

04.04.2023

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WPA (P) 300 of 2022
With
I.A. No.CAN 1 of 2022
With
I.A. No.CAN 2 of 2022
With
I.A. No.CAN 3 of 2023

Babusona Debnath.
Vs.
The State of West Bengal & Ors.

Mr. Abdus Salam for the petitioner.

Mr. Jahar Lal De,
Mr. Samim Ul Bari ... for the State.

Ms. Nasreen Islam
... for applicants in I.A. No.CAN 3 of 2023.

Mr. Srijib Chakraborty,
Mr. Md. Bani Israil
...for applicants in I.A. No.CAN 1 of 2022.
and I.A. No.CAN 2 of 2022.

1. This writ petition has been filed as a public interest litigation contending that the private respondents have encroached into a water body. Identical relief has been sought for in an application filed before the National Green Tribunal, Eastern Zone Bench, Kolkata (for short, "NGT") in Original Application No.91/2022/EZ and it appears that the NGT has also constituted a committee and the proceedings are pending. In the meantime, it was brought to the notice of the NGT about the pendency of this public interest litigation and consequently, the

proceedings before the NGT has been kept in abeyance awaiting orders in this writ petition.

2. The learned Advocate appearing for the writ petitioner conveys his no objection if the matter is transferred to the NGT for hearing along with Original Application No.91/2022/EZ.

3. Considering the fact that the NGT is a specialised body constituted for examining the issues concerning pollution and environmental issues, we deem it appropriate to transfer this writ petition to the file of the NGT to be heard and decided along with Original Application No.91/2022/EZ.

4. The registry is directed to transmit the entire original file to the NGT within a week from date.

5. Needless to state that the learned Advocate for the writ petitioner shall serve one set of papers on the learned counsels, who will be appearing for the respondents before the NGT.

6. With the aforesaid directions, the public interest litigation is disposed of along with all the connected applications.

7. There shall be no order as to costs.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)