

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

M.A. NO.22/2023/EZ of 2023/EZ

IN

O.A. NO.06/2016/EZ

In the matter of :

Subhas Datta

... Applicant

Versus

State of West Bengal and Others.

... Respondents

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Filed by :

Santosh K. Pandey
Santosh Kumar Pandey
Advocate
Calcutta High Court
Mob No.9433182985

Sl. NO. 33 DT. 22.09.23

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

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O.A. No. 06/2016/EZ

In the matter of :

Subhas Datta

..... Applicant

-Versus-

State of West Bengal and Others

... Respondents



COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 3.

I, Rewti Raman Roy son of Shri Ram Briksh Prasad, aged about 49 years, by faith Hindu, by occupation Railway Service, working for gain at Principal Chief Engineer's Office, South Eastern Railway Head Quarter, 11, Garden Reach Road, Kolkata - 700 043 do hereby solemnly affirm and say as below :

1. I am Deputy Chief Engineer/Station Development & Works in South Eastern Railway Head Quater, Kolkata. The Respondent No. 3 has been served a copy of the Miscellaneous Application No.

Rewti Raman Roy

22 SEP 2023

22/2023/EZ in O. A. No. 06/2016/EZB affirm on 14-08-2023 by one Mr. Subhas Datta (hereinafter referred as "the said affidavit"). I am competent and have been duly authorized to affirm this affidavit on behalf of the respondent No. 3.

2. I have thoroughly read the said affidavit and have understood the meaning purport and scope thereof. Save what are the matters of the record and will substantiate therefrom I deny and ~~dispute~~ each and every allegation made in the said affidavit as the same is set out herein and denied and ~~dispute~~ in seriatim.

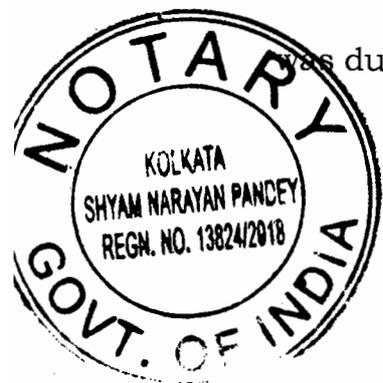
3. With reference to paragraphs 1 & 2 of the said affidavit, read with Annexure P/1, I say that by the order dated 04.07.2022 passed by this Hon'ble Tribunal in O.A. No. 06/2016(EZ) the Hon'ble Tribunal had directed the Railway, the Respondent No.3 herein for compliance of the directions mentioned Clauses (c) & (d) of paragraph 11 of the said order dated 04.07.2022. The Clause (c) of Paragraph 11 of the said order dated 04.07.2022 the Hon'ble Tribunal directed the Railway to provide land for the purpose of setting up of Sewage Treatment Plant (STP) subject to the property remaining the Railway property without prejudice to its claim for user charges for the said land.

Further, in Clause (d) of the said Paragraph 11, Hon'ble Tribunal directed the Railway for removal of encroachment within 3 (three)



Shyam Narayan Pandey

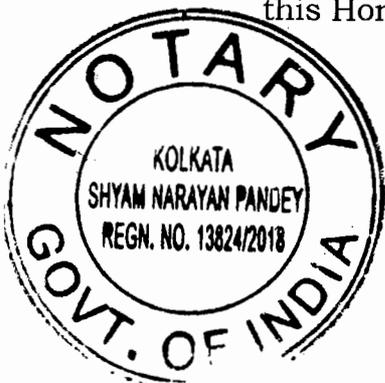
months from the periphery of the lake to the extent of area falling in its jurisdiction in accordance with law. I say that after the said order dated 04.07.2022 by a letter dated 18.07.2022 of the Respondent No.5, the Respondent No. 3 was requested to provide land for construction of Sewage Treatment Plant (STP) and Garland Drain around Santragachi Jheel (Lake). Further it was requested to depute officers for joint inspection and demarcation of land for the said purpose on a suitable date and time. After receiving the said letter dated 18.07.2022 Divisional Engineer/East of Kharagpur Division, South Eastern Railway by a letter dated 22.07.2022 to the Assistant Divisional Engineer/Santragachi and a copy thereto send to the Respondent No. 5 fixing the date for joint inspection on 29.07.2022 at 11.00 AM in the Office of the Assistant Divisional Engineer/Santragachi wherein the said Assistant Divisional Engineer /Santragachi was advised to co-ordinate the joint inspection on the said date and time. And after joint inspection detailed report to be submitted duly signed by all the persons joining the said inspection. The photocopy of the said letter dated 18-07-2022 of the Respondent No. 5 and letter dated 22-07-2022 fixing the date and time of joint inspection and demarcation of the land is annexure is annexed hereto and collectively marked as R/1. A copy of the letter dtd.22-07-2022 was duly served in the office of the Respondent No. 5.



