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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA

[Under Section 18 (1) read with sections 14, 15 16 and 17 of the
National Green Tribunal Act, 2010]
Original Application No.15 of 2020

Jaba Mukherjee

...Applicant

Versus

State Of West Bengal and Others

.....Respondent

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PAUSHALI BANERJEE
ADVOCATE
7A, KIRON SHANKAR ROY ROAD,
KOLKATA-700001

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[Under Section 18 (1) read with sections 14, 15 16 and 17 of the
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Original Application No.15 of 2020

Jaba Mukherjee wife of Abir Mukherjee, Taibagicha, Hijli , West
Midnapore-721306

...Applicant

-And-

The State of West Bengal & Ors

... Respondents

AFFIDAVIT ON BEHALF OF APPLICANTS:

I, Jaba Mukherjee wife of Abir Mukherjee, aged about ---- years, by
Occupation-House wife , having residential address at Taibagicha, Hijli ,
West Midnapore-721306 solemnly affirm and say as follows:

- (1) I have read the contents of the compliance report affirmed by the
Executive Officer of the Kharagpur Municipality affirmed on 14th

February, 2022 (hereinafter referred to as the said report), I am the applicant in this Original Application and therefore duly authorized to affirm this Affidavit.

- (2) I have understood the contents of the said report and I am fully acquainted with the facts and circumstances of this matter.
- (3) I say that dumping of garbage is still continuing in violation of the orders of this Hon'ble Tribunal. The Committee constituted by this Hon'ble Tribunal vide order dated 10.02.2020 in an elaborate report had observed gross non-compliance of the Solid Waste Management Rules, 2016 by the Kharagpur Municipality. The Photographs of the dumping ward is annexed herewith and marked as Annexure A.
- (4) I say that I am advised to transverse and/or deal with only those allegations in the report which are relevant for the determination of the issues involved in the instant application and the rest allegation made in the said Affidavit shall be deemed to have been denied by me in seriatim.
- (5) That with respect to para 1, 2,3,4 and 5.1 of the said report save and except what are matters of record it is specifically denied that

any bio mining work has started. I say that photographs annexed as annexure A with this Affidavit clearly show that dumping of waste is still continuing. I say that Annexure R4/2 is a piece and parcel of land of the dumping site, the waste from that portion of the land is cleared and heaped into the other part of the dumping site. The pictures annexed with this affidavit clearly show the eye wash created by the municipal authority.

- (6) I say that with regard to para 5 ii, 5iii, 5 iv, it is stated that the Municipality have admitted continuous dumping of waste in blatant violations of the directions of this Hon'ble Tribunal. It is pertinent to mention that on 24/03/22 two residents of the locality Minakshi Kisku and Biswajit Mondal complained regarding continuous dumping before the member Secretary, West Bengal Pollution Control Board with copy to Chairman, Khargapur Municipality and Superintendent of Police, West Midnapore. West Bengal Pollution Control Board on 31/03/22 requested the Khargapur municipality to look into the matter. Copy of the letter dated 24/03/22 and reply dated 31/03/22 are annexed herewith and marked as annexure B

- (7) I say that it is surprising and shocking that inspite of several orders of this Hon'ble Tribunal, dumping has not stopped .I say that it is a blatant lie that any dumping of waste have stopped at the dumping site. The new site at sakpara mouza is not utilized for dumping as the NOC from the Wing Commander Air Force annexed as Annexure R4/4 clearly states that the site can only be used for disposal of treated waste and to fill up low level area, which shall not rise above ground level.
- (8) With respect para 5v,5vi,5vii,5viii, 5ix, 5x, 5xi, 5xii, 5xiii, 5xiv, 5xv and 5xvi, I say that even if waste collection bins are distributed only to ward no 33 and 34 of Khargapur municipality and even if each and every household are provided with separate bins to collect waste , it is a exercise in vain as the waste is collected in the same vehicle from the households.
- (9) With regard to para 6,7 and 8 I say that the solid waste management rules 2016 are not followed at all by the concerned municipality, a mass petition dated 29/04/22 was served to the wing Commander of Indian Air force stating that the garbage dump

has not yet been shifted and is operating violating all laws. A copy of the letter dated 29/04/22 is annexed herewith and marked as annexure C.

