

Before the Hon'ble National Green Tribunal, Eastern Zone
Bench at Kolkata

MEMORANDUM OF APPLICATION

[Under Section 18(1) read with sections 14 & 15 and under
Section 18 (2) of the National Green Tribunal Act, 2010]

Original Application No.⁹³ /2025/EZ

Ankur Sharma

..... Applicant

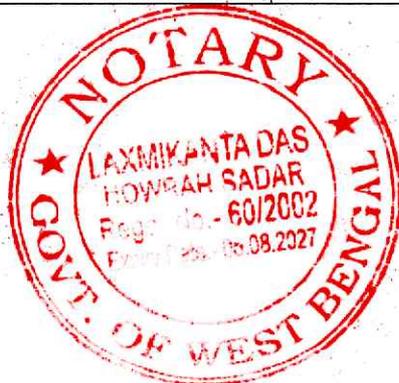
-Versus-

The State of West Bengal & Ors.

..... Respondents

Compilation – I

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Ankur Sharma

Ankur Sharma

(Applicant-in-person)

Mobile No. 9433883322

E-mail: adv.ankursharma9@gmail.com

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Compilation – II

Sl.	Particulars	Annexure
1.	Photographs of the pond.	'P-1' (19-25)



Ankur Sharma

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 (Applicant-in-person)
 Mobile No. 9433883322
 E-mail: adv.ankursharma9@gmail.com

Before the Hon'ble National Green Tribunal

Eastern Zone Bench at Kolkata

MEMORANDUM OF APPLICATION

**[Under Section 18(1) read with Sections 14 & 15 and under
Section 18 (2) of the National Green Tribunal Act, 2010]**

Original Application No. /2025/EZ

IN THE MATTER OF :

Ankur Sharma, son of Shri Ambooj
Sharma, resident of 13/3, Dr. P. K.
Banerjee Road, P.O., P.S. & District
– Howrah, West Bengal, PIN –
711101.

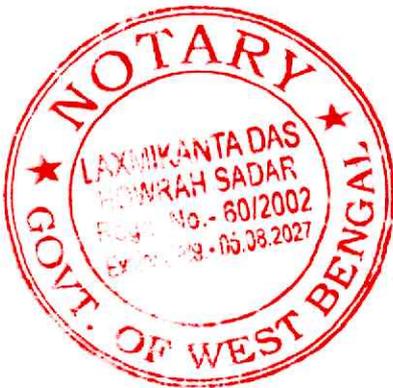
.....Applicant

-VERSUS-

1. The State of West Bengal
service through the Chief
Secretary, Government of West
Bengal having office at
NABANNA (13th Floor), 325,
Sarat Chatterjee Road, Shibpur,
Howrah – 711 102.

Email : cs-westbengal@nic.in

2. Department of Environment,
Government of West Bengal



service through its Additional Chief Secretary, having office at PRANISAMPAD BHAWAN, Block : L B-II (5th Floor), Salt Lake, Sector-III, Bidhannagar, Kolkata - 700 106. Email : acsenvwb@gmail.com

3. West Bengal Pollution Control Board service through its Member Secretary having office at PARIBESH BHAWAN, 10A, Block-LA, Sector-III, Salt Lake City, Kolkata - 700 106. Email: ms.wbpcb-wb@bangla.gov.in

4. Department of Urban Development & Municipal Affairs through its Secretary having office at NAGARAYAN, DF-8, Sector-I, Salt Lake City - 700064 Email : secy.ma-wb@gov.in

5. The District Magistrate, Howrah having office at New Collectorate Building, 7, Rishi Bankim Chandra Road, Howrah - 711 101.

Email: dmhowrahwb@gmail.com

6. The Commissioner, Howrah Municipal Corporation and the Competent Authority under the West Bengal Inland Fisheries Act, 1984 having office at 4, M. G. Road, Howrah – 711 101. Email : commissioner.howrah@gmail.com

..... Respondents

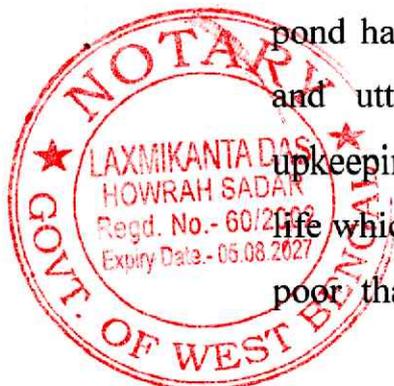
TO

THE HON'BLE CHAIRMAN AND HIS COMPANION
MEMBERS OF THE NATIONAL GREEN TRIBUNAL.

