

GOVT. OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE & COLLECTOR
NORTH 24-PARGANAS, BARASAT

Memo No. 10/19(DM)/ 2340/L-Cell/DL&LRO/N-24Pgs/19, Date 26.09.2019

To

The Sr. Law Officer
West Bengal State Pollution Control Board
Paribesh Bhavan,
10A, Block-L.A., Sector III,
Salt Lake City,
Calcutta - 700 106

Sub : Original Application No. 890 of 2018 in the matter of Residents of Bhtpara
Municipality -Vs.- State of West Bengal .

Sir

In compliance with the solemn order passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi, on 29.08.2019 in the above cited matter, the action-taken report is elucidated in the following :

1. That it was reported earlier before the Hon'ble Tribunal that a joint enquiry was conducted on 12.02.2019 to enquire into the matter of illegal sand mining in District North 24 Parganas, West Bengal, near Bandel Railway Bridge, Kanchrapara Bansberia Road Bridge where it appeared that unauthorized white sand lifting from the river Hooghly took place earlier lifted by some unknown miscreants and stacked besides the river bank. It also appeared that there laid four boats with suction facility beside the river bank. The illegal sand lifting was known to have been stopped for last three to four months since the date of enquiry.
2. As the silver sand has already been mined and stacked by unknown miscreants, rent/royalty/tax could not have been recovered as per provision laid down in section 21(5) of the M.M(D & R) Act, 1957.

3. In subsequent action three cases were registered by Naihati Police Station vide Naihati PS Case No. 793/18, 816/18 and 837/18 under section 379 of the Indian Penal Code, 1860 and section 21 the Mines & Minerals(Development & Regulation) Act, 1957, which are briefed herein under :

- i) Three (03) number of boats with suction facility and One thousand (1000) cft of silver sand were seized in connection with Naihati PS Case No. 793/18.
- ii) One (01) number of boat with suction facility and one lakh ten thousand (1,10,000) cft. of silver sand was seized in connection with Naihati PS Case No. 816/18.
- iii) Two thousand (2000) cft of silver sand were seized in connection with Naihati PS Case No. 837/18.
- iv) All these seizures stated in point 3(i) to 3(iii) remain unclaimed.
- v) Investigations in all the said three cases, stated in point 3(i) to 3(iii), have been completed and the Investigating Officer (IO) concerned has submitted Charge-Sheets vide Naihati PS Charge Sheet (C/S) No. 131/19, 136/19 and 132/19 respectively against accused persons namely
 - a) Jitendra Kumar Shaw, s/o, Ganga Shaw;
 - b) Ramnath Shaw, s/o, Late Dinanath Shaw;
 - c) Manoj Das , s/o, Late Ramsagar Das;

To mention that the said three persons are all accused in each three cases and full addresses of the said three persons are noted in the reports enclosed herewith.

Copies of reports prepared by the Office of the Sub-Divisional Officer, Barrackpore, on 25.09.2019, based on the report submitted by the Naihati Police Station on 24.09.2019 are enclosed hereto and marked as Annexure- A (Colly.).

4. The Sub-Divisional Officer, Barrackpore, has been directed to communicate the Ld. Assistant Public Prosecutor, Court of the Ld. ACJM Court, Barrackpore, to file petition before the Ld Court as per provisions laid down in section 22 read with section 21(4A) of the Minerals(Development & Regulation) Act, 1957 to procure permission to confiscate and auction the seized articles. Accordingly, the Sub-Divisional Officer, Barrackpore, has

communicated the Ld. Assistant Public Prosecutor vide Memo. No. 380/LAW/Bkp, dated 25.09.2019 with a request to take necessary measures to obtain due permission. The sale proceeds after being ordered by the Court of the Ld. ACJM Court, Barrackpore, will be deposited on due account head as per existing Acts and Rules.

Copy of the letter on dated 25.9.2019 is enclosed hereto and marked as Annexure- B.