(10) I say that during monsoons because of heavy rainfall the waste water and leachate are entering into the agricultural land of the villagers polluting the environment, moreover as during monsoon the water in the canal is almost filled to the brim, leachate flowing from the dumping ground is getting mixed with the adjacent canal water causing water pollution.

(11) I say that such illegal activity in violation of the orders of this Hon'ble Tribunal should immediately be stopped and the municipality must promptly find alternative temporary land fill site till the permanent landfill site is finalized.

Serial No. 59 dt. 20/5/22

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VERIFICATION

I, Jaba Mukherjee wife of Abir Mukherjee, aged about 58 years, by Occupation-House wife , having residential address at Taibagicha, Hijli , West Midnapore-721306 do hereby verify that the contents of the paragraphs ^{1,2,3,4,5&6} are true to my knowledge and belief and/ or based on information and/or derived from sources which I verily believe to be true and I have not suppressed any material facts and circumstances.

Jaba Mukherjee
Signature of the applicant

Rausali Banerjee

Prepared in my office and
signed in my presence

Date : 20/5/22

Place : Kolkata

ATTESTED


S. M. HASSAN
NOTARY
Regn. No. 13789/18
High Court, Calcutta
Kolkata - 700 001

20 MAY 2022



Amesure - 'A' 9





To,
The Member Secretary
Deptt. of Environment
Govt of West Bengal
Paribesh Bhawan
10A Block-LA, Sector-III
Bidhan Nagar, Kolkata-700098

Sub: The Municipality is constantly dumping violation of the law & time

Respected sir,

We the residents of Hiradihi, Ambasol, Challadanga, Koriasol and Benachali want to bring your kind notice, that the municipality asked the Hon'ble green tribunal for six months extension and it was granted and time ends on 31st January 2022 but unfortunately the municipality disobeyed the order of his excellency the green tribunal and the garbage is still being dumping in Hiradi's illegal dumping ground is annexed here with and marked as annexure 1.

To confuse the Hon'ble green tribunal the municipality is falsely stating that it hasn't been dumping garbage in the aforesaid land but sadly municipality is still dumping garbage in the same land inside the same boundary wall in the Hiradihi village.

We are affected due to this illegal dumping, diseases are being carried by the flies, rodents and mosquitoes creating health problems.

Therefore we the local resident villagers are praying to your kind interference into the matter and kindly stop illegal dumping to save us from health and life hazards.

Date: 24/3/22

Place:

Yours faithfully

Minakshi Kishor
Byswal Mausi

Copy to:-

- 1) Chairman, Kharagpur municipality.
- 2) Superintendent of Police, West Midnapore.

All Communication
to State Board
should be
addressed with
Number Date and
Subject.



WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Government of West Bengal)
Mani Square, Block/Space-8IT
8th floor, 16-1/1, Maniktala Main road, Kolkata 700 054
Website: www.wbpcb.gov.in, Tel No.(033)2320-0042
e-mail : net.wbpcb-wb@bangla.gov.in

Memo No.

-PG/LD/03/2020

Date : / /

The Executive Officer
Kharagpur Municipality
Jhapetapur, Keshiary Road, Near Fire Brigade, Kharagpur,
Paschim Medinipur

Sub: Complaint regarding dumping of garbage at Hiradihi's dumping ground in alleged violation
of the order of the Hon'ble National Green Tribunal.

Sir,

Please find enclosed a complaint from Mrs. Minakshi Kisku & others regarding dumping of
garbage at Hiradihi's dumping ground in alleged violation of the order of the Hon'ble National
Green Tribunal.