Synopsis

HUMBLE APPLICATION SUBMITTED BY THE APPLICANT
ABOVE NAMED

The Applicant is a citizen of India. Instant Application has been filed by the Applicant against dumping of garbage, and poor maintenance of a huge water body / pond measuring about 1 acre located within Bal Gangadhar Tilak Park at Jagat Banerjee Ghat Road, P.S. - Shibpur, Howrah – 711 102 (within HMC Ward no. 35). The said park and pond are in possession of Howrah Municipal Corporation. Since last several months the park and pond have been subjected to pollution, illegal dumping of waste, and utter negligence by the authorities responsible for its upkeep, thereby resulting in destruction of fishery and aquatic life which once thrived in the pond. The condition of the pond is so poor that one could not differentiate between the pond and a



grassland. Curiously, the head of Howrah Municipal Corporation being the possessor of the pond is also the ex-officio Competent Authority under the West Bengal Inland Fisheries Act, 1984 responsible for protecting ponds and fisheries. In the present case, he himself is the one responsible for destroying aquatic life of a pond. A glaring example of the saviour himself turned as the destroyer.

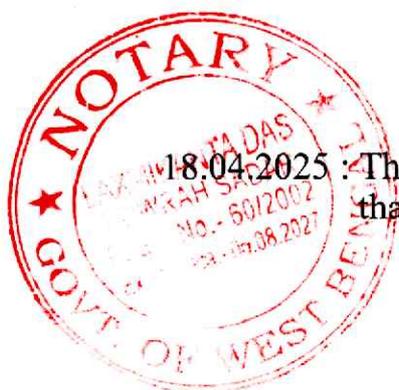
Though the pond is situated abutting a prominent public mall and very important public thoroughfare, the pond has been seriously neglected. The Respondent Authorities have miserably failed in performing their duties unless it is their master plan to convert the pond into a solid land steadily for long term ulterior motive as usual around the city.

It is submitted that the present Application has been made seeking for appropriate directions to stop all dumping of waste/garbage into the said pond, removal of waste/garbage and debris from the pond, and a direction seeking immediate restoration of the pond to its original size and character.

Sheer failure of the Respondent Authorities particularly Howrah Municipal Corporation has resulted in devastation of the ecology of the impugned pond. The pond which once housed several forms of aquatic life is now barely in existence. Hence, the Applicant is compelled to approach this Hon'ble Tribunal for justice.

LIST OF DATES

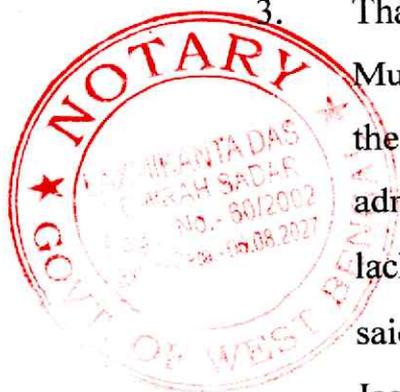
18.04.2025 :- The Applicant visited the park and pond and noticed that the ecology of the pond is completely devastated.



FACTS IN BRIEF

MOST RESPECTFULLY SHEWETH :

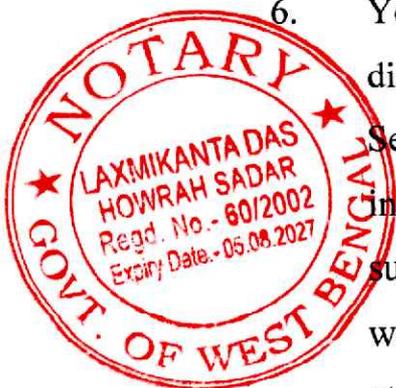
1. That the Applicant is a citizen of India and resides at the address mentioned in the cause title herein above. The Applicant is filing the instant Application under Section 14 and 15 read with Section 18 of the National Green Tribunal Act, 2010.
2. That the Respondent no. 1 is the State of West Bengal. The Respondent no. 2 herein is responsible for preservation of environment and ecology in State. The Respondent no. 3 herein is the regulatory authority for implementation of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Rules made thereunder. The Respondent no. 4 is responsible for the administration of urban development and municipal affairs in the state. The Respondent no. 5 is the head of District Administration. The Respondent no. 6 is the head of the local civic body and the ex-officio Competent Authority under the West Bengal Inland Fisheries Act, 1984.
3. That the Respondent no. 6 i.e. Commissioner, Howrah Municipal Corporation is the head of the civic body being the owner/occupier of a large pond / water body, admeasuring about 1 acre which has been destroyed due to lackadaisical and utter neglect by the Respondent no. 6. The said pond is located within Bal Gangadhar Tilak Park at Jagat Banerjee Ghat Road, P.S. - Shibpur, Howrah – 711102 (HMC Ward No. 35).



