

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN

MEMORANDUM OF APPLICATION

[Under Section 18(1) read with sections 14 and 15 of the National Green
Tribunal Act, 2010]

Original Application No **84** of 2025

Between

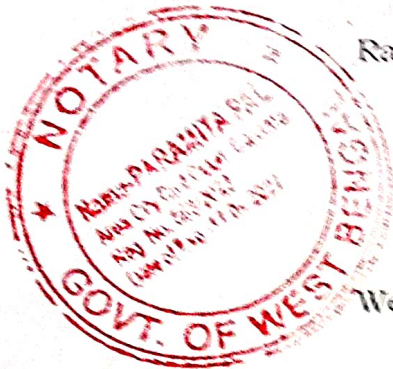
Ravi Shankar Yadav

.....Applicant

AND

West Bengal State Pollution Control Board & Ors.

.....Respondent

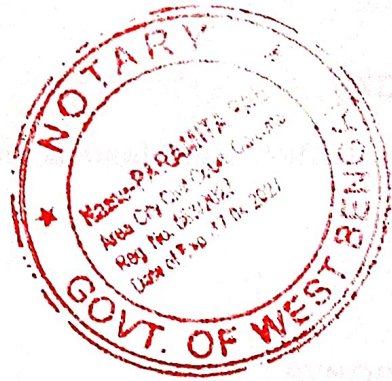


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18 MAR 2025

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Dipankar Thakur

Advocate

.....

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN

MEMORANDUM OF APPLICATION

[Under Section 18(1) read with sections 14, 15, 16 and 17 of the National Green Tribunal Act, 2010]

Original Application No.....of 2025

Between

Ravi Shankar Yadav

.....Applicant

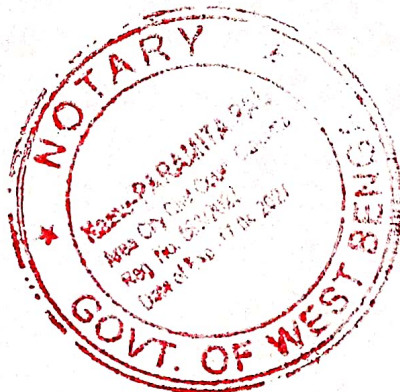
AND

West Bengal State Pollution Control Board & Ors.

.....Respondent

SYNOPSIS

The applicant made a representation to the respondent authorities stating the illegalities of the respondent no. 5 in making construction using groundwater without necessary permission and in violation of the relevant rules and causing noise and dust pollution day and night and seeking a stop thereto to no avail.



.....

Advocate

.....

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN

MEMORANDUM OF APPLICATION

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Original Application No of 2025

Between

Ravi Shankar Yadav

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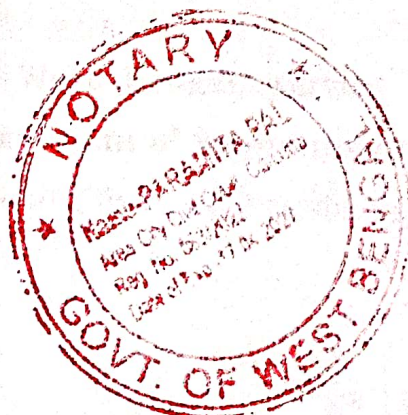
AND

West Bengal State Pollution Control Board & Ors.

.....Respondent

LIST OF DATES

<p>January 30, 2025</p>	<p>The applicant made a representation to the respondent authorities stating the illegalities of the respondent no. 5 in making construction using groundwater without necessary permission and in violation of the relevant rules and causing noise and dust pollution day and night and seeking a stop thereto to no avail.</p>
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Advocate

.....

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN

MEMORANDUM OF APPLICATION

[Under Section 18(1) read with sections 14, 15, 16 and 17 of the National
Green Tribunal Act, 2010]

Original Application No.....of 2023

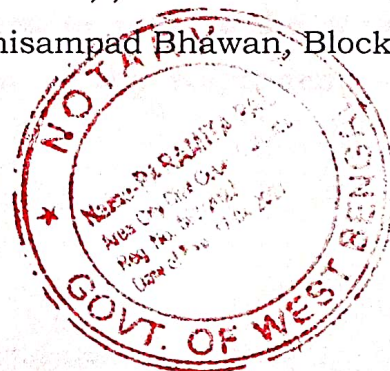
Between

Ravi Shankar Yadav, son of Late Siyaram Yadav, resident of 22, Strand
Road, Kolkata – 700001

.....Applicant.