You are requested to kindly advise your good office to examine the contents of the complaint
with due importance and take necessary action from your end as per Acts and Rules under
intimation to the State Board and to the complainant.

Yours faithfully,

Sd/-

Senior Scientist and Incharge
Public Grievance Cell

Encls As stated

Memo No. 392 -PG/LD/03/2020

(1)

Date 31/3/22

Copy forwarded for information to -

- ✓ Mrs. Minakshi Kisku, Ambasol, Challadanga, Koriasol, Benachali, Kharagpur,
Paschim Medinipur.
2. Asstt. Environmental Engineer & In-charge, Haldia Regional Office, Super Market, 3rd
floor, Durgachak, Haldia, Purba Medinipore -721 602

[Signature]
Senior Scientist and Incharge
Public Grievance Cell

Mass Petition

To
The Wing Commander &
Chief Administrative Officer
Indian Air Force
Kalaikunda, Kharagpur-721302

Sub: Urgent request to immediately intervene and stop illegal high rise dumping and disposing activity by Kharagpur Municipality of solid and liquid wastes with foul smell including hospital duty materials in this very near to our Defense Air Base and Air Force Station causing air, water and land pollution risking aerospace safety and damage to low fly routes and local habitants including your staff and their family

Respected Sir,

We the residents of Hiradihi, Challadanga, Ambashol, Keshiashol and Benachali want to bring to your kind notice, that since sometimes Kharagpur Municipality was found to be redumping fresh unhygienic garbage to the aforementioned site with standby of huge numbers of police personals.

The Kharagpur Municipality personals supervising the dumping are challenging the villagers that National Green Tribunal has allowed them dumping of these materials. According to the Hon'ble National Green Tribunal direction, the Kharagpur Municipality will arrange a new non-residential land for dumping and they had totally stopped activity here due to pollution, following which disposal activity was paused for about eight months since restarting sometimes ago.

Surprisingly before resuming redumping of the garbage wasted including hospital duty materials, the Pollution Control Board and the Kharagpur Municipality have informed the Hon'ble National Green Tribunal during hearing of our Case No. 15/2020, through an affidavit that they are in search of a new non-residential land for dumping and they have totally stopped activity here due to the pollution.

But very unfortunately, the Kharagpur Municipality has restarted dumping and disposing activity of solid and liquid wastes with strong foul smell including hospital duty materials. Also Hon'ble National Green Tribunal had directed Kharagpur Municipality to strictly follow the Solid Waste Management Rules 2016 that clearly mentions that distance between Air Base or AFS and such Dumping Project should be at least 20 KMs but

unfortunately it is less than 5KMs from our Kalaikunda Air Base Under your command.

Therefore we the local resident villagers are very much anxious specially due to fear of fird hits which may happen your planes which regularly test flies around and the Dumping Ground has become a breeding ground of large predator birds like Vultures, Kites, etc.

Sir, we the local habitants are interested to extend our full co-operation with Indian Air Force and also at the time of enquiry to supply the expert reports on dumping and all the different types of directions passed.

So praying to your kind self, please immediately intervene into the matter and kindly stop illegal dumping and take necessary actions to shift the freshly dumped solid and liquid wastes including hospital duty materials to save us from health and life hazards.

Therefore, we the local resident villagers are requesting to your kind self, please immediately intervene in the above matter and make a spot enquiry in presence of we the local habitants, where we pledge to submit all the necessary documents and expert reports, etc.

Thanking you in anticipation

Date:

Yours faithfully

Mrs. Rajal Mandi
 Minakshi Kisku
 Mahapur Das Hansda
 Anjan Kisku
 Laxmi Ram Hansda
 Sabin Majhi
 Ram Murmu
 Phagu Ram Kisku
 Animoni Saroi
 Subimal Das
 Choban Hansaram
 Rajaram Hansda