

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 184/2023/EZ



In The Matter of:

Prakash Ghosh

... Applicant

Versus

State of West Bengal & Ors.

... Respondents

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT NUMBER 06, THE BLOCK DEVELOPMENT OFFICER, HABRA-1, DISTRICT: NORTH (24) PARGANAS.

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Filed by
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20 FEB 2024

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SL.No.....

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NUMBER 06, THE BLOCK DEVELOPMENT OFFICER, HABRA-1,
DISTRICT: NORTH (24) PARGANAS.

I, Subir Kumar Dandapath, Son of late Danish Ch Dandapath, aged
about 44 years, by faith Hindu by Occupation- Service, and presently
posted as Block Development Officer, Habra-1, District: North (24)
Paraganas, having office at Habra-1, Block, District: North (24)
Paraganas, Pin: 743263, do hereby solemnly affirm and declare as
follows :-

1. That I am the Block Development Officer, Habra-1, District: North
(24) Parganas, being impleaded as respondent number 06, above-
named. I, being the said respondent am competent to swear and affirm

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20 FEB 2024



this affidavit for and on behalf of myself and the office of the Block Development Officer, Habra-1, District: North (24) Parganas.

2. That do hereby swear this affidavit in compliance and obedience to the Solemn Order dated 16th January, 2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in connection with Original Application No. 184 of 2023/EZ (hereinafter for the sake of brevity referred to as 'said Original Application').

3. That I humbly state that save and except those which are matters of record and which are specifically admitted by me herein below, each and every allegation, and/or contention, and/or submission, contained in the said Original Application, is denied and disputed as if the same is set out in seriatim herein and specifically traversed.

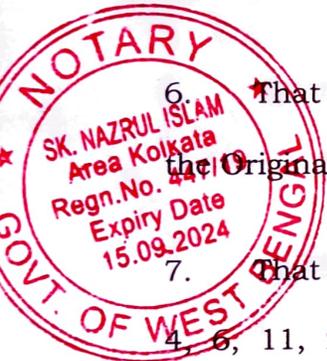
4. That without prejudice to the above, I beg to deal with the paragraphs in the said Original Application ad seriatim.

5. That at the outset it is submitted that the instant original application relates to operation of a brick kiln illegally in violation of the statutory norms. It is pertinent to state that an enquiry was carried out by the Joint Block Development Officer, Habra-1, on 12.02.2024 in which it had been observed that the unit of respondent numbers 10 and 11 (private respondents) are essentially clay pot making units and not brick kiln as has been stated.

During inspection by the Joint Block Development Officer, Habra-1, it has been inter alia observed that

- (i) This is a small pottery where clay pots of various types are made. This is not a brick field or brick kiln.
- (ii) The site was visited during the burning of clay pot also.
- (iii) The owner could not produce the clearance certificate of the Pollution Control Board.
- (iv) He could not produce the permission of BL&LRO for digging the soil,
- (v) As per the owner the burning process are done twice or thrice in a month.

Photocopy of the inspection report dated 12.02.2024 carried out by the Joint Block Development Officer, Habra-1, Block is annexed herewith and marked with the letter 'R-1'.



6. That with respect to the statements made in Paragraph Number 1 of the Original Application; I humbly submit that, it is a matter of record.

7. That with respect to the statements made in Paragraph Numbers 2, 3, 4, 6, 11, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 of the said Original Application, I in which I do not comment on the same in as much as the same relates to matters of fact and record.

8. That with respect to the statements made in paragraphs 5 of the original application it is stated that the unit in question of the private respondents are making clay pots and is not a brick field.

9. That with respect to the statements made in paragraphs 7, 8, 9 & 10 of the original application it is stated that the unit in question of the private respondents manufactures clay pots i.e. a pottery and it is not a



brick field and moreover tyre, rubber etc are not used as alleged in the original application.

10. That with respect to the statements made in paragraphs 12, 13, 14, 15,16, 17, 18, 19 & 20 of the original application it is stated that the same do not relate to the unit of the private respondents in as much as the unit is manufacturing clay pots and is not a brick kiln as has been

11. Save as aforesaid, all other allegations and/or insinuations, which have not been specifically dealt with in the instant Affidavit-in-Opposition, shall be deemed to have been denied by this answering respondent.

12. That the statements made in paragraphs 1 to 11, of the foregoing affidavit are true to my knowledge and belief and the rest are my respectful submissions before this Hon'ble Tribunal.

Identified by me

Sibojyoti Chakrabarti

Advocate

State of West Bengal

20/02/2024

Deponent

Deponent

Solemnly Affirmed and
Declared before me U/S 139
CPC, U/S 297 (C) CRPC

Notary

SK Nazrul Islam
Notary, Govt. of W.B.
Regn. No. 447/19
City Civil Court, Calcutta

20 FEB 2024



VERIFICATION:

I, the deponent above named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and as per records available in the office of the office of the Block Development Officer, Habra-1, District: North (24) Parganas and I believe that nothing material has been concealed there from.

Verified at Kolkata on the 20th Day of February, 2024.

1/11
AC

Identified by me

Sibojyoti Chakrabarti

Advocate

20/02/2024

Ankur K. Dandapat

Deponent

State of West Bengal



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Annexure R-1
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Ref: Original Application No. 184/2023/EZ (Prakash Ghosh – Versus - State of West Bengal & Ors.)

ENQUIRY REPORT

Date & Time of Inspection: 12.02.2024 at 12.00 Noon

Officials who visited the Site: Samanway Garai, Joint Block Development Officer & Chandan Sen, Operator Habra-I.

Detailed address of the Site: Village-Udayanpally, PO-Prithiba, PS-Habra, Mouza-125, Dag-21/74, Pin-743704.

Remarks: Visited a pottery (not brick field) & checked the documents, found the trade license & the land details.

Suggestions: 1. Clearance of Pollution Control Board should be taken.

2. Permission of BL&LRO for digging of soil should be taken.

Pursuant to the Order passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, I, Samanway Garai being the Joint Block Development Officer Habra-I had been to the site Village-Udayanpally, PO-Prithiba, PS-Habra, Mouza-125, Dag-21/74, Pin-743704 along with Shri Chandan Sen Operator Habra-I on 12.02.2024 and at 12.00 noon and had made the following observations.

1. This is a small pottery where clay pots of various types are made. This is not a brick field or brick kiln.
2. The site was visited during the burning of clay pot also.
3. The owner could not produce the clearance certificate of the Pollution Control Board.
4. He could not produce the permission of BL&LRO for digging the soil.
5. As per the owner the burning process are done twice or thrice in a month.

This Enquiry Report is most humbly submitted before Hon'ble Tribunal.

*Chandan Sen
A.O. (R-19)*

*Shri Chandan Sen
19/2/2024*
Joint Development Officer
Habra-I Development Block
Habra, North 24-Parganas

Memo No- 323 /Hab-I

Dated-19/02/2024

Forwarded the inquiry report of Jt.BDO, Habra-I Dev. Block regarding the matter.

*Shri Chandan Sen
19/2/2024*
Block Development Officer
Habra-I Development Block
Habra, North 24-Parganas

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GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA

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NUMBER 06, THE BLOCK
DEVELOPMENT OFFICER, HABRA -1,
DISTRICT - NORTH 24 PARGANAS

SIBOJYOTI CHAKRABARTI

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