4. That the Applicant is filing this Application against destruction of one huge pond situated within Bal Gangadhar Tilak Park at Jagat Banerjee Ghat Road, P.S. Shibpur, Howrah – 711 102 (HMC Ward no. 35) due to deliberate non-maintenance and neglect over years by Howrah Municipal Corporation and allowing dumping of garbage thereupon in gross violation of environment norms and rules. Curiously, the head of Howrah Municipal Corporation i.e. the Commissioner is also the ex-officio Competent Authority under the West Bengal Inland Fisheries Act, 1984.
5. Your Applicant states that the said pond measures about 1 acre as gathered from satellite images. The Applicant states that the Applicant on 18.04.2025 visited the park wherein the pond is situated and noticed that the impugned pond is beyond recognition and is filled with weeds and garbage. However, the said pond used to be filled with numerous fishes and other aquatic creatures even few months back.

Some photographs of the pond as captured on 18.04.2025 are annexed herewith and collectively marked by the letter and figure 'P-1'.

6. Your Applicant states that the impugned pond is located at a distance of about 1.5 kms from 'Nabanna' (State Secretariat). However, even though the said pond is located in close proximity with the state secretariat it is being subjected to pollution and utter neglect. Eventually, the pond would get converted into solid land mass in next few years at the instance of the civic body itself if no remedial and preventive steps are taken with top priority.

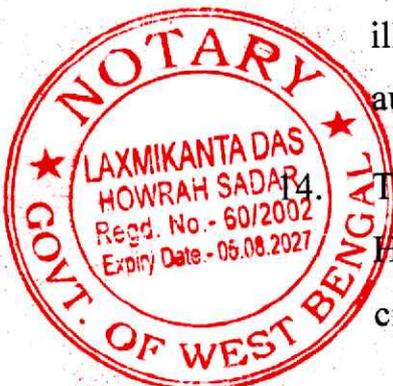


7. Your Applicant states that since last several months the pond has been allowed to be subjected to pollution, illegal dumping of waste, and utter neglect by the authorities responsible for its upkeep unless it is their master plan to convert the pond into a solid land steadily for long term ulterior motive as usual around the city. The condition of the pond is made so poor that one could not differentiate between the said pond and a grassland.
8. That due to not only negligence by Howrah Municipal Corporation but also their actively allowing dumping of wastes (i) the water of the said pond is vanishing, (ii) aquatic life has disappeared, (iii) the pond emits foul smell (iv) the pond has turned into a breeding ground for mosquitoes and diseases, and (v) the pond is losing its ecological and community value.
9. That the West Bengal Fisheries Act, 1984 empowers the Competent Authority to take over possession and control of any pond facing similar threat and prescribes penal measures against the offender. The Commissioner, Howrah Municipal Corporation is the Competent Authority under the said Act. However, in the present case he himself is the culprit behind destruction of the ecology of the said pond. Thus, the authority suffered a mental set back in taking any legal steps against himself.
10. That in spite of being aware about the devastation of the ecology of the pond, the Competent Authority has chosen to sit tight over the issue and did not bother to act in accordance with the essence of the West Bengal Inland



Fisheries Act, 1984 by not being sincere and proactive in restoring the pond to its original nature and character.

