

District : Kolkata

In the National Green Tribunal
Eastern Zone Bench,
Kolkata

In the matter of:

Original Application No. 98 of 2023/EZ

And

In the matter of:

Santosh Kumar Yadav

..... Applicant

Versus

State of West Bengal and Others

..... Respondents

Affidavit-in-Reply on behalf of the Respondent no.3

I, Narayan Swaroop Nigam, Son of Shri Vishnu Swaroop Nigam, aged about 49 years, by faith Hindu by Occupation- Service, having office at, Department of Health and Family Welfare, Government of West Bengal, Swasthya Bhaban, GN-29, Sector-V, Salt Lake City, Kolkata - 700091, and residing at, Circuit House, 9/1, Hungerford Street P.S-Shakespeare Sarani, District- Kolkata PIN- 700017, do here by solemnly affirm and declare as follows :-

1. That I am the Principal Secretary of the Department of Health and Family Welfare, Government of West Bengal, Swasthya Bhaban, GN-29,



Signature
Choudhury

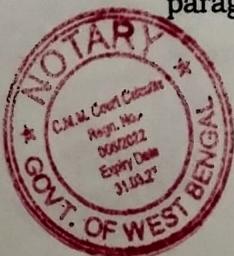
Sector-V, Salt Lake City, Kolkata - 700091 , respondent no. 3 above-named. I, being the respondent no.3, am competent to swear and affirm this affidavit for and on behalf of myself and my Department.

2. That I am swearing this affidavit in terms of order dated 5th September, 2023 passed by Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata in connection with Original Application No. 98 of 2023/EZ in the matter of Santosh Kumar Yadav -Vs.- The State of West Bengal & Others.

The answering respondent crave leave of this Hon'ble Tribunal to refer to the said order dated 5th September, 2023 passed by this Hon'ble Tribunal, which is being annexed hereto and marked as Annexure- 'A'

3. That save and except those which are matters of record and what are specifically admitted by me herein below, each and every allegation, and/or contention, and/or submission, contained in the said Original Application, is denied and disputed as if the same is set out in seriatim herein and specifically traversed.

4. That without prejudice to the above, I beg to deal with the paragraphs in the Original Application ad seriatim.

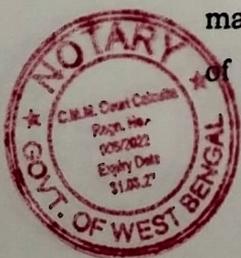


5. That in reference to the facts stated in Paragraph No. 2 of the above numbered Original Application, I humbly submit that, I am not in any way responsible for the matters stated therein.

6. In reference to the facts stated in Paragraph No.3, including the sub points (a), (b) and (c) mentioned therein, I humbly submit that, I am not in any way responsible for the allegation made therein, by the applicant.

7. In reference to the facts stated in Paragraph No.3, I humbly submit that, I am not in any way responsible for the allegation made therein, by the applicant.

8. That I also humbly submit that, although, I, being the Principal Secretary, Department of Health & Family Welfare, Government of West Bengal, have been impleaded as Respondent No. 3 in the instant Original Application, it is a fact that, neither I, being the Principal Secretary of the above mentioned Department, nor any official or personnel working in/under the said Department, or any of its Directorate, is officially assigned with or involved in the duty of construction, maintenance, management or removal of legal/illegal toilet and garbage vat situated at general public places. The duty of the Department of Health & Family Welfare, is limited only to the maintenance for and ensuring of the cleanliness and hygienic condition of any of the premises under the control and administration of such

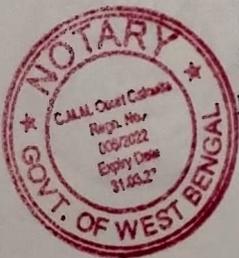


Department, like hospitals, medical colleges, health care centres, pathological centres, other administrative offices etc., and the removal and due disposal of the garbage and bio-medical wastes emanating from such places, as per the specified norms and regulations. Hence, the Department of Health & Family Welfare, its Principal Secretary, or any other official and/or staff working thereunder, do not have any role or responsibility in the upkeepment of general public cleanliness and hygiene, situated outside the above mentioned places and the areas covering them.

