

29.04.2022.
Item No. 11.
Court No.13
ap

W.P.A. No. 7630 of 2022
Tarakeswar Roy & Anr.
Versus
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya,
Mr. Aninda Bhattacharya.
...For the petitioners.

Mr. Samrat Sen, Ld. AAAG,
Mr. Nilotpal Chatterjee.
...For the State.

Mr. Sanjay Saha.
...For the WBMDTC Ltd.

The writ petitioners are aggrieved that notwithstanding a specific restraint order issued by National Green Tribunal in O.A. No. 80 of 2020 (EZ) (Debasish Das –Vs. – West Bengal Pollution Control Board & Ors.) prohibiting sand mining activities in the bank and bed of river Ajay, particularly blocks Jamuria and Barabani in district Paschim Bardhaman the said mining activities continues unfettered till date.

The West Bengal Minerals Development and Trading Corporation has also floated tenders for the purpose of sand mining in those very areas.

Counsel for the Corporation submits that his clients are not in violation of the National Green Tribunal's order, and that NIT is in respect of some blocks which have been left out of the scope of the aforesaid order of the National Green Tribunal.

This Court is of the view that the scope of the National Green Tribunal's order and its extent is best interpreted by the National Green Tribunal.

The petitioners have effective remedy before the National Green Tribunal under the Environment Protection Act, 1986 and the National Green Tribunal Act, 2010 seeking enforcement of its order.

In that view of the matter, the petitioners may approach the National Green Tribunal with an appropriate application, highlighting any alleged violation of any of its orders.

Needless to mention, that the Corporation may reconsider the tender process in light of the allegations made by the writ petitioners, if not already so done.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)