

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

**Original Application No. 80/2016/EZ
With
M.A. No. 13/2017/EZ**

**PEOPLE UNITED FOR BETTER LIVING IN CALCUTTA (PUBLIC)
VS
EAST KOLKATA WETLAND MANAGEMENT AUTHORITY& ORS**

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT:

Applicants	:	Mr.Siddhartha Mitra, Sr. Advocate
		Mr. Santanu Chakraborty, Advocate
Respondents No. 1,4-6, 9-10	:	Mr. Bikas Kargupta, Advocate
Respondent No. 3	:	Dr. Madhusudan Saha Roy, Advocate
		Mr. Swapan Kr. Halder, Advocate
Respondent NO. 7	:	None
Respondent No. 8	:	Mr. Sakabda Ray, Advocate
Respondent No. 2	:	None

Date & Remarks	Orders of the Tribunal
Item No. 3 25th October, 2017.	<p>The case was to be heard and disposed of on 7.7.2017 but adjourned due to circumstances indicated in the order of that date. On 7.7.2017 when it was informed by Mr. Prabal Kr. Mukherjee, Id. Sr. Advocate that the Respondent No.8 had preferred a writ petition before the Calcutta High Court in respect of the same matter, the case was adjourned to 1.9.2017.</p> <p>Today, Mr. Siddhartha Mitra, Ld. Sr. Counsel for the Applicant and Mr. Bikas Kargupta, Ld. Advocate for the State Respondents and East Kolkata Wetlands Management Authority, Respondent No. 1, inform us that the writ petition has since been disposed of with a</p>

direction upon the East Kolkata Wetlands Management Authority to consider the application submitted by the Respondent No. 8 and to dispose it off in accordance with law. Further that in compliance of the order of the High Court, the application of Respondent No. 8, was considered and rejected by the Respondent No.1 vide order dated 24.10.2017 a copy of which was placed before us.

Mr. Sakabda Roy, Ld. Advocate for the Respondent No. 8, submits that the Respondent has not received the copy of the order and, therefore, is unaware of its contents. We direct Mr. Kargupta to ensure that a copy is provided to the parties in course of the day.

Mr. Kargupta fairly concedes that EKWMA has not authorised the Respondent No. 8 to raise the structure in the area in question and even the road at Munshir Bheri constructed by the respondent No. 3 had not been permitted. Mr. Madhusudan Saha Roy, Ld. Advocate for the respondent No. 3, in reiteration of his earlier submissions submits that the road being temporary one, can be removed against which respondent No. 3 has no objection.

In view of the established fact that the Respondents No. 3 and 8 have encroached upon the protected East Kolkata Wetland, we leave it upon the Respondent No. 1 to take appropriate steps to remove all illegal structures in exercise of its powers vested in it

under clauses (b) and (c) of Sec. 4 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 and further to consider imposition of appropriate penalty upon the Respondents No. 8 & 3 under Sec. 18 of the Act. However, we make it clear that the EKWMA while taking such steps shall follow the due process of law.

The entire process for removal of illegal structures of the Respondents No. 3 and 8 shall be completed within three months without fail.

Compliance report shall be filed in the first week of the fourth month, i.e., in the first week of February 2018 in the Registry.

In view of the above, nothing further would survive for our consideration in this OA.

Accordingly, the OA along with the connected MA stands disposed of

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Justice S.P.Wangdi, JM
25-10-2017

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Prof. (Dr.) P. C. Mishra, EM
25-10-2017

