

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

O.A. No. 54 of 2025/EZB

In the matter of:

Subhas Datta

.....Applicant

-Versus-

State of West Bengal and Others

.....Respondent

INDEX

Sl No.	Particulars	Pages
1.	Affidavit in the matter of Howrah dump-yard waste	1-7
2.	Affidavit/Verification	8
3.	Annexure – A/1	9-11
4.	Annexure – A/2	12
5.	Annexure – A/3	13-14
6.	Annexure – A/4	15-17
7.	Annexure – A/5	18
8.	Annexure – A/6	19-21
9.	Annexure – A/7	22-23

Applicant

Subhasdatta

SUBHAS DATTA

Office: 25/1, Guitendal Lane, Howrah-711 101'

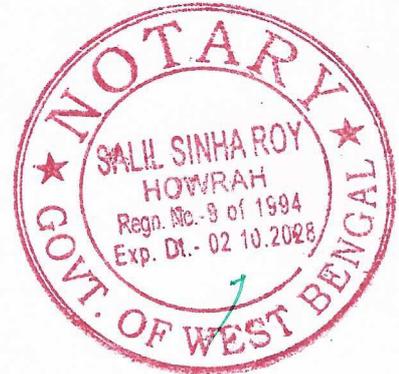
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16 APR 2025

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

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In the matter of:
Subhas DattaApplicant

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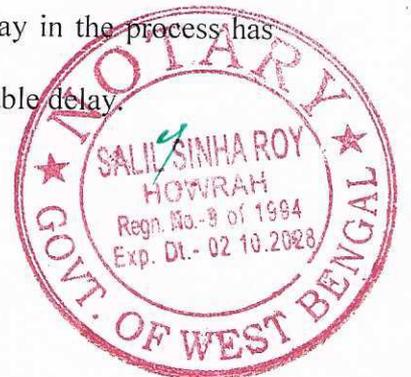
State of West Bengal and OthersRespondent

AFFIDAVIT IN THE MATTER OF HOWRAH DUMP-YARD WASTE

Most Respectfully Sheweth:

I, Subhas Datta, aged about 77 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:-

1. That at the time of admission hearing of the matter on 24th March 2025 the Hon'ble Court had been pleased to treat me as the applicant in this matter and directed to file certain documents before the Court within a week. Since the applicant had preferred to vouch the ground reality of the Belgachia Trenching ground by visiting the site and because of some unfavourable situation prevailing there, some delay in the process has occurred and the applicant may kindly be excused for such unavoidable delay.



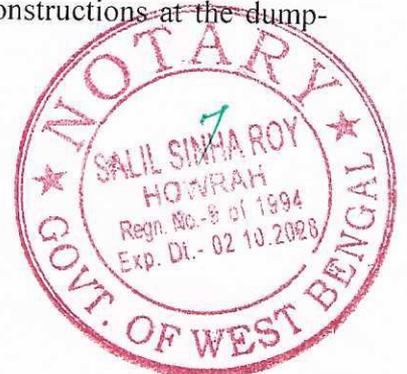
16 APR 2025

2. That the applicant had visited the site on 7th April 2025 and observed the situation there, the brief of which has been stated in the subsequent paragraphs.

PROBABLE CAUSE OF THE DISASTER

3. That within the dump-yard, there is a common motorable road for the public passing through the entire stretch of the dump-yard from East to West. Parallel to the said road, water-supply pipeline had also been set-up. The applicant has taken/collected few photographs of such pipe line and rejected pipe frame found at the dump-yard, which are enclosed as ANNEXURE –A/1.
4. That due to some unknown reasons the giant water pipeline got cracked at the southern side of the dumping ground for which there was huge outflow of water through the cracked portion. The applicant has collected photograph of such cracked position of the pipe line showing flow of water which are enclosed as ANNEXURE –A/2.
5. That it is strongly apprehended that due to such huge outflow of the water with enormous speed the surrounding soil/earth got softened. Since it is a solid wastes dumping ground, the surface soil is usually very soft, which cannot bear any extra load. At the northern and eastern sides of the pipe-line and the road, huge quantity of solid wastes had been mounted continuously for several years/decades. In one hand there was pressure from the heaped solid wastes and on the other hand the bottom/base soil had become very much soft due to out flow of the pipe water. The said situation had caused damages to several constructions/habitations in the nearby area. The local people had to be rescued from the site. Few photographs have been collected on the damaged constructions at the dump-yard, which are enclosed and marked as ANNEXURE –A/3