AND

1. West Bengal State Pollution Control Board, Department of Environment, Government of West Bengal, represented by its Member Secretary, having office at Paribesh Bhawan, 10A, Block-LA, Sector-III, Bidhannagar, Kolkata-700106 and email: ms.wbpcb-wb@bangla.gov.in.
2. The State of West Bengal, service through the Additional Chief Secretary, Department of Environment, , Government of West Bengal, having its office at 5th Floor, Pranisampad Bhawan, Block LB-II, Salt



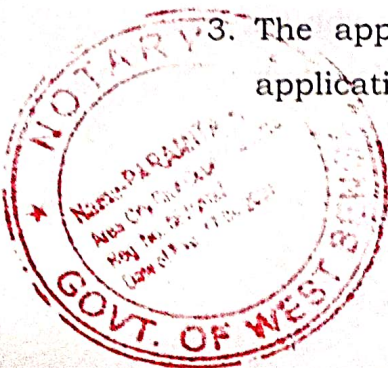
Lake, Sector III, Bidhannagar, Kolkata – 700 106 and email:
acsenvwb@gmail.com

3. The Municipal Commissioner, Kolkata Municipal Corporation, having its office at 5, S.N. Banerjee Road, Kolkata – 700 072 and email: mc@kmcgov.in.
4. Executive Engineer, Borough- V, Kolkata Municipal Corporation, having its office at 22, Surya Sen Street, Kolkata – 700 012 and email: ee_bldg_5@kmcgov.in.
5. Mahendra Kumar Jalan, son of Unknown, working for gain at 2, Clive Ghat Street, Kolkata-700001.

.....Respondent

MOST RESPECTFULLY SEWETH:

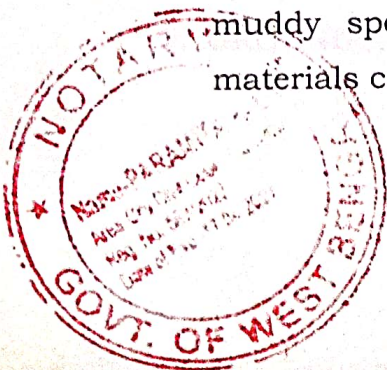
1. The applicant is a citizen of India residing at the address given in the cause title herein above. The applicant is a local inhabitant within the vicinity of Netaji Subhas Road, P.S- Hare Street, Kolkata and is thereby affected in the manner the construction at 25, Netaji Subhas Road, P.S- Hare Street, Kolkata- 700001 is being carried out by respondent no. 5 under its aegis either directly or indirectly through some legal person.
2. The addresses of the respondents are stated above for the purpose of service of notices pertaining to the instant application. All the acts, actions and inactions of the respondent authorities are amenable to the jurisdiction of this Hon'ble Tribunal.
3. The applicant above named begs to present the Memorandum of application against the inaction of the respondent authorities to



prevent and control the noise pollution and dust pollution caused day and night by the construction of a Highrise building at 25, Netaji Subhas Road, P.S- Hare Street, Kolkata- 700001 using ground water without necessary permission and in violation of the relevant laws.

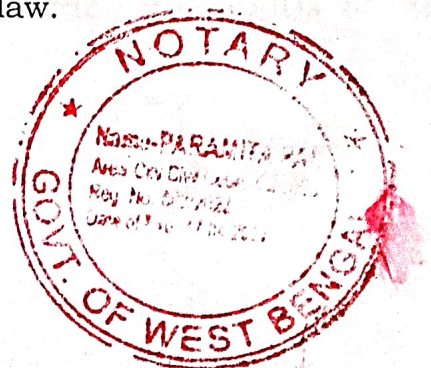
4. FACTS IN BRIEF:

- I. The applicant states that the Private Respondent No. 5 is constructing a Highrise Building at 25, Netaji Subhas Road, P.S- Hare Street, Kolkata- 700001 in such a manner that it is causing nuisance to the local inhabitants of the vicinity including the applicant herein and causing environmental pollution both dust and noise.
- II. The construction is being done after surrounding the property in stalls in a clever manner that photos do not reveal what is going on inside but if a person visits the locality the fact that such construction is being done in the manner as is stated herein would be pretty apparent.
- III. The aforesaid construction is being carried out day and night continuously without any pause.
- IV. The result of such continuous construction during the day and night is causing the vicinity becoming extremely dusty and is also generating loud sounds causing both nuisance and sound pollution. Such sound pollution is extremely unbearable specially during night hours for all local inhabitants including the applicant and his family.
- V. The residual muds generated as a result of the piling work of the aforesaid construction has caused the roads in the vicinity to become muddy specially, during the transportation of such construction materials causing frequent bike accidents.



- VI. Further, the construction is being carried out by use of boring groundwater which is being pumped out without permission and/or in violation of the West Bengal Ground Water (Management, Control and Regulation) Act, 2005 and the West Bengal Ground Water (Management, Control and Regulation) Rules, 2006.
- VII. The applicant had protested against such manner in which the construction is being carried out but in return of such protest the personnel of respondent no. 5 verbally abused him.
- VIII. The construction is causing both dust and sound pollution which is making not only breathing difficult but also is hampering the day to day lives of the applicant, his family and residents of the local vicinity. The noise caused is also affecting the studies of the children and students of the locality.
- IX. The applicant made a representation in this regard to the respondent authorities for steps to curb the illegalities, reducing the sound levels and ensuring appropriate technology to control and eliminate dust pollution caused as a result of such construction to no avail. Copies of the representations and photos are annexed herewith and marked collectively as "A".
- X. The acts and/or inactions on the part of the respondent authorities in not stopping the construction being carried out in violation of the rules as aforesaid and in not taking steps to stop construction at night causing noise pollution and disturbance in sleep and in not taking steps to ensure reduction in the noise and dust levels are otherwise arbitrary, capricious, whimsical and bad in law.

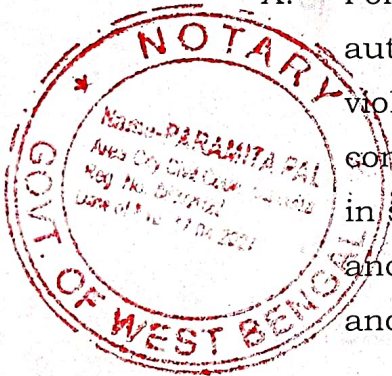
5. GROUNDS:



- I. For that the applicant states that the Private Respondent No. 5 is constructing a Highrise Building at 25, Netaji Subhas Road, P.S- Hare Street, Kolkata- 700001 in such a manner that it is causing nuisance to the local inhabitants of the vicinity including the applicant herein and causing environmental pollution both dust and noise.
- II. For that the aforesaid construction is being carried out day and night continuously without any pause.
- III. For that the result of such continuous construction during the day and night is causing the vicinity becoming extremely dusty and is also generating loud sounds causing both nuisance and sound pollution.
- IV. For that the sound pollution is extremely unbearable specially during night hours for all local inhabitants including the applicant and his family.
- V. For that the residual muds generated as a result of the piling work of the aforesaid construction has caused the roads in the vicinity to become muddy specially, during the transportation of such construction materials causing frequent bike accidents.
- VI. For that the construction is causing both dust and sound pollution which is making not only breathing difficult but also is hampering the day to day lives of the applicant, his family and residents of the local vicinity.
- VII. For that the noise caused is also affecting the studies of the children and students of the locality.