5. The onus to recover environmental compensation lies on West Bengal State Pollution Board and the matter does not come under the jurisdiction of the undersigned.

Submitted for your kind perusal and submission before the Hon'ble Tribunal.

Yours faithfully,

Enclose. As stated.


District Magistrate

North 24-Paraganas, Barasat

District Magistrate
North 24-Parganas
Barasat

Statements of facts / report in connection with O.A. No. 890 of 2019 in the matter of Residents of Bhatpara Municipality – Vs. – state of West Bengal.

1. As per available PS records a total of four (04) boats with suction facility were confiscated in c/w Naihati PS Case No. -793/18 dt. 22.11.18 u/s 379 IPC & 21 Mines & Minerals Development Regulation Act, 1957 & Naihati PS Case No. - 816/18 dt. 01.12.18 u/s 379 IPC and 21 Mines and Minerals Act, 1957.
2. In c/w Naihati PS Case No. -793/18 dt. 22.11.18 u/s 379 IPC & 21 Mines & Minerals Development Regulation Act, 1957 three (03) boats with suction facility were confiscated and in c/w Naihati PS Case No. - 816/18 dt. 01.12.18 u/s 379 IPC and 21 Mines and Minerals Act, 1957 one (01) boat was confiscated. And no boat with suction facility was confiscated in c/w Naihati PS Case No. - 837/18 dt. 13.12.18 u/s 379 IPC & 21 Mines & Minerals Development Regulation Act, 1957.

All this confiscation was unclaimed. However, in all three cases, after completion of investigation the concerned I.O.s submitted Charge-Sheet against accused persons namely 1). Jitendra Kumar Shaw s/o Ganga Shaw of 252/2 RBC Road P.O.- Garifa, P.S.- Naihati, (N)-24- Parganas 2). Ram Nath Shaw s/o Lt. Dinanath Shaw of 2 no. G.G. Road, P.O.- Garifa, P.S.- Naihati, (N)-24- Parganas 3). Manoj Das s/o Lt. Ram Sagar Das of 64/36 Patterson Road, P.O.- Hazinagar, P.S.- Naihati, (N)-24- Parganas vide Naihati PS C/S no.- 131/19 dt. 28.02.19 u/s 379 IPC & 21 Mines & Minerals Development Regulation Act, 1957, Naihati PS C/S no. - 136/19 dt. 28.02.19 u/s do & Naihati PS C/S no.- 132/19 dt. 28.02.19 u/s do respectively.

3. As per available PS records in c/w Naihati PS Case No. -793/18, I.O seized total 1000(one thousand) Cft silver sand and in c/w Naihati PS Case No. -816/18 I.O seized total 1,10000(one lakh ten thousand) Cft silver sand and in c/w Naihati PS Case No.- 837/19 I.O. seized total 2000 Cft. Silver sand.
4. As those FIR were started against the unknown miscreants, in that event, no royalty could be imposed by the concerned BL & LRO during joint inspection held on 12/02/2019 (Adduced report of BL & LRO, Bkp-I for ready reference)
5. As per available official records, no environmental compensation was imposed by the WBPCB in this regard.

Now, considering the gravity of the instant matter, the undersigned has the proposal for seeking permission to take necessary arrangement for auction with the said quantum of White Sand / Silver Sand and confiscated articles subject to the approval of Ld. Court of Law, as soon as possible.

Submitted by -

Debabrata Bhattacharjee

Debabrata Bhattacharjee, SRO-II
A.U.L.C.O., Barrackpore

Date: 25/09/2019.

Binay Krishna Biswas

Binay Krishna Biswas, WBCS (Exe.)
Deputy Magistrate & Deputy Collector,
Barrackpore, North 24 Parganas

To
The Sub- Divisional Officer -
Barrackpore
North 24 Parganas

Ref: Memo No. 379/Law/ BKP dt. 23.09.19.

