

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEWTOWN
Original Application No. 61/2024/EZ

IN THE MATTER OF:

Hitesh Sharma

...Applicant

Vs.

Sabyasachi Mullick Chowdhury & Ors.

...Respondent

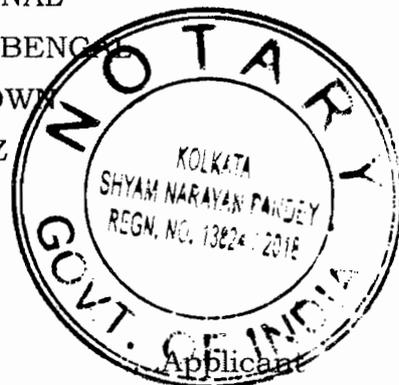
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...Respondent

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1

I, Sabyasachi Mullick Chowdhury, son of Late Sunit Kumar Mullick Chowdhury, aged about 58 years, by occupation – service, residing at 64/11G, Suren Sarkar Road, P.S. Belegkata, Kolkata 700010, do hereby solemnly affirm and say as follows:-

1. That I am the Respondent No. 1 abovenamed and I know of and I am well acquainted with the facts and circumstances of the present case. I am duly competent to make and affirm this affidavit on my behalf.
2. I have read a copy of the Application filed by the present Applicant herein supported by an affidavit said to have been affirmed by one Pawan Sharma on September 21, 2023 (herein after referred to as “the said application”), and understood the scope, meaning and purport of the contents thereof.
3. At the very outset I say that the said application filed by the Applicant has not mentioned the statutory provision of any act under which the applicant seeks to attract the jurisdiction of this Hon’ble Tribunal. Moreover, the prayers prayed for in the said application would reflect that the Applicant is essentially praying for setting aside and/or

rescinding and/or quashing, and/or cancelling the report prepared by the Eight Member Joint Committee in furtherance to the order dated January 03, 2022, passed by this Hon'ble Tribunal in O.A. No. 25/16/EZ. That, allowing such prayer of the Applicant would amount to reviewing and/or modification by this Hon'ble Tribunal of its own order dated January 03, 2022, passed in O.A. No. 25/16/EZ and also the report of the Eight Member Joint Committee, filed in the form of an Affidavit affirmed on November 04, 2022, which has been filed only upon the order of January 3, 2022. Further the said application cannot by any stretch of imagination be said to be a review application, as the same is not in the proper format of a review application and has not been filed as a Miscellaneous Case in OA No. 25/16/EZ, wherein, the order dated January 3, 2022, was passed. Making a recalling and/or a review application by way of a separate O.A is unheard of. Lastly, no grounds of review have been provided in the present application.

4. It is also stated that the Applicant before approaching this Hon'ble Tribunal filed a Civil Appeal under Section 22 of the National Green Tribunal Act, 2010, before the Hon'ble Supreme Court of India, against the order dated January 03, 2022, passed by this Hon'ble Tribunal in Original Application Number 25/2016/EZ, on the ground that the Applicant was not added as a party to the proceeding being O.A. No. 25/2016/EZ. Upon hearing the applicant and in absence of the answering respondent herein the Hon'ble Supreme Court passed an order dated April 24, 2023, in Civil Appeal No. 3049 of 2023 wherein the Hon'ble Court directed this Hon'ble Tribunal to look into the tenability of the grievance of the Applicant on merits that no hearing was afforded to the Applicant before the order dated January 03, 2022, was passed by this Hon'ble Tribunal in O.A. No. 25/2016/EZ, before passing an order thereon.

Copy of the order dated April 24, 2023, passed in Civil Appeal No. 3049 of 2023 is annexed herewith and marked with letter "A".



5. It is stated that the original owner of the land in question is the Respondent No. 15 society and the individual members like the applicant are mere allottees. That being so the allottees who only have a right to occupy and to construct buildings on the said land cannot have any right of audience afresh or better points to argue than the actual owner being the Respondent No. 15 society. Moreover, the issues that are sought to be raised by the Applicant now are barred by the principle of res-judicata. In this regard documents showing the Respondent No. 15 society as the owner of the plots of land are annexed hereto and marked with letter "B".

