

Sl. No. 48 of dt. 26.6.25

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

M.A. NO. 04/2025/EZ

IN

ORIGINAL APPLICATION NO. 127/2023/EZ

A ALI

.....APPLICANT(S)

VERSUS

STATE OF WEST BENGAL & ORS.

..... RESPONDENT(S)

AFFIDAVIT FILED BY THE WEST BENGAL  
POLLUTION CONTROL BOARD.

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Filed by

DIPANJAN GHOSH  
ADVOCATE  
HIGH COURT AT CALCUTTA

SL. NO. 48 Dt.-26 JUN 2025

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POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Sri Swarup Kumar Mandal, son of Shri Barendra Mandal, aged about 56 years, by Religion - Hindu, by Occupation-Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block- LA, Sector- III, Bidhannagar, Kolkata - 700 106, do hereby solemnly declare and say as follows:-

26 JUN 2025

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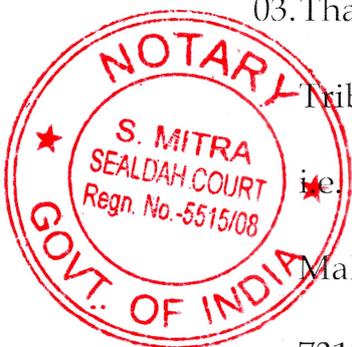
01. That, I am the Chief Engineer, West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 1, to affirm this Affidavit on its behalf and as such, I am competent to do so.

02. That, this affidavit is being affirmed in pursuant to the order passed by this Hon'ble Tribunal dated 30.05.2025.

03. That, in compliance to the order of this Hon'ble National Green Tribunal, the State Board caused an inspection of the alleged site i.e. the water body (classified as Doba) owned by Smt. Tulabati Mal, located at Malpara, Lohapur Bazar, P.O.- Lohapur, Birbhum-731237, on 10.06.2025 between 11.20 to 11.40 hrs.

04. That, from the said inspection it is observed that the water body is not cleaned by Smt. Tulabati Mal. The water body is seen to be filled with aquatic plants, weeds and some refuse materials. Sullage from bathing area and wash water from the kitchen of Sri Jagabandhu Ray's residence still find their way to the waterbody through drain channel constructed within the premises of Sri Ray's

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residence. Also, septic tank liquor of Sri Ray's residence finds its way to the waterbody. No soakpit arrangement has been provided for septic tank liquor overflow. Sri Ray has yet to construct an alternative drainage line in order to divert waste water/ sullage generated from his residence from entering the waterbody.

The waterbody at present resembles a Doba having an area of approximately 1.75 cottahs, could be traversed on foot all around as the water level has decreased resulting in exposure of additional ground surface around the waterbody. The waterbody, like other village water bodies, is in the gradual process of ecological succession due to negligence.

Copy of the inspection report of the State Board is annexed herewith and collectively marked with letter "R1".

05. That, since the issue is pertaining to the discharge of domestic effluent into an adjacent waterbody, which primarily comes under the purview of concerned local body and District Authority, the State Board issued letter to the District Magistrate, Birbhum vide Memo dated 18.06.2025 requesting him to take immediate steps in view of the directions of the

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State Board. An action taken report is awaited from the District administration.

Copy of the letter of the State Board addressed to District Magistrate, Birbhum is annexed herewith and marked with letter "R2".



06. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

*Swarup Kumar Mondal*  
DEPONENT

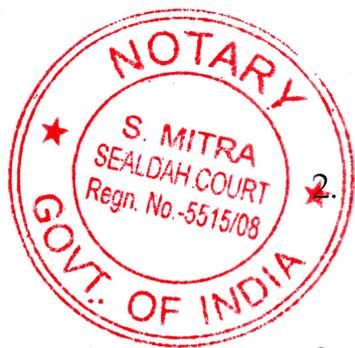
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## VERIFICATION

I, Sri Swarup Kumar Mandal, son of Shri Barendra Mandal, aged about 56 years, by Religion - Hindu, by Occupation-Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block- LA, Sector- III, Bidhannagar, Kolkata - 700 106, do hereby solemnly declare and say as follows:-

1. That, I am the Chief Engineer, West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.
2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.
3. That, the statements made in paragraphs 2 to 5 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.



*Swarup Kumar Mandal*  
DEPONENT

Identified and corrected by me  
Advocate *Dipankar Ghosh*  
WBPCB

Solemnly Affirmed &  
Declared Before Me  
On Identification By.....

