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Rajib Ray
Advocate

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 59/2024/EZ

Md. Sheik Ansaruddin

..... Applicant

- Versus-

State of West Bengal & Ors.

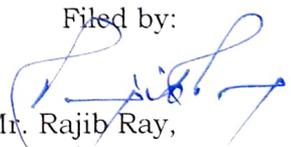
...Respondent

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 1, DISTRICT
MAGISTRATE, NORTH 24 PARGANAS.

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Filed by:


Mr. Rajib Ray,
Advocate,

Bar Association Room No. 13,
High Court, Calcutta
Mob-9830132729/7980422764



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...Respondent

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 1, DISTRICT
MAGISTRATE, NORTH 24 PARGANAS.**

I, Sri Sharad Kumar Diwedi, son of Hriday Narayan Diwedi Hindu, aged about 43 years, by faith Hindu, by occupation- Government Service, now posted as District Magistrate, North 24 parganas, District- North 24 parganas, Pin No- 700124 , do hereby solemnly verify and say as follows:-

1. I am the Distract Magistrate, North 24 parganas, herein. I have made myself acquainted with the facts and circumstances of this case and competent to affirm this affidavit.

2. That this affidavit is being affirmed in pursuant to the solemn order dated 01.04.2024 passed by the Hon'ble Tribunal, whereby the Hon'ble Tribunal was



pleased to direct all the respondents to file counter affidavit within four weeks and further constituted a fact finding Committee comprising of the following members and the committee has been directed to visit the site in question and submit its report:-.

- (i) Senior Scientist, West Bengal Pollution Control Board;
- (ii) District Magistrate, North 24 Paraganas or his representative not below the rank of Additional District Magistrate; and
- (iii) Senior Officer from Barasat Municipality,

3. That pursuant to the order of the Hon'ble NGT, the Committee comprising of the following members was constituted as per nominations received from the participating departments/ offices

- i) Additional District Magistrate and District Land & Land Revenue Officer, North 24 Parganas,
- ii) Environmental Engineer & In-charge, Barrackpore Regional Office, WBPCB,
- iii) Executive Officer, Barasat Municipality.

4. That in compliance with the said Order dated 01.04.2024, a spot enquiry/inspection of the area in question has been done by the members of the committee on 22.04.2024.

5. That the said Committee after physical verification of the area in question as per the direction of the Hon'ble Tribunal duly submitted its report making the following observations:

- i) The water body under discussion is located at plot no. 128, JL. no. 78 and mouza- Uttarhat. The embankment of the water body, located at plot no. 127, JL. no. 78 and mouza-Uttarhat, has been cemented by Barasat Municipality. Barasat Municipality is the recorded owner of the water body and its adjacent land on the East and North side. The classification



of this land is 'pukurpar". The municipality had allotted the land to several EWS/Minority families for rehabilitation purpose. Thereafter houses were built under PMAY (HFA) scheme on the East and North side of the water body without leaving any space in between the houses and the water body.

- ii) The domestic wastewater drains of these houses were also connected directly to the water body due to absence of any municipal sewage drain in that portion of land. Considerable amount of green algae growth from the water body was observed to have been removed and kept on the side of the water body beside the adjacent road.
- iii) The municipality has proposed a plan to construct municipal sewage drain in the area under discussion. The proposal has been already approved and tender has also been issued. The Executive Officer, Barasat Municipality, also informed that as soon as the municipal sewage drain is constructed and house connections provided, the drains directed towards the water body will be permanently sealed and necessary steps will be taken to restore the condition of the water body.

Photocopy of the said report is annexed herewith and marked with Annexure - "A".

6. That the Block Land & Land Reforms Officer Barasat-I has specifically enquired with the Barasat Municipality regarding permissions and or sanctions with regards to construction over the "Pukur Par"

Photocopy of the said letter is annexed herewith and marked with Annexure - "B".



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7. It is therefore respectfully prayed that Hon'ble Tribunal may pass such other order or orders as it deem fit and proper in the interest of justice.