Shyam Narayan Pancey

I say that despite the fixation of date and time for joint inspection of land for demarcation to provide for Sewage Treatment Plant (STP) and Garland Drain around Santragachi Jheel by the Railway none of the representative of the Respondent No. 5 attended the joint inspection of land for construction of Sewage Treatment Plant (STP) and Garland Drain around Santragachi Jheel (Lake) on 29-07-2022 at the place mentioned in the said letter. I say that the Railway did not receive any communication thereafter from the Respondent No. 5 for joint inspection and demarcation of land for the said purpose.

I say that in Clause (d) of Paragraph 11 this Hon'ble Tribunal has directed the Railway to take steps for removing all encroachment within 3 (three) months from the periphery of the lake. Accordingly, by a letter dated 22.07.2022 to the District Magistrate/Howrah by the Respondent No. 3 a copy whereof was forwarded to Respondent No. 5, wherein the Railway requested the /district Magistrate / Howrah to co-operate and provide necessary assistance for removal of all unauthorized encroachers from the Railway land around Santragachi Lake for its proper preservation as per the order dated 04.07.2022 of this Hon'ble Tribunal.

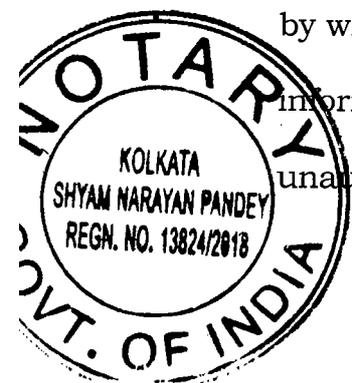


Shyam Narayan Pandey

I say that the Railway neither received any co-operation nor any reply to its letter dated 22.07.2022. Therefore the Railway by a reminder dated 05.08.2022 again requested to the District Magistrate/Howrah for providing necessary help for removal of all unauthorized encroachment from the Railway land besides Santragachi Lake. The said reminder dtd. 05-08-2022 was also neither replied nor acted upon as requested by the Railway. The Railway again by a 2nd reminder dtd, 11-11-2022 requested the District Magistrate/Howrah to provide necessary help for removing of all unauthorized encroachment from the Railway land besides Santragachi Jheel so that there could be compliance of the order dated 04.07.2022 of this Hon'ble Tribunal. A photocopy of the said letter dated 22.07.2022 and reminders dated 05.08.2022 & 11.11.2022 is enclosed hereto and collectively marked with the letter R/2.

I say that after the order dated 24.08,2023 passed in Miscellaneous Application No.22/2023/EZ in O.A. No.06/2016/EZB the Railway again took step for removal of all unauthorized encroachment from the Railway land besides Santragachi Jheel (Lake) by writing a letter dated 15.09.2023 to the District Magistrate/Howrah informing him about fixation of the eviction drive on 20.09.2023 of the unauthorized encroachments besides Santragachi Jheel and

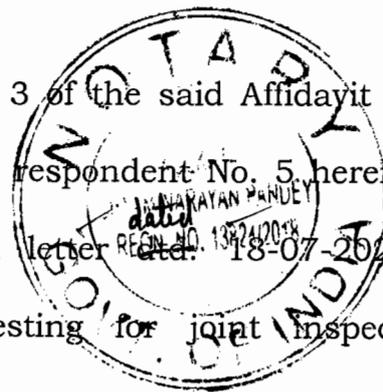
Shyam Narayan Pandey



requested him to provide necessary police assistance in removing the said unauthorized encroachments. In reply of the said letter dated 15.09.2023 the Railway received a letter dated 19.09.2023 from the Officer-in-Charge, Santragachi Police Station, Howrah wherein the Officer-in-Charge, Santragachi Police Station has stated that due to Shree Ganesh Chaturthi and Viswakarma Puja on 20-09-2023, it is difficult to provide necessary police force for removal of unauthorized encroachments on 20.09.2023 and requested for fixation of another date for the said purpose. I further say that in terms of the letter dated 15.09.2023 fixation the date on 20.09.2023 for removal of unauthorized encroachments from the Railway land around Santragachi Jheel the Railway Officers were present at the site and waited for necessary police help. A photocopy of the said letter dated 15.09.2023 of the Railway and letter dated 19-09-2023 of the Officer-in-Charge, Santragachi Police Station, Howrah and joint report dated 20.09.2023 is annexed hereto and collectively marked as R/3. Save as aforesaid I deny and dispute all other allegations made in Paragraphs 1 & 2 of the said Affidavit.

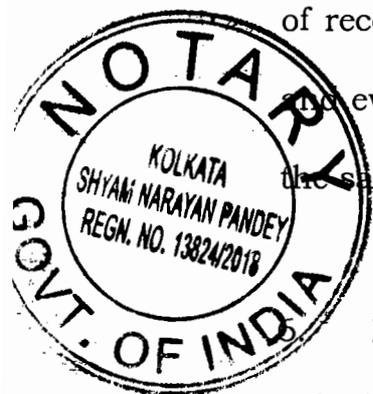
4. With reference to Paragraph 3 of the said Affidavit I say that Howrah Municipal Corporation the respondent No. 5 herein has not done anything except sending a letter dated 18-07-2022 to the respondent No.3 (Railway) requesting for joint inspection and

Subscribed by



demarcation of land which was duly replied by the Railway by fixing date and time for joint inspection at Assistant Divisional Engineer's Office, Santragachi on 29.07.2022 at 11 a.m. and despite communication of the said date and time to the respondent No. 5 . None on behalf of the respondent No.5 came on the said date and time for joint inspection and demarcation. I say that the Railway has no information about floating of any tender by the Howrah Municipal Corporation for set up of Sewage Treatment Plant (STP) at the designated place, as alleged in the miscellaneous applications wherein it has been stated that Howrah Municipal Corporation floated tender for setting up Sewage Treatment Plant (STP) five times but there was no bidder for the same. Said as aforesaid I deny and dispute all other allegations made in Paragraph 3 of the said Affidavit.