11. That there are many other water bodies in and around the said vast pond. However, by now many of them have already been filled up and the remaining ones are under similar threat due to the exponential expansion of real estate projects in the area and due to sheer inaction of the statutory authorities who are empowered to deal with matters related to the environment and pollution.
12. That the ecology of the pond is devastated due to continuous dumping of waste and other debris into the said pond with active patronage in the form of utter neglect by Howrah Municipal Corporation to convert the pond into a solid land steadily for long term ulterior motive as usual around the city.
13. Your Applicant states that the Statutory Authorities entrusted with the duty to prevent filling of water bodies must monitor and take actions where they find any breach of the law. In the present case, however, it is observed that Howrah Municipal Corporation being a statutory authority has itself devastated the ecology of the impugned vast pond/water body as a result of which the environment is being plundered thereat. Your Applicant wonders that such illegal acts can only be done in West Bengal by the statutory authorities.



14. That there are only few ponds and parks located within Howrah city. Though, tax payers of the city pay taxes to the civic body yet, the civic body fails to utilise such funds

towards maintenance of parks and ponds located within the city area.

15. That it is quite unclear what forbids the Department of Environment, Government of West Bengal from implementing environmental norms and taking actions against wilful and desperate violators of such norms even if such violations are being carried by any statutory authority. If the Department of Environment, Government of West Bengal will continue to show a lackadaisical approach towards the environment, water bodies left throughout the State will continue to be plundered and eventually filled up.
16. The Hon'ble Supreme Court of India has extended the scope of Article 21 of the Constitution of India by declaring the right to a decent living and clean environment as a Fundamental Right. The framers of the Constitution even prescribed duty upon the citizens to make every effort to keep the environment clean and to protect its forests, rivers, water-bodies, and to have compassion for the living creatures. That is the constitutional scheme in relation to the protection of the environment with particular reference to rivers and water bodies.
17. Appropriate directions of varied dimensions and of serious consequences in accordance with the law are required to be passed by this Hon'ble Tribunal to protect the pond situated within Bal Gangadhar Tilak Park at Jagat Banerjee Ghat Road P.S. - Shibpur, Howrah – 711 102 (HMC Ward No. 35) and such other or further orders to penalize the polluters being Howrah Municipal Corporation, and restore the pond

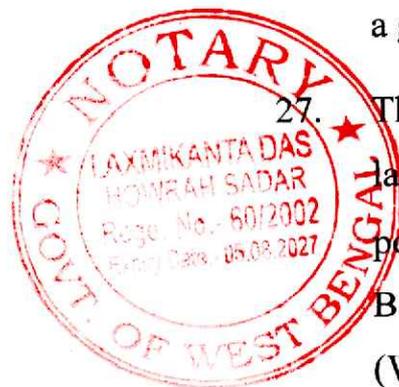


to its original status in terms of water quality, purity and its bio-diversity.

18. That in the city and its suburbs, healthy abundant water bodies are the backbone of healthy ecosystem services. They also provide productive livelihood resources and house several forms of life. The water bodies throughout the state are being polluted and being filled up rapidly and desperately. Therefore, there should be a priority to conserve and protect the water bodies throughout the state.
19. It is submitted that the conducts of the Respondent Authorities are contrary to every environmental legislation and principles of environmental protection. In spite of being empowered to protect water bodies/ pond from devastation the authorities are sitting tight over the issue for their own reasons that has become order of the day.
20. It is submitted that due to rapid growth of the city and population explosion, the water bodies in the area are getting highly deteriorated in every respect. Rampant dumping of wastes into water bodies throughout the city is further deteriorating the environment.
21. That indiscriminate dumping of waste into the impugned water body/pond is causing huge damage to the environment in and around the said area at the instance of the concerned state authority itself.
22. It is submitted that the respondents are oblivious to the fact that rampant vanishing of water bodies is a grave social and environmental concern.



23. It is submitted that due to aforesaid pollution and utter neglect by Howrah Municipal Corporation, the impugned pond has turned into a grassland and is unfit to support any life form.
24. It is submitted that the water bodies in and around the city of Howrah have been severely plundered by real estate mafias and, continues to be plundered mostly with the patronage of state authorities as in the instant case. Their illegal acts affect the quantity and quality of water bodies and as a result, several water bodies are vanishing from the area. In the present case the impugned water body/pond is being devastated by Howrah Municipal Corporation headed by the Commissioner who is the ex-officio Competent Authority under the West Bengal Inland Fisheries Act, 1984.
25. It is submitted that despite the pond being situated abutting a prominent public mall and public thoroughfare the pond has been seriously neglected. The Respondent Authorities have miserably failed in performing their duties. Instead, they deliberately allowed the pond to be victimised by miscreants.
26. It is submitted that the detrimental effects of dumping of waste and non-removal of weeds from ponds/water bodies is a grave concern which needs no elaboration.



27. The Respondents are in violation of several environmental laws and norms so far as the manner in which the pond/water body within Bal Gangadhar Tilak Park at Jagat Banerjee Ghat Road P.S. - Shibpur, Howrah – 711 102 (Ward No. 35) is concerned.

28. That the Applicant having felt it necessary to protect the environment, ecology of the impugned pond / water body which is getting destroyed by Howrah Municipal Corporation begs to move the present Application on the following amongst other grounds :

GROUND

- A. For that the Respondent No. 6 has knowingly devastated the ecology of the area by way of not maintaining, and allowing waste to be dumped into the pond situated at Bal Gangadhar Tilak Park, Jagat Banerjee Ghat Road P.S. - Shibpur, Howrah – 711 102 (HMC Ward No. 35).
- B. For that the Applicant has enough evidence to prove the devastation of the water body / pond caused by Respondent No. 6 including photographs of the impugned water body / pond.
- C. For that Howrah Municipal Corporation though headed by the Commissioner who is also the ex-officio Competent Authority under the West Bengal Inland Fisheries Act, 1984 has destroyed the ecology of the impugned pond / water body by way of direct inaction and taking lackadaisical views towards rampaging the impugned pond.
- D. For that the government authorities ought to have taken stern legal actions against Howrah Municipal Corporation which has destroyed the impugned pond / water body.
- E. For that the Respondent Authorities have a duty under the law to restore the impugned pond to its natural state and maintain the pond free from any weeds, debris and contamination.

F. For that the failure of the Respondent Authorities to perform their duties has resulted in the present predicament and violation of environmental laws.

G. For that the Respondent Authorities ought to have been more vigilant in monitoring the activities in and around water bodies, and not waiting for strictures from the Hon'ble Judiciary.

H. For that the respondents ought to have maintained the ecology of the impugned pond intact in its original nature, form and character to ensure healthy quality of water.

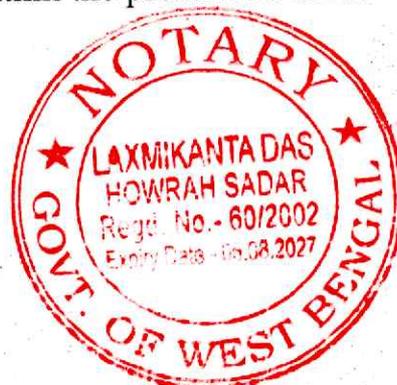
I. For that the failure of the respondents is violative of several environmental laws.

J. For that Section 18 (1) read with Section 14 & 15 of the National Green Tribunal Act, 2010, the Hon'ble Tribunal has ample jurisdiction to adjudicate this matter ;

K. For that under Section 18 (2) of the National Green Tribunal Act, 2010, your Applicant is competent to file this Application before the Hon'ble Tribunal.

LIMITATION :

The Applicant declares that as per the National Green Tribunal Act, 2010, this Application is well within the prescribed time.



INTERIM RELIEF :

Pending disposal of the Application, the Applicant pray that this Hon'ble Tribunal may be pleased to :

A. Constitute a committee comprising of officials from West Bengal Pollution Control Board, Department of Environment, Government of West Bengal and the District Administration to visit the site in question and submit a report before this Hon'ble Tribunal with remedial measures for restoring the damages already caused to the waterbody/pond located at Bal Gangadhar Tilak Park, Jagat Banerjee Ghat Road P.S. - Shibpur, Howrah – 711 102 (Ward No. 35) ;

B. Direct the Respondents to immediately clean and remove all weeds, debris and wastes from the impugned pond located at Bal Gangadhar Tilak Park, Jagat Banerjee Ghat Road P.S. - Shibpur, Howrah – 711 102 (Ward No. 35) ;

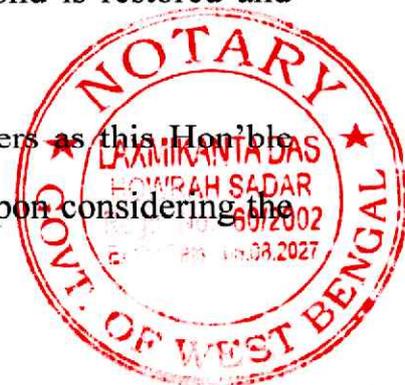
C. Direct the Respondent Authorities to submit a detailed plan for restoration and maintenance of the impugned pond ;

D. And pass any such further order or orders as this Hon'ble Tribunal may deem fit, proper and necessary upon considering the facts and circumstances of the case.

PRAYER

For the reasons stated above, it is humbly prayed that this Hon'ble Tribunal may be pleased to :

- A. Admit the Application and issue notice upon the Respondent Authorities ;
- B. Direct the Respondent Authorities to safeguard the impugned pond from any contamination or pollution ;
- C. Direct the Respondents to immediately clean and remove all weeds, debris and wastes from the impugned pond located within Bal Gangadhar Tilak Park at Jagat Banerjee Ghat Road P.S. - Shibpur, Howrah – 711 102 (HMC Ward No. 35) ;
- D. Direct the Respondent no. 6 not to permit dumping of any debris or any kind of wastes into the impugned pond and regularly clean the said pond ;
- E. Direct the Chief Secretary, Government of West Bengal i.e. Respondent no. 1 to initiate appropriate proceedings against erring officers involved in devastation of the impugned pond ;
- F. Impose exemplary penalty upon Howrah Municipal Corporation in regards to the concept of "Polluter pays Principal" ;
- G. Direct the Respondent Authorities to take all necessary steps to ensure that the ecology of the impugned pond is restored and healthy quality of water is maintained ;
- H. And pass any such further order or orders as this Hon'ble Tribunal may deem fit, proper and necessary upon considering the facts and circumstances of the case.



VERIFICATION

I, Ankur Sharma son of Shri Ambooj Sharma, aged about 28 years, residing at 13/3, Dr. P.K. Banerjee Road, P.S. & District – Howrah, West Bengal, PIN – 711101 state that I am the Applicant of this Application. I do hereby verify the contents of paragraphs no. 1 to 5, and the rest are true to the best of my knowledge, and are my humble prayers before your Lordship and I have not suppressed any material facts herein.

Date: 15/05/2025

Ankur Sharma

Place: Howrah

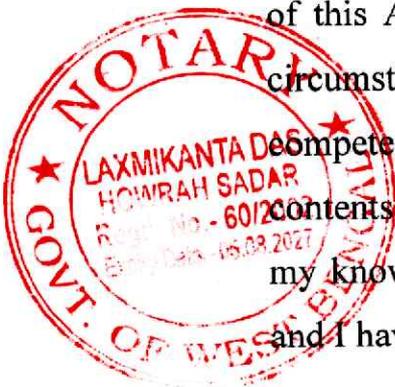
Applicant

**Before the Notary Public
Howrah**

AFFIDAVIT

SL. NO. 15/05/2025

I, Ankur Sharma son of Shri Ambooj Sharma, aged about 28 years, residing at 13/3, Dr. P.K. Banerjee Road, P.S. & District – Howrah, West Bengal, PIN – 711101 state that I am the Applicant of this Application and I am well conversant with the facts and circumstances of the instant Original Application and I am competent to swear and affirm this Affidavit. I do hereby verify the contents of paragraphs no. 1 to 5, and the rest are true to the best of my knowledge, and are my humble prayers before your Lordship and I have not suppressed any material facts herein.