- VIII. For that the construction is being carried out by use of boring groundwater which is being pumped out without permission and/or in violation of the West Bengal Ground Water (Management, Control and Regulation) Act, 2005 and the West Bengal Ground Water (Management, Control and Regulation) Rules, 2006.
- IX. For that the applicant made a representation to the respondent authorities stating the illegalities of the respondent no. 5 in making construction using groundwater without necessary permission and in violation of the relevant rules and causing noise and dust pollution day and night and seeking a stop thereto to no avail.
- X. For that the acts and/or inactions on the part of the respondent authorities in not stopping the construction being carried out in violation of the rules as aforesaid and in not taking steps to stop construction at night causing noise pollution and disturbance in sleep and in not taking steps to ensure reduction in the noise and dust levels are otherwise arbitrary, capricious, whimsical and bad in law.



6. LIMITATION:

The applicant declares that the cause of action in the instant case arose on January 30, 2025 when the Applicant first made the Complaint to the Respondent Authorities for the construction being carried out using ground water without necessary permission and/or in violation of the relevant laws and also causing dust and noise pollution which is still continuing as of date. Such cause of action is renewing on a day-to-day basis as such manner of construction is being continued and as such the question of applicability of the

limitation prescribed in Section 14(3) of the National Green Tribunal Act, 2010 does not arise. Even if Section 14(3) of the National Green Tribunal Act, 2010 was applicable, six months from January 30, 2025 has not passed.

7. INTERIM PRAYER:

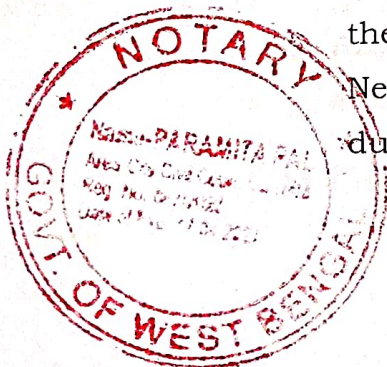
Pending final disposal of the application the applicant seeks issuance of the following interim orders:

- a) An interim order of injunction injuncting the private Respondent No. 5 from carrying on the construction at 25, Netaji Subhas Road, P.S- Hare Street, Kolkata- 700001 day and night.
- b) An interim order do issue appointing a special officer to inspect and give a report as to the construction being carried out and the manner in which it is being carried out, during pendency of the instant application.
- c) Ad-interim order in terms of prayers (a) as above.

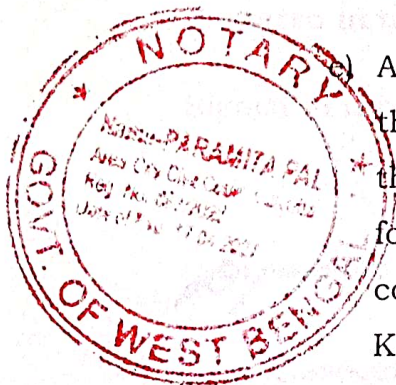
8. PRAYER:

In view of the facts mentioned in paragraphs 4 & 5 above the applicant prays for the following reliefs:

- a) An order do issue commanding the respondent authorities and their men agents, assigns and subordinates and/or each of them to forthwith stop the construction being carried out at 25, Netaji Subhas Road, P.S- Hare Street, Kolkata- 700001 till the dust and noise levels are reduced in terms with prayer c) below.



- b) An order do issue commanding the respondent authorities and their men agents, assigns and subordinates and/or each of them to forthwith stop the construction being carried out at 25, Netaji Subhas Road, P.S- Hare Street, Kolkata- 700001 at night.
- c) An order do issue commanding the respondent authorities and their men agents, assigns and subordinates and/or each of them to forthwith take steps to reduce noise and dust pollution caused as a result of the construction being carried out at 25, Netaji Subhas Road, P.S- Hare Street, Kolkata- 700001 by use of different technologies or otherwise.
- d) An order do issue commanding the respondent authorities and their men agents, assigns and subordinates and/or each of them to forthwith stop boring of groundwater with respect to the construction being carried out at 25, Netaji Subhas Road, P.S- Hare Street, Kolkata- 700001.



- e) An order do issue commanding the respondent authorities and their men agents, assigns and subordinates and/or each of them to certify and transmit to this Hon'ble Tribunal all records forming the basis of the construction being done at the construction at 25, Netaji Subhas Road, P.S- Hare Street, Kolkata- 700001 by the Private Respondent No. 5.
- f) Order of stay of the construction being carried out at 25, Netaji Subhas Road, P.S- Hare Street, Kolkata- 700001 day and night.
- g) Any other appropriate direction/directions and/or order/orders as this Hon'ble Tribunal may deem fit and proper.
- h) Cost of and/or incidental to the instant application.

