

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 48/2024/EZ

In the matter of  
ANKUR SHARMA

... APPLICANT

Versus

STATE OF WEST BENGAL & ORS.

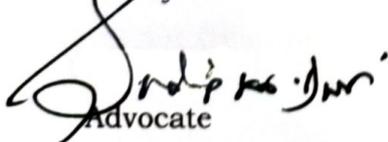
... RESPONDENTS

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 3, THE DISTRICT  
MAGISTRATE & COLLECTOR, HOWRAH

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Filed by

  
Advocate

For The State of West Bengal



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15 APR 2024

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ORIGINAL APPLICATION NO. 48/2024/EZ

In The Matter of:

Ankur Sharma

... Applicant

Versus

The State of West Bengal & Ors.

... Respondents

D-782/2024  
SL NO

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 3, THE DISTRICT  
MAGISTRATE & COLLECTOR, HOWRAH

I, Dr. Deepap Priya P., daughter of Sri I. Palraj,, aged about 38 years, by  
faith: Hindu, by Occupation: Service, working for gain as the District  
Magistrate, Howrah at P.O. & P.S. Howrah, District Howrah Pin-711101 do  
hereby solemnly affirm and submit as follows:-

1. That this affidavit is being affirmed in pursuance to the solemn orders  
passed by the Hon'ble Tribunal dated 13.03.2024.

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2. That the Hon'ble National Green Tribunal , Eastern Zone Bench in OA 48/2024, constituted a Three Men Committee comprising State PCB, District Magistrate, Howrah and Howrah Municipal Corporation in the matter vide order dated 13.03.2024. The office of the District Magistrate Howrah was to act as the nodal agency for all logistic purposes.

3. That pursuant to the order dated 13-03-2024 of the Hon'ble NGT, Eastern Bench, Kolkata the Three Men Committee comprising of the following members was constituted as per nominations received from the participating departments/ offices.

i. Shri Jitin Yadav , IAS , ADM (LR & LA), Howrah

ii. Sri Manas Das, Secretary , Howrah Municipal Corporation

iii. Shri Bimalendu Mal, Environmental Engineer , Howrah Regional Office, WBPCB.

The nomination in favour of Shri Jitin Yadav ,IAS ,ADM (LR & LA ) Howrah as representative of the DM Howrah is annexed as **Annexure ' R-1'**

4. That the committee visited the alleged site that is Lichu Bagan Police Quarters located at 11, Dr. P. K. Banerjee Road, Ward No. 29 under Howrah Municipal Corporation on 01-04-2024. The said report is annexed as **Annexure ' R-2 '**



  
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5. That the observations are as follows:

i. These police quarter buildings are maintained by West Bengal Police Housing Infrastructure Development Corporation

ii. That Municipal Solid Waste including waste plastic, food waste etc. were found dumped in the small stretch of land behind Block nos. 1, 2 and 3 of the Police Quarter Buildings and the boundary wall of the said premises. Some private buildings are situated on the other side of the Boundary wall. It is informed by the residents of Police Quarter that this solid wastes are dumped by the residents of the Police quarter as well as by the people residing in the adjoining buildings just outside the boundary wall. These Police Quarter buildings are maintained by PWD/West Bengal Police Housing Infrastructure Development Corporation. It appears that such waste has been dumped in the said land over a prolonged period.

iii. The septic tanks situated at the back side of the Blocks 1, 2 and 3 of Police Quarters were found in broken condition and leakage of sewerage was observed. The entire area was filled with obnoxious odour due to dumping of garbage and leakage of sewerage making the surroundings unhealthy.

iv. One block in-front (Block no. 7) of within the Police Quarter was under demolition and debris was found dumped on the internal road side. Demolition work is carried out without any dust suppression



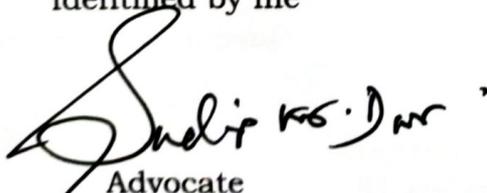
arrangement such as water sprinkling and precautionary measures. On query regarding disposal of this C & D waste, it is learnt that said waste is not transported to designated C & D Plant of KMC and details place of disposal of this C & D waste could not be ascertained arrangement . Dumped waste was lying in open air without any cover.

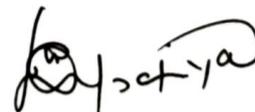
- V. No centralized collection and disposal facility of domestic garbage was observed within the premises. All the internal roads with the Police Quarter Buildings were filled with dust, dry leaves, paper, plastic etc.
- vi. The photos taken during field visit of the Committee are annexed as **Annexure ' R-3'**.

6. That the statements made in the above paragraphs are true to my knowledge are belief of the record as available in the office of the deponent and the rest are humble submissions before the Hon'ble Tribunal.

7. That it is most respectfully prayed that the Hon'ble Tribunal may kindly be pleased to pass necessary order(s) as is deemed fit for the ends of justice.

Identified by me

  
Advocate  
State of West Bengal

  
Deponent



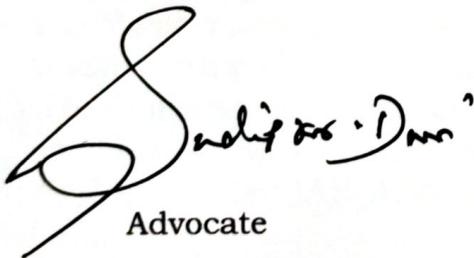
  
15 APR 2024

VERIFICATION:

I, the deponent above- named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at Howrah on 15<sup>th</sup> day of April , 2024.

Identified by me

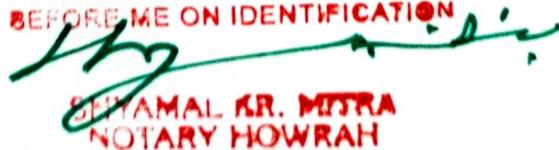
  
Advocate

State of West Bengal

Deponent



SOLEMNLY AFFIRMED & DECLARED  
BEFORE ME ON IDENTIFICATION

  
SUNAMAL KR. MITRA  
NOTARY HOWRAH



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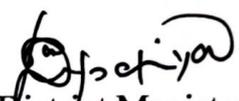
R-1



**GOVERNMENT OF WEST BENGAL**  
OFFICE OF THE SPECIAL LAND ACQUISITION OFFICER (H.I.T.)  
DISTRICT LEVEL BUILDING, GROUND FLOOR,  
12, NITYADHAN MUKHERJEE ROAD, HOWRAH - 1.  
Ph. No. : (033) 2641 4380, E-mail : spllaohit@gmail.com

**Order**

In pursuance of Solemn Order dated 13-03-2024 of Hon'ble NGT , Eastern Zone Bench ,Kolkata in connection with O.A No. 48/2024/EZ in the matter between Ankur Sharma -vs- The State of West Bengal & Ors. , Shri Jitin Yadav, IAS, Additional District Magistrate (LR & LA ),Howrah is hereby nominated as the representative of the undersigned in the Three Men Committee constituted by the Hon'ble NGT ,Eastern Zone Bench ,Kolkata.

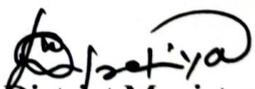
  
District Magistrate  
Howrah

Memo. No. 333(4) /NGT/ Howrah

Date : 22 /03/2024

Forwarded for information & taking necessary action to :

- (1) The Member Secretary ,WBPCB with request to nominate one Senior Scientist in the Three Men Committee in this regard.
- (2) The Commissioner , Howrah Municipal Corporation with request to nominate one Senior Officer in the Three Men Committee in this regard.
- (3) Shri Jitin Yadav ,IAS ,ADM (LR & LA) ,Howrah.
- (4) Office file.

  
District Magistrate  
Howrah



  
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**INSPECTION REPORT OF THE COMMITTEE CONSTITUTED BY HON'BLE NGT VIDE THEIR ORDER DTD. 13.03.2024, IN THE MATTER OF OA NO. 48/2024/EZ-ANKUR SHARMA V/S. STATE OF WEST BENGAL & OTHERS**

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The Hon'ble NGT, EZB, vide its order dated 13.03.2024 in the matter of OA NO. 48/2024/EZ- Ankur Sharma -vs- West Bengal & others was pleased to constitute a committee comprising of the following members:

- I. District Magistrate, Howrah or his representative not below the rank of Additional District Magistrate
- II. Senior Scientist, West Bengal Pollution Control Board
- III. Senior Officer, Howrah Municipal Corporation

As per the order dated 13.03.2024 the following direction were issued by the Hon'ble NGT

1. The Committee shall visit the site and submit its report within one month with regard to the allegations made in the Original Application.
2. The office of the District Magistrate, Howrah, shall be the Nodal Agency for all logistic purposes.
3. The Committee report on affidavit shall be filed by the W.B. Pollution Control Board.

As per the direction of the Hon'ble NGT, Committee was constituted and following Officials visited the site on 1st April, 2024.

- i. Shri Jitin Yadav, IAS, Additional District Magistrate (LR & LA) , Howrah
- ii. Shri Manas Das, Secretary, Howrah Municipal Corporation.
- iii. Shri Bimalendu Mal, Environmental Engineer, Howrah Regional Office, WBPCB



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The applicant has alleged rampant and continuous dumping of garbage and poor maintenance of Lichu Bagan Police Quarters located at 11, Dr. P.K. Banerjee Road, Ward No. 29 under Howrah P.S. He has also alleged that a vast strip of vacant Govt. land lying between some private buildings near the Applicant's residence and the said Police Quarters is being used as a dumping ground by residents of the area for years.

**OBSERVATION:**

- i. The committee visited alleged site that is Lichu Bagan Police Quarters located at 11, Dr. P. K. Banerjee Road, Ward No. 29 under Howrah Municipal Corporation.
- ii. These Police Quarter buildings are maintained by West Bengal Police Housing Infrastructure Development Corporation.
- iii. Municipal Solid Waste including waste plastic, food waste etc. were found dumped in the small stretch of land behind Block nos. 1, 2 and 3 of the Police Quarter Buildings and the boundary wall of the said premises. Some private buildings are situated on the other side of the Boundary wall. It is informed by the residents of Police Quarter that these solid wastes are dumped by the residents of the Police quarter as well as by the people residing in the adjoining buildings just outside the boundary wall. It appears that such waste has been dumped in the said land over a prolonged period.
- iv. The septic tanks situated at the back side of the Blocks 1, 2 and 3 of Police Quarters were found in broken condition and leakage of sewerage was observed. The entire area was filled with obnoxious odour due to dumping of garbage and leakage of sewerage making the surroundings unhealthy.
- v. One block in-front (Block no. 7) of within the Police Quarter was under demolition and debris was found dumped on the internal road side. Demolition work is carried out without any dust suppression arrangement such as water sprinkling and precautionary



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measures. On query regarding disposal of this C & D waste, it is learnt that said waste is not transported to designated C & D Plant of KMC and details place of disposal of this C & D waste could not be ascertained. Dumped waste was lying in open air without any cover.

- vi. No centralized collection and disposal facility of domestic garbage was observed within the premises. All the internal roads with the Police Quarter Buildings were filled with dust, dry leaves, paper, plastic etc.

**Remarks:**

- i. Proper segregation, handling and disposal of the solid wastes is to be done on a regular basis by concerned authority with the help of HMC.
- ii. Legacy waste should be immediately disposed from the site by concerned authority i.e. West Bengal Police Housing Infrastructure Development Corporation with the help of HMC.
- iii. Damaged septic tanks to be repaired immediately.
- iv. C & D waste is to be routed for appropriate disposal and re-used as per C & D Rules, 2016.
- v. Good housekeeping practice is to be developed by the concerned authority i.e. West Bengal Police Housing Infrastructure Development Corporation.



Shri Jitin Yadav, IAS  
Addl. District Magistrate (LR&LA), Howrah



Shri Manas Das, Secretary,  
Howrah Municipal Corporation.