5 With reference to Paragraphs 4, 5, 6, 7, 8 & 9 of the said Affidavit read with Annexure P/2 & P/3 thereof what are the matters of record and will substantiated there from I deny and despite each and every allegation made for the said Paragraphs 4, 5, 6, 7, 8 & 9 of the said Affidavit.



In the facts and circumstances stated above I most humbly submit that there are no latches on the part of Railway in compliance of the order dated 04.07.2022 passed by this Hon'ble Tribunal. The

Shyam Narayan Pandey

Howrah Municipal Corporation, Respondent No.5 and State Authorities are fully responsible for delay in compliance of the said order of this Hon'ble Tribunal. As such, necessary order may be passed and/or direction may be given to the said concerned authorities for compliance of the order dated 04.07.2022 passed by this Hon'ble Tribunal.

The statement made in Paragraph 1 to 5 of the forgoing Affidavit are based on record which I verily believe to be true and correct and those made in paragraph 6 thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office.

Santosh Kr. Pandey
Advocate

Pratima Kumar Roy

DEPONENT

Identified by me

Santosh Kr. Pandey
Advocate



Solemnly Affirm & Declared
Before Me on Identification
of Ld. Advocate

Shyam Narayan Pandey
SHYAM NARAYAN PANDEY
NOTARY, GOVT. OF INDIA
REGN. NO. 13824/2018

22.09.2023

22 SEP 2023

-9-
Annexure R-1

HOWRAH MUNICIPAL CORPORATION

4, MAHATMA GANDHI ROAD, HOWRAH-711 101

☎ 033 2638 3211/12/13 ☎ 033 2641 0830

Engineering Department

No.: ED/ S&D/ Commr./371 / 2022-2023

Date: 18.07.2022

To,
The Divisional Railway Manager,
S.E. Rly., Kharagpur Division,
Kharagpur,
West Bengal

Sub.: Land for Construction of STP and Garland Drain around Santragachi Jheel

Sir,

Kindly refer to the final order passed by the Hon'ble NGT, New Delhi in connection with OA No. 06/2016/EZ-Subhas Dutta vs State of West Bengal & others regarding prevention of damage to Santragachi Jheel by polluted water.

As per the Hon'ble Tribunal's direction, the S.E. Rly. is requested to provide land for construction of STP and Garland Drain around Santragachi Jheel. The land may be provided to suit the requirement as proposed by the enclosed request letter of the KMDA (the State Government nominated expert implementing authority for the STP).

Given the emergent nature of the matter, I hereby, request you to kindly depute officers for immediate joint demarcation of land for the said purpose. A suitable date and time can be suggested from your end at the earliest.

The other formalities in connection with the said handover of land and cost-sharing claims for the STP may continue in parallel as per extant norms.

Thanking you.

Yours faithfully,

[Signature]
Commissioner

Howrah Municipal Corporation

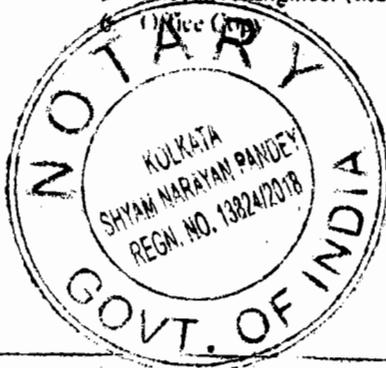
Enc.: 1. Order of the Hon'ble NGT; 2. Letter of CE, GAP, KMDA

Memo No. ED/ S&D/ Commr./ 371 (1-5) / 2022-2023

Date: 18.07.2022

Copy forwarded for information and necessary action to:

1. Principal Secretary, L&LR Department, Government of West Bengal
2. Principal Secretary, UD & MA Department, Government of West Bengal
3. Chief Executive Office, KMDA
4. Dy. Commissioner-I, HMC
5. Executive Engineer (S&D), HMC



[Signature]
Commissioner
Howrah Municipal Corporation

-10-
Annexure R-1

OK

South Eastern Railway

No. W/DRG/Way Leave/SRC

Office of the DRM/Engg,
KGP, dt.22.07.2022.

To
The Assistant Divisional Engineer,
Santragachi.

Sub : Joint inspection of Land for construction of STP and Garland Drains around Santragachi Jheel.