6. It is stated that the issue which was dealt by this Hon'ble Tribunal in O.A. No. 25/2016/EZ, was in relation to restoration of a wetland – 'Ukil Bheri', situated at Mouza Nimokpoktan, Pagladanga, Dihi Panchanangram, near Chingrighata, within Police station Pragati Maidan, Ward no. 57, Kolkata Municipal Corporation, measuring about 60 bighas, wherein the members of the Respondent No. 15 being a cooperative housing society was carrying out illegal filling up of the said waterbody and making constructions thereupon. Such issue which was dealt with by this Hon'ble Tribunal was an issue in rem and moreover, this Hon'ble Tribunal while passing the order dated January 3, 2022, constituted an eight-member joint committee and directed them to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question, and if such prohibition is applicable, this Tribunal further directed for remedial action for protection of the wetland in question be taken by the concerned statutory authority.

Copy of the order dated January 3, 2022, passed in O.A. No. 25/2016/EZ, is annexed herewith and marked with letter "C".

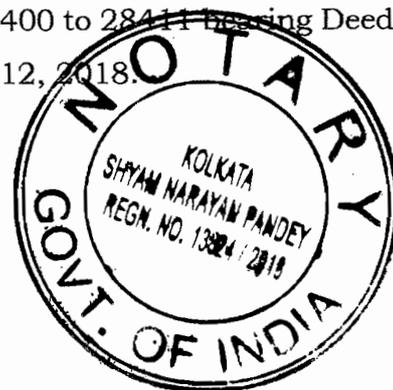
7. That in compliance of such direction passed by this Hon'ble Tribunal vide order dated January 3, 2022, the Eight Member Joint Committee prepared a final report wherein the Eight Member Joint Committee



came to the conclusion that several plots were created by filling up of the waterbody and hence such plots needs to be demolished and the Kolkata Municipal Corporation, being the statutory authority and under whose jurisdiction the waterbody falls as the complete mouza Nimokpoktan was integrated into the jurisdiction of Ward No. 57 of Kolkata Municipal Corporation as per the Kolkata Municipal Corporation Act, 1980, was directed to take steps immediately to restore the waterbody at the said plots in compliance with the order dated January 03, 2022 passed by this Hon'ble Tribunal.

Copy of the report prepared by the Eight Member Joint Committee and filed before this Hon'ble Tribunal is annexed hereto and marked with letter "D".

8. That since the issue being dealt by this Hon'ble Tribunal in OA No. 25/2016/EZ was an issue in rem and the enforcement was left to the statutory authority being the Kolkata Municipal Corporation, it was not necessary to consider individual matters in these proceedings as the same has to be dealt with by the statutory authority being the Kolkata Municipal Corporation in accordance with law.
9. It is also pertinent to note that the Applicant have approached this Tribunal with unclean hands and in absolute suppression of several facts and documents which is necessary for adjudication of the grievance alleged by the Applicant before this Tribunal. The said facts are as follows:
 - a. The Applicant vide his constituted attorney one Ranjana Sharma, being the wife of Pawan Sharma, the deponent herein, issued a registered boundary declaration for Kolkata Municipal Corporation dated March 07, 2018, and the same was registered before the District Sub Registrar III, South 24 Parganas, in Book I, Volume No. 1603-2018, Page No. 28400 to 28411 Basing Deed No. 0948 for the year 2018 on March 12, 2018.



Copy of the said Deed No. 0948 dated March 12, 2018, is annexed hereto and marked with letter "E".

- b. The Applicant vide his constituted attorney one Ranjana Sharma, being the wife of the Pawan Sharma, the deponent herein, also issued a common passage declaration for Kolkata Municipal Corporation dated March 07, 2018, and the same was registered before the District Sub Registrar III, South 24 Parganas, in Book I, Volume No. 1603-2018, Page No. 28412 to 28422 bearing Deed No. 0949 for the year 2018 on March 12, 2018.