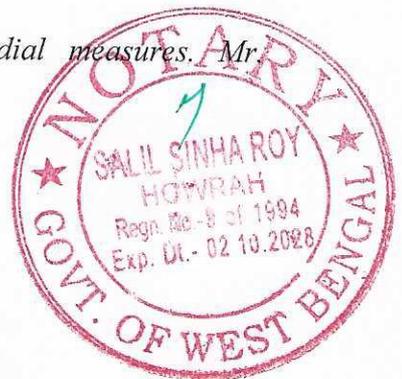
16 APR 2025



6. That it is also claimed that due to continuous dumping of solid wastes in the Belgachia trenching ground during several decades it had long been saturated and the top heavy position had become totally unbearable for the bottom soft soil, causing the land-slide situation there. In this context it is pertinent to mention that the Hon'ble High Court at Calcutta had initially directed the State authority, Howrah Municipal Corporation on 25.04.2003 to ensure the enforcement of the provisions of the Municipal Act on appropriate disposal of solid waste and also to find out alternative dumping site. Afterwards the order was passed by the High Court, Calcutta on 05.12.2008 in the matter, the relevant part of which is reproduced below:-

"We are of the considered opinion that no further time can be granted to the Corporation for compliance of the orders which had been issued by this Court from time to time. As long ago as on 25th April, 2003 a Division Bench of this Court expressed its hope and trust that the Corporation would ensure the enforcement of the provisions of the Municipal Act. Six months time was given to the Corporation to ensure that no further human waste was stored at the trenching grounds. Directions were issued to the State Government to find an alternative site. Thereafter, a series of orders had been issued reposing trust in the Municipal Corporation. We are constrained to observe that this Corporation has not been able to justify the trust reposed by this Court in its ability to combat pollution and health hazards and to provide clean water. Even today Mr. Mukherjee merely submits that the Corporation has entered into a Memorandum of understanding with a company for taking remedial measures. Mr.

10 APR 2025



Mukherjee also expresses the inability of the Corporation in demolishing all the structures erected by trespassers on Government land. He states that the Corporation has been partially successful in removing some of the structures. In this state of affairs, to protect human life in the locality we direct the Corporation to positively remove all the encroachments and to clean the trenching site so that the same is free from pollution and other health hazards by 15th January, 2009. We also direct the District Administration of Howrah to ensure that these directions are complied with by the Corporation.

The office is directed to serve a copy of this order upon the concerned District Magistrate forthwith.”

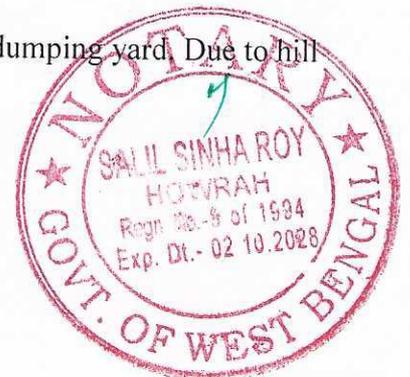
The copy of the order of the Hon'ble High Court, dated 05.12.2008 is enclosed and marked as ANNEXURE – A/4

7. That the inaction and non-action on the part of the State Govt. (West Bengal), District Magistrate, Howrah and the Howrah Municipal Corporation for decades have practically resulted such disorder/debacle, which could have been avoided. At present the dumping ground cannot be used any more. In this context it is relevant to mention that the Howrah Municipal Corporation has not prepared the “Solid Waste Management Plan” as mandated in the Solid Waste Management Rules 2016.