Ravi Shankar Yadav

VERIFICATION

I, Ravi Shankar Yadav, son of Late Siyaram Yadav, about years, by Occupation- business, by faith - Hindu, residing at resident of 22, Strand Road, Kolkata - 700001. I am the applicant in the instant original application and a social and environmental activist and I do hereby verify that the contents of the paragraphs 1 to 6 are true to my belief and/or based on information and/or derived from sources which I verify believe to be true and rest of the paragraphs are my humble submissions before this Hon'ble Bench and I have not suppressed any material facts and circumstances.

Ravi Shankar Yadav

Signature of the applicant

Prepared in my office and

Signed in my presence

Dipankar Thakur

Advocate



S.L. No. 4/25

AFFIDAVIT

I, Ravi Shankar Yadav, son of Late Siyaram Yadav, about years, by Occupation- Business, by faith - Hindu, resident of 22, Strand Road, Kolkata - 700001, do hereby solemnly affirm and say as follows :-

1. That I am the applicant and as such well acquainted with the facts and circumstances of the above case and competent to affirm this affidavit.
2. That the statements contained in paragraphs 1 to 6 are true to my knowledge and those contained in paragraph are my humble submissions before this Learned Tribunal.

Ravi Shankar Yadav

Signature of the Applicant

Place: Kolkata

Date : 18/3/25

Prepared in my office

Identified by me

Siyankar Thakur
Advocate

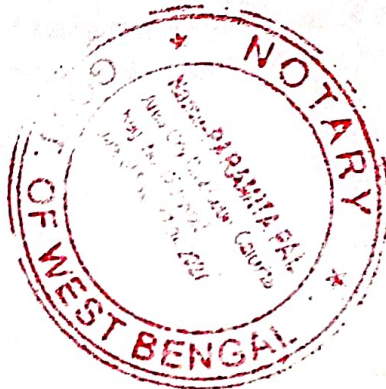
En No - F-1809 of 2023

Identified by me

Siyankar Thakur
Advocate

solemnly affirmed and declared
before me on identification

PARAMITA PA.
City Civil Court
Kolkata
Reg. No 083/2022



18 MAR 2025

Annexure - A

15-



EW15160176011 IN VR:69871516017
SP KOLKATA (IN) <700001>
Counter No:6,30/01/2025,10:40
To:THE CHAIRMAN, BIDHANNAGAR
PIN:700106, Bidhan Nagar ID Market SO
From:RAVI SHANKAR, 27 STRAND RD
UT:15gas
Amt:17.70, Tax:2.70, Amt.Paid:18.00(Cash)
<Track on www.indiapost.gov.in>

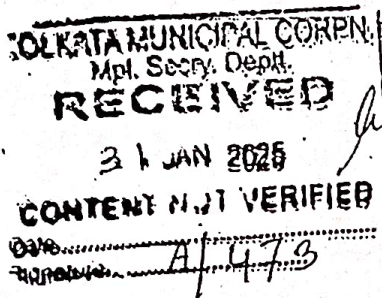
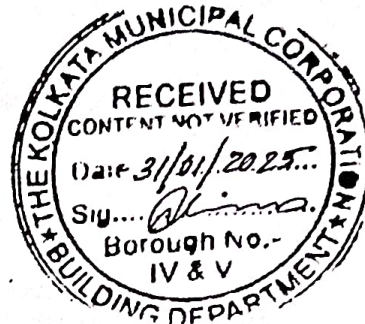
Date: 30/01/2025

From:

Ravi Shankar Yadav
S/o- Late Siyaram Yadav
22, Strand Road, Kolkata - 700001.

To,

1. The Municipal Commissioner, KMC, 5, S.N. Banerjee Road, Kolkata.
2. Executive Engineer, Borough- V, K.M.C.22, Surya Sen Street, Kolkata.
3. The Chairman, Paribesh Bhawan, 10A, Block-LA, Sector-III, Bidhannagar, Kolkata-700106.