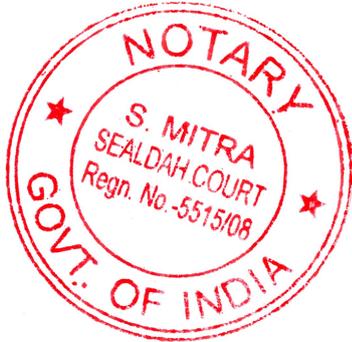
*Sarbani Mitra*  
SARBANI MITRA  
NOTARY  
Regd. No.- 5515/08

26 JUN 2025



**INSPECTION REPORT**

<i>Inspection reference</i>	Order (dated 30/5/2025) of the Hon'ble NGT, EZ Bench, Kolkata in connection with M.A. no. 04/2025/EZ in O.A. no. 127/2023/EZ.
<i>Name &amp; Address of the unit/site</i>	<b>Water body (classified as <i>Doba</i>) owned by Smt. Tulabati Mal</b> Malpara, Lohapur Bazar, P.O.- Lohapur, Birbhum-731237.
<i>Police Station</i>	Nalhati
<i>Local Body</i>	Bara-1 GP
<i>Date &amp; Time of inspection</i>	10/6/2025, 11:20 - 11:40 hrs.
<i>Date of previous inspection</i>	19/7/2024
<i>Inspected by</i>	Sri A.K. Dey, EE & Sri C. Dawn, AEE
<i>Persons met during inspection</i>	Smt. Tulabati Mal & Sri Jagabandhu Ray
<i>Preamble</i>	This was primarily a case involving filling up of the water body. The site was inspected on 20/10/2022 by the Joint Committee constituted as per Hon'ble NGT, Principal Bench vide its order dated 02/8/2022 in connection with earlier O.A. no. 475/2022/PB. Based on the inspection report submitted by the Joint Committee, the Hon'ble NGT, EZ Bench passed an Order dated 12/3/2024 which required Smt. Tulabati Mal to restore the water body by cleaning the aquatic plants & weeds of the water body and Sri Jagabandhu Ray to not drain any kind of waste water from his premises to the said water body.
<i>Observation</i>	<p>The water body was found not cleaned by Smt. Tulabati Mal. The water body was seen to be filled with aquatic plants, weeds and some refuse materials.</p> <p>Sullage from bathing area &amp; wash water from the kitchen of Sri Jagabandhu Ray's residence still find their way to the waterbody through drain channel constructed within the premises of Sri Ray's residence. Also, septic tank liquor of Sri Ray's residence finds its way to the water body. No soakpit arrangement has been provided for septic tank liquor overflow. Sri Ray has yet to construct any alternative drainage line in order to divert waste water/sullage generated from his residence from entering the water body.</p> <p>Unlike previous visits, the water body, the present appearance of which resembles a <i>Doba</i> having an area of approximately 1.75 cottahs, could be traversed on foot all around as the water level has decreased resulting in exposure of additional ground surface around the water body. The water body, like many other village water bodies, is in the gradual process of ecological succession due to negligence.</p>
<i>Other relevant information</i>	<p>Smt. Tulabati Mal cited financial constraint for not being able to clean the water body.</p> <p>Sri Jagabandhu Ray mentioned that decisions of his brothers, those who stay far away but are co-owners of the premises, are necessary for constructing a soakpit &amp; an alternative drainage in order to divert waste water/sullage generated from his residence from entering the water body.</p> <p>Photographs taken during inspection are annexed herewith for ready reference.</p>
<i>Remarks/recommendation/comments</i>	(i) Smt. Tulabati Mal should restore the water body by cleaning the aquatic plants & weeds.



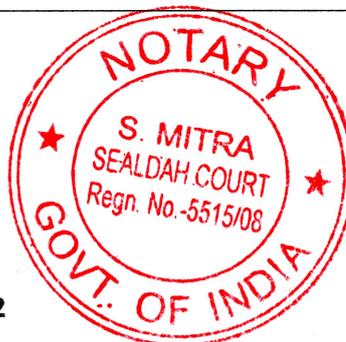


	<p>(ii) Sri Jagabandhu Ray should provide soakpit for the septic tank liquor overflow and construct an alternative drainage line in order to divert waste waters generated from his residence from entering the water body.</p> <p>(iii) Intervention of the local administration is very essential for compliance of the order of the Hon'ble NGT.</p>
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Photographs of Smt. Tulabati Mal's water body & its surroundings taken on 10/6/2025