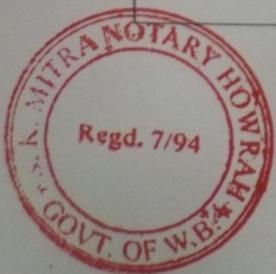
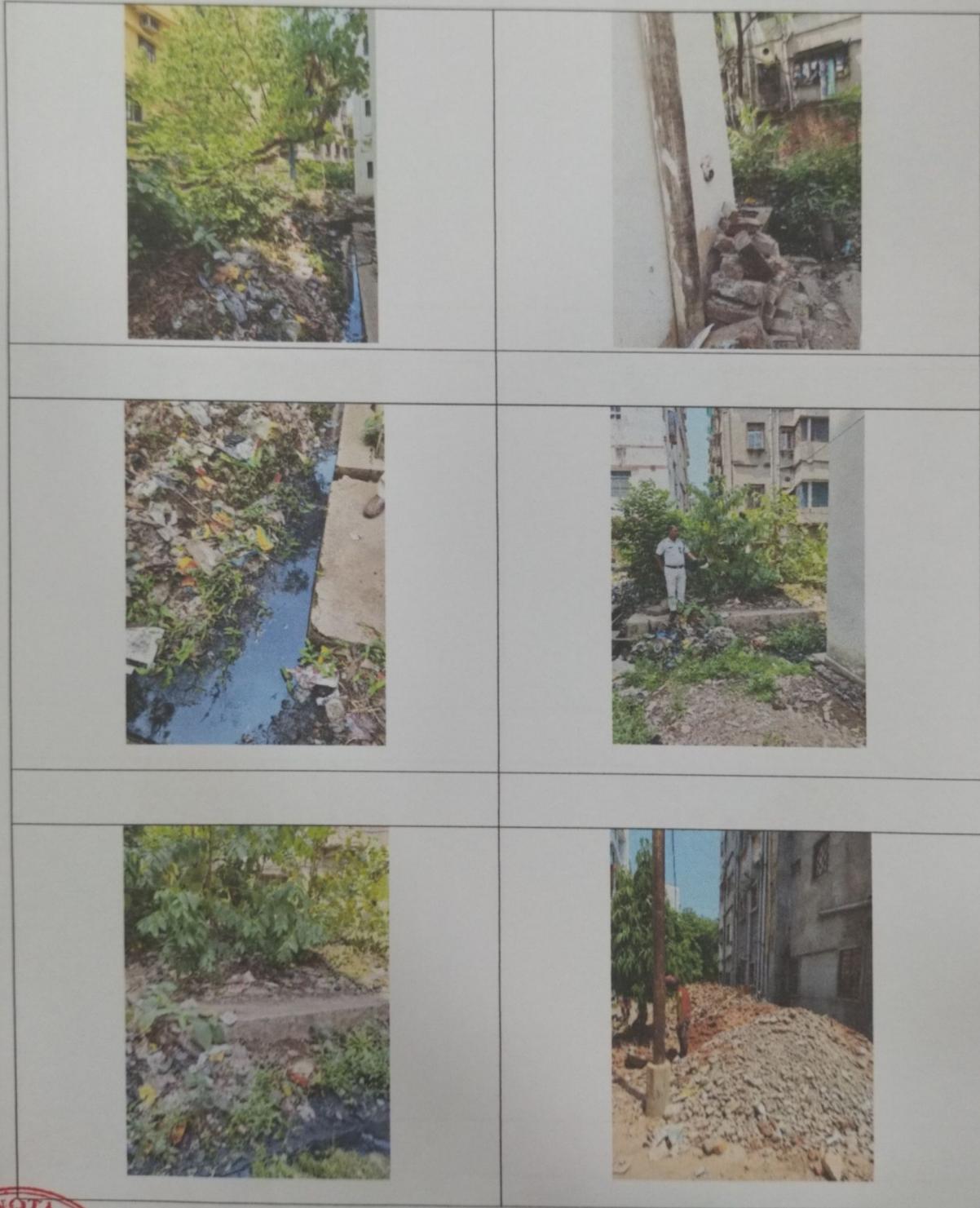
Shri Bimalendu Mal,  
Env. Engineer, WBPCB





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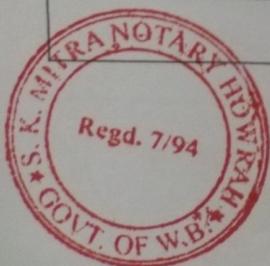
Photographs taken during inspection of committee constituted by  
Hon'ble NGT in the matter of OA 48/2024/EZ



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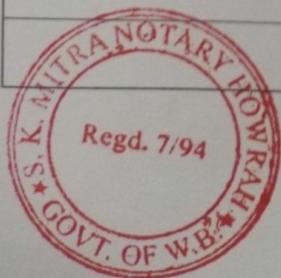
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S. K. MITRANAGARA  
REGD. GOVT. OF  
REGD. 7/94



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15 APR 2024

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