Subject- Complaint against Mahendra Kumar Jalan, Father- Unknown, working for gain at 2, Clive Ghat Street, Kolkata-700001 for causing nuisance and environment pollution and for violation of relevant laws while carrying out construction work at 25, Netaji Subhas Road, P.S- Hare Street, Kolkata- 700001.

Sir(s)/ Madam(s),

I the undersigned is the inhabitant within the vicinity of Netaji Subhas Road, P.S- Hare Street, Kolkata.

One Mr. Mahendra Kumar Jalan working for gain at 2, Clive Ghat Street, Kolkata- 700001 is making construction of a Highrise Building.

The aforesaid construction is being carried out day and night continuously without any pause. The result of such continuous construction during the day and night is causing the vicinity becoming extremely dusty and is also generating loud sounds causing both nuisance and sound pollution. Such sound pollution is extremely unbearable for me specially during night hours.

The residual muds generated as a result of the piling work of the aforesaid construction has caused the roads in the vicinity to become muddy specially, during the transportation of such muds causing frequent bike accidents.

Further, the construction is being carried out by use of groundwater which is being pumped out and such use of ground water is strictly prohibited under the relevant laws. I had protested

Cont. Page - 2

16
against such manner in which the construction is being carried out but in return of such protest the personnel of Mahendra Kumar Jalan started verbally abusing me.

The construction is causing dust and sound pollution which is making not only breathing difficult but also is hampering our day to day lives. Such noise is also affecting the studies of our children.

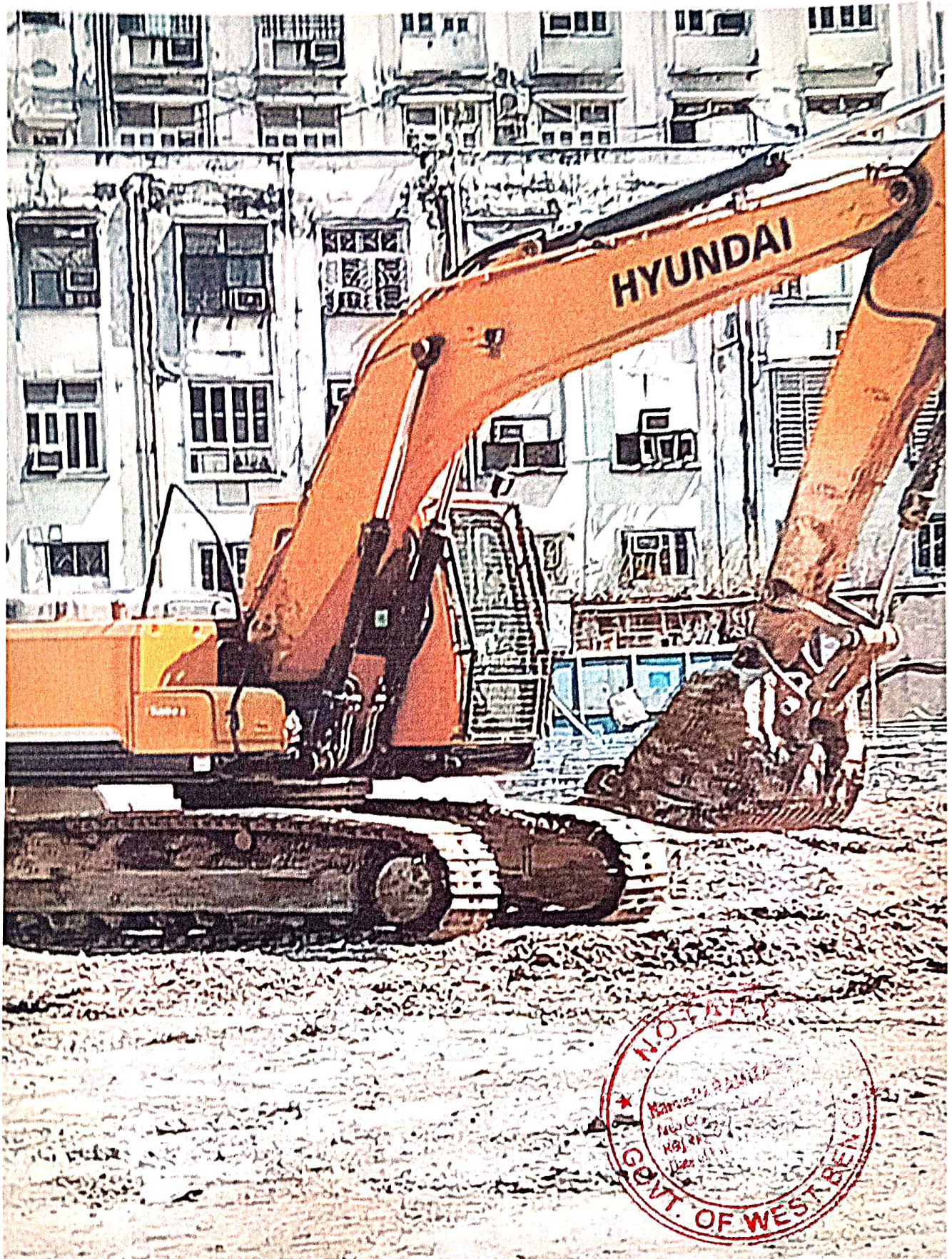
Kindly, therefore, take necessary steps to curb the aforesaid illegalities. Kindly, also ensure the sound levels are reduced to a permissible limit and appropriate technology is used by Mahindra Kumar Jalan and/ or his personnel to reduce the dust levels as a result of the ongoing constructions.