<p>Water body as seen from Smt. Mal's premises with Sri Ray's residence (right) in view</p>	<p>Water body as seen from the side of Sri Jagabandhu Ray's residence with Sri Mals's residence (opposite side middle) in view</p>
<p>One drain channel of Sri Ray's residence leading towards the water body</p>	<p>Outlet of kitchen waste water (left) &amp; outlet pipe of septic tank liquor (right) of Sri Ray's residence towards the water body as seen from the water body side</p>

*C. Dawn*  
 .....  
 (C. Dawn, AEE) 12/6/25



*A.K. Dey*  
 .....  
 (A.K. Dey, EE) 12/6/2025



Jagdish Prasad Meena, IAS,  
Member Secretary



WEST BENGAL POLLUTION CONTROL BOARD  
(Department of Environment, Government of West Bengal)

Memo No. : 203/File No. 31/WPB-E(IX)2022

Date : 18/06/2025

To  
**The District Magistrate, Birbhum**  
Administrative Building, Suri Main Road  
Suri, West Bengal.  
Pin : 731101.

**Subject: Compliance of the Hon'ble National Green Tribunal (NGT) Judgement dated 12/03/2024 in O.A. 127/2024/EZ (A Ali. Vs WBPCB & Ors.)**

Dear Sir,

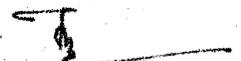
In connection with the aforementioned matter, Hon'ble National Green Tribunal vide judgement dated 12.03.2024 directed the West Bengal Pollution Control Board (State Board) to take appropriate action against Sri Jagabandhu Ray and ensure that his drainage does not drain any sludge into the said water body. Appropriate directions in this regard for drainage and treatment of sludge shall be given by the State Board (Annexure-A).

In compliance with the judgement passed by the Hon'ble National Green Tribunal, the State Board vide Memo dated 30.04.2024 issued a direction upon Sri Jagabandhu Ray, residing at Vill-Lohapur, P.S. Nalhati, Dist.- Birbhum, not to discharge the sullage generated from his residence into the water body situated at Mouza-Lohapur, J.L. No. 117, L.R. Dag No. 172, P.S. Nalhati, Dist.- Birbhum. He was also directed by the State Board to arrange for proper drainage and treatment of sullage generated from his residence within a period of one month and thereafter submit the compliance report (Annexure-B), and the State Board vide Memo dated 30.04.2024 issued a direction also upon Smt. Tulabati Mal, residing at Vill-Lohapur, P.S.-Nalhati, Dist.- Birbhum, to restore the water body by cleaning aquatic plants and weeds of the water body situated in Mouza-Lohapur, J.L. No. 117, L.R. Dag No. 172, P.S.- Nalhati, Dist.- Birbhum within a period of one month and thereafter submit the compliance report (Annexure-C).

The State Board further caused an inspection on 10.06.2025 in the matter. It appears from the inspection report that the aforementioned directions of the State Board have not yet been complied with. Copy of the inspection report of the State Board is annexed herewith and marked as Annexure-D.

Since the issue is pertaining to the discharge of domestic effluent into an adjacent waterbody, this is primarily comes under the purview of concerned local body & District Authority.

In view of above, for compliance of the Hon'ble NGT Order dated 12/03/2024, your good office is requested to take immediate steps so that directions of the State Board dated 30.04.2024 are complied with. An action taken report may please be submitted to the undersigned within 15 days for filling the same before the Hon'ble National Green Tribunal.

  
Member Secretary



Item No.05

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.127/2023/EZ  
(Earlier O.A. No.475/2022/PB)

A. Ali

Applicant(s)

Versus

State of West Bengal &amp; Ors.

Respondent(s)

Date of hearing: 12.03.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : None

For Respondent(s): Mr. Dipanjan Ghosh, Advocate for R-1,  
Mr. Sudip Kumar Dutta, Advocate for R-2,

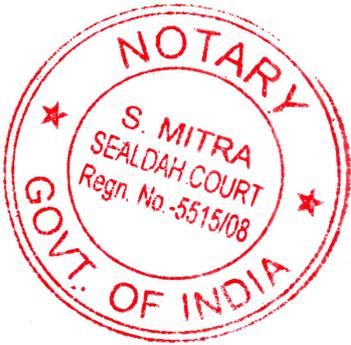
**ORDER**

1. Affidavit dated 23.02.2023 has been filed by Respondent No.1, West Bengal Pollution Control Board; the same is taken on record.
2. On 01.12.2023, notices were issued to the Respondent Nos.3 & 4 through the District Magistrate, Birbhum. Affidavit of service dated 31.01.2024 has been filed. Thereafter, one Ms. Poulami Dutta, learned Counsel appeared on behalf of the Respondent No.3 on 19.01.2024.
3. Ms. Poulami Dutta, learned Counsel is not present today nor has any counter-affidavit been filed by Respondent No.3.
4. No one is present on behalf of the Respondent No.4.
5. We, therefore, have no option but to proceed with the hearing of the case.