DISRUPTED DRAINAGE SYSTEM

8. That the disaster in the Belgachia Trenching ground has also caused disruption in the drainage system in the city of Howrah. The waste water from the large part of North Howrah flows through the open drain that stretches through the dumping yard. Due to hill

16 APR 2025



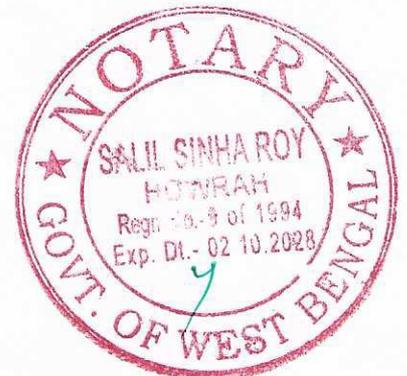
top pressure of garbage on the Salballa barricade of the open drain inside the trenching ground, a very big length of such open drain got choked causing the nearby area inundated by the filthy water. Howrah Municipal Corporation has deployed several pumps and temporary pipe-lines set-up to lift and shift such strangled waste water of the open drain to the other side of the trenching ground. The photographs of such choked waste water pumping out system have been taken, which are enclosed as ANNEXURE – A/ 5.

DRAIN WATER FULL OF HUMAN EXCRETA

9. That it has been strongly evident during the visit to the dumping ground that in the open drain water human excreta is floating which was being pumped out to drains at the other side of the road passing through the dumping ground. It is a matter of surprise that how such quantity of human waste can be accumulated in the open drain, the photographs of which have been taken. The same are enclosed and marked as ANNEXURE – A/ 6.
10. That there is total non-compliance in the matter of the Solid Waste Management Rules 2016, and Plastic Waste Management Rules 2019 in the city of Howrah, for which the entire waste dumping ground has now become totally vulnerable and the same cannot be used any more.

SMOKE AND FIRE COMING OUT FROM THE DUMPING GROUND

11. That it has been evident during the visit that smoke was coming out from the dumped garbage in the Belgachia trenching ground, the photographs of which have been enclosed as ANNEXURE – A/ 7.



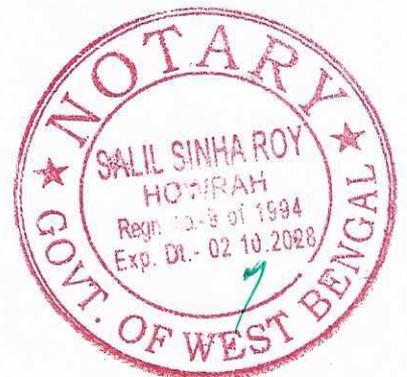
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16 APR 2025

12. That it has been gathered from the local residents that during night hours fire comes out of such garbage. In this context it is pertinent to mention that no provision of water sprinkler could be evident in the dumping ground.

ENVIRONMENTAL COMPENICATION

13. That since the disaster in the Belgachia trenching ground has caused and is still causing various types of environmental hazards and also because of the fact that such problems have occurred due to total failure and inaction/wrong action of Howrah Municipal Corporation, District Magistrate, Howrah and other State Respondents, the penalty should be levied under the polluters pay concept. The local people in lakh have suffered considerably due to severe water, air and other types of pollution, the people must suitably be compensated for such sufferings, which is still continuing.
14. It is therefore respectfully prayed that the Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

Subhas Datta
Subhas Datta



16 APR 2025

VERIFICATION

SL. NO. D.1740

I, Sri Subhas Datta, son of Late Baneswar Datta, aged about 77 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. 1, 3, 4, 5, 6, 8, 9 & 11 are true to the best of knowledge and the contents of the paragraph nos. 7, 10 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 : 16.04.2025

Place: Howrah.

IDENTIFIED BY ME &
SIGNED / LTI TAKEN IN MY PRESENCE
Jibansu Chakraborty
Advocate

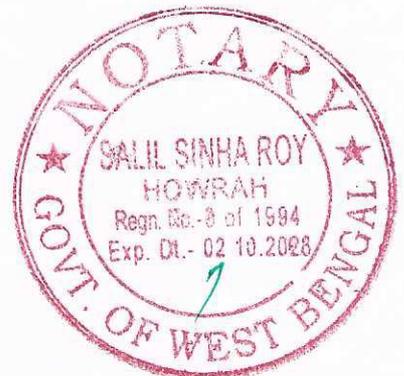
JIBANSU CHAKRABORTY
Advocate
Howrah Judges Court
WB/1448/2000

SOI EMNLY AFFIRMED & DECLARED
BEFORE ME ON IDENTIFICATION

16/4/25
SALIL SINHA ROY
NOTARY HOWRAH

8

16 APR 2025



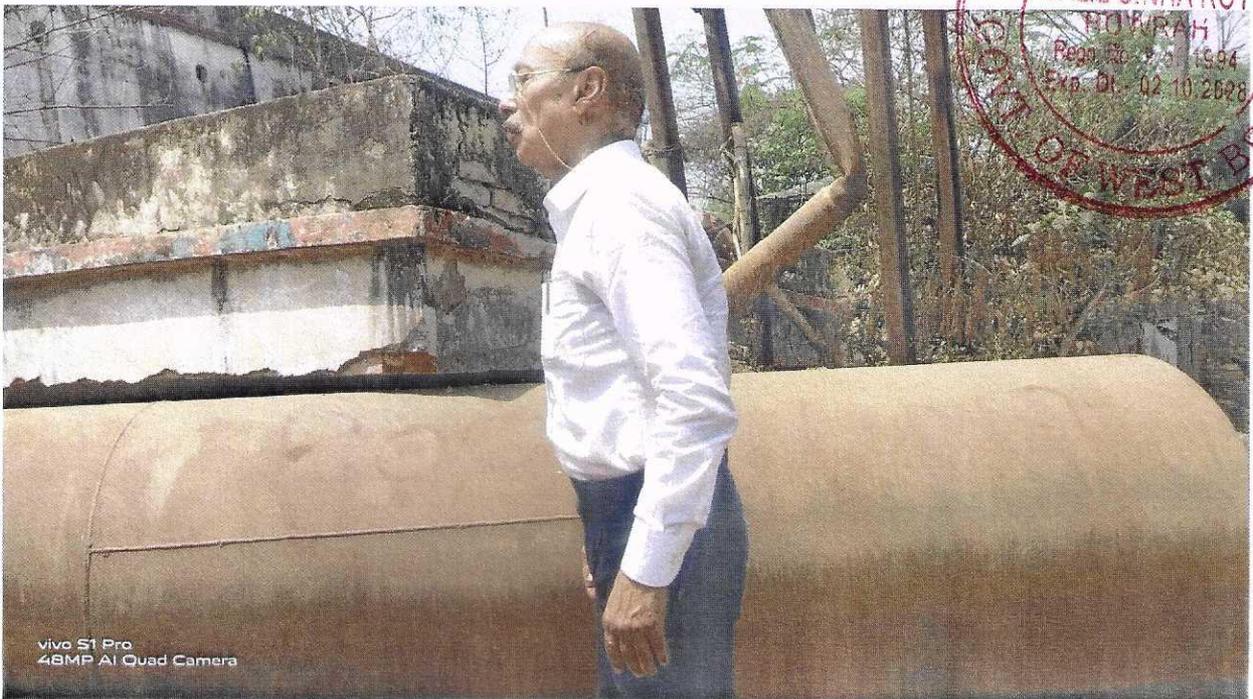


NOTARY
 SANKU SINGHA ROY
 HOWRAH
 Regn. No. - 8/01/1684
 Exp. Dt. - 02-10-2026
 GOVT. OF WEST BENGAL



Photographs taken on 07/04/2025 showing the rejected pipe frame & pipeline in the Belgachia Duping Ground, Howrah

7
 16 APR 2025



NOTARY
SALIL SINHA ROY
HOWRAH
Reg. No. 13994
Exp. Dt. 02-10-2028
WEST BENGAL

Photographs taken on 07/04/2025 showing the rejected pipe frame & pipeline in the Belgachia Duping Ground, Howrah

16 APR 2025 7



Photograph taken on 07/04/2025 showing the rejected pipe frame & pipeline in the Belgachia Duping Ground, Howrah



16 APR 2025

12 -

Annexure - A/2



Photograph collected showing the leakage of water from the pipeline set-up within the Belgachia Trenching Ground causing disaster there on & from 21/03/2025



16 APR 2025



NOTARY
★ SALIL SINHA ROY ★
HOWRAH
Regn No-9 of 1984
Exp. Dt- 02-10-2028
WEST BENGAL

Photographs collected on damaged constructions at the Belgachia Dumping Ground that reportedly took place on 21/22 March 2025

7
16 APR 2025

14 -



AMIL SINHA ROY
HOWRAH
Regn. No.-8 of 1994
Exp. Dt.- 02.10.2028
GOVT. OF WEST BENGAL

Photographs collected on damaged constructions at the Belgachia Dumping Ground that reportedly took place on 21/22 March 2025

16 APR 2025

Noting by Office
or AdvocateSerial
No.

Date

Office notes, reports, Orders or proceedings with signature

23

05.12.08

W.P. 15206 (W) of 2002**Mr. Subhas Dutta.**

... petitioner in Person

Mr. Debaprosad Mukherjee,**Ms. Smritikana Mukherjee,****Mr. Debjit Mukherjee.**

... For the H.M.C.

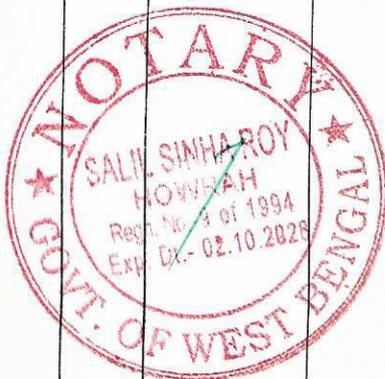
Mr. Kallol Basu.

... For WBPCB.

As noticed in the order dated 22nd August, 2008, this writ petition has been pending in this Court since September, 2002. Taking note of the serious health hazard is caused by the illegal dumping of the waste at the trenching ground as well as illegal encroachments thereon, the Division Bench directed as follows :

"In so far as the trenching grounds are concerned, in our opinion, some via media would have to be found out. The learned counsel for the Corporation and Mr. Dutta are unanimous on the point that even the part of trenching grounds are encroached, it would be better if those encroachments are removed by the concerned authorities. We direct the authorities to remove the encroachments on the public trenching grounds as early as possible. The Corporation can also think in terms of using the human waste and the other wastes for the purposes of creating agricultural manure. A scheme could be thought of by the Corporation and for that purpose the Corporation could engage the experts. That would at least take care of the stored waste and the bio-medical waste. The Corporation may also think of finding out some new grounds to dump the waste with a clear objective of using that waste for the purpose of manufacturing the manure which would be an additional source of income to the Corporation. The Corporation, therefore, is giving six weeks time to come out with a scheme on these terms." 16 APR 2024

17/12/08
Asstt. Registrar
(Court)
Appellate Side High Court
Calcutta



16 APR 2025

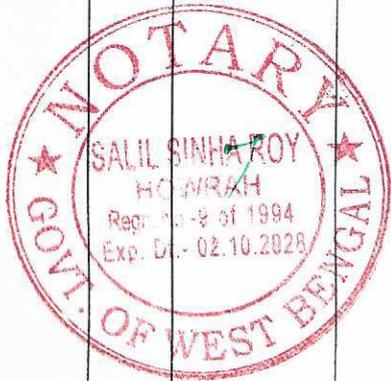
Signed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
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~~A perusal of the above would show that~~
 the Corporation was directed to prepare the necessary scheme within a period of six weeks. Mr. Dutta points out that except for making lame excuses no tangible action has been taken by the Municipal Corporation. He points out that in fact showing serious concern, this Court on 22nd August, 2008 imposed costs on the Corporation for not carrying out the orders passed by this Court from time to time.

