

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

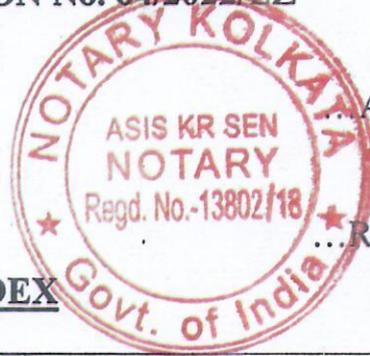
ORIGINAL APPLICATION No. 64/2022/EZ

IN THE MATTER OF:

Shri. Nabendu Kumar Bandyopadhyay

Versus

The State of West Bengal & Ors.



Applicant

Respondents

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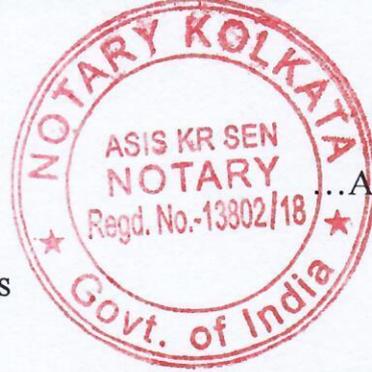
ORIGINAL APPLICATION No. 64/2022/EZ

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...Applicant

...Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 7

I, Vimal Agarwal, S/o Shri Rajaram Agarwal, aged about 45 years, presently residing at Natural Heights, Phase-II, Block-3, Flat 5C, 137, VIP Road, Kolkata. West Bengal - 700052, do hereby solemnly affirm and declare as under that:-

1. I am the authorized signatory of M/s. Annex Commotrade Private Limited/ Respondent No. 7 (hereinafter '*the impleaded Respondent*') in the above-mentioned matter and I am well conversant with the facts and circumstances of the case and hence competent to swear this Affidavit.
2. The impleaded Respondent has been impleaded in the array of parties as Respondent No. 7 in the instant case pursuant to order dated 08.02.2024 of this Hon'ble Tribunal.
3. The copy of the Original Application has been served upon me and I have gone through the contents of the same. I deny each and every averment

made therein, except those specifically admitted by the impleaded answering Respondent.

4. The averments not specifically denied in the present Affidavit may also be deemed to be denied by the impleaded answering Respondent.
5. It is submitted that the Original Application filed by the Applicant is malicious and devoid of any merit. While filing the instant Application, Applicant has not supported the same with any material evidence, recent developments or relevant laws in force. Also, there appears to be no effort made by the Applicant to obtain relevant facts so as to make the Application maintainable.
6. The instant Application is not maintainable in the eyes of laws and the same deserves to be dismissed.

PRELIMINARY OBJECTIONS/ SUBMISSIONS

7. That before adverting to the contents of the paragraphs in the Original Application, the impleaded Respondent craves leave of this Hon'ble Tribunal to put forth its Preliminary Objections/ Submissions including a brief concatenation of events which are necessary for just and proper adjudication of the present *lis* :

- A. That the impleaded Respondent along with 42 other Companies/ co-owners collectively vide two registered Deeds of Conveyance bought lands in Mouza –*Purba Sinthi* (the Mouza under question) by way of :

- (i) Deed of Conveyance dated 15.06.2011 from the erstwhile landowners Smt. Indrani Sil and others to an extent of approximately 4.90 acres of land in Dag/ R.S. Nos. Dag/ R.S. Plot No. 650, 652, 653, 655, 731 and 732, and



- (ii) Deed of Conveyance dated 26.02.2016 from the erstwhile landowner M/s. Allworth Commosale Pvt. Ltd. & various other companies to an extent of 0.35 acres of land.

It is pertinent to clarify here that the present dispute only pertains to Dag/ R.S. Plot No. 732 *Mauza Purba Sinthi* admeasuring 1.5562 Acres. The said extent of land is part of Municipal premises No. 100, Dum Dum Cossipore Road under South Dum Dum Municipality, Kolkata, West Bengal.

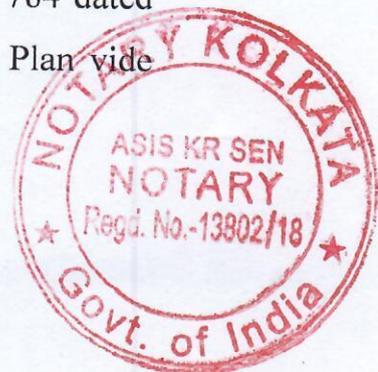
B. That after having acquired the title and possession of the properties by way of the above mentioned registered Sale Deeds, the impleaded Respondent and the 42 other Companies/ co-owners applied for a Mutation Certificate before the Respondent No. 4/ South Dum Dum Municipality (in short '*SDDM*') and for the Record of Rights (in short '*the RoR*') at the office of Block Land and Land Reforms Officer, Barrackpore-II, Government of West Bengal (in short '*the Ld. BL&LR Officer*').

C. That in the year 2012, Respondent No. 4/ SDDM issued Mutation Certificate No. A-14881 to 14883 dated 09.01.2012 in the name of the impleaded Respondent and the 42 other companies wherein it was categorically mentioned that the said plot was a **plain vacant land**. It is pertinent to state that the Mutation Certificate corresponds to the larger chunk of land admeasuring 4.90 acres as mentioned in paragraph 7(A)(i).

True copy of the Mutation Certificate dated 09.01.2012 issued by Respondent No. 4 is annexed herewith and marked as **ANNEXURE A1** (Pages 21 to 23).



- D. That after Inspection, demand for land revenue and surcharge was received under Memo No. 895/BLLRO/BKP-II dated 20.06.2013 for payment of Rs. 7,86,076/- (*Rupees Seven Lakhs Eighty Six Thousand Seventy Six Only*) by the impleaded Respondent and other companies from the Ld. BL&LR Officer and the said amount was paid through statutory T.R. Form No. 7.
- E. That subsequent thereto, another application qua a smaller chunk of land admeasuring 0.35 Acres [as mentioned in paragraph 7(A)(ii)] purchased later was made to Respondent No. 4/ SDDM to record the name of impleaded Respondent and other companies in the Municipal Assessment Records. Respondent No. 4/ SDDM recorded the names of the impleaded Respondent and other Companies/ Landowners vide Mutation Certificate No. A-71548 dated 19.02.2020 mentioning the said plot as plain vacant land.
- It is pertinent to mention that the Mutation Certificate dated 19.02.2020 was a composite one which included the previously mentioned land admeasuring 4.90 Acres (approximately) and the 0.35 Acres (approximately) purchased later, totalling 5.26 Acres.
- True copy of the Mutation Certificate dated 19.02.2020 issued by Respondent No. 4/ South Dum Dum Municipality is annexed herewith and marked as **ANNEXURE A2 (Pages 24 to 26)**.
- F. That the impleaded Respondent and other landowners made an Application to Respondent No. 4/ SDDM who after due diligence and site inspection sanctioned the site plan vide Site Plan No. 784 dated 28.04.2020. Pursuant to all inspections even the Building Plan vide Building Plan No. 1107 dated 08.07.2020 was sanctioned.



G. That the impleaded Respondent and other Companies/ co-owners entered into a registered Agreement (Contractor) with Respondent No. 6 (i.e. M/s. Merlin Project Ltd.) on 01.04.2021. However, the said Developer's Agreement was terminated vide a registered Deed of Cancellation dated 15.09.2022 owing to which Respondent No. 6 is not a necessary party in the present set of proceedings. This fact is also borne out from the order dated 06.03.2024 of this Hon'ble Tribunal.

H. That the Applicant herein through his Advocate issued a Legal Notice dated 14.03.2022 to Principal Secretary, Department of Environment, District Magistrate, Block Land Reforms Office, Block Development Officer and Sub-Divisional Officer with a sheer attempt to mislead the Governmental Bodies as well as statutory authorities by making false allegations basing on a false and fictitious figure of 21 acres out of which 10 acres consisted of a water body situated at Dag No. 732 of *Mouza Purba Sinthi*. For the sake of clarity and for better understanding of the so-called case of the Applicant, the same is mentioned herein below :

"As instructed by client, I would like to inform that there is activity of filling up of Water Body / Ponds with the objective of erecting building structures and complexes, in violation of existing law of the land.

The property is total of 21 acres out of which 10 acres consists of such water body/pond, situated at Dag No. 732 of Mouza – Purba Sinthee at Premises no. 100, Dum Dum Cossipore Road, P.S. Dum Dum."

The said averment clearly demonstrates non-application of mind by the Applicant qua the plot in question and smacks of sheer *mala fide* and with the clear intent of harassing the rightful owners of the land since no such extent of land as stated in the pleadings exist.



It is submitted that the Applicant filed the complaint without even looking at the size of the so called non-existent pond (a figment of imagination of the Applicant), and also without being aware that Dag No. 732 comprises of only 1.5562 acres of land and not 10 acres as stated in the instant Application. It was done purposely to disturb the usage of the project land with an ulterior motive.

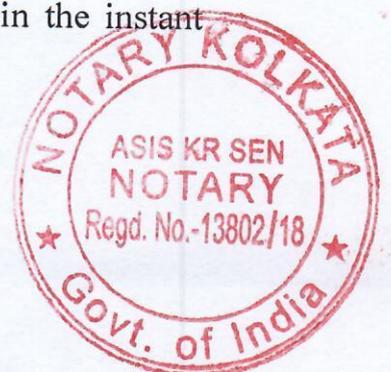
(Emphasis supplied)

- I. That acting on the Legal Notice, the West Bengal Pollution Control Board issued a letter to the Executive Officer, South Dum Dum Municipality.

Consequently thereupon, Respondent No. 4/ SDDM served a Notice on the Project Proponents to stop the construction activity at the site on 04.04.2022, without verifying whether any construction (namely filling up of any water body) was going on the land in question. [Already annexed as ANNEXURE A (Pages 17-20) in the present Original Application]

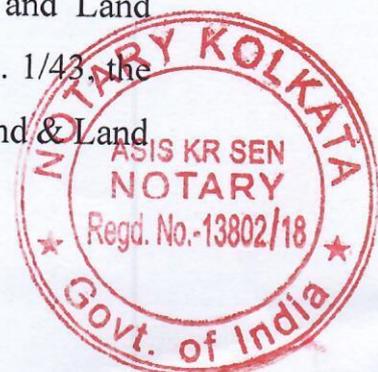
- J. That the Respondent No. 4/ SDDM after due inspection of the site at a later date informed the Environment Department that there was no trace of filling of land in question at the site, and it had been a plain land for a very long time.

- K. Notwithstanding the fact that the Applicant had issued a Legal Notice through Advocate, the Applicant in a hurried manner without any material particulars and giving false statements filed the first O.A. bearing O.A. No. 47/2022/EZ before this Hon'ble Tribunal on 04.04.2022 praying for the self-same relief as prayed in the instant Application (O.A. No. 64/2022/EZ).



True copy of the Original Applicant bearing O.A. No. 47/2022/EZ dated 04.04.2022 filed before this Hon'ble Tribunal by the Applicant is annexed herewith and marked as ANNEXURE A3 (Pages 27 to 39).

- L. This Hon'ble Tribunal vide its order dated 28.04.2022 dismissed the first Original Application i.e. O.A. No. 47/2022/EZ granting liberty to the Applicant to file a fresh Application as the Dag numbers of the land in question was not at all mentioned in the said Original Application. [Already annexed as ANNEXURE D (Pages 29-31) in the present Original Application]
- M. That despite the dismissal of the Original Application No. 47/2022/EZ dated 28.04.2022, the present Applicant filed the instant O.A. No. 64/2022/EZ with rather similar sort of further shoddy particulars compelling this Hon'ble Tribunal to pass the earlier order dated 27.05.2022 dismissing the said Application.
- N. That in the meanwhile, the Ld. Collector under Section 4C of West Bengal Land Reforms Act, 1955 and the Ld. Block Land and Land Revenue Officer (in short '*the Ld. BL&LR Officer*') under Section 4C(5) of West Bengal Land Reforms Act, 1955 initiated proceedings in Misc. Case No. 1/IFW of 2022, and vide order dated 23.05.2022 and issued Notices to the impleaded Respondent and 42 other companies/co-owners.
- O. That in view of the proceedings initiated under Section 51A(4) of WBLR Act, 1955 r/w. Rule 166 of West Bengal Land and Land Reforms Manual (in short '*the WBLR Manual*') in Case No. 1/43, the Ld. Special Revenue Officer, Gr II, Office of the District Land & Land



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Reforms Officer, 24 North Parganas (in short 'the Ld. Special Revenue Officer') vide its order dated 09.12.2022 held that :

"Hence on the basis of the above mentioned documents/evidences it is clear that the change of the classification of the suit plot was occurred long before 24.03.1986. Accordingly the Revenue officer attached to BLLRO, BKP-2 is directed to correct the classification of the suit plot in the LR ROR from pukur to bastu.

True copy of the order dated 09.12.2022 passed by the Ld. Special Revenue Officer, Gr II, Office of the District Land & Land Reforms Officer, 24 North Parganas is annexed herewith and marked as **ANNEXURE A4 (Pages 40 to 42)**.

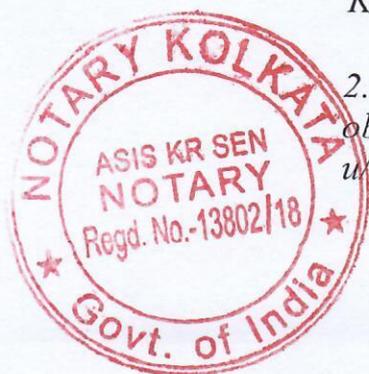
P. That pursuant to the order dated 09.12.2022, the Ld. Additional District Magistrate and DL&LR Officer sent a letter dated 27.12.2022 to the Ld. BL&LR Officer to correct the ROR pertaining to classification of the plot of land in question from *Pukur* to *Bastu*.