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

March 12, 2024,  
Original Application No.127/2023/EZ  
(Earlier O.A. No.475/2022/PB)



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**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.127/2023/EZ  
(Earlier O.A. No.475/2022/PB)

**In the matter of:**

**A. Ali**

.....Applicant(s)

Versus

**1. Member Secretary,**

West Bengal Pollution Control Board,  
Paribesh Bhawan, Sector-III, Salt Lake,  
Bidhannagar, Kolkata-700106;

**2. District Magistrate, Birbhum,**

Administrative Building, Suri Main Rd., Suri,  
West Bengal-731101;

**3. Smt. Tulabati Mal**

Village-Lohapur-Swarnakarpatti,  
Nalhati-2, Dist.-Birbhum;

**4. Sri Jagabandhu Ray,**

Village-Lohapur-Swarnakarpatti,  
Nalhati-2, Dist.-Birbhum;

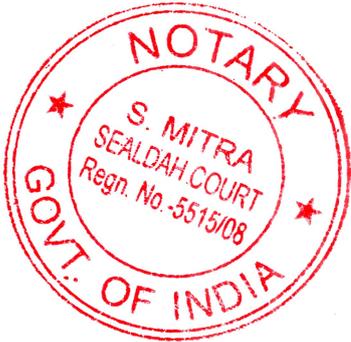
.....Respondent(s)

Date of hearing: 12.03.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : None

For Respondent(s) : Mr. Dipanjan Ghosh, Advocate for R-1,  
Mr. Sudip Kumar Dutta, Advocate for R-2,



**ORDER**

- Cognizance of this case was taken up by the New Delhi Bench of the National Green Tribunal as Original Application No.475/2022 on 02.08.2022 in pursuance of a letter petition written by the Applicant-Mr. A. Ali, Editor, Nalhat 2<sup>nd</sup> Block Citizens Committee, Post Office-Lohapur, District—Birbhum, West Bengal, complaining that Tulabati Mal, owner of pond with J.L. No.118, Khatian No.1826, Dag No.162 situated behind village Lohapur-Swarnakar

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Patti is dumping soil generated by clearing/construction of road and filling the pond due to which 15 families, who are dependent on the pond, are facing serious problems.

2. The Joint Committee constituted by the Tribunal submitted its Report on affidavit through email dated 15.11.2022. Relevant extract of which reads as under: -

**“Report of the joint committee constituted as per Hon'ble NGT, Principal Bench order dated 02/08/2022 in the matter of A. Ali Indic vs. State of West Bengal in OA no. 475/2022**

**Background:**

*The applicant alleges that Smt. Tulabati Mal, owner of the water body (classified as Doba) in Mouza- Lohapur, J.L. no.- 117, L.R. Dag no.- 172 having an area of 10 decimals (as per land records), is filling up the said water body. Therefore, a Joint Committee comprising of the State Pollution Control Board (WBPCB) and District Collector, Birbhum visited the site in order to look into the grievances of the applicant, verify factual position and take requisite action by following due process of law.*

**Observation:**

*The members of the Joint Committee (officials of District Collector, Birbhum & WBPCB) constituted by the Hon'ble NGT inspected the site on 20/10/2022 in order to examine the allegations of the applicant. The inspecting officials met Smt. Tulabati Mal (owner of water body) and representatives of the complainant (family members of Sri Jagahandhu Ray and Sri Ujjwal Dutta) and heard versions of both sides.*

*During inspection, no activity related to filling up of the water body under scrutiny, which is full with aquatic plants & weeds, was noticed.*

*Residence of Smt. Tulabati Mal is adjacent to the water body and lies on the West of the water body. Residence of Sri Jagabandhu Ray is situated on the adjacent plot East of the*



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water body. It was learnt that sullage from Sri Jagabandhu Ray's residence is discharged into the said water body (owned by Smt. Tulabati Mai) as his residence has no proper drainage although the construction of the building took place more or less 15 years ago, as informed by the members of Ray family.

