

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 01/2024/EZ

In the mater of :

Ankur Sharma Applicant

..... Applicant

Versus

The State of West Bengal & Ors.

..... Respondents

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO
THE AFFIDAVIT DATED 04.04.2024 FILED ON BEHALF OF THE
RESPONDENT NO. 24**

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Ankur Sharma

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13 MAY 2024

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ORIGINAL APPLICATION NO. 01/2024/EZ

In the mater of :

Ankur Sharma

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SL. NO. 147 DT. 13/5/24

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THE AFFIDAVIT DATED 04.04.2024 FILED ON BEHALF OF THE
RESPONDENT NO. 24**

I, Ankur Sharma, the Applicant aged about 27 years by occupation Advocate residing at 13/3, Dr. P.K. Banerjee Road, Howrah - 711101 do hereby solemnly affirm and state as under :



1. I am the Applicant in the abovementioned Original Application. I have read the Affidavit on behalf of the Respondent no. 24 (hereinafter for the sake of brevity referred to as the 'said Affidavit'), and I am making the present Affidavit in Rejoinder thereto.
2. I deny the contents and averments made in the Affidavit on behalf of the Respondent No. 24 that are contrary to and/or inconsistent with anything stated in the abovementioned Original Application and the present Affidavit in Rejoinder.
3. Before I deal with the paragraphs of the said Affidavit in seriatim I say that the District Magistrate, South 24 Parganas being Respondent no. 06 filed a report of the committee formed by the Hon'ble Tribunal in the form of an Affidavit dated 06.04.2024 which is, inter alia, exhaustive enough to gather the present comprehensive status of the wetlands/waterbodies in question wherein, however, expressly stated separate dag/plot wise findings of the committee. The committee in its report filed by the District Magistrate, South 24 Parganas nowhere encountered any

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single point taken in the Original Application. Rather endorsed the allegations brought in by the Applicant.

4. Now I shall deal with Affidavit in seriatim :

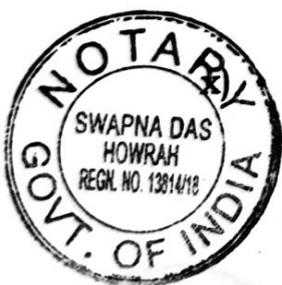
- i) As regard paragraph no. 1 of the said Affidavit the same does not require any reply.
- ii) As regard paragraph no. 2 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I say that the Hon'ble Tribunal is competent enough to decide if the Original Application is at all incomplete and liable to be dismissed with cost.
- iii) As regard paragraph no. 3 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I say that the Hon'ble Tribunal is competent enough to decide on locus standi of the Applicant. In application of environmental law and administration of justice in like matters locus of any party, either buyer or owner or that of the water body/wetland whether private or otherwise is not called for consideration. Whereas Article 51A of the Constitution of India, 1950 casts duties upon all citizens to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.
- iv) As regard paragraph no. 4 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I say that it is unfortunate and pity that the Respondent no. 24 was unable to find any date of my complaint or letter sent by email and for rest of the paragraph I rely upon the findings of the committee constituted by the Hon'ble Tribunal.



As regard paragraph no. 5 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I rely upon the findings of the committee constituted by the Hon'ble Tribunal, though, however, Respondent no. 24 admitted that dag no. 226 is a water body.

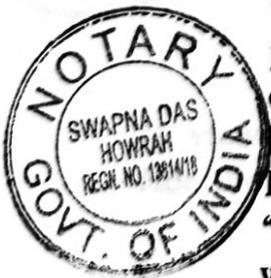
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- vi) As regard paragraph no. 6 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I say that I reply upon findings of the committee constituted by the Hon'ble Tribunal. No Annexure-1 has been annexed with the said affidavit contrary to her averment.
- vii) As regard paragraph no. 7 of the said Affidavit I say that the same does not require any reply.
- viii) As regard paragraph no. 8 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I say that the Hon'ble Tribunal is competent enough to decide credential of the Applicant and if there has been no instance of his involvement in any environmental issue prior to this Original Application. I put Respondent no. 24 to the strictest proof of her allegation against the Applicant that he is a village tout and that he has personal vendetta against her.
- ix) As regard paragraph no. 9 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I say that this is repetition of earlier paragraphs and does not call for any specific reply.
- x) As regard paragraph no. 10 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I say that the paragraph does not call for any reply because it hardly relates to statement made in paragraph no. 7 of the Original Application which the deponent has referred to and relied upon.
- xi) As regard paragraph no. 11 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I say that I reply upon findings of the committee constituted by the Hon'ble Tribunal.



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- xii) As regard paragraph no. 12 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I say that I may be excused for my poor knowledge in English to follow what the Respondent no. 24 wanted to mean by saying "It is submitted that three applications have been filed as OA 01 of 2024/EZ".
- xiii) As regard paragraph no. 13 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I say that I say that importing the words "no mangroves" is the effect of practising copy-paste as alleged by the Respondent no. 24 in paragraph no. 12 of her affidavit.
- xiv) As regard paragraph no. 14 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I say that I reply upon findings of the committee constituted by the Hon'ble Tribunal.
- xv) As regard paragraph no. 15 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records.
- xvi) As regard paragraph no. 16 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I beg to be excused once afresh for my poor knowledge in English to follow what the Respondent no. 24 wanted to mean by saying "that the statutes relied under heading ground of the application are not applicable in the present case". The Respondent no. 24 while denying that there is any discharge or disposal of poisonous substance he has not denied disposal and discharge of other noxious or polluting matters determined by standards laid down by the state board. Further the Respondent no. 24 did not clarify wherefrom she derived "right to construct or improve any building....." over a waterbody/wetland protected by an international treaty/convention.



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- xvii) As regard paragraph no. 17 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records.
- xviii) As regard paragraph no. 18 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I say that limitation clause does not apply in the impugned matter since there is continuous cause of action as may be gleaned from the report of the committee constituted by the Hon'ble Tribunal.
- xix) As regard paragraph no. 19 and 20 of the said Affidavit I deny and dispute the statements made therein.
- xx) As regard paragraph no. 21 of the said Affidavit I deny and dispute the statements made therein save and except what are matters of records. On contrary, I say that bringing such unfounded allegations against the Applicant amounts to threat and intimidation for which Hon'ble Tribunal may kindly be pleased to impose exemplary costs upon the Respondent no. 24 upon considering facts and circumstances of the case.
- xxi) As regard paragraph no. 22 of the said Affidavit I say that the Respondent no. 24 has resorted to enlighten the Hon'ble Tribunal about provisions of the National Green Tribunal Act, 2010 for which I reserve my comment.
- xxii) As regard paragraph no. 23 of the said Affidavit I deny and dispute the statements made therein.
- xxiii) As regard paragraph no. 24 of the said Affidavit the same does not require any specific reply.



In view of what is stated herein above, I humbly pray before this Hon'ble Tribunal to pass necessary orders.

Solemnly affirmed at Howrah

On this 13th day of May, 2024

IN IDENTIFICATION OF ADVOCATE
SOLEMNLY AFFIRMED BEFORE

SWAPNA DAS
NOTARY GOVT. OF INDIA

Regn. No. 13814/18
Judges' Court, Howr

Applicant

13 MAY 2024

Identified by
Ayushi Kakkar
F/499/371/2021

VERIFICATION

I, Ankur Sharma, the abovenamed Applicant do hereby verify that the contents of the above Affidavit in Rejoinder are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

Verified at Howrah on this day of 13th day of May, 2024.

Ankur Sharma
Applicant



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