True copy of the letter issued by the Ld. Additional District Magistrate & DL&LR Officer to the Ld. BL&LR Officer dated 27.12.2022 is annexed herewith and marked as **ANNEXURE A5 (Pages 43 to 44)**.

Q. That thereafter, the Ld. Revenue Officer and BL&LR Officer on 28.12.2022 initiated proceedings under Section 50(1)(f) of the WBLR Act in Misc. Case No. 1601 of 2022 and passed an order holding that :

"1. The suit plot of land admeasuring total arrear 1.5562 acres is recorded in favour of the 43 applicant companies vide 43 separate Khatians being nos. 2186 to 2228.

2. The SRO-11, of the office of the DL & LRO, North 24-Parganas observed in his order dt. 09.02.2022 vide case no. 1/43 of 2022 u/s. 51A(4) of the WBLR Act, 1955 read with rule 166 of the WBLR



Manual that the change of classification of the suit plot from Pukur to Bastu was occurred long before 24.03.1986 and ordered to correct the classification of the suit plot in the LR, R-O-R from Pukur to Bastu.

3. The ADM & DL & LRO, North 24-Parganas vide his memo no. L- 13011(11)/117/2020-DLRO/3731, dt. 27.12.2022 directed the undersigned to correct the classification of the suit land from Pukur to Bastu as per above said order passed vide case no. 1/43 of 2022 u/s.51A(4) of WBLR Act.

Considering the above facts and findings the undersigned being satisfied allowed the prayer of the petitioner and order that the classification of RS/LR plot no. 732 of mouza-Purba Sinthi, J.L. No. 22 should be corrected from Pukur to Bastu through-Bhuchitra."

True copy of the order-sheet issued by the Ld. Revenue Officer and BL&LR Officer dated from 28.12.2022 to 11.01.2023 is annexed herewith and marked as **ANNEXURE A6** (Pages 45 to 46).

R. Consequent thereupon, the Ld. BL&LR Officer notified the digitally signed Dag Tathya copy on 06.02.2023 for Dag No. 732 with land classification as *Bastu*.

True copy of the digitally signed Dag Tathya notified by the Ld. BL&LR Officer along with its translated English version certified by the Rtd. Senior Interpreting Officer, O.S. High Court, Calcutta, West Bengal is annexed herewith and marked as **ANNEXURE A7** (Pages 47 to 58).

S. That pursuant to order dated 27.05.2022 as mentioned in paragraph M above, the Applicant herein preferred a Civil Appeal vide C.A. Diary No. 9637 of 2023 before the Hon'ble Supreme Court. The Hon'ble Supreme Court at the interim, passed orders dated 05.06.2023 and 12.06.2023. By virtue of the orders dated 05.06.2023 and 12.06.2023



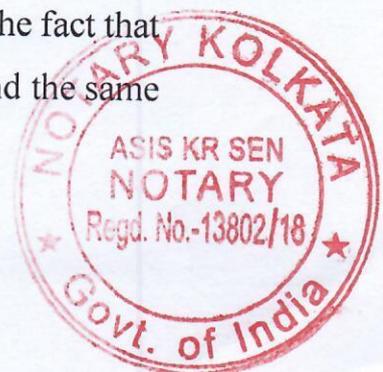
of the Hon'ble Supreme Court in C.A. Diary No. 9637 of 2023 and in pursuance thereof, the Respondent State authorities conducted a Joint Field Inspection dated 23.06.2023 in the presence of various officials across departments, namely :-

- a) Mr. K Balamurugan, Chief Environment Officer, Department of Environment, Government of West Bengal,
- b) Ms. Shama Parveen, ADM & DL & LRO, North 24 Parganas, Government of West Bengal,
- c) Ms. Mrinmayee Biswas, Sub-Assistant Engineer, South Dum Dum Municipality,
- d) Mr. Samit Dutta, Environmental Engineer, West Bengal Pollution Control Board, West Bengal,
- e) Ms. Pausali Mukherjee, Senior Law Officer, Department of Environment, Government of West Bengal,
- f) Dr. Rajarshi Chakraborty, Environment Officer, Environment Department, Government of West Bengal,
- g) Mr. Tarak Nath Das, Technical Assistant, State Wetland Authority, and
- h) Mr. Pradip Kumar Giri, Land Department - SRO-II, DL & LRO, North 24 Parganas.

It may be pertinent to state here that the Joint Field Inspection was carried out to enquire into the matter with regard to the existence of any water body at the land in question. During Joint Field Inspection, it was the collective observation of all the above-mentioned Government agencies that **no water body was observed in the project site including Dag No. 732 and the whole site was a plain land.**

True copy of the Field Inspection Report dated 05.07.2023 as submitted before the Hon'ble Supreme Court by the State Government is annexed herewith and marked as **ANNEXURE A8** (Pages 59 to 60).

Thus, the aforementioned proceedings are indicative of the fact that the land in question was wrongly stated in the land records and the same



was not updated. The impleaded Respondent and other co-landowners of the land in question pointed the same before the Revenue Authorities which led to a series of proceedings as mentioned paragraphs N to R, and subsequently the land records have also been corrected, and the land in question had been classified as 'Bastu'.

8. That the Applicant had deliberately not impleaded the landowners and instead has impleaded the Contractor in whose favour the Developers' Agreement as on date stands terminated. This was done intentionally to ensure that the original owners of the land do not get any opportunity to defend their case and present the correct facts to the Hon'ble Tribunal. It is submitted that the Applicant had failed to implead the answering Respondent in its appeal before the Hon'ble Supreme Court. It is only after the impleadment application was allowed by the Hon'ble Supreme Court that the answering Respondent stood impleaded as a party in the case. Thereafter, it is submitted even on remit of the matter before this Hon'ble Tribunal, the Applicant did not make the answering Respondent a party to the case. Accordingly, the answering Respondent herein filed an impleadment application which this Hon'ble Tribunal vide order dated 08.02.2024 in I.A. No. 16/2024/EZ has allowed and has thereby impleaded the answering Respondent i.e. M/s. Annex Commotrade Private Limited.
9. It is respectfully submitted that the Applicant in the instant Application has not provided any material particulars, and on that count alone, the O.A. needs to be dismissed in so far as the Application has insufficient particulars, incorrect information and misleading facts.



The said fact now stands fortified by the Joint Field Inspection Report of the multifarious agencies of the Government.

10. It is submitted that the photographs filed by the Applicant do not show presence of any water body. Since the photographs submitted by Applicant did not exhibit any presence of water body, it is implied that there was no existence of any water body. It is pertinent to state that the change of classification happened in the land in question due to urbanization of the neighborhood and due to natural course by passage of time which was way before it was purchased by the impleaded Respondent vide registered Deed of Conveyance dated 15.06.2011. It is further submitted that when the said lands were purchased by the impleaded Respondent and the other 42 Companies/ co-owners in various R.S. Plots they were vacant lands and there was no physical presence of *Pukur* on the said plot. Moreover, the specifications of the land in dispute which have been enumerated by the Applicant in the Application are not correctly mentioned. In the same way, the photographs annexed in the Original Application also do not indicate the presence today or indeed in the past of any water body.
11. It has been alleged by the Applicant that Dag No. 732 contains an area of 10 Acres of land whereas actually it comprises of a total area of 1.5562 Acres only, which had lost its character/classification due to presence of various activities since the year 1948-49 as well as due to rapid urbanization of the said neighborhood. Thus, there was never any physical presence of any *Pukur* from times well before 24.03.1986 which is the statutorily cut-off date as per the WBLR Act.



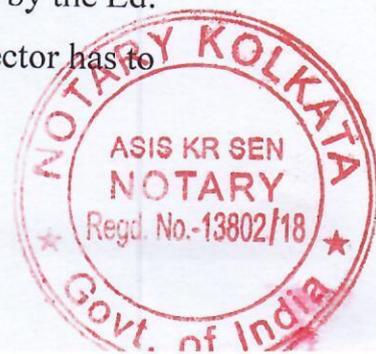
It is submitted that the statutory cut-off date of reckoning for considering conversion of the land is 24.03.1986 as per paragraph 166 (i) & (ii) of the WBLR Manual which reads as under:-

"166. where conversion has been made before making application for permission.—

- (i) *While disposing of a petition for conversion, it may come to the notice of the Collector that the land has been already converted to some use other than that appearing from the record-of-rights. Such a case should normally be dealt with under Section 4(4). In such cases, it should be enquired as to whether the change in use has been made in the usual course of nature or by deliberate action on the part of the applicant or any other person; and, in the latter case, it should also be ascertained whether the change took place before 24.3.86 i.e., the date of publication in the official gazette of the West Bengal Land Reforms (Amendment) Act, 1981.*
- (ii) *If the change in the use of land has occurred (a) in the usual course of nature, or (b) has occurred at a time when such change was not unlawful, (vide proviso to section 4B), or (c) has occurred due to developmental activities of the Government or of a local body in the surrounding area, or (d) due to urbanisation in the surrounding area, the applicant should be informed that the change is being noted in the record-of-rights, and the said record should be corrected accordingly in due course. If there was a reasonable cause made behind the change that occurred, the Collector may consider on the merit of the case if post facto permission should be granted. [In this connection the expression 'without any reasonable cause' in section 4(4)(a) may be referred to.] On the other hand, if it is proved that the change was deliberately made without reasonable cause after 24.3.1986, the land may be vested under section 4(4)(a) or penal action may be taken under section 4D unless prosecution under section 4D is barred by limitation under the Code of Criminal Procedure."*

(Emphasis supplied)

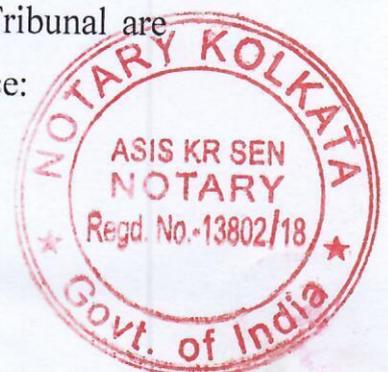
It is submitted that for conversion of the nature of land by the Ld. Collector under Section 4(4) of the WBLR Act, the Ld. Collector has to



consider whether the change in use has been made (i) in the usual course of nature, or (ii) by deliberate action on the part of the applicant or any other person. In case of deliberate action on part of the applicant or any other person, if any, it should also be ascertained whether the change took place before **24.03.1986** i.e. the date of publication in the official gazette of the West Bengal Land Reforms (Amendment) Act, 1981.

In the instant case, the change in the nature of land in question has occurred in the usual course of nature due to urbanisation in the surrounding areas (neighbourhood) way before the cut-off date i.e. 24.03.1986 and admittedly there was no deliberate action on the part of the impleaded Respondent after purchase of the vacant land.

12. It is submitted that when the impleaded Respondent and other Companies/ co-owners acquired the said land, there was no trace of any *Pukur*. It is submitted that if for the sake of some farfetched argument there was any *Pukur* ever at the said plot, it ceased to exist before the West Bengal Fisheries Act, 1984 and West Bengal Land and Land Reforms Amendment Act, 1986 came into force and therefore before the cut-off date of 24.03.1986.
13. That the Applicant is a busybody who without stating proper particulars filed an application being O.A. No. 47/2022/EZ before the Hon'ble NGT which was withdrawn with liberty to file fresh Original Application vide order dated 28.04.2022 since no particulars were given. Thereafter, Applicant preferred the present Original Application again with improper and insufficient details. A brief gist of the proceedings which have taken place but not apprised by Applicant before this Hon'ble Tribunal are reiterated herein below for the sake of clarity and convenience:



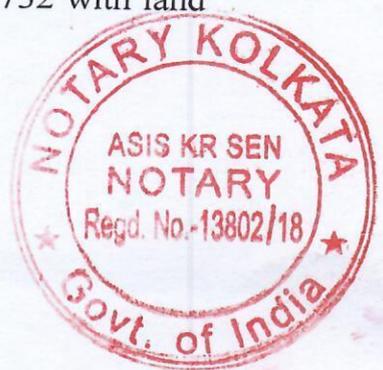
(i) The Ld. Special Revenue Officer initiated proceedings under Section 51A (4) of the WBLR Act in **Case No. 1/43** and vide its order dated 09.12.2022 on the basis of the submission of documentary evidence such as assessment roll for the year 1970-71 submitted by the Respondent No. 4/ SDDM held that :

“Hence on the basis of the above mentioned documents/evidences it is clear that the change of the classification of the suit plot was occurred long before 24.03.1986. Accordingly the Revenue officer attached to BLLRO, BKP-2 is directed to correct the classification of the suit plot in the LR ROR from pukur to bastu.”

(ii) On 27.12.2022, the Ld. ADM and DL&LR Officer sent a letter to the Ld. Collector and BL&LR Officer to correct the ROR pertaining to classification of site in question from *Pukur* to *Bastu* by initiating the proceedings under Section 51A(4) of WBLR Act, 1955 r/w. Rule 166 of WBLR Manual.

(iii) On 28.12.2022, the Ld. Collector and BL&LR Officer initiated proceedings under Section 50(1)(f) of the WBLR Act in Misc. Case No. 1601 of 2022 wherein it passed an order dated 11.01.2023 holding that the classification of RS/LR Plot No. 732 of *mouza Purba Sinthi*, J.L. No. 22 should be corrected from *Pukur* to *Bastu* through-Bhuchitra.

(iv) Subsequently, the Ld. Collector and BL&LR Officer passed an order dated 11.01.2023, correcting the land in question from *Pukur* to *Bastu*. Consequently, the Ld. BL&LR Officer notified the digitally signed *Dag Tathya* copy on 06.02.2023 for Dag No. 732 with land classification as *Bastu*.

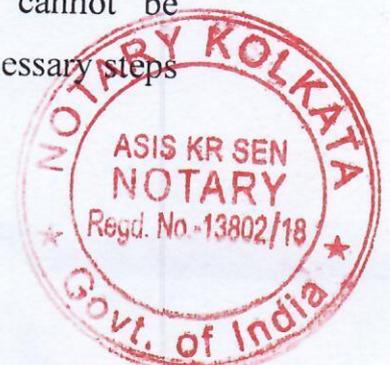


14. That the entire issue pertaining to the nature of the land, has been put to rest by the Joint Field Inspection dated 23.06.2023 conducted by the Committee as aforementioned in accordance with the direction of the Hon'ble Supreme Court in Civil Appeal Diary No. 9637 of 2023. It is pertinent to state that State Government in its Affidavit before the Hon'ble Supreme Court pursuant to the Joint Field Inspection had stated that :

"15. That it is most respectfully submitted that the Special Revenue Officer- Gr.II took up the matter for consideration and heard the applicants. The communication received from the Executive Officer of the said Municipality enclosing the certified copy of the Municipal Assessment Register for the year 1970-71 of South Dum Dum Municipality was taken into consideration wherefrom notice of the Special Revenue Officer- Gr.II, Office of the DL&LRO North 24 Parganas that there was no existence of water body on that plot and the subject plot was being used as parking room, godown, packing pump, darwans quarters' and other work. There were shal post buildings structures over the plot.

16. That it is most respectfully submitted that the Special Revenue Officer- Gr.II, Office of the DL&LRO disposed of said proceeding on 09.12.2022 directing the Revenue Officer attached to the office of the BL&LRO, Barrackpore-II, to execute the order (Tamiling) on the subject plot in the LR-RoR, from 'PUKUR' (Pond) to "BASTU" (Homestead land)."

15. It is pertinent to state that the Applicant in his misplaced enthusiasm has initiated proceedings before this Hon'ble Tribunal. The dismissal of the earlier OA by this Hon'ble Tribunal for complete lack of particulars need not be interfered with by this Hon'ble Court. Any call for interference would be granting a premium to these busybodies/ meddlesome interlopers and all the statements without any basis cannot be countenanced. The impleaded Respondent has taken all necessary steps



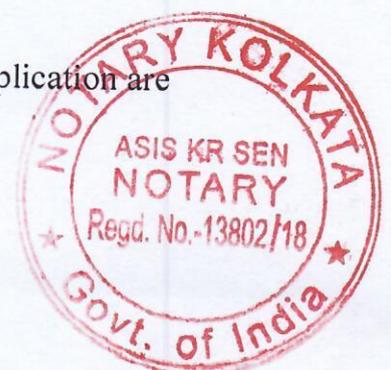
towards correction of the RORs pertaining to the land in question and the correctness of the same cannot be doubted on the whims of the Applicant.

16. That the Building Plan No. 1107 was sanctioned by Respondent No. 4/ SDDM on 08.07.2020 and the said Plan could only be sanctioned if obviously there was no existence of *Pukur*. Hence, it is submitted that there was no existence of *Pukur* in the year 2020 while sanctioning of the Building Plan took place, and the Application filed by the Applicant before this Hon'ble Tribunal is flawed for stating that the land in question is a *Pukur*.
17. It is submitted that the impleaded Respondent has utmost respect for the environmental laws and has diligently adhered to the procedures of law by assisting the State authorities in making corrections to revenue records. The Applicant taking undue advantage of the lapse in updating the revenue records by the State authorities has filed the instant case without any intimation to the impleaded Respondent and other landowners. It is further stated that the activities of the impleaded Respondent has in no manner caused filling of any water body directly or indirectly.

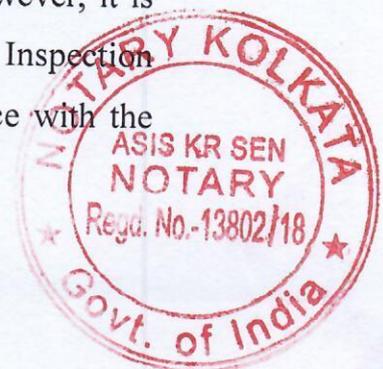
PARA-WISE RESPONSE

18. That for the sake of brevity, without reiteration of the contention / averment made in the detailed preliminary submission produced by the answering Respondent herein before, a brief para-wise response to the contents of the Original Application are stated as follows:

- A. That the contents of paragraphs 1 and 2 of the Original Application are denied except to the extent they are factual in nature.



- B. That the contents of paragraphs 3 and 4 of the Original Application are denied for being fictional and a fragment of imagination of the Applicant. It is respectfully submitted that there is no land filling or construction activity which has taken place on the land in question. Moreover, the premises No. 100 comprises of only Dag/ R.S. Nos. Dag/ R.S. Plot No. 650, 652, 653, 655, 731 and 732 admeasuring approximately 5.26 Acres. In this context, answering Respondent seeks to reaffirm and reiterate the contents of paragraphs 7 (A), (D) and (E) to (H) of the preliminary submissions for the sake of brevity.
- C. That the contents of paragraphs 5 and 11 of the Original Application are denied since the provisions mentioned and the judgments cited by the Applicant have no relevance or applicability to facts and circumstances of the instant case. Furthermore, the impleaded Respondent has utmost respect for the laws of the country and has in no manner violated the same or took over any activity which is detrimental to the nature or environment. The averments made in paragraphs 9 to 11 of the preliminary submissions stand reiterated and reaffirmed for the sake of brevity.
- D. That the contents of paragraph 12 of the Original Application are denied for being factually incorrect and misleading. The averments made in paragraph 11 of the preliminary submissions stand reiterated and reaffirmed for the sake of brevity.
- E. That the contents of paragraphs 13 and 14 of the Original Application are not denied to the extent they are factual in nature. However, it is further pointed out that there has been a Joint Field Inspection conducted by a Committee dated 23.06.2023 in accordance with the



direction of the Hon'ble Supreme Court based on which the Respondent State authorities had filed a Counter Affidavit stating that there was no existence of water body on the land in question. The averments made in paragraph 14 of the preliminary submissions stand reiterated and reaffirmed for the sake of brevity.

- F. That the grounds stated in paragraphs 15(I) to (VII) of the Original Application are denied *in toto* for misleading this Hon'ble Tribunal by amplifying the facts and applicable laws unreasonably beyond proportion. The averments made by the impleaded in paragraph 15 to 17 of the preliminary submissions stand reiterated and reaffirmed for the sake of brevity.
 - G. That the prayers stated in paragraph 18 of the Original Application are not reasonable since the entire the Application of the Applicant is full of infirmities and the facts stated in the Application are far from reality. Further, the laws which have been relied upon by the Applicant are not at all applicable to the actual facts and circumstances of the instant case. Hence, it is humbly submitted that the cause of action giving rise to the present Application being misconstrued deserves to be dismissed with exemplary costs.
19. That the impleaded Respondent has a very good *prima facie* case on merits.
 20. That the facts stated and documents annexed above are true and correct to the best of my knowledge and belief.
 21. All other allegations which run contrary or inconsistent to averments made in the instant Affidavit are hereby denied. The impleaded



Respondent/ Deponent however, reserves the right to add, alter or amend the Affidavit, if so advised.

22. That the impleaded Respondent/ Deponent humbly prays before this Hon'ble Tribunal to take into account the aforementioned facts and circumstances, and prays to dismiss the present Civil Appeal with exemplary costs in the interests of justice.

ANNEK COMMOTRADE PVT. LTD

[Signature]

Authorised Signatory

DEPONENT

VERIFICATION

I, the above-named Deponent, do hereby verify that the contents of this Affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

Verified at Kolkata on this 23rd day of April, 2024.

VERIFICANT

Prepared in my office
Identified by me
Paushali Banerjee
Advocate
Advocate

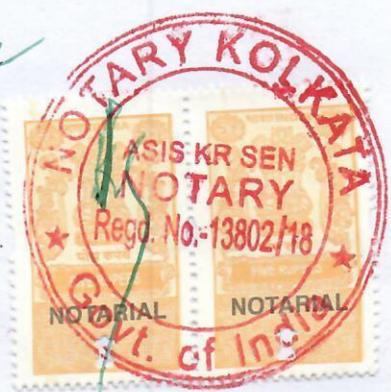
23 APR 2024

Solemnly affirmend and declared before me on Identification

Asis Kr. Sen

ASIS KUMAR SEN
City Civil Court, Kolkata
Notary
Reg. No -13802/18

23 APR 2024



Certificate No. : A-14991 (CONTINUE)

ANNEXURE A1 Date : 09/01/2012**SOUTH DUM DUM MUNICIPALITY**

Nager Bazar, Kolkata - 700 074

MUTATION CERTIFICATE**To Whom It may Concern**

Circle No. 3

Ward No.14

Certified the holding No. 35

Old holding No. 160

Street DUMDUM COSSIPORE ROAD

Stands in favour of :

- (1) ANNEX COMMOTRADE PVT.LTD. (LESSEE)
- (2) BAVISCON VINREADE PVT.LTD. (DO)
- (3) ELECT MERCHANTS PVT.LTD. (DO)
- (4) FASTER AGENCIES PVT.LTD. (DO)
- (5) OBTAIN COMMERCIAL PVT.LTD. (DO)
- (6) SKYLIGHT COMMDEAL PVT.LTD. (DO)
- (7) SUNVIEW COMMOSALES PVT.LTD. (DO)
- (8) TANGIBLE MARKETING PVT.LTD. (DO)
- (9) ANANT DEALCOMM PVT.LTD. (DO)
- (10) JODA DISTRIBUTORS PVT.LTD. (DO)
- (11) JORDAN VANIJA PVT.LTD. (DO)
- (12) OLIVIA VINTRADE PVT.LTD. (DO)
- (13) SANKALP COMMOSALES PVT.LTD. (DO)
- (14) TASSEL COMMOTRADE PVT.LTD. (DO)
- (15) SALVO AGENCIES PVT.LTD. (DO)



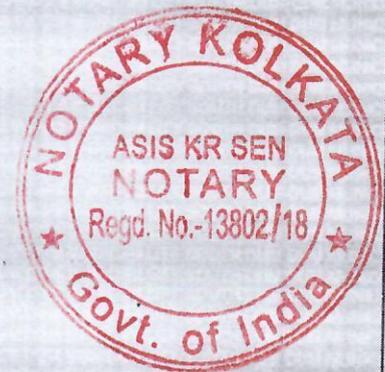
Land area of the plot is _____

WITH _____
Vacant land/Building/Flat/at _____**As per Deed**

MOUZA :
J. L. NO :
C.S.KHATIAN NO :
R.S.KHATIAN NO :
C.S DAG NO :
R.S.DAG NO :
C. S. PLOT :

As per Parcha

MOUZA :
J. L. NO :
KHATIAN NO :
L.R.KHATIAN NO :
DAG NO :
L. R. DAG NO :



Character of the land as per Deed/Record/Parcha/ROR

Premises No. :

KOLKATA-700074

Signature of Dealing Clerk

Vice Chairman
South Dum Dum Municipality

Chairperson/Vice Chairman

S. Halder, W.B.E.C.
Executive Office
South Dum Dum Municipality

Member, Chairman in
Council/Executive Officer

Certificate No. : A-14882 (CONTINUE)

Date : 09/01/11

SOUTH DUM DUM MUNICIPALITY

Nager Bazar, Kolkata - 700 074

MUTATION CERTIFICATETo Whom It may Concern

Circle No. 3

Ward No.14

Certified the holding No. 35

Old holding No. 160

Street DUMDUM COSSIPORE ROAD

Stands in favour of :

- (16) REBINE TIEUP PVT.LTD. (LESSEE)
 (17) FUNCTION VINTRADE PVT.LTD. (DO)
 (18) FOOTMARK VINIMAY PVT.LTD. (DO)
 (19) CHAMPAK SUPPLIERS PVT.LTD. (DO)
 (20) ASSEMBLE MERCHANTS PVT.LTD. (DO)
 (21) ADMIT DEALERS PVT.LTD. (DO)
 (22) ALTERNATIVE DEAL TRADE PVT.LTD. (DO)
 (23) IMAGINE VINTRADE PVT.LTD. (DO)
 (24) GOODLUCK MERCANTILES PVT.LTD. (DO)
 (25) UNNATI DEALMARK PVT.LTD. (DO)
 (26) FINLINK DEALERS PVT.LTD. (DO)
 (27) TOPSTAR AGENCIES PVT.LTD. (DO)
 (28) CIRCLE VANIJYA PVT.LTD. (DO)
 (29) AROHI TIE-UP PVT.LTD. (DO)
 (30) SRARPOINT AGENCY PVT.LTD. (DO)



Land area of the plot is -----

WITH
Vacant land/Building/Flat/at**As per Deed**

MOUZA :
 J. L. NO :
 C.S.KHATIAN NO :
 R.S.KHATIAN NO :
 C.S DAG NO :
 R.S.DAG NO :
 C. S. PLOT :

As per Parcha

MOUZA :
 J. L. NO :
 KHATIAN NO :
 L.R.KHATIAN NO :
 DAG NO :
 L. R. DAG NO :

Character of the land as per Deed/Record/Parcha/ROR



Premises No. :

KOLKATA-700074

Vice Chairman
South Dum Dum Municipality

Signature of Dealing Clerk

9.1.12

Chairperson/Vice Chairman

S. Halder, W.B.E.S.
Executive Officer
South Dum Dum MunicipalityMember, Chairman in
Council/Executive Officer

Certificate No. : A-14883

Date : 09/01/20

SOUTH DUM DUM MUNICIPALITY

Nager Bazar, Kolkata - 700 074

MUTATION CERTIFICATETo Whom It may Concern

Circle No. 3

Ward No. 14

Certified the holding No. 35

Old holding No. 150

Street DUMDUM COSSIPORE ROAD

Stands in favour of :

- | | |
|------------------------------------|----------|
| (31) RASHIDHAN MARKETING PVT.LTD. | (LESSEE) |
| (32) POSITIVE DEALMARK PVT.LTD. | (DO) |
| (33) TOPWELL SALES PVT.LTD. | (DO) |
| (34) RIVERVIEW TIE-UP PVT.LTD. | (DO) |
| (35) REWARD DEAL TRALE PVT.LTD. | (DO) |
| (36) PRANTIK SALES PVT.LTD. | (DO) |
| (37) DHANKUBER VIN COM PVT.LTD. | (DO) |
| (38) SUPER DEAL TRADE PVT.LTD. | (DO) |
| (39) TRUTHFUL TRADE LINKS PVT.LTD. | (DO) |
| (40) IVORY TRADE COMM PVT.LTD. | (DO) |
| (41) VIEWPOINT COMMOTRADE PVT.LTD. | (DO) |
| (42) WINSHER TIE-UP PVT.LTD. | (DO) |
| (43) KEYSTAR DEALERS PVT.LTD. | (DO) |



Land area of the plot is 148BIGHAS.17-KATHAS.7-CHATAK.42-SFT.

