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**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
MEMORANDUM OF APPLICATION**

**(An application under Sections 14 and 18 of the National Green
Tribunal Act, 2010)**

Original Application No. /2024/EZ

BETWEEN

SAJIBUR RAHAMAN

....Applicant

-Versus-

The State of West Bengal & Ors.

...Respondents

Masooq Rahaman
Advocate-on-Record

Mr. Masooq Rahaman,
Advocate,
High Court, Calcutta,
Bar Association, Room No. 15.
E-mail :masooqrahman007@gmail.com
Ph. No. 7076115231

Enrolment no. F/2170/2010/2023



26 SEP 2024

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**
An application under Section 18(1) read with section 14, 15(1) of the
National Green Tribunal Act, 2010

Original Application No.

/2024/EZ

SAJIBUR RAHAMAN

.....Applicant

-Versus-

The State of West Bengal & Ors.

.....Respondents

I N D E X

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26 SEP 2024



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
MEMORANDUM OF APPLICATION

(An application under Sections 14 and 18 of the National Green
Tribunal Act, 2010)

Original Application No. /2024/EZ

BETWEEN

SAJIBUR RAHAMAN Applicant

-Versus-

The State of West Bengal & Ors. Respondents

SYNOPSIS

1. The Applicant is old aged, ailing, peaceful citizen and inhabitants of Village & P.O- Kapasdanga, P.S- Beldanga, Dist- Murshidabad, Pin- 742133 and neighbour of respondent No.9 and Respondent No. 10.
2. The respondent No.9 and 10 are desperate in nature and are not law-abiding person and are illegally running Aluminium/Tin Box manufacturing unit creating huge sound by Humayan Kabir and Matibur Rahaman, both son of Robiul Hoque of village & P.O- Kapasdanga, P.S- Beldanga, Dist- Murshidabad, Pin- 742133 at the highly populated residential area and adjacent to the residential house of the Applicant illegally.
3. The respondent have installed and set up the said unauthorized Aluminium/Tin Box manufacturing unit without maintaining the proper way and technical method and without obtaining "Consent to operate Certificate" from the concerned authority.
4. Despite the rules, norms, directions and orders of the Hon'ble Apex Court as Well as The National Green Tribunal, the respondent No.9 & 10 are running the Aluminium/Tin Box manufacturing unit without obtaining "Consent to operate Certificate" from the concerned authority and creating huge and unbearable sound/noise pollution.

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

MEMORANDUM OF APPLICIATION

(An application under Sections 14 and 18 of the National Green

Tribunal Act, 2010)

Original Application No. /2024/EZ

BETWEEN

1. SAJIBUR RAHAMAN, son of Aynul Haque Sekh,
residing at Village and Post-Kapasdenga, Police Station-
Beldanga, District-Murshidabad, Pin-742133.

..... Applicant

-Versus-

1. The State of West Bengal, Service through the
Principal Secretary, Department of Environment, 5th Floor,
Pranisampad Bhavan, Sector-III, Salt Lake City, Kolkata-
700091.

Email id: psecy.env-wb@gov.in

2. The Chief Environment Officer, Department of
Environment, 5th Floor, Pranisampad Bhavan, Sector-III,
Salt Lake City, Kolkata- 700091.

Email id: environmentwb@gmail.com

3. The West Bengal Pollution Control Board, through the
Chairman Paribesh Bhavan, 10A, Block-LA, Sector-III,
Biddhannagar, Calcutta – 700098: Mail id: chrnm.wbpcb-
wb@bangla.gov.in

4. The Member Secretary of the West Bengal Pollution Control Board, Department of Environment, Government of West Bengal, Paribesh Bhawan, 10A, Block-LA, Sector-III, Biddhannagar, Calcutta 700098.

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

5. The District Magistrate, Murshidabad at Berhampore, P.O. + P.S. Berhampore, Dist. Murshidabad Pin. 742101.

Email – dm-mur-wb@nic.in

6. The Environment Engineer, Maldah Regional Office, WBPCB. Paribesh Bhavan, vill- Abhirampur, P.O. Mokdumpur, P.S. English Bazar, Dist- Malda, Pin- 732103.

Email – Not Available

7. General Manager, District Industries Centre, Murshidabad, 20/1, C.R.Das Road, P.O & PS- Berhampore, Pin-742101. Email – gmmurs.msse-wb@nic.in

8. The Prodhan, Kapasdanga Gram Panchyat, office at Village & Post-Kapsdanga, P.S. Beldanga, District- Murshidabad, Pin- 742133.

Mail Id: kapsdangagp@gmail.com.

9. Humaun Kabir, son of Late Robiul Haque, residing at Village & Post-Kapsdanga, P.S. Beldanga, District- Murshidabad, Pin- 742133. Email – Not Available

10. Motibur Rahaman, Abdul Mannan Biswas, son of Late Robiul Haque, residing at Village & Post-Kapsdanga, P.S. Beldanga, District- Murshidabad, Pin- 742133. Email –

Not Available

..... Respondents

MOST RESPECTFULLY SHEWETH:

1. That the address of the Applicant is as given above for the service of notice of this application.
2. That the address of the respondents are as given above for the service of notice of the application.
3. That the Applicant above named beg to present the Memorandum of Application against the arbitrary and mala fide inaction of the respondents in not following directions and orders of the Hon'ble Apex Court as Well as The National Green Tribunal to protect the Environment and grounds set out hereunder.

The Applicant abovenamed

most respectfully Sheweth –

4. FACTS OF THE CASE:

- a) That the Applicant states that Applicant is a peaceful citizen and inhabitant of Village & Post-Kapasdanga, P.S. Beldanga, District-Murshidabad.
- b) That the private respondent no.9 & 10 are also inhabitant of Village & Post-Kapasdanga, P.S. Beldanga, District- Murshidabad and neighbourhood of the applicant.
- c) That the private respondents No.9 & 10 are desperate in nature and are not law-abiding persons and some time ago they have been running a factory of Aluminium/Tin Box manufacturing unit for their business and trading purpose at the highly populated residential area and adjacent to the residential house of the Applicant illegally.

- d) That the private respondents are running the Tin Box Manufacturing Unit which is absolutely unauthorized and without maintaining the proper way and technical method and without obtaining "Consent to Operate Certificate" from the concerned authority and also creating huge noise/sound pollution in and around the locality where the applicant resides.
- e) That the said unauthorized factory/Unit runs with full load every day from morning to late night which generates a heavy/massive noise pollution surrounding of that area and creates hazard in that area and renders the area uninhabitable for the neighbors', applicant/inhabitants.
- f) That the factory so set up by the respondent no.9 & 10 illegally has been creating massive noise/sound pollution and nuisance in the locality and causing injury to living persons as to the inhabitants/applicant and their family and the others of that area and causing discomfort to the children, old aged, ailing persons and also inhabitants of the area and causing interruption in study of the students of the family of the Applicant and neighbouring inhabitants.
- g) That the unauthorized Unit/Factory, creates noise pollution that cause hazardous Environment, not only discomfort to the Applicant and the local inhabitants but also it is dangerous to the life and safety of the Children and old aged Person and sick persons to the local inhabitants, having mental discomfort.
- h) That the Applicant and local inhabitants are the worst sufferers of the noise pollution which may cause injury to ears leading to hearing Problems to the Applicant which is against the physical comfort and health of the Applicant as he has been suffering from severe illness.

- i) That the huge noise pollution is against the physical comfort and health of the Applicant. Applicant filed complaint before the Respondent authority on 20.09.2024 by hand to resolve the said issue but no result as yet.

Xerox Copy of the said petition dated 20.09.2024 is annexed herewith and marked as ANNEXURE "A".

- j) That the private respondents are continuing and running the said Unauthorized Tin Box manufacturing Unit/factory forcefully and by illegal way and manner, violating all rules and provisions and also ignores the administrative guideline to establish the Unit/factory and have been creating a massive noise pollution and nuisance in locality and causing injury to living persons as child, students, seeks, old aged persons and also to the applicants and their family and the others of the area and causing discomfort to the local inhabitants.
- k) That on 20/09/3024 the complaint was submitted before the concerned authorities but no redressed/relief has been made, Applicant beg to submit this prayer for immediate redressed/relief before you.
- l) That the Applicant above named begs to present the Memorandum of Application against the arbitrary and malafide inaction of the respondents not to follow directions and orders of the Hon'ble Apex Court as Well as The National Green Tribunal to protect the Environment and grounds set out hereunder.

5. **G R O U N D S :**

- I. For that the respondents being the statutory authorities both under the Environment (Protection) Act, 1986 and the Environmental (Protection) Rules, 1986 are duty bound to perform the respective duties vested upon the respondents by the statute without any unreasonable and/or inordinate delay.

- II. For that the inaction on the part of the respondents herein to allowing the running of illegal and unauthorized Tin Box manufacturing Unit/factory without "Consent to operate Certificate" from the concerned authority which is unjustified and malafide.
- III. For that said Unauthorized Tin Box Manufacturing Unit/factory runs with full load every day from morning to late night which generates a heavy/massive noise pollution surrounding that area and create hazard and renders the area uninhabitable for the neighbours' applicant/inhabitants
- IV. For that the respondents fail to take immediate steps to stop the running of the Unauthorized Tin Box Manufacturing Unit/factory and the inaction on the part of the respondents is arbitrary and malafide.
- V. For that the illegal and unauthorized Tin Box Manufacturing Unit/factory, creates huge sound/noise pollution that cause hazardous Environment not only discomfort to the Applicant and the local inhabitants but also it is dangerous to the life and safety of the Children and old aged Person and seek persons to the local inhabitants, having mental discomfort
- VI. For that the Unauthorized Tin Box manufacturing Unit/factory so set up by the respondent no. 9 & 10 illegally, has been creating massive noise pollution and nuisance in the locality and causing injury to living persons as to the inhabitants/applicants and their family and the others of that area and causing discomfort to the children, old aged, ailing persons and also inhabitants of the area

and causing interruption in study of the students of the family of the Applicant and neighbouring inhabitants.

VII. For that the Applicant and local inhabitants are the worst sufferers of the noise pollution which may cause injury to the ears leading to hearing Problems to the Applicant by reason of huge noise pollution which is against the physical comfort and health of the Applicant.

6. **LIMITATION :**

The Applicant states that the present application is being moved against the unreasonable and purported inaction on the part of the respondents to take steps against the illegal and Unauthorized Tin Box Manufacturing Unit/factory to protect the Environmental Pollution and therefore the present application is not barred by limitation. Continuous cause of action.

7. **PRAYER :**

The Applicant most humbly prays for: -

- a) An order and/or appropriate orders upon the respondents, their men, agents, assigns and subordinates, to take immediate steps to stop the said illegal and Unauthorized Tin Box manufacturing Unit/factory which is running without obtaining "Consent to operate Certificate" from the concerned authority, and creating huge noise pollution in the highly densed populated locality and violating the rules and norms which is covered by the several directions and orders of the Hon'ble Apex Court as Well as The National Green Tribunal to protect the Environment.

12.

- b) An order directing the respondents to transmit and authenticate the records of the case to the Hon'ble Tribunal so that conscionable justice may be administered by passing appropriate order;
- c) To pass such order or orders as the Hon'ble Tribunal may deem fit and proper.

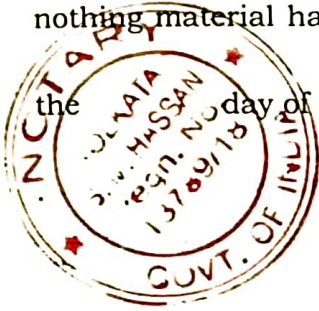
And the Applicant, as in duty bound, shall ever pray.

INTERIM PRAYER :

- a) An interim order of injunction directing the respondents, to take steps to stop running illegal and unauthorized Tin Box manufacturing Unit/factory, pending disposal of the Original Application.

VERIFICATION

I, SAJIBUR RAHAMAN & ORS, son of Aynul Haque Sekh, the Applicant abovenamed, do hereby declare and verify that the statements contained in the foregoing petition are true to my knowledge, no part of it is false and nothing material has been concealed therein and I sign this verification on the _____ day of September, 2024 at Hon'ble Tribunal.



Sajibur Rahman

Deponent

Identified by me

Maroof Rahman
Advocate.



A F F I D A V I T

I, SAJIBUR RAHAMAN son of Aynul Haque Sekh, aged about 54 years, by faith : Islam, by occupation : Cultivation, residing at Village-Kapasdanga, Post- Kapasdanga, Police Station- Beldanga, District- Murshidabad, Pin-742133, do hereby solemnly affirm and say as follows :-

1. That I am the Applicant above named and as such I am well acquainted with the facts and circumstances of the case.
2. That the statements made in paragraphs Nos. 1 to 4 and 6 are true to my knowledge and rest are my humble submissions before this Hon'ble Court.

M. S. U. M. S.

Prepared in my office

DEPONENT

Masood Rahman
Advocate

Identified by me,

Masood Rahman
Advocate.



SOLEMNLY AFFIRMED AND DECLARED BEFORE ME ON IDENTIFICATION

S. M. Hassan
S. M. HASSAN
NOTARY

26 SEP 2024



. 15.

