

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

M.A. No. 25/2017/EZ
in
O.A. 25/2016/EZ
**SUNIT KUMAR MALLICK CHOWDHURY
VS
STATE OF WEST BENGAL & ORS**

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member

PRESENT: Applicant : Mr. Suman Dutta, Advocate
Mr. Dipankar Saha, Advocate
Mr. A. Ghosh, Advocate
Respondent No.1- 4&9-11 : Mr. Bikas Kargupta, Advocate
Respondent Nos. 5 & 6 : Mr. Dipanjan Ghosh, Advocate
Respondents 14 to 22 : Mr. Debasish Kundu, Sr. Advocate
Mr. Indranil Nandi, Advocate
Mr. Rathin Kundu, Advocate
Other Respondents : None

Date & Remarks	Orders of the Tribunal
Item No. 13 7 th February, 2017.	<p style="text-align: center;">Affidavit in reply of the applicant to the exception to the affidavit in compliance of the respondent No. 10 filed by the Respondents No. 14 to 22 through Mr. Suman Dutta, Advocate, is ordered to be taken on record.</p> <p><u>M.A. 25/2017/EZ</u></p> <p>This M.A. has been filed by the applicant seeking, inter alia, for injunction restraining the Respondents 14 to 22 from changing and/or allowing the nature and character of the water body i.e., "Ukil Bheri".</p> <p>Notices stands dispensed with as Id. counsel appearing for the respondents accept notices.</p>

They are at liberty to file affidavits-in-opposition within three weeks.

It may be relevant to note that in our order dated 12.07.2016 it was recorded as follows:-

“M.A. heard in part.

Mr. Rabi Sankar Chattopadhyay, Id. counsel for the applicant strongly presses for an interim order for direction upon the respondents No. 14 to 22 restraining them from filling up the ponds in question.

Mr. Debasish Kundu, Id. Sr. Advocate who is present on behalf of those respondents submits that they are not filling up the pond as has been alleged.

In view of this submission, we are of the view that no order need be passed with the hope and expectation that they shall maintain status quo until further orders.”

The above order is still in operation and, therefore, any further order to that effect, in our view, would be superfluous and/or redundant.

However, Mr. Suman Dutta, Id. counsel for the applicant strongly urges that there has been deliberate violation of the order which is being continued brazenly by the Respondents No.14-22.

Without any further observation, we direct the Respondent No.10, i.e., the Addl. District Magistrate (LR) South 24 Parganas in the M.A. and the Respondent No.13, i.e., the Officer-in-Charge, Pragati Maidan P.S. to inspect the area and ascertain as to whether the

allegations are correct or not. If any construction is going on in the manner alleged, it shall be stopped forthwith.

Action taken report shall be filed by the Respondents No. 10 and 13 before the next date.

List on 23.03.2017 along with O.A. 25/2016/EZ.

.....
Justice S.P.Wangdi, JM
07.2.2017