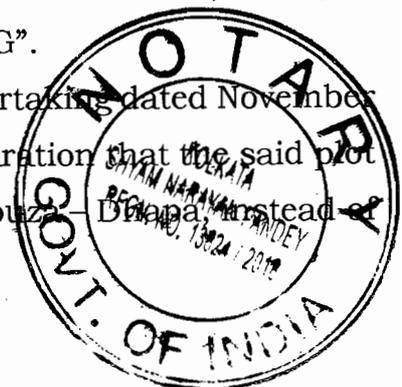
Copy of the said Deed No. 0949 dated March 12, 2018, is annexed hereto and marked with letter "F".

- c. That vide both the abovementioned declarations the Applicant declared that the Applicant will be submitting his building plan for sanction within the boundaries of the said land as per the Schedule mentioned therein, and that there is no case pending regarding boundary of the land and if any dispute or discrepancy is found regarding the boundaries of the said land, the Applicant shall be fully responsible and that Kolkata Municipal Corporation will have every right to revoke the sanction plan at the said premises.

- d. The Applicant vide his constituted attorneys being one Pawan Sharma, son of Radhesyam Sharma, and the said Ranjana Sharma, wife of Pawan Sharma, the deponent herein, also issued another Declaration-cum-Undertaking dated November 25, 2020, and the same was registered before the Additional District Sub-Registrar, Sealdah, South 24 Parganas, in Book I, Volume No. 1606-2020, Page No. 128195 to 128209 bearing Deed No. 3012 for the year 2020 on December 1, 2020.

Copy of the said Deed No. 3012 dated December 1, 2020, is annexed hereto and marked with letter "G".

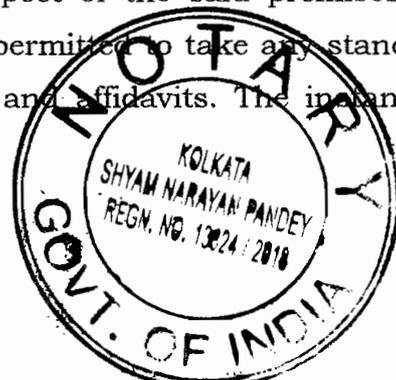
- e. That vide the said Declaration-cum-Undertaking dated November 25, 2020, the applicant gave a false declaration that the said plot of land falls under R.S. Dag No. 87, of Mouza ~~Dhapa~~ ~~instead of~~ ~~Dhapa~~ ~~13024~~ ~~2018~~



mentioning the entire Schedule of Land mentioned in the Applicant's Deed of Conveyance dated May 8, 2015, from where it would be reflected that the Applicant's plot of land falls under R.S. Dag No. 267, of Mouza Nimokpoktan. Moreover, the Applicant vide the said Declaration dated November 25, 2020, went on to specifically declare that the Applicant's said plot of land is not affected by any order of the Court of Law including Hon'ble National Green Tribunal, though at that point of time the order dated April 23, 2018, passed by this Hon'ble Tribunal in OA25/2016/EZ, directing to maintain status quo was in full force and the Respondent No. 15 herein, of which the Applicant is also a member, was present in the said proceeding being OA25/2016/EZ, and was fully aware of the said order dated April 23, 2018.

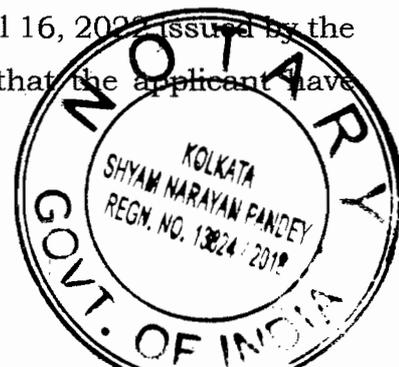
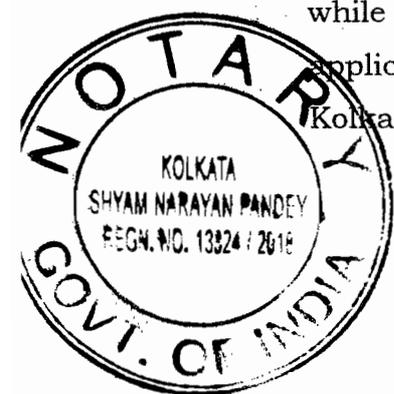
Copy of the order dated April 23, 2018, passed by this Hon'ble Tribunal in OA 25/2016/EZ, is annexed hereto and marked with letter "H".