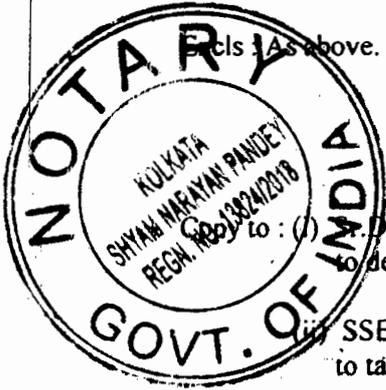
Ref : (i) The Commissioner, Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah-711101.'s letter No. ED/S&D/Commr/371/2022-2023 dt. 18.07.2022.
(ii) Hon'ble NGT's direction dated. 04.07.2022.

Enclosed please find herewith the above referred letter with other documents for your information which is self-explanatory. A proposal for construction of STP and Garland Drain around Santragachi Jheel is under process. Demarcation of land for the proposed work is to be done by joint inspection with Electrical, Sig& Telecom, Commercial & Engg depts. of railways and representatives of HMC, KMDA & others dept of State Govt of W.B.

The date of joint inspection at site has been fixed on 29.07.2022 at 11-00hrs. Meeting place of all representatives fixed at ADEN/SRC office at 10-30hrs.

You are advised to co-ordinate the joint inspection on that date and time. After joint inspection detail report along with clear drawing of land parcel for proposed work with dimensions are to be submitted to his office duly signed by all representatives for further necessary action at this end

Encls As above.



Divl.Engineer/East

to : (i) DEE/G/KGP, Sr.DSTE/CO/KGP & Sr.DCM/KGPDy. for kind information and requested to depute your representative in the joint inspection on the above mention date and time.

(ii) SSE/Works/SRC for information and advised to attend joint inspection with necessary staffs to take measurements etc. for above mentioned joint inspection on date and time.

(iii) The Commissioner, Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah-711101 for information please and requested to depute representatives & Engineers of all related depts. of State Govt along with clear drawing showing the proposed work on that date and time. Please contact Asist.Divl.Engineer, S.E.Railway, Santragachi (Mob.no.9002081219)for any further information reg. joint inspection of site please.

Encl : As above



Divl.Engineer/East
S. E. Railway, Kharagpur

101

OFFICE OF THE CHIEF ENGINEER
GAP WING, W&S SECTOR, KMDA
1ST FLOOR, UNNAYAN BHAVAN, SALT LAKE,
KOLKATA-700091

-11-
KOLKATA
METROPOLITAN
DEVELOPMENT
AUTHORITY

Memo No. 248/CE/W&S/GAP/KMDA/2022-23

Date: 13/07/2022

To
The Municipal Commissioner,
Howrah Municipal Corporation.

Sub: DPR and Layout Drawing of STP for Shantragachi Jheel.

Ref: AO No.06/2016/EE

Sir,

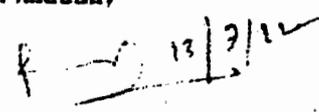
With reference to the above AO No this is to state that as per order passed by Hon'ble NGT on 04.07.2022, HMC has to set up STP along with the Garland Drain within 4 months to prevent discharge of untreated sewage into the lake,

Accordingly the DPR along with layout drawing of the STP in the adjacent pond of the Shantragachi Jheel is send for your perusal and necessary communication with the South Eastern Railway as well as necessary action from your end please.

This is to be mentioned that the area of adjacent pond of Shantragachi Jheel is about 17 acre and after construction of the STP the water area of this pond will be reduced by only about 1 acre.

Encls: DPR & Layout Drawing soft copy

Your faithfully

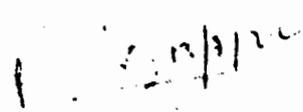

Chief Engineer
GAP Wing, W&S Sector, KMDA

Memo No. 248/CE/W&S/GAP/KMDA/2022-23

Date: 13/07/2022

Copy for kind information to:

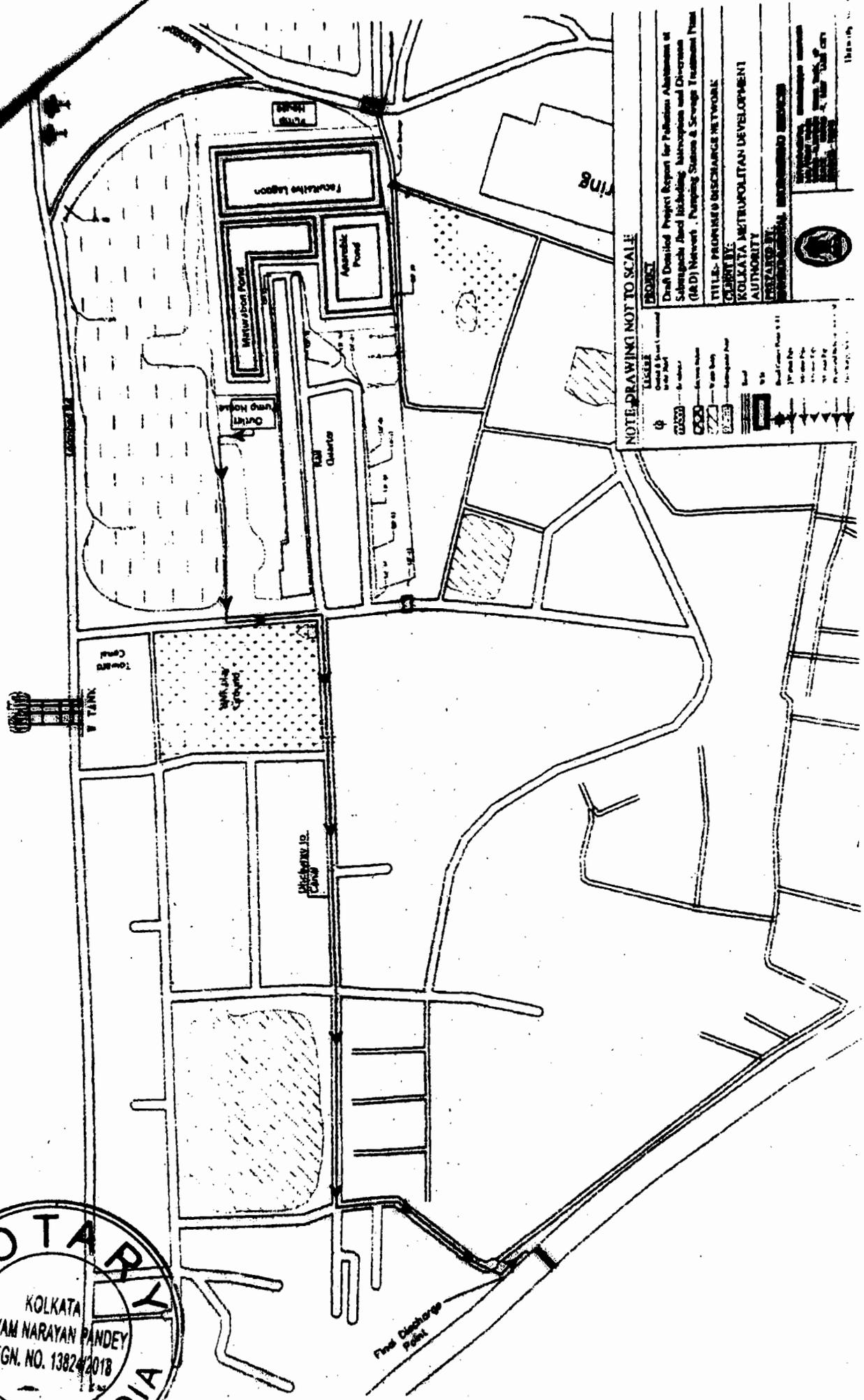
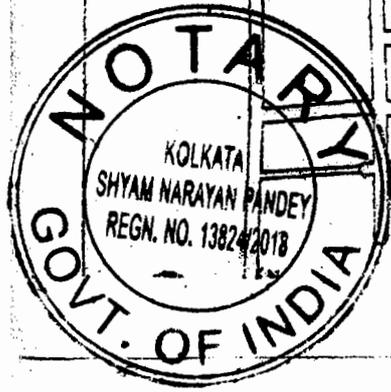
1. The Chief Executive Officer, KMDA.
2. The District Magistrate, Howrah.
3. The Project Director, W&S/PMC.
4. The Superintending Engineer, North Circle, GAP Sector, KMDA
5. The Executive Engineer, EB-1, GAP Sector, KMDA


Chief Engineer
GAP Wing, W&S Sector, KMDA



-12-

DRAWING TITLE:- PROPOSED DISCHARGE NETWORK



NOTE: DRAWING NOT TO SCALE

PROJECT
 Draft Detailed Project Report for Pollution Abatement at
 Suburgachhi Area including Interceptors and Discharge
 (R&D) Network, Pumping Stations & Sewage Treatment Plant

TITLE:- PROPOSED DISCHARGE NETWORK

CLIENT BY:-
 KOLKATA METROPOLITAN DEVELOPMENT
 AUTHORITY

PREPARED BY:-
 [Signature]

DATE: 13/06/2018

SCALE:
 1:1000

LEGEND:
 1. Proposed Discharge Network
 2. Existing Discharge Network
 3. Proposed Interceptor
 4. Proposed Pumping Station
 5. Proposed Sewage Treatment Plant

S. E. Railway

Office of the
Divl. Rly. Manager (Engg)
KGP Dtd.-22.07.2022

No. W/L. Cell/SRC - Jheel

To
The District Magistrate
New Collectorate Building
7, Rishi Bankim Chandra Road
Howrah, West Bengal
PIN - 711101

Sub: Removal of all unauthorised encroachments from the Railway Lands besides Santragachi Jheel for proper preservation of the Santragachi Jheel as per Hon'ble The National Green Tribunal, Special Bench's final Order dated 04.07.2022 passed in Original Application No. 06/2016/EZ. (Sri Subhas Datta VS State of West Bengal & Others)

- Ref: (i) Hon'ble The National Green Tribunal, Special Bench's final order dated 04.07.2022 passed in Original Application No 06/2016/EZ (copy enclosed).
- (ii) Commissioner of Howrah Municipal Corporation's letter no. ED/S&D/Commr/371/2022-2023 dated 18.07.2022. (Copy enclosed)
- (iii) This office last letter of even no. dated 23.12.2021

Kindly refer to the Hon'ble The National Green Tribunal, Special Bench's Final Order dated 04.07.2022 passed in Original Application No. 06/2016/EZ, it is intimated to your kind notice that the eviction of all unauthorised encroachments besides the Santragachi Jheel is urgently required for proper follow up all the directions of the Hon'ble Tribunal as well as preservation of ecological balance of the Santragachi Jheel and its surrounding area at Howrah.

Since long Railway authorities are trying to evict those encroachers & all the necessary proceedings from Railway authorities have already been completed, but the same could not been materialized and/or executed due to non-availabilities of the Local Police assistance for maintaining the Law & Order situations under norms.

In view of the above, you are once again requested to kindly look into the matter and extends your kind co-operation to fix a suitable eviction date by your concerned department to get vacates the said railway land in question for proper preservation of ecological balance of the Santragachi Jheel as well as to maintain the Hon'ble NGT's final directions too.

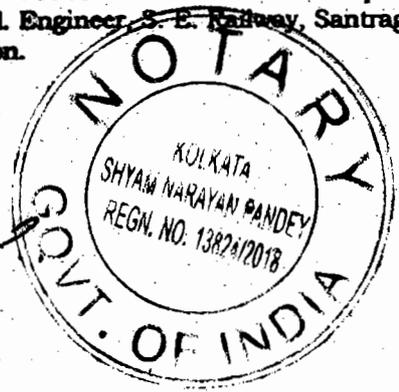
Encl: As above.

Divl. Rly. Manager (Engg)
S. E. Railway Kharagpur

Copy to

- (i) The Chief Engineer (G), S. E. Railway, Garden Reach, Kolkata - 700043 for kind information please. Kolkata Metropolitan Development Authority,
- (ii) The OS (G) of DRM/KGP for kind information of DRM.
- (iii) The Chief Engineer, Kolkata Metropolitan Development Authority, Kolkata - 700091 for kind information please.
- (iv) The Commissioner, Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah - 711101 for kind information please.
- (v) Professor Amit Datta, Civil Engineer, Jadavpur University, 188 Raja S. C. Mallick Road, Kolkata - 700032 for kind information please.
- (vi) The Asstn. Divl. Engineer, S. E. Railway, Santragachi for information and necessary action.

(Handwritten signatures and stamps)



(Handwritten date)
Divl. Rly. Manager (Engg)
S. E. Railway Kharagpur

- 14 -
S. E. Railway

o/c
Speed Post

Office of the
Divl. Rly. Manager (Engg)
KGP Dtd. -05.08.2022

No. W/L. Cell/SRC - Jheel

To
The District Magistrate
New Collectorate Building
7, Rishi Bankim Chandra Road
Howrah, West Bengal
PIN - 711101

Sub: Removal of all unauthorised encroachments from the Railway Lands besides Santragachi Jheel for proper preservation of the Santragachi Jheel as per Hon'ble The National Green Tribunal, Special Bench's final Order dated 04.07.2022 passed in Original Application No. 06/2016/EZ. (Sri Subhas Datta VS State of West Bengal & Others)

- Ref: (i) Hon'ble The National Green Tribunal, Special Bench's final order dated 04.07.2022 passed in Original Application No 06/2016/EZ (copy enclosed).
(ii) Commissioner of Howrah Municipal Corporation's letter no. ED/S&D/Commr/371/2022-2023 dated 18.07.2022. (Copy enclosed)
(iii) This office last letter of even no. dated 23.12.2021 and 22.07.2022.

Kindly refer to the Hon'ble The National Green Tribunal, Special Bench's Final Order dated 04.07.2022 passed in Original Application No. 06/2016/EZ, it is intimated to your kind notice that the eviction of all unauthorised encroachments besides the Santragachi Jheel is urgently required for proper follow up all the directions of the Hon'ble Tribunal as well as preservation of ecological balance of the Santragachi Jheel and its surrounding area at Howrah.

Since long Railway authorities are trying to evict those encroachers & all the necessary proceedings from Railway authorities have already been completed, but the same could not been materialized and/or executed due to non-availabilities of the Local Police assistance for maintaining the Law & Order situations under norms.

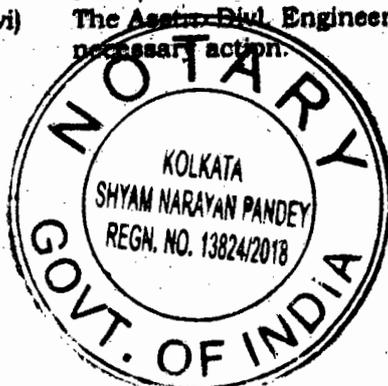
In view of the above, you are once again requested to kindly look into the matter and extends your kind co-operation to fix a suitable eviction date by your concerned department to get vacates the said railway land in question for proper preservation of ecological balance of the Santragachi Jheel as well as to maintain the Hon'ble NGT's final directions too.

[Signature]
Divl. Rly. Manager (Engg)
S. E. Railway Kharagpur

Copy to

- (i) The Chief Engineer (G), S. E. Railway, Garden Reach, Kolkata - 700043 for kind information please. Kolkata Metropolitan Development Authority,
(ii) The OS (G) of DRM/KGP for kind information of DRM.
(iii) The Chief Engineer, Kolkata Metropolitan Development Authority, Unnayan Bhavan, DJ-11, Sector-II, Kolkata - 700091 for kind information please.
(iv) The Commissioner, Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah - 711101 for kind information please.
(v) Professor Amit Datta, Civil Engineer, Jadavpur University, 188 Raja S. C. Mallick Road, Kolkata - 700032 for kind information please.
(vi) The Asstt. Divl. Engineer, S. E. Railway, Santragachi for information and necessary action.

[Signature]
Divl. Rly. Manager (Engg)
S. E. Railway Kharagpur



[Handwritten initials]
5/8/22

No. W/L. Cell/SRC - Jheel

To
The District Magistrate
New Collectorate Building
7, Rishi Bankim Chandra Road
Howrah, PIN - 711101

Sub: Removal of all unauthorised encroachments from the Railway Lands besides Santragachi Jheel for proper preservation of the Santragachi Jheel as per Hon'ble The National Green Tribunal, Special Bench's final Order dated 04.07.2022 passed in Original Application No. 06/2016/EZ. (Sri Subhas Datta VS State of West Bengal & Others)

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(iii) This office last letter of even no. dated 23.12.2021, 22.07.2022 and 05.08.2022.
(iv) Dy. CE/SD & W/GRC's letter no. Works/NGT/E-Zone/Santragachi Jheel-Pt-IV/672 dated 30.09.2022.

Kindly refer to the Hon'ble The National Green Tribunal, Special Bench's Final Order dated 04.07.2022 passed in Original Application No. 06/2016/EZ, it is already intimated to your kind notice under ref. (iii) above that the eviction of all unauthorised encroachments besides the Santragachi Jheel is urgently required for proper follow up all the directions of the Hon'ble Tribunal as well as preservation of ecological balance of the Santragachi Jheel and its surrounding area at Howrah.

Since long Railway authorities are trying to evict those encroachers & all the necessary proceedings from Railway authorities have already been completed, but the same could not been materialized and/or executed due to non-availabilities of the Local Police assistance for maintaining the Law & Order situations under norms.

In view of the above, you are once again requested to kindly look into the matter and extends your kind co-operation to fix a suitable eviction date by your concerned department to get vacates the said railway land in question for proper preservation of ecological balance of the Santragachi Jheel as well as to maintain the Hon'ble NGT's final directions too.

Thanking you.

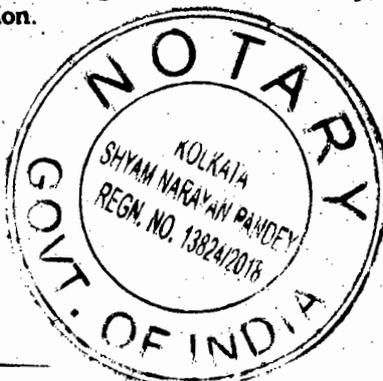
Divl. Rly. Manager (Engg)
S. E. Railway Kharagpur

11.11.2022

Copy to

- (i) The OS (G) of DRM/KGP for kind information of DRM.
(i) Dy. CE/SD&W/GRC for information please for his letter under ref.(iv) above.
(iii) The Chief Engineer, Kolkata Metropolitan Development Authority, Unnayan Bhavan, DJ-11, Sector-II, Kolkata - 700091 for kind information please.
(iv) The Commissioner, Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah - 711101 for kind information please.
(v) Professor Amit Datta, Civil Engineer, Jadavpur University, 188 Raja S. C. Mallick Road, Kolkata - 700032 for kind information please.
(vi) The Asstn. Divl. Engineer, S. E. Railway, Santragachi for information and necessary action.

RA/For
KOS
11/11/2022

Divl. Rly. Manager (Engg)
S. E. Railway Kharagpur

11.11.2022

No. W/L. Cell/SRC - Jheel

To
The District Magistrate
New Collectorate Building
7, Rishi Bankim Chandra Road
Howrah, PIN - 711101

Sub: Removal of all unauthorised encroachments from the Railway Lands besides Santragachi Jheel for proper preservation of the Santragachi Jheel as per the Order of Hon'ble The National Green Tribunal.
Sri Subhas Datta VS State of West Bengal & Others

Ref: (i) Hon'ble The National Green Tribunal, Eastern Zone Bench's Order dated 24.08.2023 passed in Misc. No. 22/2023/EZ in connection with the Special Bench's final order dated 04.07.2022 passed in Original Application No 06/2016/EZ (copy enclosed).
(ii) This office letter of even no. dated 11.11.2022. (Copy enclosed)
(iii) Dy. CE/SD/GRC's letter no. PA/NGT/E-Zone/Santragachi Jheel Pt-III dated 08.09.2022.