9. That in respect of the facts and circumstances stated herein above, I humbly submit that no case has been made out by the petitioner against the Department of Health & Family Welfare, Government of West Bengal, for interference in this Original Application. Therefore, this Hon'ble Tribunal may be pleased to dismiss this Original Application in limine.

10. That in the light of facts and circumstances stated above, I humbly submit that this Original Application is not maintainable and the prayers made in the said Original Application should be rejected and the instant Original Application liable to be dismissed.

11. Save as aforesaid all other allegations and/or insinuations, which have not been specifically dealt with in the instant Affidavit-in-Reply,



shall be deemed to have been strictly denied by the answering respondent.

12. That the statements made in paragraphs 1 to 8 of the foregoing affidavit are true to my knowledge and the rest are my respectful submissions before this Hon'ble Tribunal.

✓ *Narayan Swaroop Negani*

Deponent is known to

Prepared in my office
me

[Signature]
Advocate.

Clerk to :-

Advocate

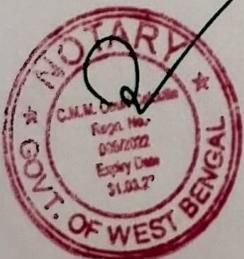
Solemnly affirmed before me on this
dayof September, 2023

Commissioner

SOLEMNLY AFFIRMED
&
Declared Before me
on Identification Adv.
[Signature]
NOTARY
N. DAS GUPTA
C.M.M. Court
Govt. W.B

[Signature]
N. DASGUPTA
Notary
Regn. No. 006/2022
3. Bankshal Street
Calcutta-700001

27 SEP 2023



Item No.01

Court No.1

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

Original Application No.98/2023/EZ

Santosh Kumar Yadav

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

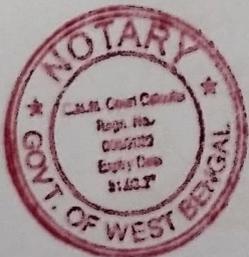
Date of hearing: 05.09.2023

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

For Applicant(s) : Mr. Santosh Kumar Yadav, in person (in Virtual Mode)

ORDER

1. Heard Mr. Santosh Kumar Yadav, the Applicant in person, present (in Virtual Mode).
2. This Original Application has been filed by the Applicant alleging that beside the entrance of premises 2/6D, Nitya Ghosh Street, Kolkata - 700023, PS - Watgunge, KMC Ward No.75 an illegal and unauthorized garbage vat and toilet has been established without valid permissions from the environmental authorities.
3. It is alleged that the said garbage is creating unhygienic and unhealthy atmosphere in the area thereby affecting the life of the people residing in the said colony.
4. It is further alleged that there is no proper solid waste management system or drainage system and no steps have been taken by the Kolkata Municipal Corporation to clean the area.
5. It is also alleged that complaints have also been made to the West Bengal Pollution Control Board in this regard but the Board has also not taken any action against the authorities of the Municipal Corporation.



6. Photographs have also been filed along with the Original Application in support of the allegations.
7. In our opinion, matter requires consideration.
8. Issue notice to the Respondents returnable within two weeks.
9. Mr. Rajib Ray, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1, 2, 3 and 6, State Respondents, Government of West Bengal.
10. Mr. Dipanjan Ghosh, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.4, West Bengal Pollution Control Board.
11. Mr. Sibojyoti Chakraborty, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.5, Kolkata Municipal Corporation.
12. All the Respondents shall file their counter-affidavits within two weeks.
13. The Applicant shall provide e-copy/soft copy of the Original Application along with all its annexures to Mr. Rajib Ray, Mr. Dipanjan Ghosh and Mr. Sibojyoti Chakraborty, learned Counsel for the Respondents within 24 hours.
14. **List on 25.09.2023.**

.....
B. Amit Sthalekar, JM

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

September 05, 2023,
Original Application No.98/2023/EZ
SKB



District: Kolkata.
In the National Green Tribunal
Eastern Zone Bench,
Kolkata

In the matter of:
Original Application No. 13791 of 2023

-And-

In the matter of:
Santosh Kumar Yadav

..... Petitioner

Versus

State of West Bengal and Others

..... Respondents

Affidavit -in- Reply against the
Original Application on behalf of
Respondent No. 3

Advocate
National Green Tribunal, Eastern Zone,
Kolkata

Chamber:

;

Mobile No.

Email:

