

SL. NO. 22

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA.
ORIGINAL APPLICATION NO. 16 OF 2024/EZ

BETWEEN

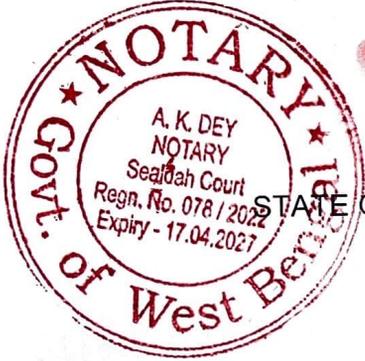
MD. HUMAYUN ABBAS

.... Applicant

Versus

STATE OF WEST BENGAL & ORS.

..... Respondents



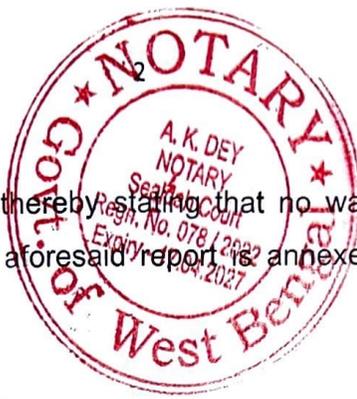
**SUPPLEMENTARY AFFIDAVIT ON BEHALF OF THE RESPONDENT NOS. 4, 5
AND 6**

The humble petition on behalf of the
applicants above named –

I, Irfan Javed, son of Javed Akhtar, aged about 47 years, by faith : Muslim, by
occupation : Business, residing at 13/2C, Palm Avenue, P.S. Karaya, Kolkata -
700019, do hereby solemnly affirm and say as follows:

1. I am the respondent no. 5 herein and I am also well acquainted with the facts and circumstances of the instant case. I am competent to make and affirm this affidavit and authorized to make and affirm this affidavit for and/or on behalf of the Respondent Nos. 4 and 6.
2. I state that the respondent nos. 4, 5 and 6 have consulted with the Geologists, University of Calcutta for ascertaining that whether there was a waterbody in the premises in question or not. Two Professors namely Mr. Sunando Bandyopadhyay, Professor of Geography, University of Calcutta and Mr. Abhijit Chakraborty, Associate Professor of Geology, Jogamaya Devi College

14 MAR 2024



have prepared a report thereby stating that no waterbody was found since 2007. Photocopy of the aforesaid report is annexed hereto and marked as "Annexure S-1".

3. I state that the aforesaid report is relevant and record of subsequent event which is necessary for the proper adjudication of the lis between the parties. It is also stated that this supplementary affidavit is treated as part of the Original Application being O. A. No. 16 of 2024/EZ for the sake of justice.
4. I submit that unless such leave is granted, I shall suffer irreparable loss and injury.
5. That the statements made in paragraph no. 1 hereinabove are true to my knowledge, the statements made in paragraph no. 2 are derived from records and the rest are my humble submissions before this Hon'ble Tribunal.

Solemnly Affirmed &
Declared Before Me
On Identification By.....

AMAL KUMAR DEY
NOTARY
Regd. No -078/2022

14 MAR 2024

(IRFAN JAVED)
DEPONENT

Identified by me -

Mehrez
Advocate

14 MAR 2024

Report on 7A Tiljala Place v2

The objective of this study is to determine whether the Plot# 7A at the Tiljala Place, Kolkata 700071, had a water body situated within its perimeter. The area is currently being developed for a building and has no trace of surface water. It measures 0.18 hectares approximately and is situated between latitudes 22.537308° – 22.537708° N and longitudes 88.371799° – 88.372708° E.

Observations from map and satellite images

Map and images used

For this purpose, the following maps and satellite images were georeferenced and superposed using PCI Geomatica v2015 software.

PARTICULARS	YEAR OF SURVEY / DATE OF ACQUISITION	SCALE / RESOLUTION
Survey of India Calcutta & Howrah Town Map: Sheet #3 (SE)	1943	6 inches to 1 mile
Corona Space Photo: DZB00400600023H017001_17	13 March 1964	c. 2 m
Resourcesat-1 LISS-4 + Cartosat-1 Pan-A (p590/r293) merged image	26 January 2007 (LISS-4) + 11 April 2007 (Pan-A)	2.5 m
Google Earth Image	16 March 2011	c. 1 m
Google Earth Image	21 April 2023	c. 1 m



At about 0.18 ha, the size of Plot# 7A is too small for getting any reliable results from most types of satellite data the resolution of which are unable to detect fine ground details until recent availability of high-resolution data of 2.5 m or better. The greyscale Corona series of space photographs of the 1960s are notable exceptions and allow high-resolution observation in that period, albeit intermittently.

Map and image interpretation

Due to the size of the plot, the interpretation of the satellite images is partly based on associated land use and ground reflectance.

From the Survey of India map of 1943 (Fig. 1), it appears that the area of interest does not have any waterbody within its compound, although four ponds are shown to its west and north. The premises incorporated built-up areas as well as open space at that time.

Conversely, the 1964 Corona photograph appears to represent a 0.07-ha semi-rectangular waterbody occupying the entire western part of Plot# 7A (Fig. 2).

However, the pond was probably filled-up some time later and it became untraceable in the L4+PanA image of 2007 (Fig. 3) — presumably, obliteration of the pond occurred some years before the date of the image. This situation continued unaltered up to 2011, when bare grounds are detectable in the western as well as eastern parts of Plot# 7A (Fig. 4).

At present, presence of a small, roughly triangular pool of water (0.0068 ha / 68 m²), covered by vegetation, is detectable towards the eastern edge of Plot# 7A (Fig. 5). There is a probability that the bare ground detected in the image of 2011 (Fig. 4) is actually the desiccated bed of this waterbody.

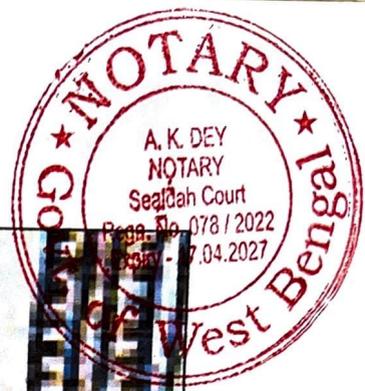


Fig. 1. the Survey of India map of 1943 denotes absence of any waterbody in the area of interest — marked in yellow in this and subsequent images (Fig. 2–5). Red patches denote built-up area and green, open space. E–W width of the image is 360 m.

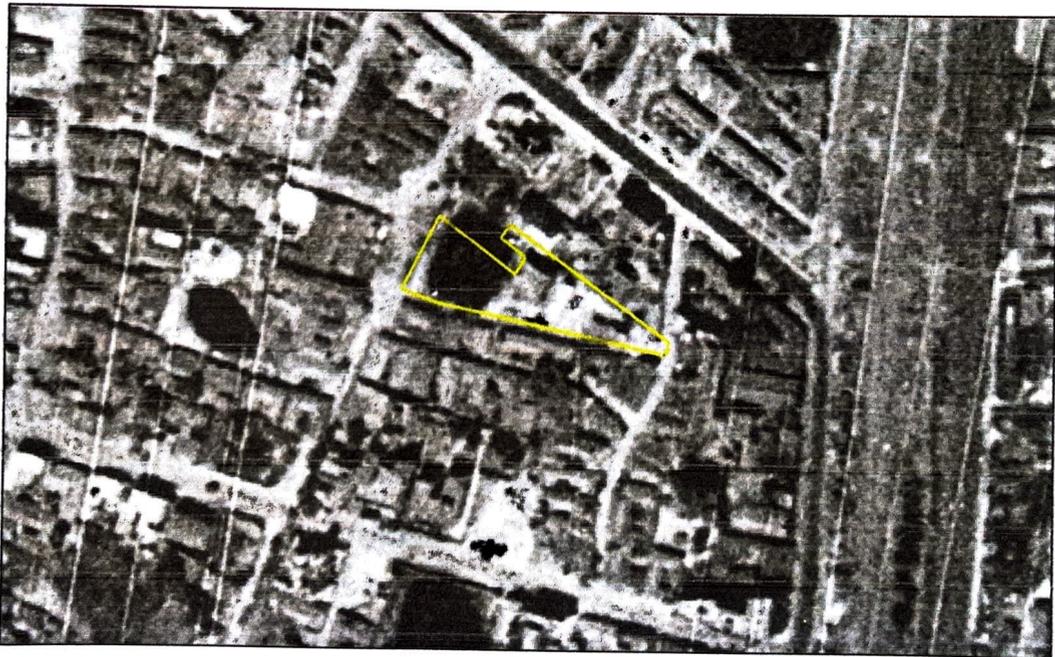


Fig. 2. Corona space photograph of 1964 indicates that a 0.07-ha waterbody — represented by dark tone — is present in the western part of the premises. E–W width of the image is 360 m.

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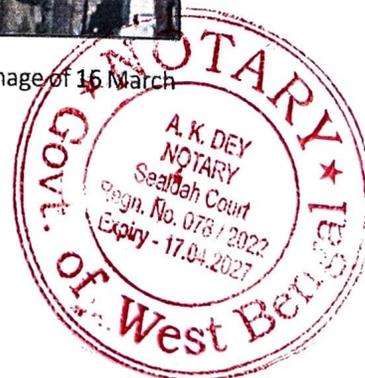
Fig. 3. Resourcesat-1 LISS-4 + Cartosat-1 Pan-A merged image of 2007 does not locate any trace of water within the premises area. E-W width of the image is 360 m.



Fig. 4. Existence of any waterbody is not apparent within Plot #7A in the Google Earth image of 15 March 2011. E-W width of the image is 360 m.

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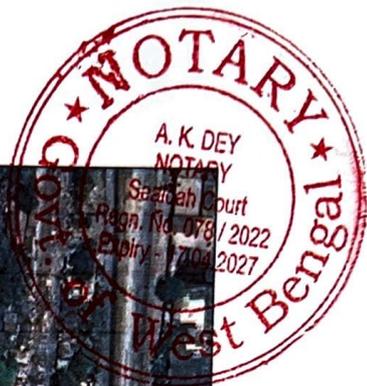


Fig. 5. A recent (21 April 2023) Google Earth image indicates presence of a small pool of water (0.0068 ha), covered by vegetation, towards the eastern edge of Plot #7A. E–W width of the image is 360 m.

Observations from sediment logs

Pond sediments are comprised of the accumulation of particles, including silt, clay, and organic matter, at the bottom of the waterbody. Sedimentation occurs naturally as a result of erosion, runoff, and decomposition of plants and other organic materials. These are, in general, more depleted with coarser (silt/sand/gravel) grained sediments compared to natural floodplain deposits. Artificial ponds are commonly 2 – 4 m deep on an average.

From the data provided on soil character (see Table on soil profile and properties in the attached document), no conclusive inference can be drawn on the existence or non-existence of pond bottom sediments since the soil data is averaged for an interval of sediment column ranging in thickness between 2.2 / 2.7 m and 13.0 / 14.3 m. Holocene stratigraphic succession of a nearby station at Bhawanipur of Kolkata matches well with the soil report; both showing a distinctive *kankar* (calcareous nodules) layer at and below 13 m from ground level (cf: Sen and Banerjee, 2016; <http://dx.doi.org/10.4236/ijg.2016.74047>)

Abhijit Chakraborty

[Abhijit Chakraborty]

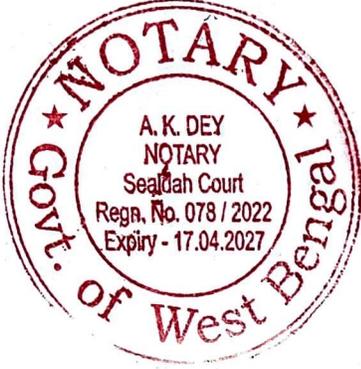
Associate Professor of Geology
Jogamaya Devi College
Kolkata 700025

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Sunando Bandyopadhyay

[Sunando Bandyopadhyay]

Professor of Geography
University of Calcutta
Kolkata 700019



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SUPPLEMENTARY AFFIDAVIT OF THE
OPPOSITE PARTIES NOS. 4,5 & 6

Shahnawaz Alam,
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High Court, Calcutta
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