- f. It would be also pertinent to note that the Applicant vide his Declaration-cum-Undertaking dated November 25, 2020, undertook that if any dispute/litigation arises in future under his plot of land for the approved sanction plan, the Kolkata Municipal Corporation will not be liable for this matter, and that the Kolkata Municipal Corporation may revoke/cancel sanction plan in respect of the said premises.
- g. These abovementioned declarations would reflect that the Applicant had acted in a malafide manner and in gross suppression of material facts. Moreover, the Applicant through the above declarations have undertaken that if any dispute/litigation arises in future under his plot of land for the approved sanction plan, the Kolkata Municipal Corporation may revoke/cancel sanction plan in respect of the said premises. Therefore, the Applicant cannot be permitted to take any stand contrary to the above declarations and affidavits. The instant



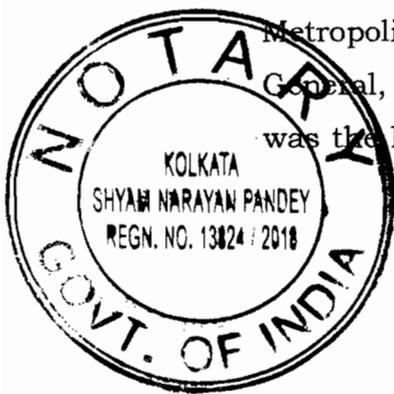
application of the applicant should be dismissed on this ground alone.

10. Moreover, the Eight Member Joint Committee before carrying out a site inspection on February 17, 2022, issued two notices dated February 15, 2022, and February 16, 2022, both to the answering Respondent and to Respondent No. 15 being the cooperative housing society and the named project proponent as per the order dated January 03, 2022, passed by this Hon'ble Tribunal. That at the time of inspection on February 17, 2022, the Respondent No. 15 was represented by one Mr. Sanjib Poddar, the then secretary of Respondent No. 15. Therefore, it was evident that the Respondent No. 15, being the cooperative housing society was aware of the inspection being carried out by the Eight Member Joint Committee, and the Applicant herein being one of the member of Respondent No. 15 cannot take the stand that he was unaware of the inspection carried out by the Eight Member Joint Committee as it was incumbent upon Respondent No. 15 to inform its members regarding such inspection being carried out by the Eight Member Joint Committee pertaining to a serious issue that several plots which were part of the Respondent No. 15 being the Cooperative Housing Society were alleged to have been brought into existence by filling up the waterbody i.e. 'Ukil Bheri'. Furthermore, during the Annual General Meeting of the Respondent No. 15, being the cooperative housing society, it is a statutory requirement on the part of the Respondent No. 15, to disclose the details of any pending litigation against the Respondent No. 15 society and seek funds for legal expenses from its members. The applicant and his representative being part of the Respondent No. 15 society was, therefore, very much aware of the pending litigation. However, the applicant chose to watch the entire proceeding before the Hon'ble National Green Tribunal from the fence, while the Respondent No. 15 was representing all its, and now the applicant having received the notice dated April 16, 2022 issued by the Kolkata Municipal Corporation it transpires that the applicant have



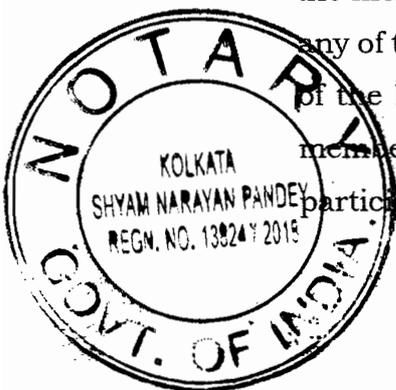
now taken the baton on himself to cover up the illegal action of construction and filling up of water body which could not be achieved through the Respondent No. 15 society.