Kindly refer to the Hon'ble The National Green Tribunal, Eastern Bench's Order dated 24.08.2023 passed in Misc. No. 22/2023/EZ in connection with the Special Bench's Final Order dated 04.07.2022 passed in Original Application No. 06/2016/EZ, it is already intimated to your kind notice under ref. (ii) above that the eviction of all unauthorised encroachments besides the Santragachi Jheel is urgently required for proper follow up all the directions of the Hon'ble Tribunal as well as preservation of ecological balance of the Santragachi Jheel and its surrounding area at Howrah.

Since long Railway authorities are trying to evict those encroachers & all the necessary proceedings from Railway authorities have already been completed, but the same could not be materialized and/or executed due to non-availabilities of the Local Police assistance for maintaining the Law & Order situations under norms.

In pursuance with the Hon'ble The National Green Tribunal, Eastern Zone Bench's Order dated 24.08.2023, one Eviction Drive is now fixed on 20.09.2023.

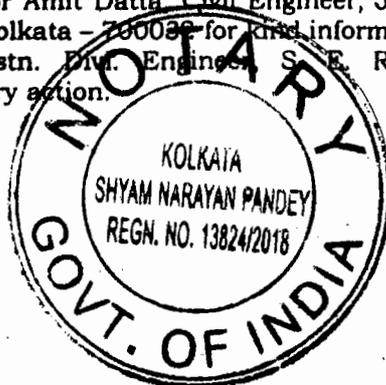
In view of the above, you are once again requested to kindly look into the matter and extends your kind co-operation by your concerned department to provide proper local police assistance to get vacated the said railway land in question for proper preservation of ecological balance of the Santragachi Jheel as well as to maintain the Hon'ble NGT's final directions too.

Thanking you.


15/9/23
Divl. Rly. Manager (Engg)
S. E. Railway Kharagpur

Copy to

- (i) The OS (G) of DRM/KGP for kind information of DRM.
- (ii) Dy. CE/SD/GRC for information please for his letter under ref.(iii) above.
- (iii) The Chief Engineer, Kolkata Metropolitan Development Authority, Unnayan Bhavan, DJ-11, Sector-II, Kolkata - 700091 for kind information please.
- (iv) The Commissioner, Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah - 711101 for kind information please.
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- (vi) The Asstn. Divl. Engineer, S. E. Railway, Santragachi for information and necessary action.




15/9/23
Divl. Rly. Manager (Engg)
S. E. Railway Kharagpur



To
The Asstt. Divl. Engineer
S. E. Rly. Santragachi

Ref: No. SRC/L/5/Jheel/23/939 Dated- 16.09.2023.

Sub: Deputation of staff on 20.09.2023 at Santragachi for eviction of unauthorised occupants in Railway area beside Santragachi Jheel.

In reference to the above I am to inform you that on 20.09.2023 is a festival of Sree Ganesh Chaturthi and Biswakarma Puja in Howrah Police Commissionerate area and a huge number of Police forces are engaged in different Puja pandel under Howrah Police Commissionerate. So deployment of sufficient force for evection programme could not be possible on 20.09.2023.

I request you another date may kindly be fixed for smooth completion of evection programme.

*Received
sheet / copy
2. number
19/09/23
21.55 hrs.*

O/C Santragachi PS
Howrah City Police
Date-19.09.2023

*DR no. 1952
dt. 19.9.23*



JOINT REPORT

Sub : Eviction of unauthorised occupants in Railway area beside Santragachi Jheel.

Ref : ADEN/SRC's letter no. SRC/L/5/Jheel/23/939, dt. 16.09.2023.

As per the order of Honourable NGT/Eastern Zone Branch/Kolkata O. A. 06/2016/EZ, dt. 06.11.2017, an eviction programme was fixed by ADEN/SRC on 20.09.2023 from 11:00 hrs. onwards We the undersigned alongwith sufficient staffs and machineries were prepared to remove the unauthorised structures within the provision of NGT order from Railway land but no local (State) Police or Civil authorities attended at site vide OC/Santragachi PS/Howrah City Police/Govt. of West Bengal letter against DR no. 1952, dt. 19.09.2023, which received at the office of the ADEN/SRC/S. E. Rly on 20.09.2023 at 11:00 hrs. Hence it was not possible to carry out eviction formalities due to heavy resistance from the encroachers of the site.

As there was high chance of failure of Law and Order and disturbance of peace, hence we the undersigneds have left the site without proceeding the eviction formalities.

[Signature] 20.09.23

Signature of
SSE/Works/SRC

[Signature] 20.09.23

Signature of
SSE/P. Way/East/SRC

[Signature]
20/09/23

Signature of
PC/RPF/G/SRC



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

M. A. No. 22/2023/EZ of 2023/EZ

IN

O.A. No. 06/2016/EZ

In the matter of :

Subhas Datta

..... Applicant

-Versus-

State of West Bengal and Others

... Respondents



COUNTER AFFIDAVIT ON BEHALF
OF THE RESPONDENT NO. 3.

Advocate-on-Record
Santosh Kumar Pandey
Advocate
High Court, Calcutta
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City Civil Court,
2 & 3, K.S. Roy Road,
Kolkata - 700 001
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