

BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO 1 OF 2024

IN THE MATTER OF:

ANKUR SHARMA

APPLICANT

VERSUS

STATE OF WEST BENGAL AND OTHERS ... RESPONDENTS

**REPLY AFFIDAVIT OF RESPONDENT NO 24**

I, Smt Jayanti Naskar, W/o – Khokan Naskar, aged about 39 years, At-Vill.  
& P.O. – Kaorakhali, P.S. - Kultali, Dist. – South 24 Pgs., Pin - 743338, do  
hereby solemnly affirm, and declare as under:

1. That I am the Respondent No 24 and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That the OA has not mentioned the date of arising of first cause of action thereby incomplete petition to be dismissed with cost.
3. The Applicant has no locus standi considering and admittedly the Jalasay Land is a private water body and there by the right of use is exclusive on the domain of Respondent No 15.
4. That the Original Application was filed by the applicant on the basis of an Undated complaint where in it states for last few days construction is ongoing in an water body belong to a private individual and copy of the undated letter sent on 10/02/2024 as claimed by the applicant. Few



building already exists, coconut trees are there, few plots have been demarcated. **There has been no evidence of ongoing construction in the photographs except some buildings already exist. Needless to say that no such claim has been made if those buildings are on water body. In the list of dates only the date saying representation filed on 08/06/2024, though the letter annexed is undated.**

5. That from the above facts it is clear that there has been no evidence of any kind of on-going construction, there has been no specific evidence to show that any construction took place on a water body, hence the allegations are vague and false. The photographs are also misleading because to create an impression that building exists on water body have been annexed with OA which are no way connected with the plot no 226, Khatian no. 162/1, Mouza - Atghara and thereby the order dated 16/01/2024 was obtained from this Honble Tribunal fraudulently and by means of misrepresentation.
6. At the cost of repetition it is submitted that there has been no construction on plot no 226 and the present respondent did no construction on water body. The water body remains as it is and the photograph of water body on plot no 226 is annexed here with as **ANNEXURE-1 PARA WISE REPLY**
7. **That the applicant has nothing to say para 1 to 3**
8. That the para 4 is a false statement and no documents has been placed to prove his credential. There has been no instance of his involvement in any environmental issues prior to this OA, hence the claim of Environmental Activists is unsubstantiated. On the contrary the present respondent states that the applicants are village touts and abusing the judicial process for personal vendetta against the present respondent.



9. That the para 5 and 6 of the application is false statement as there has been no construction on the plot no 226 and evidence has been placed on record by the applicant.
10. That the para 7 is incorrect as the Jalasaya does not help in passage of rainwater rather to accumulate the water. Hence this paragraph is a false statement
11. That the para 8 and 10 are false statements made on oath as no evidence has been placed by the applicant to show that the filling of water body by putting sands and construction of any residential houses. It is surprised to note that the applicant is claiming that the construction of house is ongoing in full swing but evidence of ongoing construction has been placed on record.
12. That the para 11 is false as because no construction is on the jalasay land over plot no 226 and thereby no obstruction of free flow of water. It appears this application is a Copy-Paste application where in facts of other cases have been pleaded by changing the plot number and name of respondent. It is submitted that three applications have been filed as OA 1 of 2024/EZ. It is submitted, that the Jalasay Land is meant for holding/accumulating the water as well as for domestic consumption while Pani Nalla is meant for passage of water and thereby they serve different purposes. As such Jalasay is confined by it's bunds and no possibility for connecting to any other water channel or water body
13. That the paragraph 13 is false as because there is no mangrove is the area in question
14. That the paragraph 14 is false and misleading as because the photographs of building annexed are not of plot no 226.
15. That the contents of the paragraph 1 to 23 are false as there has been no



construction, hence there is no damage to hydrographical environment. Further the allegation that applicant filed many grievance is not substantiated except the single undated complain annexed OA annexure-3.

16. That the statutes relied under heading ground of the application are not applicable in the present case. That for construction of a residential house as alleged in the OA which the present deponent denies and even the same is accepted for the sake of argument then also there is no relevance of Section 24 of the act which says about disposal of Poisonous, noxious or polluting matters determined in accordance with the standard laid down by state board into any stream or well or sewer or on land. As per the allegation there is no discharge or disposal of poisonous substance and nowhere the applicant stated the same is beyond the standards laid down by the Board no the applicant could say what kind industrial activity is going on the said water body which is likely to discharge any pollution. On the other hand subsection 2 of Section 24 provides at least 4 exemptions such as right to construct or improve any building, bridge, weir and dam over water body.

17. Similarly Section 25 is also not applicable as there no allegation of discharge outlet nor any industry, operation or process carried out on the said land.

18. That the pleading in the ,imitation clause is purely vague and vexatious as no evidence of ongoing construction and no date has been mentioned regarding the date of first cause of action

19. That the applicants are not entitle to get any relief claimed under prayer clause as no cause of action is there to entertain this original application.

20. That at the cost of repetition it is stated that none of the photographs are of plot no 226 and no construction has been there on the said plot. This OA is



based of false statements made oath and is purely an abuse of judicial process  
21.It is submitted that filing of false affidavit is an offence and If a person voluntarily files a false affidavit, then he/ she can be punished under section 191,193,195 and 199 of the Indian Penal Code for giving false evidence. Punishment for filing a false affidavit is punishable by imprisonment for a term ranging from 3 to 7 years

**22. Section 23 in The National Green Tribunal Act, 2010 is reproduced as follows :**

23 Cost. -(1) While disposing of an application or an appeal under this Act, the Tribunal shall have power to make such order as to costs, as it may consider necessary.

(2) Where the Tribunal holds that a **claim is not maintainable, or is false or vexatious**, and such claim is disallowed, in whole or part, the Tribunal may, if it so thinks fit, after recording its reasons for holding such claim to be **false or vexatious, make an order to award costs**, including lost benefits due to any interim injunction.

23.That the present respondent prays for dismissal of the Original Application filing a frivolous application along with cost and direct the registry to file prosecution against the applicants namely Ankush Sharma for filing false affidavit in court.

24.That the applicant seeks liberty of the tribunal to file further affidavit as and when desired by the Honble Tribunal.



RESPONDENT NO 24 THROUGH

*Smriti*  
Advocate  
04/04/2024  
ADVOCATE



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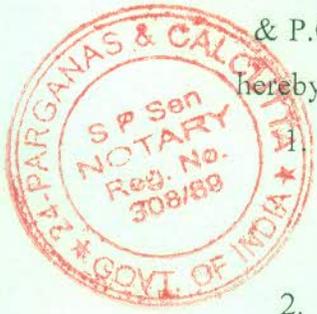
STATE OF WEST BENGAL AND OTHERS ...

RESPONDENTS

33/24  
04 APR 2024

BEFORE THE NOTARY PUBLIC  
GOVT OF INDIA 24 PGS. CALPADAIT

I, Smt Jayanti Naskar, W/o – Khokan Naskar, aged about 30 years, At-Vill.  
& P.O. – Kaorakhali, P.S. - Kultali, Dist. – South 24 Pgs., Pin - 743338, do  
hereby solemnly affirm, and declare as under:



1. That I am the Respondent No 24 and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

Solemnly affirmed on this 04  
day of April 2024  
Identified by Sanku Advocate  
S P SEN  
NOTARY  
Reg. No.- 308/89  
Govt of India

জয়ন্তী নস্কর

Signature of the Deponent

Identified by me

Sanku  
Advocate

04 APR 2024

04/04/2024