Respected sir,

With reference to above I am sending herewith the answers of point wise queries asked for in c/w the above noted reference.

1) As per available PS records a total of four (04) boats with suction facility were confiscated in c/w Naihati PS Case No. -793/18 dt. 22.11.18 u/s 379 IPC & 21 Minerals & Mines Development Regulation Act, 1957 & Naihati PS Case No. - 816/18 dt. 01.12.18 u/s 379 IPC and 21 Mines and Minerals Act, 1957.

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This is for your kind information

Yours faithfully,
SI Indrajit Das
Naihati PS
24.09.19

Annexure A (copy)



Government of West Bengal
Office of the Sub-Divisional Officer,
Barrackpore, North 24 Parganas
Phone-033 2592 0616; Fax-033 2592 0814
e-mail: sDOBarrackpore@gmail.com

Memo No. 946/con/BKP.

Date 24/09/2019

To
The Officer-in-Charge
Naihati Police Station.

Sub: OA No. 890 of 2018 in the matter of Residents of Bhatpara Municipality
-Vs.- State of West Bengal

Ref: (i) Memo No. F-10/19/2173/L&LR(N)/Law-Cell dated 06/09/2019 issued by
District Magistrate, North 24 Parganas.
(ii) Memo No. 10/19(DM)/2307/L-Cell/D & LRO/N-24 Pgs/19 dated 23/09/2019
(iii) Your letter dated 24/09/2019

Please recall this office Memo No. 379/LAW/BKP dated 23/09/2019 and its point no. (b) _____
now, you are to mention the name of accused person(s) against each P.S. Case / Charge sheet.

Moreover you are requested to submit report mentioning same points in connection with PS Case
No. 837/18 dated 13/12/2018 and Charge Sheet No. 132/19 dated 28/02/2019.

An action taken report should reach to this end by 2.00 PM dated 25/09/2019.

3 (Three)
Encl: ~~2 (two)~~ sheets.
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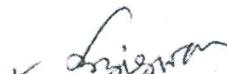

Sub-Divisional Officer
Barrackpore, North 24 Parganas

Memo No. 946/11(2)/con/Bkp

Date 24/09/2019

Copy forwarded for kind information to:-

1. The District Magistrate, Barasat, North 24 Parganas
2. The Commissioner of Police, Barrackpore Police Commissionerate


Sub-Divisional Officer
Barrackpore, North 24 Parganas

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A 25/9



Government of West Bengal
Office of the Sub-Divisional Officer,
Barrackpore, North 24 Parganas
Phone-033 2592 0616; Fax-033 2592 0814
e-mail: sdobarrackpore@gmail.com

Memo No. 380/LAH/BKp

Date 25.9.2019

To
The Assistant Public Prosecutor
Ld. ACJM Barrackpore Court
Barrackpore.

Sub: OA No. 890 of 2018 in the matter of Residents of Bhatpara Municipality
-Vs.- State of West Bengal

Ref: Memo No. 10/19(DM)/2307/L-Cell/D & LRO/N-24 Pgs/19 dated 23/09/2019 issued
by the District Magistrate, North 24 Parganas.

Enclosed please find herewith the "Statement of Facts" in connection with O.A. No. 890 of 2018
submitted by Binay Krishna Biswas, WBCS (Exe.), Deputy Magistrate & Deputy Collector, Barrackpore
which will speak for itself.

Now, he is requested to file prayer before the Ld. Court of Law to seek permission to auction the
confiscated article.

Encl: As stated.


Sub-Divisional Officer
Barrackpore, North 24 Parganas

Memo No. 380/(2)/LAH/BKp

Date 25.9.2019

Copy forwarded for kind information to:-

1. The District Magistrate, Barasat, North 24 Parganas
2. The Commissioner of Police, Barrackpore Police Commissionerate


Sub-Divisional Officer
Barrackpore, North 24 Parganas

copy received
by
M.A.P.P.
25/9/19