Thanking you.

Yours faithfully,

Ravi Shankar Yadav

17-



NOTARY
*
Mamunul Karim
Notary
West Bengal
GOVT. OF WEST BENGAL

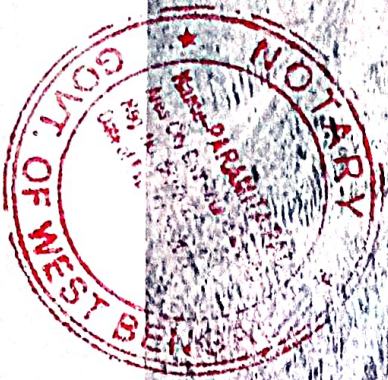
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PORT OF WEST
INDIA
1919



GOVT. OF WEST BENGAL
District
Muzaffarpur
Post No.
Date







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GOVT. OF INDIA

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Ravi Shankar Yadav

VAKALATNAMA BEFORE THE NATIONAL GREEN TRIBUNAL

DISTRICT: _____ Constitutional Writ Civil Criminal Revisional
Appellate Jurisdiction
O.A No. _____ Of 202

Ravi Sankar yadav Appellant
Petitioner

-Versus-

West Bengal State Pollution Control Board Respondent
Opposite party

Vakalatnama on behalf of Ravi Sankar yadav Knows

all men be these presents that by this Vakalatnama I/We appoint the Advocates Pleaders noted below or any one of them as my/our lawful Advocate or Advocates for filing the memorandum of appeal or petition in the above matter for appearing and conducting and arguing the same for depositing or Withdrawing any money in connection therewith, for moving the Court in any matter connected therewith for preparing the Paper Book in the case and for putting in papers, petition etc. on my/our behalf for filing or taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suits, appeals, petition etc. for signing and filling the petitions of compromise in connection with the said matter and for taking copies of paper from the Record and I/We further say that any act done by my/our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocate or Advocates his or their fees as settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocate or Advocates to conduct the case properly, failing which the said Advocate or Advocates after notice to me/us will be at liberty to withdraw from the further conduct of the case.

IN WITNESS WHEREOF I/we sign and execute this vakalatnama, on this the 18 day of 3 2025

Sayan chaitop-
adhya. (Adv)
High Court
Kolkata

NAME OF THE ADVOCATE Dipankar Thakur
Dipankar Thakur
(Advocate)
Rajshat Kolkata
Mob - 9434214268
Mail - dipak1989thakur@gmail.com

Received the Vakathname
from the Executant
Satis filed and Accepted
Dipankar Thakur
Advocate