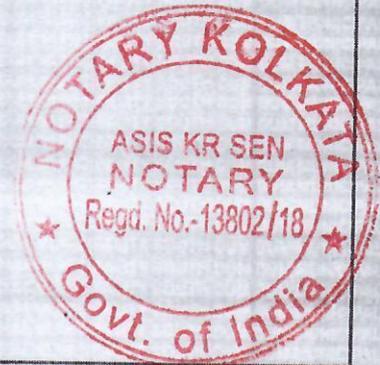
WITH
Vacant land/Building/Flat/atAs per Deed

MOUZA : PURBA SINTHEE
 J. L. NO : 22
 C.S.KHATIAN NO:
 R.S.KHATIAN NO: 1141,1038,432,1036
 C.S DAG NO :
 R.S.DAG NO : 652,650,655,731,732
 C. S. PLOT :

As per Parcha

MOUZA :
 J. L. NO :
 KHATIAN NO :
 L.R.KHATIAN NO:
 DAG NO :
 L. R. DAG NO :

Character of the land as per Deed/Record/Parcha/ROR

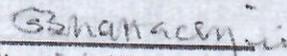


Premises No. :

KOLKATA-700074


 Vice Chairman
 South Dum Dum Municipality


 S. Halder, W.B.E.S.
 Executive Officer
 South Dum Dum Municipality


 Signature of Dealing Clerk

Chairperson/Vice Chairman

Member, Chairman in
Council/Executive Officer

//TRUE COPY//

125

Certificate No. : A-71548

Date 19/02/20

2



ANNEXURE A2

SOUTH DUM DUM MUNICIPALITY

Nager Bazar, Kolkata - 700 074

MUTATION CERTIFICATE

To Whom It May Concern

USER ID- 19359

Circle No. 3

Ward No. 14

Certified the holding No. 35 Street DUMDUM COSSIPORE ROAD Old holding No. 160

Stands in favour of :

- (1) ANNEX COMMOTRADE PVT.LTD. (OWNER)
- (2) SAVISCON VINTRADE PVT.LTD. (DO)
- (3) ELECT MERCHANTS PVT.LTD. (DO)
- (4) FASTER AGENCIES PVT.LTD. (DO)
- (5) OBTAIN COMMERCIAL PVT.LTD. (DO)
- (6) SKYLIGHT COMMDEAL PVT.LTD. (DO)
- (7) SUNVIEW COMMOALES PVT.LTD. (DO)
- (8) TANGIBLE MARKETING PVT.LTD. (DO)
- (9) ANANT DEALCOMM PVT.LTD. (DO)
- (10) JODA DISTRIBUTORS PVT.LTD. (DO)
- (11) JORDAN VANIJXA PVT.LTD. (DO)
- (12) OLIVIA VINTRADE PVT.LTD. (DO)
- (13) SANKALP COMMOALES PVT.LTD. (DO)
- (14) TASSEL COMMOTRADE PVT.LTD. (DO)
- (15) SALVO AGENCIES PVT.LTD. (DO)



Land area of the plot is 319-KATHA 04-CHATAK 16-SFT.

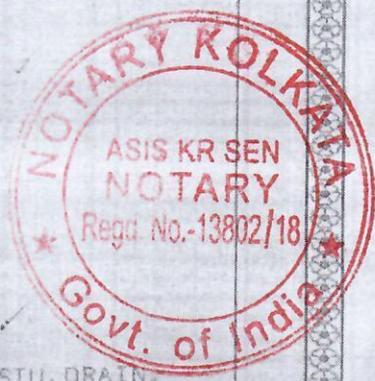
WITH Vacant land/Building/Flat/at

As per Deed

MOUZA : PURBA SINTHEE J.L.NO.-22
 C.S.KHATIAN NO: 921,922,923
 R.S.KHATIAN NO: 1141,1038,432,1036
 C.S DAG NO : 736,737,738,744,748
 R.S.DAG NO : 650,652,653,655,731,732 ✓
 C. S. PLOT :

As per Parcha

MOUZA :
 J. L. NO :
 KHATIAN NO :
 L.R.KHATIAN NO: 2186 TO 2193,2228
 DAG NO :
 L. R. DAG NO : 2709 TO 2712,3003,3004 ✓



Character of the land as per Deed/Record/Parcha/ROR DANGA, SHALI, BASTU, DRAIN.

Deed No.3231/11/ARA-II/KOL.1917/16 & 620/19/ARA-IV/KOL.

Premises No. : 160, DUMDUM ROAD KOLKATA-74

TO BE CONTINUE.

Bidyashan
 Circle in Charge 24/2/2020
 Assessment Department

P. 24/02/2020
 Secretary
 In-Charge
 Assessment Department

25-24/2/20
 Executive Officer
 South Dum Dum Municipality
 Executive Officer

Certificate No. : A-71548

Date 19/02/20

2



SOUTH DUM DUM MUNICIPALITY

Nager Bazar, Kolkata - 700 074

MUTATION CERTIFICATE

To Whom It May Concern

USER ID- 19554

(8)

Ward No. 14

Circle No. 3

Certified the holding No. 35 Old holding No. 160
Street DUMDUM COSSIPORE ROAD.

Stands in favour of :

- {16} REFINE TIEUP PVT.LTD. (OWNER)
- {17} FUNCTION VINTRADE PVT.LTD. (DO)
- {18} FOOTMARK VINIMAY PVT.LTD. (DO)
- {19} CHAMPAK SUPPLIERS PVT.LTD. (DO)
- {20} ASSEMBLE MERCHANTS PVT.LTD. (DO)
- {21} ADMIT DEALERS PVT.LTD. (DO)
- {22} ALTERNATIVE DEAL TRADE PVT.LTD. (DO)
- {23} IMAGINE VINTRADE PVT.LTD. (DO)
- {24} GOODLUCK MERCANTILES PVT.LTD. (DO)
- {25} UNNATI DEALMARK PVT.LTD. (DO)
- {26} FINLINK DEALERS PVT.LTD. (DO)
- {27} TOPSTAR AGENCIES PVT.LTD. (DO)
- {28} CIRCLE VANIJYA PVT.LTD. (DO)
- {29} AROHI TIE-UP PVT.LTD. (DO)
- {30} STARPOINT AGENCY PVT.LTD. (DO)



Land area of the plot is 319-KATHA 04-CHATAK 15-SFT.

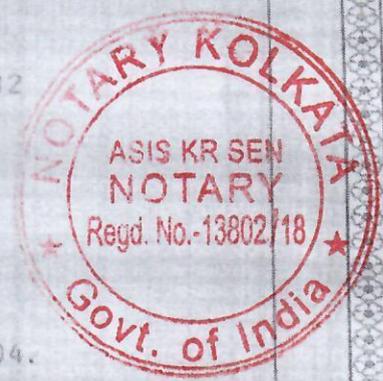
WITH
vacant land/Building/Flat/at

As per Deed

MOUZA : PURBA SINTHEE J.L.NO.-22
 C.S.KHATIAN NO: 921,922,923
 R.S.KHATIAN NO: 1141,1038,432,1036
 C.S DAG NO : 736,737,738,744,748
 R.S. DAG NO : 650,652,653,655,731,732
 C. S. PLOT :

As per Parcha

MOUZA :
 J. L. NO :
 KHATIAN NO :
 L. R. KHATIAN NO: 2186 TO 2193, 2228
 DAG NO :
 L. R. DAG NO : 2709 TO 2712, 3003, 3004.



Character of the land as per Deed/Record/Parcha/ROR DANGA, SHALI, BASTU, DRAIN.

Deed No.-3231/11/ARA-II/KOL.1917/16 & 620/19/ARA-IV/KOL.

Premises No. : 100, DUMDUM ROAD
KOLKATA-74

TO BE CONTINUE.

Paidyashan L

24/02/2020

25/2/20

Circle in Charge 24/2/2020
Assessment Department

In-Charge
Assessment Department

Executive Officer

Executive Officer
South Dum Dum Municipality

Certificate No. : A-71548

Date 19/02/20



SOUTH DUM DUM MUNICIPALITY

Nager Bazar, Kolkata - 700 074

MUTATION CERTIFICATE

To Whom It May Concern

(5)

USER ID- 19359

Ward No. 14

Circle No. 3

Certified the holding No. 35 Old holding No. 160
Street DUMDUM COSSIPORE ROAD

- Stands in favour of:
- (31) RASHIDHAN MARKETING PVT.LTD. (OWNER)
 - (32) POSITIVE DEALMARK PVT.LTD. (DO)
 - (33) TOPWELL SALES PVT.LTD. (DO)
 - (34) RIVERVIEW TIE-UP PVT.LTD. (DO)
 - (35) REWARD DEAL TRADE PVT.LTD. (DO)
 - (36) PRANTIK SALES PVT.LTD. (DO)
 - (37) DHANKUBER VINCOM PVT.LTD. (DO)
 - (38) SUPER DEAL TRADE PVT.LTD. (DO)
 - (39) TRUTHFUL TRADE LINKS PVT.LTD. (DO)
 - (40) IVORY TRADECOMM PVT.LTD. (DO)
 - (41) VIEWPOINT COMMOTRADE PVT.LTD. (DO)
 - (42) WINSHER TIE-UP PVT.LTD. (DO)
 - (43) KEYSTAR DEALERS PVT.LTD. (DO)



Land area of the plot is 319-KATHA 04-CHATAK 16-5FT.
WITH
Vacant land/Building/Flat/at

As per Deed

MOUZA : PURBA SINTHEE J.L.NO.-22
 C.S.KHATIAN NO: 921,922,923
 R.S.KHATIAN NO: 1141,1038,432,1036
 C.S DAG NO : 736,737,738,744,748
 R.S. DAG NO : 650,652,653,655,731,732
 C. S. PLOT :

As per Parcha

MOUZA :
 J. L. NO :
 KHATIAN NO :
 L. R. KHATIAN NO: 2186 TO 2193,2228
 DAG NO :
 L. R. DAG NO : 2709 TO 2712,3003,3004.



Character of the land as per Deed/Record/Parcha/ROR DANGA, SHALI, BASTU, DRAIN.

Deed No. -3231/11/ARA-II/KOL.1917/16 & 620/19/ARA-IV/KOL.

Premises No. : 100, DUMDUM ROAD
KOLKATA-74

P. Bandyopadhyay
Circle in Charge 24/2/2020
Assessment Department

P. 24/02/2020
In-Charge
Assessment Department

25/2/20
Executive Officer
Executive Officer

//TRUE COPY//

ANNEXURE A3

29

BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH, AT
KOLKATA

MEMORANDUM OF ORIGINAL APPLICATION
(APPLICATION UNDER SECTION 14, 15 AND 18 OF THE NATIONAL
GREEN TRIBUNAL ACT, 2010)

O. A. No. 47 of 2022 / EZ

In the matter of :

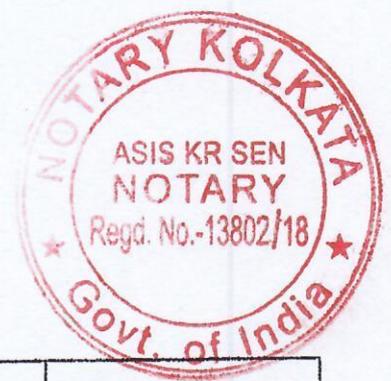
Shri. Nabendu Kumar Bandyopadhyay

... Petitioner

- VERSUS -

The State of West Bengal & Others

... Respondents





Dipankar Saha

Advocate,

'DIPANKAR Saha & Associates',

10, Old Post Office Street, 4th Floor, Room No.105, Kolkata 700001.

Mob: +91-9831050830

dipankarsaha.advocate@gmail.com

30

SYNOPSIS

The reason for filling the present application before this Hon'ble Tribunal is that the private respondent is filling up a Water Body / Ponds with the objective of erecting building structures and complexes, in violation of existing law of the land.

The property is total of 21 acres out of which 10 acres consists of such water body/pond, situated at premises no. 100 Dum Dum Cossipore Road, under Police Station- DumDum, Kolkata 700074.

This is a big concern on the environment.