Date: 15/05/2025

Place: Howrah

SOLEMNLY AFFIRMED & DECLARED
BEFORE ME BY THE DEPONENT ON
IDENTIFICATION OF ADVOCATE

Ankur Sharma

Applicant

Place Judges' Court
Howrah - 711101
W.B. India

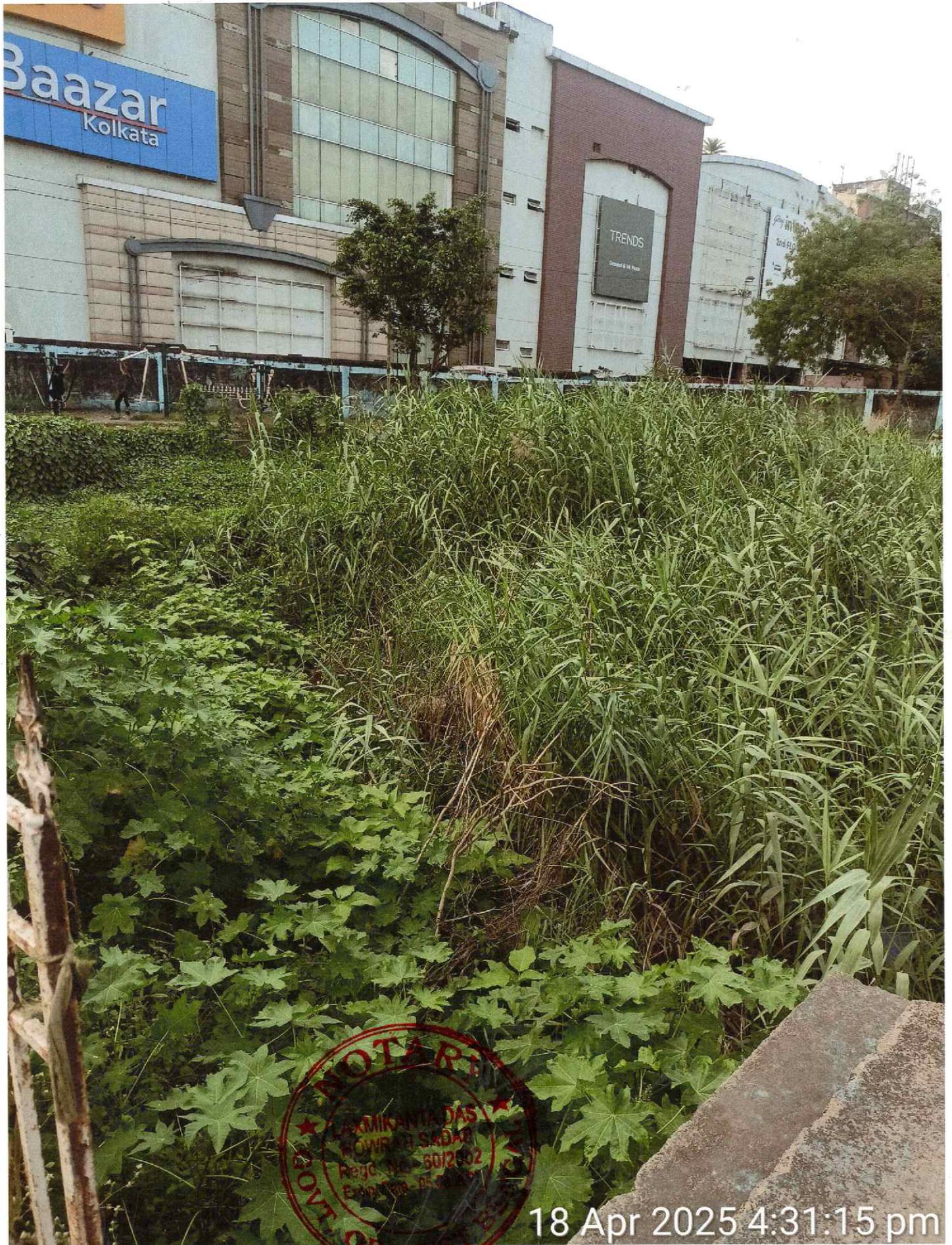
15.05.25
LAXMIKANTA DAS
NOTARY HOWRAH
Govt. of West Bengal

Identified by me

Ayushi Kakarania

F/498/371/2021

15 MAY 2025



NOTARY
LAXMIKANTA DAS
HOWRAH SADAR
Regd. No. 60/2002
Exp. On - 05.05.2025

18 Apr 2025 4:31:15 pm



18 Apr 2025 4:41:12 pm
32 Jagat Banerjee Ghat Road
Shibpur
Howrah
Presidency Division
West Bengal





NOTARY
KANTOR NOTARIAL
KAWASAN SARADAR
No. 60/2002
KABUPATEN BANGALAYA
GOVT. OF WEST BENGAL

18 Apr 2025 4:31:25 pm



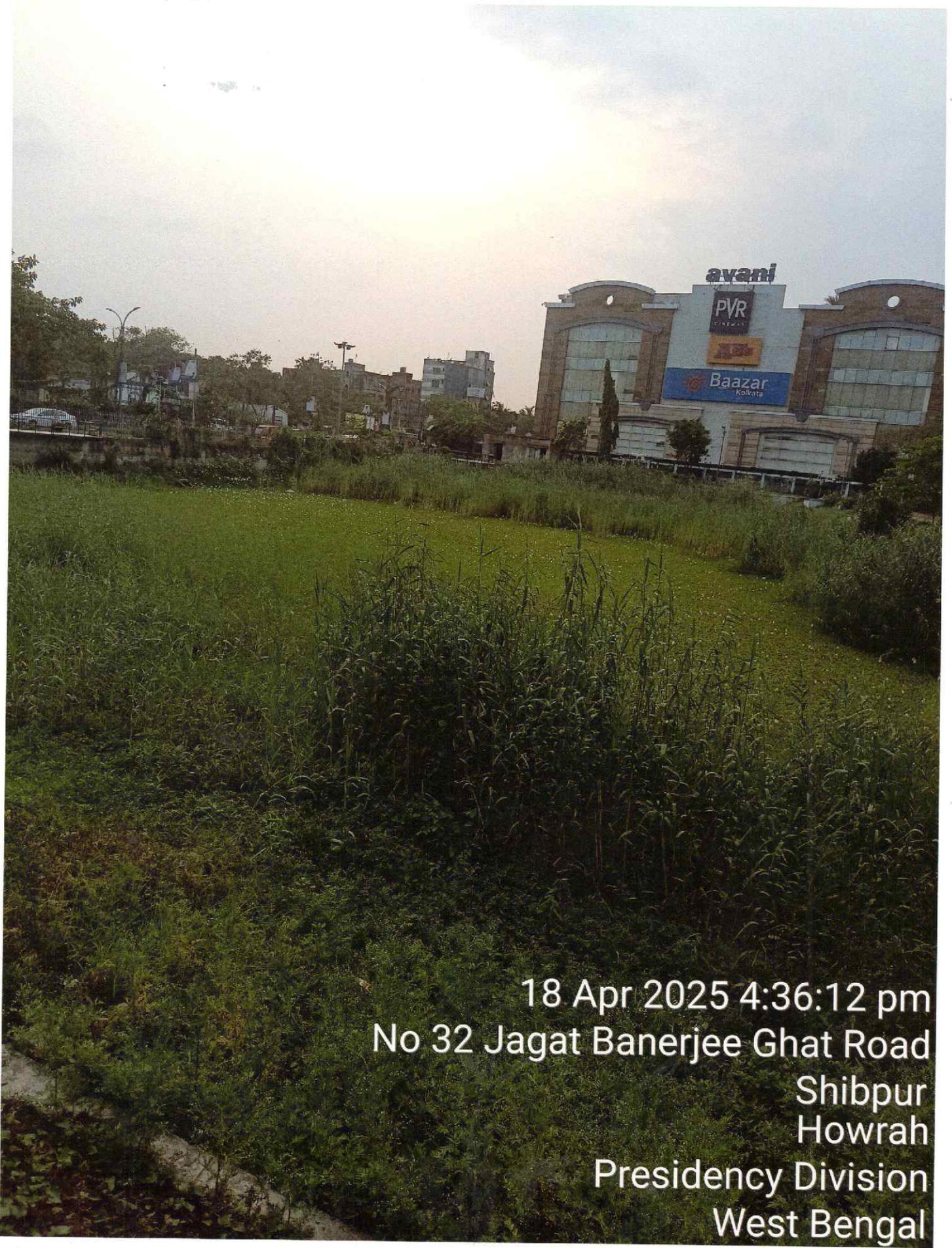
18 Apr 2025 4:33:34 pm
31 Jagat Banerjee Ghat Road
Shibpur
Howrah
Presidency Division
West Bengal





18 Apr 2025 4:32:56 pm
32 Jagat Banerjee Ghat Road
Shibpur
Howrah
Presidency Division
West Bengal

NOTARY
LAXMIKANTA DAS
SHIBPUR
6012002
18 APR 2025
WEST BENGAL



18 Apr 2025 4:36:12 pm
No 32 Jagat Banerjee Ghat Road
Shibpur
Howrah
Presidency Division
West Bengal



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BENGAL

18 Apr 2025 4:31:22 pm