

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

Original Application No.30/2023/EZ

Subhas Datta

Applicant(s)

Versus

State of West Bengal &Ors.

Respondent(s)

Date of hearing: 22.03.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) :Mr. Subhas Datta, in person.

For Respondent(s) : Mr. Sibojyoti Chakraborty, Advocate for State Respondents
(in Virtual Mode),
Mr. Dipanjan Ghosh, Advocate for R-4,
Ms. Rashmi Singhee, Advocate for R-8 (in Virtual Mode)

ORDER

1. Heard Mr. Subhas Datta, the Applicant in person.
2. The present Original Application has been filed by the Applicant alleging that the Chatra Beel which is a wetland in North Bengal in the district of Malda is being encroached upon due to expansion of the city of Malda. It is stated that this wetland is a natural wetland and a natural water purifier for the water of the Northern region of Bengal.
3. It is stated that the area of the waterbody was 407 hectares as in the year 2005 and as of 2020 area of the waterbody has shrunk to 196 hectares.
4. The Applicant submits that due to expansion of the town of Malda because of expansion of population, deliberate encroachments are being permitted in the Chatra Beel which is being converted into land.
5. In our opinion, matter requires consideration.

6. Issue notice to the Respondents, returnable within four weeks.
7. All the respondents shall file their counter-affidavits within four weeks.
8. Mr. Sibojyoti Chakraborty, learned Counsel who is present in Virtual Mode, accepts notice on behalf of the Respondent Nos.1,2,3,5,6 & 7, State Respondents.
9. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.4, West Bengal Pollution Control Board.
10. Issue notice to the Respondent No.8, English Bazar Municipality, returnable within four weeks.
11. We are of the view that Ministry of Environment, Forests and Climate Change (MoEF&CC) is a necessary party in the present proceedings since the matter relates to wetlands and therefore we direct the Applicant to implead the Ministry of Environment, Forests and Climate Change (MoEF&CC) through its Secretary, New Delhi in the array of respondents as Respondent No.9.
12. Ms. Rashmi Singhee, learned Counsel who is present in Virtual Mode, is directed to accept notice on behalf of the newly impleaded Respondent No.9, Ministry of Environment, Forests and Climate Change (MoEF&CC).
13. The Applicant shall provide e-copy/soft copy of the Original Application along with all its annexures to Mr. Sibojyoti Chakraborty, Mr. Dipanjan Ghosh and Ms. Rashmi Singhee, learned Counsel, within 24 hours.
14. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following members:-
 - i) Senior Scientist of the West Bengal Pollution Control Board,

- ii) Senior Representative of the State Wetland Authority, Government of West Bengal,
 - iii) Senior Representative of the Department of Environment, Government of West Bengal,
 - iv) Senior Representative of the Member Secretary, Urban Development and Municipal Affairs Department,
 - v) District Magistrate, Malda or his nominee not below the rank of Additional District Magistrate (ADM), and
 - vi) Executive Officer of the English Bazar Municipality or his Senior Representative
15. The Committee shall visit the Chatra Beel and inspect the site and submit its report with regard to the encroachments alleged to have been made upon the said waterbody and it shall suggest remedial measures for restoration of the said waterbody to its original pristine form as well as remedial measures to ensure that there is no further encroachment into the waterbody.
16. In the meantime, we direct the District Magistrate, Malda to ensure that no further encroachment is permitted in the Chatra Beel during the pendency of the present proceedings.
17. **List on 26.04.2023.**

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

March 22, 2023
Original Application No.30/2023/EZ
SKB