It is with a view to protect and preserve the environment and save it for the future generations and to ensure good quality of life that the Parliament enacted the Anti-Pollution Laws, namely, the Water Act, Air Act and the Environment (Protection) Act, 1986. These Acts and Rules framed and Notification issued thereunder contain provisions which prohibit and/or regulate certain activities with a view to protect and preserve the environment. When a law is enacted containing some provisions which prohibits certain types of activities, then, it is of utmost importance that such legal provisions are effectively enforced. If a law is enacted but is not being voluntarily obeyed, then, it has to be enforced."

Hence, the present application is before this Hon'ble Tribunal.

Otherwise, infringement of law, which is actively or passively condoned for personal gain, will be encouraged which will in turn lead to a lawless society. Violation of anti-pollution laws not only adversely affects the existing quality of life but the non-enforcement of the legal provisions often results in ecological imbalance and degradation of environment, the adverse affect of which will have to be borne by the future generations.



31

List of Dates

<u>Dates</u>	<u>Particulars.</u>
14/03/2022-	Demand Notice was sent to the all concern.
23/03/2022	Reply to the Demand Notice sent to the petitioner.



32

Thank.
Dipankar Saha
Attorney

NATIONAL GREEN TRIBUNAL EASTERN REGION BENCH AT KOLKATA
ORIGINAL APPLICATION NO. ⁴⁷ OF 2022/EZ
MEMORANDUM OF ORIGINAL APPLICATION

In the matter of:

Application under Sections 14, 15 and
18 of the National Green Tribunal Act
2010;

And

In the matter of:

Shri. Nabendu Kumar Bandyopadhyay,
son of Late Nikhil Chandra Banerjee,
residing of 3rd Floor, B-35/8, Kalindi
Housing Estate, Lake Town, PIN
700089;

email:nabendubanerjee@yahoo.com

...Petitioner/Applicant

-Versus-

1. The Additional Chief Secretary, The
Department of Environment,
Government of West Bengal; At -
Pranisampad Bhaban, Block-LB-II,
Salt Lake City, sector-III, Kolkata
700106;

email: acsenwb@gmail.com

2. The West Bengal Pollution
Control Board, Service through the
Member Secretary, having its office At -
Paribesh Bhawan, 10 A, Block LA,
Sector III, Salt Lake City, Kolkata
700098;

email:ms.wbpcb-wb@bangla.gov.in;

3. State Environment impact
Assessment Authority (SEIAA) West
Bengal through its Member secretary
having office at PRANISAMPAD



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BHAWAN, Block (5th Floor), LB-II, Salt Lake, Sector-III, Bidhannagar, Kolkata-700106.

E-mail: environmentwb@gmail.com

4. The Executive Officer, South DumDum Municipality, DumDum Road, Nager Bazar, Kolkata 700074;

Email:southdumdum74@gmail.com

5. The Commissioner of Police, Barrackpore Commissionerate, B.T. Road, near Latbagan Main Gate, Barrackpore, Kolkata 700120;

Email: cpbarrackpore@gmail.com

6. Merlin Group, service through its Managing Director, having its Corporate Office at 2nd Floor, Merlin Oxford, 22, Prince Anwar Shah Rd, Rajendra Prasad Colony, Tollygunge, Kolkata, West Bengal 700033;

Email: info@merlinprojects.com



.... Respondents

The humble petitioner of the petitioner above named.

Most Respectfully Sheweth:

1. The petitioner is a public spirited, peace loving and law abiding citizens of India, having his permanent address as mentioned in the cause title herein above.

2. The applicant is cautious and serious about protecting the environment and water bodies and protection of the right to clean Environment as guaranteed under Article 21 and in discharge of his fundamental duty under Article 51A of the Constitution of India. The applicant is filling this instant Application under section 14, 15, read with section 18 of the National Green Tribunals Act, 2010.

Nabendu Kumar...

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3. The Petitioner humbly submits at the outset that the private respondent is filling up a pond/ water reservoirs, admeasuring about 10 acres, with the objective of erecting building structures and complexes, situated at 100 Dum Dum Cossipore Road, under Police Station- DumDum, Kolkata 700074.

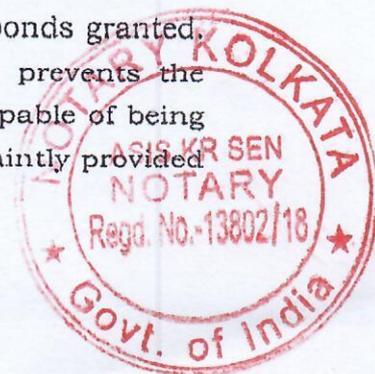
4. Your petitioner states that a country's development is often indicated by the conservation of natural resources. The Indian government has taken initiatives for conservation of both forest and water resources. However, the area of wetlands has remained unclearly legislated upon. Wetlands have been well defined by the Ramsar Convention, Article 1.1 as the " natural or artificial, permanent or temporary, with static or flowing water". Wetlands are supporters of life on this planet and hence form an essential element of ecosystems. They help in maintaining ecological integrity and are essential for the public because they support different economic activities like agriculture, tourism.

5. Your petitioner further states that ponds happen to form a significant part of wetlands and are crucial for the generation of income, livelihood and general wellbeing of communities. Proper pond management is necessary to mitigate climate change; provide recreation, irrigation; mitigate flooding and recharge aquifers. When Ponds are illegally filled, it adversely affects the ecosystem. Hence, most states have drafted laws which require the seeking of special permission for filling up these water bodies. However, many constructions still involve illegal and unauthorised filling up ponds.

6. It would be pertinent to mention that realty boom is majorly responsible for encroachment of ponds, especially in urban areas. In cities like Kolkata, accelerated real estate prices has led to the indiscriminate filling up of ponds.

7. Your petitioner further humbly submits that there are several acts and orders which govern the illegal filling of such ponds and unauthorised constructions. Section 17A(1) of the West Bengal Inland Fisheries Act, 1984 limits the area of water sought to be filled up. It also considers whether the said water body is capable of being used as a fishery. Only after considering such possibilities, is clearance for filling up of ponds granted.

Further, Section clause (a) and (b) of the same provision prevents the conversion of a water body greater than five cottahs and capable of being used as a fishery. The National Water Policy (NWP) of 2002 faintly provided



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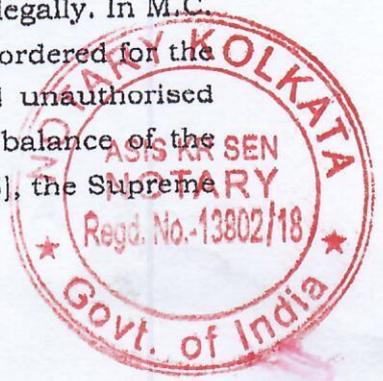
for prevention of encroachment of the small water bodies in India. The 2012 version if the policy is slightly better in terms of vocalising the need for conservation, development and management of ponds.

8. In regard to the environmental degradation, principle of law laid down by the Hon'ble Supreme Court of India in the judgment reported as Environmental Action Vs. Union of India (Uoi) and ors. MANU/SC/1189/1996 : (1996)5 SCC 281 is relevant. The relevant paragraph where the importance of enforcement of environment regulations and the law laid down in relation thereto is as follows:

"26. Enactment of a law, but tolerating its infringement, is worse than not enacting law at all. The continued infringement of law, over a period of time, is made possible by adoption of such means which are best known to the violators of law. Continued tolerance of such violations of law not only renders legal provisions nugatory but such tolerance by the Enforcement Authorities encourages lawlessness and adoption of means which cannot, or ought not to, be tolerated in any civilized society. Law should not only be meant for law abiding but is meant to be obeyed by all for whom it has been enacted. A law is usually enacted because the Legislature feels that it is necessary. It is with a view to protect and preserve the environment and save it for the future generations and to ensure good quality of life that the Parliament enacted the Anti-Pollution Laws, namely, the Water Act, Air Act and the Environment (Protection) Act, 1986. These Acts and Rules framed and Notification issued thereunder contain provisions which prohibit and/or regulate certain activities with a view to protect and preserve the environment. When a law is enacted containing some provisions which prohibits certain types of activities, then, it is of utmost importance that such legal provisions are effectively enforced. If a law is enacted but is not being voluntarily obeyed, then, it has to be enforced."

9. Further, there are a few judgements which have ruled upon the illegal filling of ponds and subsequent unauthorised construction. In Biman Krishna Bose vs the State Of W.B. [W. P. NO. 23388 of 2010], the court ordered the removal of earth used to fill up a private pond illegally. In M.C.

vs Union Of India [AIR 2002 SC 3696], the Supreme ordered for the compensation to be paid for illegal filling of the pond and unauthorised construction which hampered the cultural and ecological balance of the area. In Hinch Lal Tiwari Vs Kamla Devi [AIR 2001 SC 3215], the Supreme



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Court held that the material resources of the nature like tanks, ponds etc. are nature's gift to humankind and they maintain an ecological balance. Hence, they need to be protected for a healthy environment which will enable people to lead a quality life ensured under Article 21 of the Constitution of India. It further ordered the demolition of an illegal construction to restore the pond and maintain a healthy ecological balance.

10. That The National Green Tribunal in a recent case further stated that at the time of the crisis of Covid Pandemic, it is very important to restore and create more such water bodies for water security. The recent National Green Tribunal (NGT) order showed that the green court has identified that this was the need of the hour and that ponds and water bodies needed to be saved on a war footing. Following a plea filed in 2015 to save water bodies in Haryana's Gurugram district, the green tribunal in 2019 passed an order asking states to identify, protect and restore the water bodies.

11. In the present case, the private respondent is filling up the water body admeasuring about 10 ~~acres~~ or more, with help and active support of the state respondents.

Photographs as taken are annexed herewith and marked with the Letter "A".

12. That the petitioner humbly states that through his Ld. Advocate, he had sent a Legal Notice to all concerned stating all the facts enter alia on 14/03/2022 but till date nothing has been done except a forwarding letter dated 23/03/2022 sent by the Public Grievance Cell to the Executive Officer, South DumDum Municipality, respondent no. 4 herein.

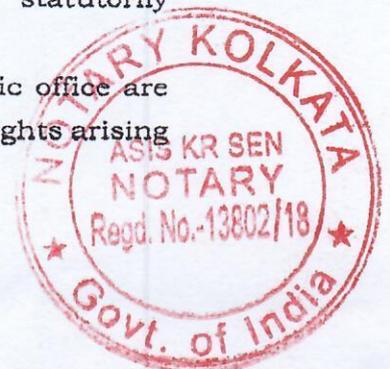
Copies of such letter dated 14/03/2022 and Reply dated 23/03/2022 are annexed herewith and marked with the letter "B".

14. That being aggrieved thereby and dissatisfied therewith the Petitioner moves this Application on the following grounds amongst others:-

GROUNDS

I. FOR THAT, the State Respondents with utmost disregard to Constitutional mandate of Parens Partiae and bounden role of fraternity, as a state instrumentality created by the act of statue, cannot be ignorant or negligent or callous or act in disobedience and breach regarding their statutorily mandated public duty.

FOR THAT the State Respondents holding public office are bound to comply with and act as well as protect rights arising



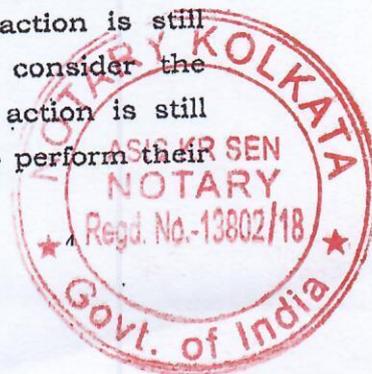
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- from Article 21 of the Constitution besides other statutory provisions about which indeed they are well aware.
- III. FOR THAT the State authorities cannot sit as a silent spectator while right to dignified life and living is under illegal obstruction.
- IV. FOR THAT, the acts of the respondents are violative of rights guaranteed to the Petitioner under the Constitution of India besides applicable statutory framework and such act of injustice can soundly be taken as threat to justice and rule of law everywhere.
- V. For that the respondent authority cannot sit as a silent spectator while the private respondent is filling up a Water Body / Ponds with the objective of erecting building structures and complexes, in violation of existing law of the land.
- VI. For that the non-action on the part of the state respondents is also hit by the The Water (Prevention and Control of Pollution) Act 1974.
- VII. For that the infringement of law, which is actively or passively condoned for personal gain, will be encouraged which will in turn lead to a lawless society.
- VIII. For that the violation of anti-pollution laws not only adversely affects the existing quality of life but the non-enforcement of the legal provisions often results in ecological imbalance and degradation of environment, the adverse effect of which will have to be borne by the future generations.



LIMITATION

15. This Petition is well within the period of limitation. The cause of action arose on 14th of March, 2022, when your petitioner sent Demand Notice / representations to respondent authorities. The cause of action is still continuing as the respondent authority have failed to consider the representation as made by your petitioner. The cause of action is still continuing one as the respondent authorities have failed to perform their



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statutory duty and obligation and neglected to consider the Representation of your petitioner.

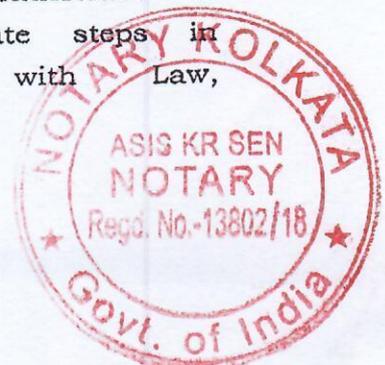
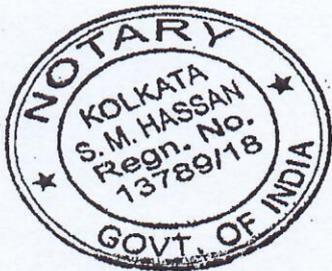
16. The balance of convenience is in favour of orders as prayed for being passed and this Petition is made with bonafide intention.