8. That the statements made in paragraph 1 to 6 are based on information derived from the record which are usually kept and maintained by the answering respondent in the ordinary course of business and which I belief to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office


Advocate


Deponent


N. DASGUPTA
Notary
Regn. No. 006/2022
3, Bankshai Street
Calcutta-700001

SOLEMNLY AFFIRMED
&
Declared Before me
on Identification Adv

NOTARY
N. DAS GUPTA
C.M.M. Court
Govt W.B.

10 MAY 2024



Report in the matter of Original Application No. 59/2024/EZ (Earlier O.A. No. 25/2024/PB) vide Hon'ble NGT order (Eastern Zone Bench, Kolkata) dated 01.04.2024

The Hon'ble National Green Tribunal, Eastern Zone Bench constituted a committee, comprising Senior Scientist, West Bengal Pollution Control Board (WBPCB), District Magistrate, North 24 Parganas or his representative not below the rank of Additional District Magistrate and Senior Officer from Barasat Municipality. The District Magistrate, North 24 Parganas was to act as the nodal office for all logistic purposes and filing the Report of the Committee on affidavit.

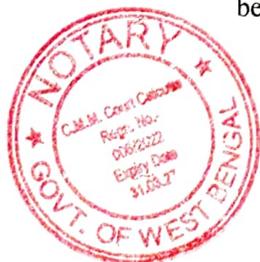
Pursuant to the order of the Hon'ble NGT, the Committee comprising of the following members was constituted as per nominations received from the participating departments/offices:

1. Additional District Magistrate and District Land & Land Revenue Officer, North 24 Parganas
2. Environmental Engineer & In-charge, Barrackpore Regional Office, WBPCB
3. Executive Officer, Barasat Municipality

Accordingly, the members of the committee visited the area on 22.04.2024 at 14:30 hrs.

The observations of the constituted Committee are as follows:

1. The waterbody under discussion is located at plot no. 128, JL no. 78 and mouza- Uttarhat. The embankment of the waterbody, located at plot no. 127, JL no. 78 and mouza- Uttarhat, has been cemented by Barasat Municipality. Barasat Municipality is the recorded owner of the waterbody and its adjacent land on the east and north side. The classification of this land is 'pukurpar'. The municipality had allotted the land to several EWS/Minority families for rehabilitation purpose. Thereafter houses were built under PMAY (HFA) scheme on the east and north side of the waterbody without leaving any space in between the houses and the waterbody.
2. The domestic wastewater drains of these houses were also connected directly to the waterbody due to absence of any municipal sewage drain in that portion of land. (photo of the drain openings attached). Considerable amount of green algae growth from the waterbody was observed to have been removed and kept on the side of the waterbody beside the adjacent road. (photo attached).



3. The municipality has proposed a plan to construct municipal sewage drain in the area under discussion. The proposal has been already approved and tender has also been issued (as stated by the Executive Officer). The Executive Officer, Barasat Municipality, also informed that as soon as the municipal sewage drain is constructed and house connections provided, the drains directed towards the waterbody will be permanently sealed and necessary steps will be taken to restore the condition of the waterbody.



ADM (LR), 24 Pgs (N)

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



Environmental Engineer,
Barrackpore Regional Office,
WBPCB



~~Assistant Engineer~~
~~Executive Officer,~~

Barasat Municipality

Assistant Engineer
Barasat Municipality



Sub-Assistant Engineer
Barasat Municipality





Fig. 2. Algal growth removed from the waterbody and stored on the side of the waterbody