Annexure - A
Robiul Islam

Advocate,
Bar Association, Room No. 15,
High Court, Calcutta.
(M) 9830352554

Date : 20.09.2024

To,

1. The Hon'ble Governor, West Bengal,
Raj Bhavan, Kolkata-700062.
2. The Chief Environment Officer, Department of Environment,
5th Floor, Pranisampad Bhavan, Sector-III, Salt Lake City,
Kolkata- 700091.
Email id: environmentwb@gmail.com
3. The District Magistrate, Murshidabad at Berhampore
P.O. + P.S. Berhampore, Dist. Murshidabad Pin. 742101.
Email - dm.murshidabad@gmail.com
4. The Environment Engineer, Malda Regional Office, at Vill-
Abhirampur, P.O. Mokdumpur, P.S. English Bazar,
Dist- Malda, Pin- 732103.
5. The Superintendent of Police, Murshidabad Police District,
having its office at P.O & P.S- Berhampore,
District- Murshidabad, Pin- 742101.

**Sub: Illegal running of Tin Box manufacturing unit
creating huge sound by Humayan Kabir and
Matibur Rahaman, both son of Robiul Hoque of
village & P.O- Kapasdanga, P.S- Beldanga, Dist-
Murshidabad, Pin- 742133.**

**My Client: Sajibur Rahaman, son of Late Aynul Haque, of
village & P.O- Kapasdanga, P.S- Beldanga, Dist-
Murshidabad, Pin- 742133.**

Sir(s),

Under instruction from and on behalf of my above-named client, I beg to
state as follows:

1. That Humayan Kabir and Matibur Rahaman of Kapasdanga, are running a Tin
Box manufacturing unit in the high densely populated village. There is no valid
license from appropriate authority or consent to operate. The unit is creating a
huge sound pollution as the Tin boxes are manufacturing by beating by the





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Robiul Islam

Advocate,
Bar Association, Room No. 15,
High Court, Calcutta.
(M) 9830352554

2

hammer. The sound is beyond the permissible limit as such the villagers in that locality are suffering a lot. Many of the villagers are ailing and oldage, there are many students who are suffering a lot. My client is also a patient having cerebral stroke as such my client cannot tolerate the huge sound created by the said unit.

2. That the unit is adjacent to the house of my client and inspite of repeated request, the owners of the unit gave any heed to the request of my client. It is unfortunate that the Unit is operating day and night which is absolutely illegal. That my client being a patient is suffering a lot and he has to close his window and doors all time.
3. That my client made several complaints to different authorities but no steps has yet been taken against the illegal operation of Tin Box manufacturing unit of Humayan Kabir and Matibur Rahaman.

In such situation, I most humbly request you on behalf of my above named client, to take prompt and effective steps against the illegal Tin Box manufacturing unit and also stop the same since the unit is being operated without valid permission from competent authority, within a period of 7 days from the date of communication of the order, failing which, my client shall have no other option than to take recourse of law without any further notice to you.

Thanking you.

Yours Faithfully,

Robiul Islam

Advocate



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7:32

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Illegal running of Tin Box
 manufacturing unit creating
 huge sound by Humayan Kabir
 and Matibur Rahaman, both son
 of Robiul Hoque of village &
 P.O- Kapasdanga, P.S-
 Beldanga, Dist-Murshidabad,
 Pin- 742133.



me 7:31 PM



to spmurshidabad, dm-mur... ^

From Masooq Rahman
 masooqrahman007@gmail.com

To spmurshidabad@gmail.com
 dm-mur-wb@nic.in
 smitter.cpcb@nic.in
 dm.murshidabad@gmail.com
 bkpal@wbpcb.gov.in
 mscb.cpcb@nic.in
 net.wbpcb-wb@bangla.gov.in

Date 20 Sep 2024 at 7:31 PM

Notice sajibur
 rahaman .pdf



PDF



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To The Prodhan,
Kapasdanga G.P
Kapasdanga, Beldanga, Murshidabad.

স্বহাশ্রয়ী,
বিনীত নিবেদন এই যে, আমি আজিও বহুমান
ওরফে মস্ট পিতা- মৃত আইনুল হক আম+পোঃ-কাপাসডাংগা-
থানা- বেলডাংগা, জেলা- মুর্শিদাবাদ। আমি নিম্ন বর্ণিত উপাধি
স্বত্ব সম্বন্ধিত বসতবাড়ি কবিত্বা বসবাস করিতেছি। আমার
উক্ত বসতবাড়ির দেওয়ান নাগা প্রায়গায় কোনো জায়গা
না ফেলে রেখে - তি সুমায়ুন করীর ঐ আজিও বহুমান। উক্ত
পিতা- মৃত ববিউল হক। আম+পোঃ কাপাসডাংগা, থানা- বেলডাংগা
জেলা- মুর্শিদাবাদ। একটি টিনের বড়ো বড়ো বাঁধা তৈরি
কারখানা স্থাপন হোর পূর্বক স্থাপন করেছে। নিম্নে কমা-
স্বত্ব - আমার কমা কর্নপাত - করেনি। আমি নিজে কোন
শ্রমকের বনী। আমার অবস্থা - ক্ষুধিত জনক, টিন পিটো
প্রচলিত মাদু দিন-রাত চলছে যা আমি নিজে পারছিই
এরকম চলতে থাকলে যে কোনো সময় - আমার বড়ো বড়ো
দুঃখটন এমনকি জীবনহানি হতে পারে। তাছাড়া আমার
সন্তানদের এই প্রচলিত মাদু পড়াশোনার ত্রুটি-একম অসুস্থ
হচ্ছে।