PRAYERS

17. Unless orders as prayed for herein are passed the petitioners shall suffer irreparable loss and prejudice.

In the aforesaid circumstances the petitioners seek for the following orders

- a) An Order directing the Respondent Authorities to take immediate steps to stop such illegal filling up of pond, Waterbody in order to stop further pollution/violation of environmental law;
- b) An Order directing the Respondent Authorities to take immediate steps to stop such illegal construction by filling up the water body on the said land without any further delay;
- c) An order directing the Respondent Authorities to file status report in respect of said locality;
- d) A Order directing the Respondent Authorities to act strictly in accordance with the Environmental Law;
- e) A Order directing the Respondent Authorities to take immediate steps in accordance with Law,



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- including prosecution by competent authority in case of non-compliance;
- f) Ad-interim orders in terms of prayers made herein above till the final disposal of this matter;
- g) Such other order and/or orders or direction and/or directions and such further orders or directions as Your Lordships may deem fit and proper on facts and circumstances;

And your petitioners, as in duty bound, shall ever pray.

Nabendu Kumar Bandyopadhyay

filed by

Dipankar Saha
Advocate

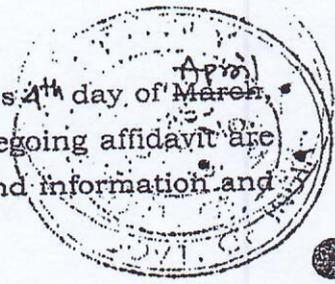
04/04/2022



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VERIFICATION

Verified at Kolkata by the deponent above named on this 4th day of ^{April} March, 2022 and say that the statements contained in the foregoing affidavit are true and correct to the best of my knowledge, believe and information and nothing material have been suppressed therein.



Nabendu Kumar Bandyopadhyay

DEPONENT

Dipankar Saha
Identified by me

Advocate

Prepared in my Chamber
Advocate *Dipankar Saha*

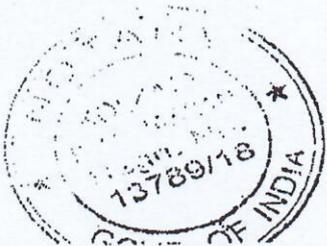
Date: 04/04/2022



SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME ON IDENTIFICATION

S. M. HASSAN
NOTARY

04 APR 2022



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AFFIDAVIT

I, Nabendu Kumar Bandyopadhyay, son of Late Nikhil Chandra Banerjee, residing of 3rd Floor, B-35/8, Kalindi Housing Estate, Lake Town, PIN 700089, aged about 52 years, by religion- Hindu, by occupation - Business, do hereby solemnly affirm and say as follows:

- 1. That I am the petitioner herein and as such I am well acquainted with the facts and circumstances of the case.
- 2. That the statements contained in the paragraphs Nos. 1 to hereinabove are true to the best of my knowledge and are within my information derived from records which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal.

Nabendu Kumar Bandyopadhyay
DEPONENT

Identified by me

Dipankar Saha
Advocate

Prepared in my Office:

Dipankar Saha
Advocate



SOLEMNLY AFFIRMED AND DECLARED BEFORE ME ON IDENTIFICATION

S.M. Hassan
S. M. HASSAN
NOTARY

04 APR 2022

//TRUE COPY//



ANNEXURE A4

West Bengal Form No. 270

ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1917)

Order Sheet, dated from _____ to _____ of 2022
District:- North 24parganas No. 1/43

Nature of the case:- Proceeding u/s 51A(4) of WBLR Act, 1955 read with rule 166 of WBLR Manual

Sl. No. and Date of Order	Order and Signature of Officer	Note of action taken on order
05/12/2022	<p>Whereas it appears one Shri Vimal Agarwal, the authorized signatory of forty three companies namely (1) Sunview Commosales Pvt Ltd (2) Alternative Deal Trade pvt Ltd (3) Champak Supplies Pvt Ltd (4) Circle Vanijya Pvt Ltd (5) Function Vintrade Pvt Ltd (6) Joda Distributors Pvt Ltd (7) Unnati Dealmark Pvt Ltd (8) Winsher Tie-Up Pvt Ltd (9) Admit Dealers Pvt Ltd (10) Anant Dealcomm Pvt Ltd (11) Annex Commotrade Pvt Ltd (12) Arohi Tieup Pvt Ltd (13) Assemble Merchantes Pvt Ltd (14) Baviscon Vintrade Pvt ltd (15) Dhankuber Vincom Pvt Ltd (16) Elect Merchants Pvt Ltd (17) Faster Agencies Pvt Ltd (18) Finlink Dealers Pvt Ltd (19) Footmark Vinimay Pvt Ltd (20) Goodluck Mercantils Pvt Ltd (21) Imagine Vintrade Pvt Ltd (22) Ivory Tradecomm Pvt Ltd (23) Jordan Vanijya Pvt Ltd (24) Keyster Dealers Pvt Ltd (25) Obtain Commercial Pvt Ltd (26) Olivia Vintrade Pvt Ltd (27) Positive Dealmark Pvt Ltd (28) Prantik Sales Pvt Ltd (29) Rashidhan Marketing Pvt ltd (30) Refines Tieup Pvt ltd (31) Reward Deal Trade Pvt Ltd (32) Riverview Tie Up Pvt ltd (33) Salvo Agencies Pvt Ltd (34) Sankalp Commosales Pvt Ltd (35) Skylight Commodeal Pvt Ltd (36) Starpoint Agencies Pvt Ltd (37) Super Deal Trade Pvt Ltd (38) Tangible Marketing Pvt Ltd (39) Tassel Commotrade Pvt Ltd (40) Topstar Agencies Pvt Ltd (41) Topwell Sales Pvt Ltd (42) Truthful Tradeliks Pvt Ltd (43) Viewpoint Commotrade Pvt Ltd filed a case u/s rule 166 of WBLR Manual read with 51A(4) of WBLR Act, 1955 over the suit plot to change the classification from pukur to bastu.</p> <p style="text-align: center;">&</p> <p>Whereas an appeal case number 1230 of 2022 u/s 54 of WBLR Act, 1955 was filed before the Ld Appellate Authority by the same companies. against</p>	<p>Suit Plot : 732(LR/RS) Mouza: Furva Sithi JL No: 22</p>



Certified to be a true copy

[Handwritten signature]

Misc case 1/1FW of 2022 initiated by BLLRO-BKPFZ and at the time of hearing , it was mentioned before

the Ld Appellate Authority, that all the companies already filed application under rule 166 of WBLR Manual before the collector over the same suit plot. They prayed for early disposal of the said case before disposing the appeal. Ld Appellate Authority granted the prayer .

&

Whereas vide memo no 4696-15/223/22 dated 10/11/22 Asst Secretary of L& LR&RR&R department also asked to District Land & Land Reforms Officer to invoke rule 166 of WBLR Manual in the capacity of Collector of the district as per WBLR Act, 1955 if found fit for the same.

&

Whereas the DLLRO directed the undersigned to initiate a proceeding u/s 51A(4) of WBLR Act, 1955 , I the under signed Officer initiate this proceeding u/s 51A(4) of WBLR Act, 1955 and issue notice fixing the date 09.12.2022.

09.12.2022

Case is put up for hearing today. The authorized person from the end of forty three companies also present. Verify the entire documents. It appears that at the time of appeal hearing on 17/11/2022, the Executive Officer of South Dumdum Municipality personally filed his attendance before the Ld. Appellate Authority and submitted a certified copy of the assessment register in the year of 1970-71. It appears from the register that the then holding number 112 consists of different plots along with the suit plot i.e. plot number 732. It also appears that there were several buildings structure like 1. one dochala on 12 shal post and wooden frame of one building shed 40inch by 20 inch i.e 800 sq ft. 2. Another dochala on shal post of one building shed of 600 sq ft. 3. One standard building of 7700 sq ft divided into one hall room 2 compartments attached on akchala over shal post 4. one parking room of 330 Sq ft. 5. Another dochala over iron frame of one hall room used as packing pump. 6. Another one standard building of 1750 Sq ft. 7. One godown , two



Certified true copy
[Signature]
Officer in Charge

standard building of 1750 Sq ft. 7. One godown , two sanitary premises with attached bath room. 8. One dochala with two iron pillers, one long term used as bed room. 9. Two standard buildings with one bed room and other room and two darwan quarters (This copy is made a part of this proceeding).

The Execute Officer in a separate memo vide no SDM/1026/XXIV dated 16/11/2022 also mentioned that present holding number 35(new) DDC Road and 112 (old) DDC Road(since 1970-71) is one and same holding (This copy is made a part of this proceeding).

The authorized person o/b of the forty three companies submits a affidavit with a declaration that if in future it is come to knowledge of the authority that any LA Case is pending over the subject plot and/or the subject plot is involved in any vesting case, the companies would have no objection against appropriate action taken by the authority.

Hence on the basis of the above mentioned documents/evidences it is clear that the change of the classification of the suit plot was occurred long before 24.03.1986. Accordingly the Revenue officer attached to BLLRO, BKP-2 is directed to correct the classification of the suit plot in the LR ROR from pukur to bastu.

This is further mentioned that, as all the forty three applications of separate companies are same in merit, hence all the applications are disposed herewith analogously.

The applicants are directed to submit the certified copy of this order sheet before the Ld. Appellate Authority within a fort night.



[Handwritten signature] 09/12/22

Special Revenue Officer, Gr II
Office of the District Land & Land Reforms Officer
North 24 Parganas.



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ANNEXURE A5



Government of West Bengal
OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE &
DISTRICT LAND & LAND REFORMS OFFICER, NORTH 24-PARGANAS
Administrative Building, 5th Floor, P.O. Barasat, Dist. North 24-Parganas, Pin. 700124, West Bengal
Phone No.-033-26646301, Fax No.-033-26629667, e-mail- dlro.n24pgs@gmail.com

Memo No. L-13011(11)/117/2020-DL&LRO / 3731

Date:- 23/12/2022

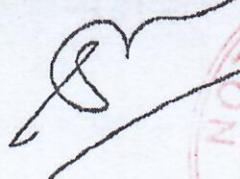
To
The Block Land & land Reforms Officer
Barrackpore-II, North 24 Parganas.

Sub:- Correction of Records - Of - Rights of 43 companies
in mouja- Purva Sinthi J.L. no. 22, Plot no. L.R/R.S.732

The 43 companies application noted below prayed for correction of classification of
R.O.R from PUKUR to BASTU in mouja- Purva Sinthi J.L. no. 22 R.S/L.R, Plot no. 732.

So you are requested to correct the ROR as per annexed order sheet.

Sl No.	Name of the Companies	Mouja	J.L. no.	Plot no. RS/LR	Remarks
01	Sunview Commonsales Pvt. Ltd	Purva Sinthi	22	732	
02	Alternative Deal Trade Pvt. Ltd	Purva Sinthi	22	732	
03	Champak Supplies Pvt. Ltd	Purva Sinthi	22	732	
04	Circle Vanijya Pvt. Ltd	Purva Sinthi	22	732	
05	Function Vintrade Pvt. Ltd	Purva Sinthi	22	732	
06	Joda Distributors Pvt. Ltd	Purva Sinthi	22	732	
07	Unnati Dealmark Pvt Ltd	Purva Sinthi	22	732	
08	Winsher Tie Up Pvt. Ltd	Purva Sinthi	22	732	
09	Admit Dealers Pvt. Ltd	Purva Sinthi	22	732	
10	Anant Dealcomm Pvt Ltd	Purva Sinthi	22	732	
11	Annex Commotrade Pvt. Ltd	Purva Sinthi	22	732	
12	Arohi Tieup Pvt. Ltd	Purva Sinthi	22	732	
13	Assemble Merchantes Pvt. Ltd	Purva Sinthi	22	732	
14	Baviscon Vintrade Pvt. Ltd	Purva Sinthi	22	732	
15	Dhankuber Vincom Pvt. Ltd	Purva Sinthi	22	732	
16	Elect Merchants Pvt. Ltd	Purva Sinthi	22	732	
17	Faster Agencies Pvt. Ltd	Purva Sinthi	22	732	
18	Finlink Dealers Pvt. Ltd	Purva Sinthi	22	732	


NOTARY KOLKATA
ASIS KR SEN
NOTARY
Regd. No.-13802/18
Govt. of India

Sl No.	Name of the Companies	Mouja	J.L. no.	Plot no. RS/LR	Remarks
19	Footmark Vinimay Pvt. Ltd	Purva Sinthi	22	732	
20	Goodluck Mercantiles Pvt. Ltd	Purva Sinthi	22	732	
21	Imagine Vintrade Pvt & Ltd	Purva Sinthi	22	732	
22	Ivory Tradecomn Pvt. Ltd	Purva Sinthi	22	732	
23	Jordan Vanijya Pvt. Ltd	Purva Sinthi	22	732	
24	Keyster Dealers Pvt. Ltd	Purva Sinthi	22	732	
25	Obtain Commercial Pvt. Ltd	Purva Sinthi	22	732	
26	Olivia Vintrade Pvt. Ltd	Purva Sinthi	22	732	
27	Positive Dealmark Pvt. Ltd	Purva Sinthi	22	732	
28	Prantik Sales Pvt. Ltd	Purva Sinthi	22	732	
29	Rashidhan Marketing Pvt. Ltd	Purva Sinthi	22	732	
30	Refines Tieup Pvt. Ltd	Purva Sinthi	22	732	
31	Reward Deal Trade Pvt. Ltd	Purva Sinthi	22	732	
32	Riverview Tie up Pvt. Ltd	Purva Sinthi	22	732	
33	Salvo Agencies Pvt. Ltd	Purva Sinthi	22	732	
34	Sankalp Commosales Pvt. Ltd	Purva Sinthi	22	732	
35	Skylight Commodeal Pvt. Ltd	Purva Sinthi	22	732	
36	Starpoint Agencies Pvt. Ltd	Purva Sinthi	22	732	
37	Super Deal Trade Pvt. Ltd	Purva Sinthi	22	732	
38	Tangible Marketing Pvt. Ltd	Purva Sinthi	22	732	
39	Tassel Commotrade Pvt. Ltd	Purva Sinthi	22	732	
40	Topstar Agencies Pvt. Ltd	Purva Sinthi	22	732	
41	Topwell Sales Pvt. Ltd	Purva Sinthi	22	732	
42	Truthful Tradelikes Pvt. Ltd	Purva Sinthi	22	732	
43	Viewpoint Commotrade Pvt. Ltd	Purva Sinthi	22	732	

Encl:- As stated.