**Other relevant information:**

The representative of the complainant alleged that Smt. Tulabati Mal & others living on the West of the water body are trying to construct a pathway by filling up the Northern fringe of the water body in order to get easy access of the village market at Lohapur-Swarnalcrupatti through the passage between the residences of Sr: Jagabandhu Ray & Sri Ujjwal Dutta. The members of both Ray & Dutta families claim that such passage is a private property belonging to the Rays & Duttas in parts as per construction rules and cannot be trespassed by villagers from the west of the water body.

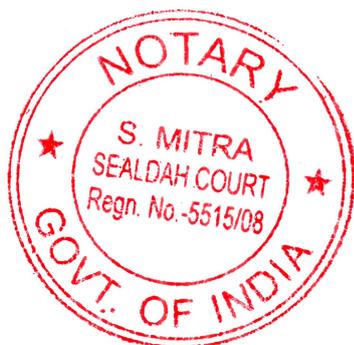
Smt. Tulabati Mal & others on the other hand claim that they are very much entitled to construct a bank for the water body on the Northern side of it and use it as a pathway.

Photographs taken during inspection are annexed herewith for ready reference.

**Remarks/Recommendations:**

- (i) No filling up of the water body was evident during visit
- (ii) During inspection, verbal direction was given to Smt. Tulabati Mal to restore the water body by cleaning the aquatic plants & weeds."

3. Thereafter, vide an order dated 22.08.2023 the Original Application No.475/2022 was directed to be transferred to the National Green Tribunal, Eastern Zone Bench, Kolkata. On receipt of the said Original Application in the Eastern Zone Bench, Kolkata, the same was re-numbered as Original Application No.127/2023/EZ.



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4. On 21.09.2023, notices were issued to the Applicant-Mr. A. Ali. Further, the following were directed to be impleaded in the said Original Application as Respondents:-
  - i) West Bengal Pollution Control Board through its Member Secretary;
  - ii) District Collector, Birbhum; and
  - iii) The Principal Secretary, Department of Environment, Government of West Bengal
5. No one has put in appearance on behalf of the Applicant in spite of notice being issued to him by the office of the Tribunal.
6. Affidavit dated 14.11.2022 has been filed by West Bengal Pollution Control Board. Along with this affidavit, an inspection report has also been filed. In view of the Inspection Report of the Joint Committee mentioning sludge from the residence of Sri Jagabandhu Ray being discharged into the water body in question, this Tribunal directed Smt. Tulabati Mal, stated to be owner of the pond, and Sri Jagabandhu Ray to be impleaded in the array of Respondents.
7. Notices were issued to the said Respondents in pursuance of which Ms. Poulami Dutta, learned Counsel has filed Vakalatnama on behalf of the Respondent No.3, Smt. Tulabati Mal.
8. The Respondent No.4, Sri Jagabandhu Ray, was required to be served through the Office of the District Magistrate, Birbhum but no one has put in appearance on behalf of the said respondent nor has any counter-affidavit been filed.
9. The Respondent No.3, Smt. Tulabati Mal, has also not filed any counter-affidavit.



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10. A perusal of the Inspection Report would show that during inspection no activity relating to filling up of the water body was found and the water body was found to be full of aquatic plants and weeds. The site was inspected on 20.10.2022 and the inspecting officials met Smt. Tulabati Mal (owner of water body) as well as representatives of the complainant, and (family members of Sri Jagabandhu Ray and Sri Ujjwal Dutta) and heard versions of both the sides. It is mentioned in the Report that the residence of Smt. Tulabati Mal is adjacent to the water body and lies on the West of the water body; the residence of Sri Jagabandhu Ray is situated on the adjacent plot East of the water body; Sludge from the residence of Sri Jagabandhu Ray is being discharged into the said water body as his residence has no proper drainage although the construction of the building took place about 15 years ago. The representative of the complainant alleged that Smt. Tulabati Mal and others living on the West side of the water body are trying to construct a pathway by filling up the Northern fringe of the water body in order to get easy access to the village market at Lohapur-Swarnakarpatti through the passage between the residences of Sri Jagabandhu Ray and Sri Ujjwal Dutta. The members of the families of Sri Jagabandhu Ray and Sri Ujjwal Dutta claimed that such a passage is a private property belonging to them in part and cannot be trespassed by villagers from the West side of the water body. Smt. Tulabati Mal and others on the other hand claimed that they are very much entitled to construct a bank for the water body on the Northern side of it and use it as a pathway.
11. The Joint Committee after inspection directed Smt. Tulabati Mal to restore the water body by cleaning it of aquatic plants and weeds.



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12. Photographs have also been filed with the Inspection Report, page no.11 of the paper book.
13. After the site was visited by the Joint Committee to look into the grievances of the Applicant hearing was carried out on 16.11.2022, to look into the relevant aspects raised by the disputing parties.