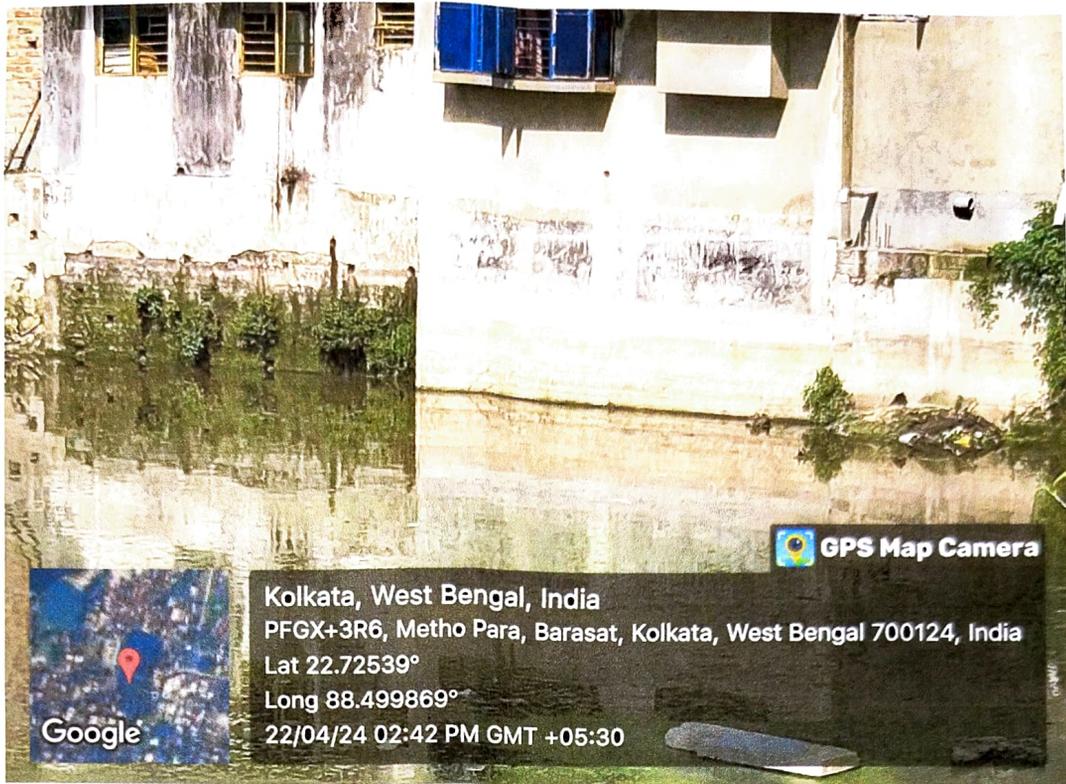
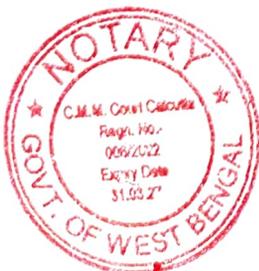


Fig. 1. Openings of the domestic wastewater drains



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Annexure - B

GOVERNMENT OF WEST BENGAL
OFFICE OF THE BLOCK LAND & LAND REFORMS OFFICER
BARASAT-I, NORTH 24 PARGANAS.

MEMO NO.1014/B.L & L.R.O/BST-I/2024

DATE:- 07.05.2024

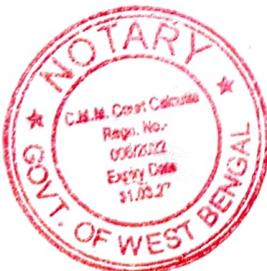
To
The Chairman
Barasat Municipality

Sub: Construction over Pukurpar against plot no 127 of mouza Uttarhat (JL NO: 78).
Ref... O.A No 59/2024/EZ (Earlier 25/2024/PB)

Sir,

As per direction of ADM (LR) & DLLRO N 24 Parganas vide memo no LAW/F-NGT/18/24/1331/DLLRO(N)/ 2024 dated 07/05/24, in connection to O.A No 59/2024/EZ (Earlier OA NO. 25/2024/PB), you are hereby requested to provide the necessary documents/ copy of permission by dint of which the construction were made over "Pukur Par" against plot no -127 of mouza Uttarhat (JL NO: 78).

h
07/05/24
BLOCK LAND & LAND REFORMS OFFICER
BARASAT-I, NORTH 24 PARGANAS
B.L. & L.R.O.
BARASAT-I, BARASAT
NORTH 24-PARGANAS



BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
O. A. NO. 59/2024/EZ

In the matter of:
Md. Sheik Ansaruddin

....Applicant

-Vs-

State of West Bengal & Ors..

... Respondents.

Affidavit on behalf of the respondent
no. 1, District Magistrate, North 24
parganas.

RAJIB RAY

Advocate

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