Additional District Magistrate
&
District Land & Land Reforms Officer
North 24 Parganas, Barasat

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146
BLRO order
15



ANNEXURE A6

West Bengal Form No. 270

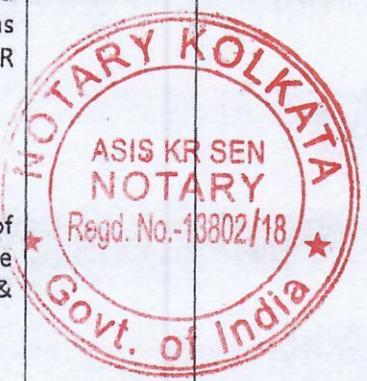
ORDER SHEET

(Rule 129 of the Records Manual, 1971)

Order sheet, dated from 28.12.2022 to 11.01.2023
Dist- North 24-Parganas, Misc case no. 1601 of 2022
Nature of the case – Proceeding u/s. 50(1)(F) of the WBLR Act '1955 1955 read with manual;



Serial Number and date of Orer	Order and signature of Office	Note and action taken on Order
<p>1 28.12.2022</p>	<p>Whereas it appears that Sri Vimal Agarwal, the Authorized Signatory of Sunview Commosale Pvt. Ltd & 42 Other companies filed a joint petition on 13.12.2022 requesting to correct the recorded classification from Pukur to Bastu of RS / LR plot no. 732 of mouza Purba Sinthi, JL No. 22 so recorded in their names in separate 43 khatians i.e. 2186 to 2228 admeasuring total area 1.5562 acres of land enclosing an order sheet issued by the office of the ADM & DL & LRO, North 24-Parganas, Barasat vide case no. 1/43 of 2022 regarding proceedings u/s- 51A(4) of WBLR Act, 1955 read with rule 166 of WBLR Manual;</p> <p style="text-align: center;">And</p> <p>Whereas is appears that an appeal case no. 1230of 2022 u/s 54 of WBLR Act, 1955 was filed before the Ld Appellate Authority by the same companies against Misc case no. 1/IFW of 2022 initiated by BL&LRO, Whereas it appears that the ADM & DL & LRO, North 24-Parganas directed to the undersigned vide his office memo no. L-13011(11)/117/2022-DL&LRO/3731; dt. 27.12.2022 to correct the classification of R-O-R of the subject PS/LR plot no. 732 of Mouza-Purba Sinth, JL No. 22 from Pukur to Bastu annexing the order passed on 09.12.2022 by the SRO-II, office of the DL & LRO, North 24-Parganas vide case no. 1/43 of 2022 against a proceeding u/s 51A(4) of WBLR Act, 1955 read with rule 166 of WBLR Manual Barrackpore -II;</p> <p style="text-align: center;">And</p> <p>Whereas it appears that an appeal case no. 1230 of 2022 u/s. 54 of WBLR Act' 1955 was filed before the Ld. Appellate Authority by the same companless agaist Misc case no. 1/IFW of 2022 initiated by BL & LRO, BKP-II;</p> <p style="text-align: center;">And</p> <p>Whereas it appears that after careful consideration of the order passed by the appropriate authority vide case no. 1/43 of 2022 u/s 51A(4) of the WBLR Act, 1955 read with rule 166 of WBLR Act,1955 read with rule 166 of WBLR Manual, the Appellate Authority dropped and disposed of the said appeal case;</p>	



Certified to be a true copy

[Signature]
Officer authorised U/s - 78
of the India Evidence Act' 1872

Now, considering above as per direction of the ADM & DL & LRO, North 24-Parganas, the undersigned initiated this proceedings to correct the classification of the suit plot from "Pukur" to "Bastu" in CLR R-O-R.

Now, considering above as per direction of the ADM & DL & LRO, North 24-Parganas, the undersigned initiated this proceedings to correct the classification of the suit plot from "Pukur" to "Bastu" in CLR R-O-R.

[Signature]
Revenue Officer
u/s 50 of WBLR Act
&
BL & LRO, BKP-II

The case is put up for hearing One Authorized person present on behalf of the 43 Companies fling hazira. Heard him. Verified all documents.

2
11.01.2023

It appears that-

1. The suit plot of land admeasuring total arrear 1.5562 acres is recorded in favour of the 43 applicant companies vide 43 separate haring being nos. 2186 to 2228.
2. The SRO-II, of the office of the DL & LRO, North 24-Parganas observed in his order dt. 09.02.2022 vide case no. 1/43 of 2022 u/s. 51A(4) of the WBLR Act, 1955 read with rule 166 of the WBLR Manual that the change of classification of the suit plot form Pukur to Bastu was occurred long before 24.03.1986 and ordered to correct the classification fo the suit plot in the LR, R-O-R from Pukur to Bastu.
3. The ADM & DL & LRO, North 24-Parganas vide his memo no. L-13011(11)/117/2020-DLRO/3731, dt. 27.12.2022 directed the undersigned to correct the classification of the suit land form Pukur to Bastu as per above said order passed vide case no. 1/43 of 2022 u/s.51A(4) of WBLR Act.

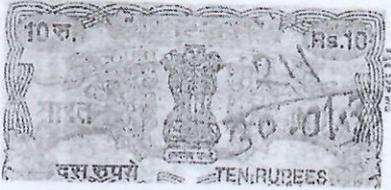
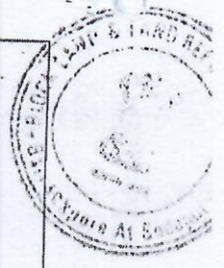
Considering the above facts and findings the undersigned being satisfied allowed the prayer of the petitioner and order that the classification of RS/LR plot no. 732 of mouza - Purba Sinthi, J.L. No. 22 should be corrected from Pukur to Bastu through-Bhuchitra.

Thus the case is disposed of.

[Signature]
Revenue Officer
u/s 50 of WBLR Act
&
BL & LRO, BKP-II

Mc/2023/1509/46 to Mc/2023/1509/56, Mc/2023/1509/58 to Mc/2023/1509/59, Mc/2023/1509/62 to Mc/2023/1509/91 are generated through e-Bhuchitra and lying pending for DLE URO's approval.

16/01/23



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Official authorized U/S - 78 of the main Evidence Act 1977



জেলা- উত্তর ২৪ পরগণা	ব্লক- ব্যারাকপুর-২	[১৫০৯২২২]
মৌজা- পূর্ব সিঁথি	জে.এল.নং- ২২২	থানা- বরানগর
দাগ নং- ৭৩২	শ্রেণী- বাস্তু	জমির পরিমাণ(এ)- ১.৫৫৬২
সাবেক দাগ নং- ৭৩২		

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	রায়তের/লেসীর বিবরণ	মন্তব্য
২১৮৬	বাস্তু	০.০২৩২	০.০৩৬২	এডমিট ডিলাস প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২১৮৭	বাস্তু	০.০২৩২	০.০৩৬২	অন্টারনেটিভ ডিলড্রেড প্রাঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২১৮৮	বাস্তু	০.০২৩২	০.০৩৬১	অনন্ত ডিলকম প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-৩এ অকল্যান্ড প্লেস	
২১৮৯	বাস্তু	০.০২৩২	০.০৩৬১	এনেক্স কমোড্রেড প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২১৯০	বাস্তু	০.০২৩২	০.০৩৬২	আরোহী ট্রাইআপ প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২১৯১	বাস্তু	০.০২৩২	০.০৩৬২	সেম্বল মার্চেন্টস প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২১৯২	বাস্তু	০.০২৩২	০.০৩৬২	বাভিস্কোন ভিনড্রেড প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২১৯৩	বাস্তু	০.০২৩২	০.০৩৬২	চম্পক সাল্লায়ার্স প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	



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-দাগের তথ্য-



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জেলা- উত্তর ২৪ পরগণা
মৌজা- পূর্ব সিঁথি
দাগ নং- ৭৩২
সাবেক দাগ নং- ৭৩২

ব্লক- ব্যারাকপুর-২
জে.এল.নং- ২২২
শ্রেণী- বাস্তু

থানা- বরানগর
জমির পরিমাণ(এ)- ১.৫৫৬২

[১৫০৯২২২]

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	রায়তের/লেসীর বিবরণ	মন্তব্য
২১৯৪	বাস্তু	০.০২৩২	০.০৩৬২	সার্কেল বানিজ্য প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২১৯৫	বাস্তু	০.০২৩২	০.০৩৬২	ধনকুবের ভিনকম প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২১৯৬	বাস্তু	০.০২৩২	০.০৩৬২	ইলেক্ট্র মার্চেন্টস প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২১৯৭	বাস্তু	০.০২৩২	০.০৩৬২	ফাস্টার এজেন্সিস প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২১৯৮	বাস্তু	০.০২৩২	০.০৩৬২	ফিনলিঙ্ক ডিলাস প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২১৯৯	বাস্তু	০.০২৩২	০.০৩৬২	ফুটমার্ক বিনিময় প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২২০০	বাস্তু	০.০২৩২	০.০৩৬২	ফাঙ্কশন ভিনটেড প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২২০১	বাস্তু	০.০২৩৩	০.০৩৬২	গুডলাক মার্কেটাইলস প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	



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-দাগের তথ্য-



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জেলা- উত্তর ২৪ পরগণা ব্লক- ব্যারাকপুর-২ [১৫০৯২২২২]
মৌজা- পূর্ব সিঁথি জে.এল.নং- ২২২ থানা- বরানগর
দাগ নং- ৭৩২ শ্রেণী- বাস্তু জমির পরিমাণ(এ)- ১.৫৫৬২
সাবেক দাগ নং- ৭৩২

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	রায়তের/লেসীর বিবরণ	মন্তব্য
২২১০	বাস্তু	০.০২৩৩	০.০৩৬২	প্রান্তিক সেলস প্রাঃ লিঃ পক্ষে ডিরেক্টর সাং-নিজ	
২২১১	বাস্তু	০.০২৩৩	০.০৩৬২	রাশিধন মার্কেটিং প্রাঃ লিঃ পক্ষে ডাইরেক্টর সাং-নিজ	
২২১২	বাস্তু	০.০২৩২	০.০৩৬১	রিফাইন টাইআপ প্রাঃ লিঃ পক্ষে ডাইরেক্টর সাং-নিজ	
২২১৩	বাস্তু	০.০২৩৩	০.০৩৬২	রিওয়ার্ড ডিলট্রেড প্রাঃ লিঃ পক্ষে ডাইরেক্টর সাং-নিজ	
২২১৪	বাস্তু	০.০২৩৩	০.০৩৬২	রিভার ভিউ ট্রাই আপ প্রাঃ লিঃ পক্ষে ডাইরেক্টর সাং-নিজ	
২২১৫	বাস্তু	০.০২৩৩	০.০৩৬২	সালভো এজেন্সিস প্রাঃ লিঃ পক্ষে ডাইরেক্টর সাং-নিজ	
২২১৬	বাস্তু	০.০২৩৩	০.০৩৬২	সংকল্প কমোসেলস প্রাঃ পিতা-লিঃ সাং-নিজ	
২২১৭	বাস্তু	০.০২৩৩	০.০৩৬২	স্কাইলাইট কমোডিল প্রাঃ লিঃ পক্ষে ডাইরেক্টর সাং-নিজ	



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পশ্চিমবঙ্গ সরকার
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-দাগের তথ্য-



জেলা- উত্তর ২৪ পরগণা ব্লক- ব্যারাকপুর-২ [১৫০৯২২২]
মৌজা- পূর্ব সিঁথি জে.এল.নং- ২২২ থানা- বরানগর
দাগ নং- ৭৩২ শ্রেণী- বাস্তু জমির পরিমাণ(এ)- ১.৫৫৬২
সাবেক দাগ নং- ৭৩২

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	রায়তের/লেসীর বিবরণ	মন্তব্য
২২১৮	বাস্তু	০.০২৩৩	০.০৩৬২	স্টার পয়েন্ট এজেন্সিস প্রাঃ লিঃ পক্ষে ডাইরেক্টর সাং-নিজ	
২২১৯	বাস্তু	০.০২৩৩	০.০৩৬২	মানভিউ কমোসেলস প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর সাং-নিজ	
২২২০	বাস্তু	০.০২৩২	০.০৩৬২	সুপার ডিলট্রেড প্রাঃ লিঃ পক্ষে ডাইরেক্টর সাং-নিজ	
২২২১	বাস্তু	০.০২৩২	০.০৩৬২	ট্যাজিবল মার্কেটিং প্রাঃ লিঃ পক্ষে ডাইরেক্টর সাং-নিজ	
২২২২	বাস্তু	০.০২৩৩	০.০৩৬২	ট্যাসেল কমোডেড প্রাঃ লিঃ পক্ষে ডাইরেক্টর সাং-নিজ	
২২২৩	বাস্তু	০.০২৩৩	০.০৩৬২	টপস্টার এজেন্সিস প্রাঃ লিঃ পক্ষে ডাইরেক্টর সাং-নিজ	
২২২৪	বাস্তু	০.০২৩৩	০.০৩৬২	টপওয়াল সেলস প্রাঃ লিঃ পক্ষে ডাইরেক্টর সাং-নিজ	
২২২৫	বাস্তু	০.০২৩৩	০.০৩৬২	টুথফুল ড্রেডলিঙ্কস প্রাঃ লিঃ পক্ষে ডাইরেক্টর সাং-নিজ	



