever, and to revert the land to status quo ante as at the time when the original application was filed.
- 8) That in view of the above circumstances and considering the gravity of the situation, the applicant is entitled to get an order of ad-interim injunction restraining the respondents, their men, agents, and anybody claiming through them, from disturbing or damaging the Green corridor, or any portion of the Rabindra Sarobar lakes, until this court hears and disposes the original application.
- 9) That due to the extreme urgency involved in the matter, unless an ad-interim injunction is granted by an interlocutory order in favour of the applicant, whose interest is of protecting the environment of Rabindra Sarobar will be highly prejudiced and the very purpose of this application will be frustrated and defeated.
- 10) That the balance of convenience and inconvenience are in favour of the applicant.
- 11) That this instant application is bonafide and for the ends of justice and equity.

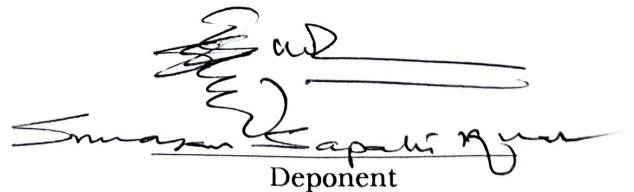
Therefore, the applicant prays

- i) For passing an order for temporary injunction restraining the respondents, their men and agents and anybody claiming through them from causing any disturbance, interference, alteration by or without the use of machinery in any manner whatsoever in and around Rabindra Sarobar Lakes area until this Hon'ble court would hear the matter and dispose of the original application.
- ii) For passing such other order, or orders as your Honour may think fit and proper for ends of justice, law and equity.

For this Act of kindness, the applicant, as in duty bound, shall ever pray.

VERIFICATION

I, Srinivasan Sampath Kumar, the applicant herein, do hereby declare that the statements made above in the foregoing paragraphs are true to my knowledge and belief. I sign this verification this the 20th day of June 2024.


Deponent

Identified by me
Siddhartha Anand
Advocate

Enrol No. WB/A30/77

BEFORE THE NOTARY
KOLKATA-700 027

21 JUN 2024

Sl. No. 109 Dated 20.....

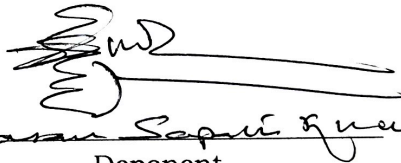
5

A F F I D A V I T

I, Srinivasan Sampath Kumar, son of Late V. Srinivasan, aged about 72 years, by faith Hindu, by occupation-legal practice, residing at P-590 Purna Das Road, 5th Floor, Post Office Ballygunge, Police Station Rabindra Sarobar, Kolkata 700029, do hereby solemnly affirm and say as follows:

1. That I am the Applicant of the instant interlocutory application and am well acquainted with the facts and circumstances of the case. This is true to my knowledge and belief.

2. That the statements made in paragraphs 1 to 9 of the foregoing petition are true to my knowledge and the rest are my humble submission before this Hon'ble Tribunal.


Srinivasan Sampath Kumar


Deponent
Identified by:

Siddhartha Ganguly
Advocate

Enrol No. WB/737/77



Solemnly declare and affirmed
before me on identification under
the notaries act


Kazi Khalekujaman
Notary, Govt. of West Bengal
Reg. No. : 07/2016

21 JUN 2024







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Between:

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P.S. Rabindra Sarobar
Kolkata 700029
Email: sskumarlegal@gmail.com

.....Applicant

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The Department of Environment,
Government of West Bengal
Prani Sampad Bhavan, 5th Flr, LB-II,
Sector 3, Salt Lake, Kolkata-700098
Email: acsenvwb@gmail.com
Psecy.env-wb@gov.in

.....Respondents

BEFORE THE NOTARY
KOLKATA-700 027

Sl. No. 103 Dated 21 JUN 2024

AFFIDAVIT OF SERVICE

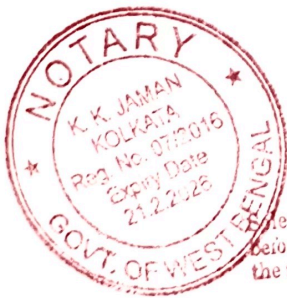
I, Srinivasan Sampath Kumar, son of Late V. Srinivasan, aged about 72 years, by faith Hindu, by Occupation Lawyer (in the instant case, the Applicant), residing at P- 590, Purna Das Road, P.O. Ballygunge, P.S. Rabindra Sarobar, Kolkata 700029, do hereby solemnly affirm and say as follows:

That I intend to file and move an interlocutory application in my Original Application in the NGT.

I, accordingly, have served you the soft copies of the said interlocutory application along with all annexures, by email to enable your appearance and action:

RESPONDENT NO.	E MAIL ID	SERVED ON:
1) Ms. Paushali Banerjee On behalf of Respondent 1 KMDA	advocate.paushali@gmail.com	21.06.24
2) Ms. Rashmi Singhee On Behalf of Respondent 2 MoEF&CC	rashmibothra24@gmail.com	21.06.24
3) Mr. Sibojyoti Chakraborty On Behalf of Respondent 3 DOE, GOWB	subho.advocate@gmail.com	21.06.24

That the statements made above are true to my knowledge and belief.



Solemnly declare and affirmed
before me on identification under
the notaries Act

K.K. Jaman
Kazi Khalekujaman
Notary, Govt. of West Bengal
Regn. No. 072016

Sud
Smaran Sampath Kumar

Applicant
Identified by:

Siddhartha Ghosh
Advocate

Enrol No. WB/1737/77

21 JUN 2024