The Committee Report reads as under: -

**“Report of the joint committee constituted as per Hon’ble NGT, Principal Bench in the matter of A.Ali India vs. State of West Bengal in OA No.475/2022.**

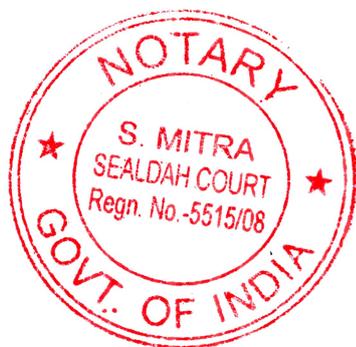
**Background:**

The applicant alleges that Smt. Tulabati Mal, owner of the water body (classified as Doba) in Mouza-Lohapur, J.L. No.-117, L.R. Dag No.172 having an area of 10 decimals (as per land records), is filling up the said water body. A Joint Committee comprising of the State Pollution Control Board (WBPCB) and District Collector, Birbhum, as per the order of the Hon’ble NGT dated 02/8/2022, visited the site in order to look into the grievances of the applicant, verify factual position and take requisite action by following due process of law.

Subsequently, a report was submitted by the Joint Committee. On the basis of the report the Hon’ble NGT directed the Joint Committee, during the hearing on 16/11/2022, to look into all relevant aspects as was mentioned in the petition letter and obtain the relevant revenue documents and submit its report.

**Submission:**

- 1) The owner of the water body under scrutiny (the particulars being Dist.-Birbhum, Block-Nalhathi-2, Mouza-Lohapur, JL No.-117, Dag no.172, Classification-‘Doba’, Area-0.1 acre) is Smt. Tulabati Mal.
- 2) From the field visit carried out on 20/10/2022, it was understood that fifteen families are not solely dependent on the said water body, as there are nearby water bodies. No.



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*of families solely dependent on the said water body may be 2 to 3, including the family of Smt. Tulabati Mal.*

3) *As regards legal/easementary right on the said water body is concerned, only the family of Sri Jagabandhu Ray may enjoy such right apart from Smt. Tulabati Mal's family."*

14. The Joint Committee noted that 15 families as alleged are not solely dependent on the said water body, as there are nearby water bodies. The number of families solely dependent on the said water body may be 2 or 3 including the family of Smt. Tulabati Mal.

15. So far as easementary rights are concerned on the pathway/passage, it was observed that only the family of Sri Jagabandhu Ray may enjoy such right apart from the family of Smt. Tulabati Mal.

16. In view of the above observations of the Committee, so far as easementary right over the passage/pathway referred to in the Joint Committee Report is concerned, we are of the view that there is nothing on record to show that the same has been constructed by filling up part of the water body. However, adjudication of the right of usage/easementary right over the passage does not fall within the jurisdiction of the National Green Tribunal as the same is a purely civil dispute cognizable by civil/revenue courts.

17. The Hon'ble Supreme Court in (2001) 6 SCC 496, *Hinch Lal Tiwari vs. Kamala Devi & Ors.*, has held as under: -

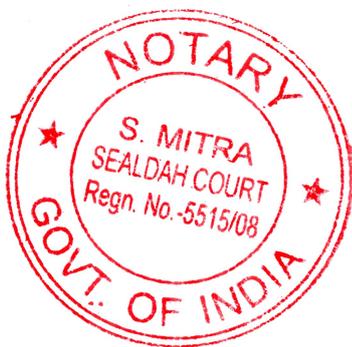
*"13. It is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution. The*



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*Government, including the Revenue Authorities i.e. Respondents 11 to 13, having noticed that a pond is failing in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of the public at large. Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites.*

*14. For the aforementioned reasons, we set aside the order of the High Court, restore the order of the Additional Collector dated 25-2-1999 confirmed by the Commissioner on 12-3-1999. Consequently, Respondents 1 to 10 shall vacate the land, which was allotted to them, within six months from today. They will, however, be permitted to take away the material of the houses which they have constructed on the said land. If Respondents 1 to 10 do not vacate the land within the said period the official respondents i.e. Respondents 11 to 13 shall demolish the construction and get possession of the said land in accordance with law. The State including Respondents 11 to 13 shall restore the pond, develop and maintain the same as a recreational spot which will undoubtedly be in the interest of the villagers. Further it will also help in maintaining ecological balance and protecting the environment in regard to which this Court has repeatedly expressed its concern. Such measures must begin at the grass-root level if they were to become the nation's pride."*