We are of the considered opinion that no further time can be granted to the Corporation for compliance of the orders which had been issued by this Court from time to time. As long ago as on 25th April, 2003 a Division Bench of this Court expressed its hope and trust that the Corporation would ensure the enforcement of the provisions of the Municipal Act. Six months time was given to the Corporation to ensure that no further human waste was stored at the trenching grounds. Directions were issued to the State Government to find an alternative site. Thereafter, a series of orders had been issued reposing trust in the Municipal Corporation. We are constrained to observe that this Corporation has not been able to justify the trust reposed by this Court in its ability to combat pollution and health hazards and to provide clean water. Even today Mr. Mukherjee merely submits that the Corporation has entered into a Memorandum of Understanding with a company for taking remedial measures. Mr. Mukherjee also expresses the inability of the Corporation in demolishing all the structures erected by trespassers on Government land. He states

C. Dutta
17-12-08

Distt. Registrar
(Court)
Appellate Side High Court
Calcutta



16 APR 2024

16 APR 2025

ing by Office
or Advocate

Serial
No.

Date

Office notes, reports, Orders or proceedings with signature
~~that the Corporation has been partially~~
 successful in removing some of the
 structures. In this state of affairs, to
 protect human life in the locality we direct
 the Corporation to positively remove all
 encroachments and to clean the trenching site
 so that the same is free from pollution and
 other health hazards by 15th January, 2009. We
 also direct the District Administration of
 Howrah to ensure that these directions are
 complied with by the Corporation.

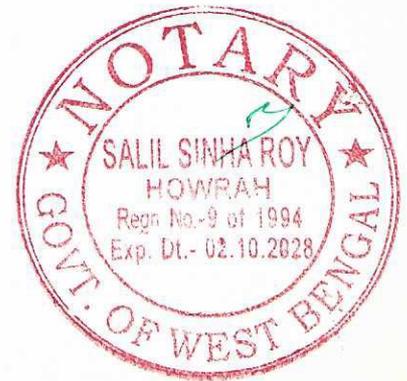
The office is directed to serve a copy
 of this order upon the concerned District
 Magistrate forthwith.

Let a photostat plain copy of this order
 duly countersigned by the Assistant Registrar
 (Court) be given to learned counsel for the
 parties on the usual undertaking.

Sd/- (SURINDER SINGH NIJJAR, C.J.)

Sd/- (SANJIB BANERJEE, J.)

C. Deeth
 17-12-08
 Asst. Registrar
 (Court)
 Appellate Side High Court
 Calcutta



16 APR 2025

16 APR 2024



Photograph taken on 07/04/2025 showing the ^{pumping out operation of the checked drain} ~~showing the pumping out operation of the checked drain~~ water from the Belgachia Trenching Ground

★ NOTARY ★
 SALIL SINHA ROY
 HOWRAH
 Regn. No.-9 of 1994
 Exp. Dt.- 02.10.2028
 GOVT. OF WEST BENGAL

16 APR 2025

16

Annexure - A/6



NOTARY
SALU SINHA ROY
HOWRAH
Reg. No. 1184
Exp. Dt. 02.11.2025
WEST BENGAL

Photographs taken on 07/04/2025 showing the chocked open drain in Belgachia Trenching Ground where human excreta was found floating.

7
16 APR 2025

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20



Photographs taken on 07/04/2025 showing the chocked open drain in Belgachia Trenching Ground where human excreta was found floating.

7
16 APR 2025



Photograph taken on 07/04/2025 showing the choked open drain in Belgachia Trenching
Ground where human excreta was found floating.



9
16 APR 2025



NOTARY
SALIL SINHA ROY
HOWRAH
Regn. No. 3 of 1994
Exp. Dt. - 02.10.2028
OF WEST BENGAL



NOTARY
SALIL SINHA ROY
HOWRAH
Regn. No. 3 of 1994
Exp. Dt. - 02.10.2028
OF WEST BENGAL

Photographs taken on 07/04/2025 & on 22/03/2025 showing the smoke coming out of the dumped wastes at Belgachia Trenching Ground

4
16 APR 2025



Photographs taken on 07/04/2025 & on 22/03/2025 showing the smoke coming out of the dumped wastes at Belgachia Trenching Ground

9
16 APR 2025