অতএব মহাশয় নিকট অবিনয় আবেদন, আমার- উই-
স্বত্ব - আমুবিধার - কথা বিবেচনা - করে, কারখানা-
খাল্ড বন্ধ - হয় তার - সু বন্দোবস্ত করে কৃতার্থ করবেন।

Abulmi
Prodhan
Kapasdanga Gram Panchayat
Beldanga-I, Murshidabad

উপাধি
মোতা - ১২০ কাপাসডাংগা
থানা - বেলডাংগা, জেলা - মুর্শিদাবাদ

নিবেদন ইতি -
আজি বহু ১২ মাস
১৭০৫ আইনুল হক
মু - বেলডাংগা
১৫/১৩/১১/১৫

খতিয়ান নং	দাগন নং	বকস	পারিসদ
L.R ১২৫৮০	১১৭৪	বাড়ি	২০ মতক মত্রে ০২ মতক
	১১৭৫	বাড়ি	০৫ মতক মত্রে ২.৫ মতক
			মোট ৪.৫ মতক



Date- 03.11.2023

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To
The Prodhan,
Kapasdanga Gram Panchayat,
Kapasdanga, Beldanga, Murshidabad
Pin-742133

Sir,

It is my humble submission that I Sajibur Rahman @ Monu son of Late Ainul Haque, residing at Vill & P.O.- Kapasdanga, PS - Beldanga, Dist- Murshidabad. I am living in the under mentioned schedule property. Without leaving any space on the wall of my dwelling house (1) Humayun Kabir, (2) Motibur Rahman both son of Late Rabiul Haque, residing at Vill & P.O. Kapasdanga, P. S- Beldanga, District - Murshidabad. A large tin box manufacturing factory was forcefully established. Despite the disagreement did not listen to my words. I myself a patient of brain stroke. My condition is alarming, I can't take the tin banging noise day and night, if it continues like this any time, I may have a major accident or even loss of life. Moreover, my children are unable to concentrate and study due to the these loud noises caused by the said factory located just adjacent to my dwelling house.

So, I request you sir to kindly consider all my inconveniences and please arrange the closure of the factory.

Schedule:

Mouza- 125 Kapasdanga
P.S.- Beldanga-1, Dist- Murshidabad

Khatian no.	Plot no.	Variety	Area
LR 12589.	1974.	House	02 decimals out of 20 decimals
	1975.	House	2.5 decimals out of 05 decimals
			Total land – 4.5 decimals.

Your faithfully

Sajibur Rahaman



Smt Masooda Rahaman

VAKALATNAMA

THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BRANCH, KOLKATA,

In the

Suit Case No. O.A of 2024

Sajibuz Rahaman

-Versus -

The State of West Bengal and Ors

Signature

Plaintiff

Applicant

Appellant

Defendant

Opp. Party

Respondent

KNOW ALL MEN by these

that I/We

do hereby in my/our name and my/our behalf constitute and appoint Sri
MASOODA RAHAMAN
true and lawfull pleader/Advocate & attorney to appear and act for me/us in the matter noted
above to file suit written statement conduct suit appeal from original suit order etc. and for
that purpose to do all acts and thinks, whatsoever in that connection including compromise of
the above matter depositing in or withdrawing money from filling or taking our of appear,
document and payment order from Court referring matter in dispute between the partiers
here to arbitration released from attachment filling execution or miscellaneous cases and
other petitions belding at execution sale, obtaining payment from us out of court withdrawing
custody and other fees and doing on my/our behalf such other acts in the above matters as
are necessary and proper

I/We hereby agreeing to ratify and confirm all acts so done by the said Advocate
or attorneys as my/our own acts and as if done by my/us to all Intents and purposes.

Date. 26-9-24

ADVOCATE

MASOODA RAHAMAN
Advocate
HIGH COURT CALCUTTA.
BAR NO - 15
M - 9830352554
Email - masoodagrahaman007@gmail.com
Enrollment no - F/2170/2010/2023

Received the vaksalatnamam from
my client, satisfied and
accepted by me. - Marooy Rahman
Asst.