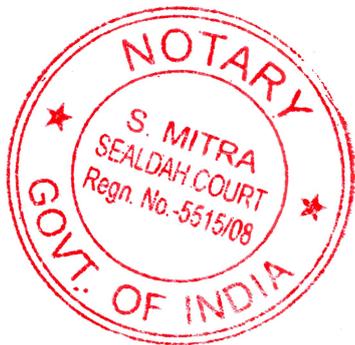


18. In view of the observations of the Joint Committee so far the recommendations and directions of the Joint Committee for cleaning the water body in question is concerned, we are in agreement with the observations made by the Joint Committee and

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direct that Smt. Tulabati Mal owner of the water body shall restore the water body by cleaning the aquatic plants and weeds within a time bound period to be prescribed and monitored by the West Bengal Pollution Control Board preferably within a period of one month.

19. So far as the finding of the Joint Committee that the drainage/sludge from the residence of Sri Jagabandhu Ray being discharged into the water body as his residence does not have a proper drainage, we direct the West Bengal Pollution Control Board to take appropriate action against the said Sri Jagabandhu Ray and ensure that his drainage does not drain any sludge into the said water body. Appropriate directions in this regard for drainage and treatment of sludge shall be given by the West Bengal Pollution Control Board within 15 days thereof and the West Bengal Pollution Control Board shall ensure compliance of its directions within a further period of one month.
20. Affidavit of compliance shall be filed with the Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata by **01.05.2024**.
21. In view of the above directions, the Original Application No.127/2023/EZ is disposed of.
22. Interlocutory Applications, if any, stand disposed of accordingly.
23. There shall be no order as to costs.



.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

March 12, 2024,  
Original Application No.127/2023/EZ  
(Earlier O.A. No.475/2022/PB)  
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Annexure - B<sup>57</sup>



**LIFE**  
Centre for  
Environment

**WEST BENGAL POLLUTION CONTROL BOARD**  
(Department of Environment, Government of West Bengal)  
**Durgapur Regional Office**  
Sahid Khadiram Sarani, City Centre, Durgapur - 713 216,  
Paschim Bardhaman, Telephone: (0343) 254-6708.

Memo No. 427 -2/WPBD-OC (92)/14(Part-I)

Date: 30.04.2024



To  
Sri Jagadindira Ray  
Vill-Lohapur, P.S. Nalhati  
Dist. Birbhum

Re: Order of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata dated 12/03/2024  
(O.A. No. 127/2023/EZ, Earlier O.A. No. 475/2022/PB)

Sir,

In reference to the Order of Hon'ble NGT mentioned above, you are directed not to discharge the  
sullage generated from your residence into the water body in Mouza-Lohapur, J.I. No. 117, L.R.  
Dag No. 172, P.S. Nalhati, Dist. Birbhum. You are also directed to arrange proper drainage &  
treatment of sullage generated from your residence within a period of one month hereof and  
submit the compliance report to this office.

  
Environmental Engineer  
Durgapur Regional Office

Encl: Order of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata dated  
12.03.2024.





WEST BENGAL  
Department of Environment  
Life, Health & Environment

WEST BENGAL PULLUTION CONTROL BOARD  
Department of Environment, Government of West Bengal  
Durgapur Regional Office  
Sahid Khudiram Sarani, City Centre, Durgapur - 713 216,  
Paschim Bardhaman. Telephone: (0343) 254-6708.

Memo No. 428-2/WPBD-OC(92)/14(Part-I)

Date: 30.04.2024

To  
Smt. Tulabati Mal  
Vill - Lohapur, P.S. - Nalhati  
Dist. Birbhum

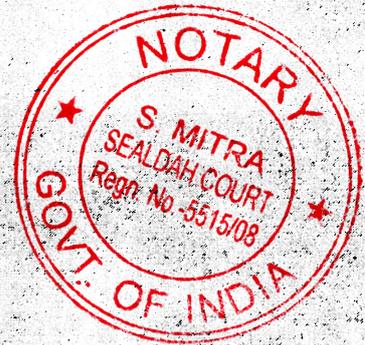
Ref: Order of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata dated 12/03/2024  
(O A. No. 127/2023/EZ, Earlier O.A. No. 475/2022/PB)

Madam,

In reference to the Order of Hon'ble NGT mentioned above, you are directed to restore the water body by cleaning the aquatic plants and weeds of the water body in Mouza-Lohapur, J.L. No. 117, L.R. Dag No. 172, P.S.-Nalhati, Dist.-Birbhum within a period of one month hereof and submit the compliance report to this office.

  
30/4/2024  
Environmental Engineer  
Durgapur Regional Office

Encls: Order of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata dated 12/03/2024.



## INSPECTION REPORT

Inspection reference	Order (dated 30/5/2025) of the Hon'ble NGT, EZ Bench, Kolkata in connection with M.A. no. 04.2025/EZ in O.A. no. 127/2023/EZ.
Name & Address of the unit/site	Water body (classified as <i>Doba</i> ) owned by Smt. Tulabati Mal Malpara, Lohapur Bazar, P.O.- Lohapur, Birbhum-731237.
Police Station	Nalhati
Local Body	Bara-1 GP
Date & Time of inspection	10/6/2025, 11:20 - 11:40 hrs.
Date of previous inspection	19/7/2024
Inspected by	Sri A.K. Dey, EE & Sri C. Dawn, AEE
Persons met during inspection	Smt. Tulabati Mal & Sri Jagabandhu Ray
Preamble	This was primarily a case involving filling up of the water body. The site was inspected on 20/10/2022 by the Joint Committee constituted as per Hon'ble NGT, Principal Bench vide its order dated 02/8/2022 in connection with earlier O.A. no. 475/2022/PB. Based on the inspection report submitted by the Joint Committee, the Hon'ble NGT, EZ Bench passed an Order dated 12/3/2024 which required Smt. Tulabati Mal to restore the water body by cleaning the aquatic plants & weeds of the water body and Sri Jagabandhu Ray to not drain any kind of waste water from his premises to the said water body.
Observation	<p>The water body was found not cleaned by Smt. Tulabati Mal. The water body was seen to be filled with aquatic plants, weeds and some refuse materials.</p> <p>Sullage from bathing area &amp; wash water from the kitchen of Sri Jagabandhu Ray's residence still find their way to the waterbody through drain channel constructed within the premises of Sri Ray's residence. Also, septic tank liquor of Sri Ray's residence finds its way to the water body. No soakpit arrangement has been provided for septic tank liquor overflow. Sri Ray has yet to construct any alternative drainage line in order to divert waste water/sullage generated from his residence from entering the water body.</p> <p>Unlike previous visits, the water body, the present appearance of which resembles a <i>Doba</i> having an area of approximately 1.75 cottahs, could be traversed on foot all around as the water level has decreased resulting in exposure of additional ground surface around the water body. The water body, like many other village water bodies, is in the gradual process of ecological succession due to negligence.</p>
Other relevant information	<p>Smt. Tulabati Mal cited financial constraint for not being able to clean the water body.</p> <p>Sri Jagabandhu Ray mentioned that decisions of his brothers, those who stay far away but are co-owners of the premises, are necessary for constructing a soakpit &amp; an alternative drainage in order to divert waste water/sullage generated from his residence from entering the water body.</p> <p>Photographs taken during inspection are annexed herewith for ready reference.</p>
Remarks/recommendation/comments	(i) Smt. Tulabati Mal should restore the water body by cleaning the aquatic plants & weeds.





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- (ii) Sri Jagabandhu Ray should provide soakpit for the septic tank liquor overflow and construct an alternative drainage line in order to divert waste waters generated from his residence from entering the water body.
- (iii) Intervention of the local administration is very essential for compliance of the order of the Hon'ble NGT.

Photographs of Smt. Tulabati Mal's water body & its surroundings taken on 10/6/2025



Water body as seen from Smt. Mal's premises with Sri Ray's residence (right) in view



Water body as seen from the side of Sri Jagabandhu Ray's residence with Sri Mals's residence (opposite side middle) in view



One drain channel of Sri Ray's residence leading towards the water body



Outlet of kitchen waste water (left) & outlet pipe of septic tank liquor (right) of Sri Ray's residence towards the water body as seen from the water body side

*C. Dawn*  
 (C. Dawn, ALE)

*A.K. Dey*  
 (A.K. Dey, EE)

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BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

M.A. NO. 04/2025/EZ

IN

ORIGINAL APPLICATION NO. 127/2023/EZ

ORIGINAL APPLICATION NO. 127/2023/EZ

A ALI

.....APPLICANT(S)

VERSUS

STATE OF WEST BENGAL & ORS.

..... RESPONDENT(S)

AFFIDAVIT FILED BY THE WEST BENGAL  
POLLUTION CONTROL BOARD.

DIPANJAN GHOSH  
ADVOCATE  
HIGH COURT AT CALCUTTA