পশ্চিমবঙ্গ সরকার
সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ
-দাগের তথ্য-



জেলা- উত্তর ২৪ পরগণা ব্লক- ব্যারাকপুর-২ [১৫০৯২২২]
মৌজা- পূর্ব সিঁথি জে.এল.নং- ২২২ থানা- বরানগর
দাগ নং- ৭৩২ শ্রেণী- বাস্তু জমির পরিমাণ(এ)- ১.৫৫৬২
সাবেক দাগ নং- ৭৩২

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	রায়তের/লেসীর বিবরণ	মন্তব্য
২২২৬	বাস্তু	০.০২৩৩	০.০৩৬২	উল্লতি ডিলমার্ক প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর মাং-নিজ	
২২২৭	বাস্তু	০.০২৩৩	০.০৩৬২	ভিউপয়েন্ট কমোড্রেড প্রাঃ লিঃ পক্ষে ডাইরেক্টর মাং-নিজ	
২২২৮	বাস্তু	০.০২৩৩	০.০৩৬২	উইনসের ট্রাই আপ প্রাঃ লিঃ পিতা-পক্ষে ডাইরেক্টর মাং-নিজ	
		১.০০০০	১.৫৫৬২		

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120-154

GOVERNMENT OF WEST BENGAL
OFFICE OF THE BLOCK LAND & LAND REFORMS OFFICER

- Plot Information -

District - North 24 Parganas		Block - Barrackpore - 2		[1509222]	
Mouja - Purba Sinthi		J. L. No- 222		P. S. - Baranagar	
Dag No - 732		Classification - Bastu		Area of land (A) - 1.5562	
R. S. Dag No. - 732					
Khatian No.	Class	Share	Area of Share (A)	Particulars of Ryoti / Lessee	Remarks
2186	Bastu	0.0232	0.0362	Admit Dealers Pvt. Ltd. Father - On its behalf Director R/o - Self	
2187	Bastu	0.0232	0.0362	Alternative Deal Trade Pvt. Ltd. Father - On its behalf Director R/o - Self	
2188	Bastu	0.0232	0.0361	Anant Dealcomm Pvt. Ltd. Father - On its behalf Director R/o - 3A Auckland Place	
2189	Bastu	0.0232	0.0361	Annex Commotrade Pvt. Ltd. Father - On its behalf Director R/o - Self	
2190	Bastu	0.0232	0.0362	Arohi Tie-Up Pvt. Ltd. Father - On its behalf Director R/o - Self	
2191	Bastu	0.0232	0.0362	Semble Merchants Pvt. Ltd. Father - On its behalf Director R/o - Self	
2192	Bastu	0.0232	0.0362	Baviscon Vintrade P.Ltd. Father - On its behalf Director R/o - Self	
2193	Bastu	0.0232	0.0362	Champak Suppliers Pvt. Ltd. Father - On its behalf Director R/o - Self	



- Plot Information -

District - North 24 Parganas		Block - Barrackpore - 2		[1509222]	
Mouja - Purba Sinthi		J. L. No - 222		P. S. - Baranagar	
Dag No - 732		Classification - Bastu		Area of land (A) - 1 5562	
R S Dag No - 732					
Khatian No.	Class	Share	Area of Share (A)	Particulars of Ryoti / Lessee	Remarks
2194	Bastu	0.0232	0.0362	Circle Vanijya Pvt. Ltd. Father - On its behalf Director R/o - Self	
2195	Bastu	0.0232	0.0362	Dhankuber Vincom Pvt. Ltd. Father - On its behalf Director R/o - Self	
2196	Bastu	0.0232	0.0362	Electra Merchants Pvt. Ltd. Father - On its behalf Director R/o - Self	
2197	Bastu	0.0232	0.0362	Faster Agencies Pvt. Ltd. Father - On its behalf Director R/o - Self	
2198	Bastu	0.0232	0.0362	Finlink Dealers Pvt. Ltd. Father - On its behalf Director R/o - Self	
2199	Bastu	0.0232	0.0362	Footmark Vinimay Pvt. Ltd. Father - On its behalf Director R/o - Self	
2200	Bastu	0.0232	0.0362	Function Vintrade Pvt. Ltd. Father - On its behalf Director R/o - Self	
2201	Bastu	0.0233	0.0362	Goodluck Mercantiles Pvt. Ltd. Father - On its behalf Director R/o - Self	



- Plot Information -

District - North 24 Parganas	Block -- Barrackpore-2	[1509222]
Mouja - Purba Sinthi	J. L. No- 222	P. S. - Baranagar
Dag No. - 732	Classification -- Bastu	Area of land (A) - 1.5562
R S. Dag No. - 732		

Khatian No.	Class	Share	Area of Share (A)	Particulars of Ryoti / Lessee	Remarks
2202	Bastu	0.0233	0.0362	Imagine Vintrade Pvt. Ltd Father - On its behalf Director R/o - Self	
2203	Bastu	0.0233	0.0362	Ivory Tradecomm Pvt. Ltd. Father - On its behalf Director R/o - Self	
2204	Bastu	0.0232	0.0361	Joda Distributors Pvt. Ltd. Father - On its behalf Director R/o - Self	
2205	Bastu	0.0233	0.0362	Jordarn Vanijiya Pvt. Ltd Father - On its behalf Director R/o - Self	
2206	Bastu	0.0233	0.0362	Keystar Dealers Father - On its behalf Director R/o - Self	
2207	Bastu	0.0233	0.0362	Obtain Commercial Father - On its behalf Director R/o - Self	
2208	Bastu	0.0233	0.0362	Olivia Vintrade Pvt. Ltd Father - On its behalf Director R/o - Self	
2209	Bastu	0.0233	0.0362	Positive Deal Mark Pvt. Ltd. Father - On its behalf Director R/o - Self	



- Plot Information -

District - North 24 Parganas		Block - Barrackpore-2		[1509222]	
Mouja - Purba Sinthi		J. L. No- 222		P. S. - Baranagar	
Dag No. - 732		Classification - Bastu		Area of land (A) - 1.5562	
R S Dag No - 732					
Khatian No.	Class	Share	Area of Share (A)	Particulars of Ryoti / Lessee	Remarks
2210	Bastu	0.0233	0.0362	Prantik Sales Pvt. Ltd. Father - On its behalf Director R/o - Self	
2211	Bastu	0.0233	0.0362	Rashidhan Marketing Pvt. Ltd Father - On its behalf Director R/o - Self	
2212	Bastu	0.0232	0.0361	Refine Tie-up Pvt. Ltd. Father - On its behalf Director R/o - Self	
2213	Bastu	0.0233	0.0362	Reward Deal Trade Pvt. Ltd. Father - On its behalf Director R/o - Self	
2214	Bastu	0.0233	0.0362	River View Try-up Pvt. Ltd. Father - On its behalf Director R/o - Self	
2215	Bastu	0.0233	0.0362	Sulvo Agencies Pvt. Ltd. Father - On its behalf Director R/o - Self	
2216	Bastu	0.0233	0.0362	Sankalp Commosales Pvt. Ltd. Father - R/o - Self	
2217	Bastu	0.0233	0.0362	Skylight Commodeal Pvt. Ltd Father - On its behalf Director R/o - Self	

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- Plot Information -

District - North 24 Parganas	Block -- Barrackpore-2	[1509222]
Mouja - Purba Sinthi	J. L. No- 222	P. S. - Baranagar
Dag No. - 732	Classification -- Bastu	Area of land (A) - 1.5562
R S Dag No - 732		

Khatian No.	Class	Share	Area of Share (A)	Particulars of Ryoti / Lessee	Remarks
2218	Bastu	0.0233	0.0362	Starpoint Agencies Pvt. Ltd. On its behalf Director R/o - Self	
2219	Bastu	0.0233	0.0362	Sunview Commosales Pvt. Ltd. Father - On its behalf Director R/o - Self	
2220	Bastu	0.0232	0.0362	Super Deal Trade Pvt. Ltd. Father - On its behalf Director R/o - Self	
2221	Bastu	0.0232	0.0362	Tangible Marketing Pvt. Ltd. On its behalf Director R/o - Self	
2222	Bastu	0.0233	0.0362	Tassel Commotrade Pvt. Ltd. On its behalf Director R/o - Self	
2223	Bastu	0.0233	0.0362	Topstar Agencies P. Ltd. On its behalf Director R/o - Self	
2224	Bastu	0.0233	0.0362	Topwell Sales Pvt. Ltd. On its behalf Director R/o - Self	
2225	Bastu	0.0233	0.0362	Truthful Tradelinks Pvt. Ltd. On its behalf Director R/o - Self	

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- Plot Information -

District - North 24 Parganas Block - Barrackpore-2 [1509222]
Mouja - Purba Sinthi J. L. No- 222 P. S - Baranagar
Dag No. - 732 Classification - Bastu Area of land (A) - 1.5562
R S Dag No. - 732

Khatian No.	Class	Share	Area of Share (A)	Particulars of Ryoti / Lessee	Remarks
2226	Bastu	0.0233	0.0362	Unnati Dealmark Pvt. Ltd Father - On its behalf Director R/o - Self	
2227	Bastu	0.0233	0.0362	Viewpoint Commotrade Pvt. Ltd. On its behalf Director R/o - Self	
2228	Bastu	0.0233	0.0362	Winsher Try-Up Pvt. Ltd. Father - On its behalf Director R/o - Self	
		1.0000	1.5562		

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Certified to be the English Translation of the Record of Rights in Bengali.

Rajul Islam

17.07.23

R. Islam
Rtd. Senior Interpreting Officer
O.S. High Court, Calcutta



//TRUE TRANSLATED COPY//

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ANNEXURE A8



Government of West Bengal
Department of Environment

Prani Sampad Bhawan, 5th Floor, LB-2, Sect-III, Saltlake, Kolkata-106.

Memo No: ¹²⁷²EN/ 3C-26/2023

Date: 05/07/2023

From :
Sr. Law Officer & ExOfficio Asst. Secy. (Law)
to the Government of West Bengal.

To :

1. Ms. Shama Parveen, ADM&DL & DL & LRO, North 24 Parganas
2. Ms. Mrinmayee Biswas, Sub Assistant Engineer, South DumDum Municipality
3. Mr. Samit Datta, Environment Engineer, WBPCB
4. Dr. Rajarshi Chakraborty, Environment Officer, Environment Department, WBPCB
- ✓ 5. Mr. Manish Jhunjhunwala

Sub: Civil Appeal Diary No. 9637/2023 [Sri Nabendu Kumar Bandhopadhyay Vs Additional Chief Secretary & Ors]

Madam/ Sir

With reference to the above - mentioned subject matter, I am directed to forward a copy of the field Inspection Report conducted by the Department of Environment on 23.06.2023.

Yours faithfully

Sr. Law Officer &

ExOfficio Asst. Secy. (Law)

Encl: as stated



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Field visit report of inspection conducted by the Dept. Of Environment, GoWB on 23.06.2023 at Premises No. 100, Dumdum Road, PS – Dumdum.

In connection with Civil Appeal Diary No. 9637/2023 pending before the Supreme Court of India (in the matter of Shri Nabendu Kumar Bandhopadhyay Vs Additional Chief Secretary & Others) field visit was conducted on 23.06.2023 at 12:00 noon at the above mentioned site.

The following persons were present during field visit:

1. Mr K Balamurugan, Chief Environment Officer, Dept. Of Environment.
2. Ms. Shama Parveen, ADM & DL and LRO, North 24 Parganas,
3. Ms Mrinmayee Biswas, Sub-Assistant Engineer, South Dumdum Municipality.
4. Mr Samit Dutta, Environmental Engineer, WBPCB

The following officials also accompanied the inspection team:

1. Ms. Pausali Mukherjee, Senior Law Officer, Dept. of Environment.
2. Dr. Rajarshi Chakraborty, Environment Officer, Environment Department, GoWB
3. Mr. Tarak Nath Das, Technical Assistant, State Wetland Authority.
4. Mr. Pradip Kumar Giri, SRO-II, DL & LRO, North 24 Parganas.

Following persons represented the project proponent -

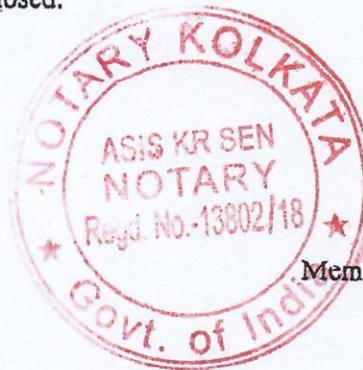
1. Mr. Manish Jhunjunwala

The inspecting team conducted a field visit of the project site and made the following observations :-

1. No waterbody was observed in the project site including Dag No. 732.
2. No permanent construction was observed. The land was vacant except for a small site office. An iron made structures was also observed.
3. Entire project site is secured by a boundary wall.
4. The representative from L&LR Dept. identified the location of Dag No. 732 within the project site and produced a records of rights (RoR) showing that Dag No. 732 has already been converted to 'Bastu', which is enclosed as Annexure – 1. From RoR it is seen that Dag No. 732 consists of 1.5562 acre.

Photographs taken during field visit are enclosed.

The visit ended with thanks to all.



(Signature)
(K Balamurugan)
Member Secretary, SEIAA

//TRUE COPY//