11. That on May 17, 2022, the fourth meeting of the Eight-member Joint Committee was held wherein the Advocate on behalf of the Respondent No. 15, appeared and submitted that he would collect and submit all relevant deeds as and when available to him and opportunity was granted to the Respondent No. 15, to submit all relevant documents within May 26, 2022. Therefore, though not admitted but if at all the allegation of the applicant is considered to be true that he was not aware of proceedings of the eight-member joint, it was again incumbent upon the Respondent No. 15, to inform its member which includes applicant and therefore such issues of the applicant cannot be adjudicated herein, as the issue dealt by the Hon'ble Tribunal was in rem and had nothing to do with the personal interest of any stakeholders.
12. It stated that the Additional District Magistrate & District Land & Land Reforms Officer, South 24 Parganas conducted a field inquiry on R.S. Plot No. 267 and 268 in Mouza Nimokpoktan, J.L. No. 1, from February 7, 2022 to February 11, 2022, and submitted a report to the Eight Member Joint Committee on February 16, 2022, and as per the said report of the ADM&DL&LRO, South 24 Parganas, the classification of R.S. Plot No. 267 and 268 of Mouza Nimokpoktan, J.L No. 1, is recorded as "Beel". The said report of the ADM&DL&LRO, South 24 Parganas, is part of the report of the Eight-member joint committee.
13. Moreover, report of the Eight Member Joint Committee clearly reflects that as per the master plan of Metropolitan Cooperative Housing Society, 1985, Google Imagery of 2013, and the Deeds of plots of Metropolitan Cooperative Housing Society provided by the Inspector General, Registration, West Bengal, it was evident that Plot No. CZ 15 was the last plot to the west of the Metropolitan Cooperative Housing



Society, and the Plot No. CZ 15A was created by filing up the waterbody after 2013, and the same would be also proved from the fact that the applicant was allotted the said plot of land by the Respondent No. 15 in the year 2015 vide Deed of Conveyance bearing no. 4517 dated June 18, 2015.

14. It is submitted that even if this Hon'ble Tribunal for the time being brushes aside the fact that the applicant gave his undertaking that the Kolkata Municipal Corporation can revoke and/or cancel the sanction plan issued to the applicant if any dispute/litigation arises in future in respect of his plot, and that the applicant gave false and misleading declarations to obtain his sanction plan. The Applicant have not been able to produce any additional documents to make his case better keeping in view the report filed by the ADM&DL&LRO, South 24 Parganas, the master plan of Metropolitan Cooperative Housing Society, 1985, submitted by the answering respondent herein, and the Deeds of plots of Metropolitan Cooperative Housing Society filed by the Inspector General, Registration, West Bengal, before the Eight Member Joint Committee.
15. Therefore, given the abovementioned facts and circumstances the grievance of the applicant is not at all tenable and prima facie does not make out any case in favour of the applicant warranting this Hon'ble Tribunal to pass any order and/or orders as prayed for the applicant in his application in favour of the applicant. The application should be dismissed at the threshold by this Hon'ble Tribunal.
16. The Applicant's another leg of alleged contention is that some of the members of the Eight Member Joint Committee were not present at any of the meetings and some of the members who attended the meeting of the Eight Member Joint Committee were not even designated to be members of the committee and therefore they should not have participated in the said meetings. The Respondent No. 1 submits that



such allegation of the Applicant herein are incorrect and is an outcome of deliberate improper consideration and interpretation of the report dated November 4, 2022. The correct facts with respect to the meetings held by the Eight Member Joint Committee as reflected in the report dated November 4, 2022, are set out herein below:

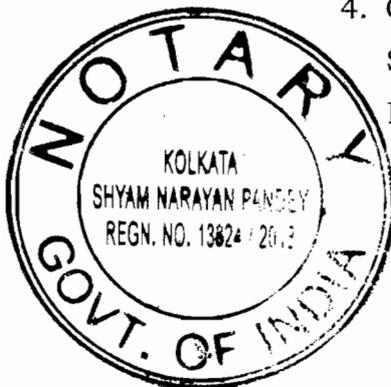
a. First meeting dated January 25, 2022:

i. Parties Present:

1. National Wetland Authority (National Wetland Committee), being represented by Smt. Manju Pandey, Joint Secretary, MOEF and CC and Sri Rajsekhar Ratti, Scientist D, MOEF and CC, Wetland Division.
2. MOEF and CC, being represented by Smt. Manju Pandey, Joint Secretary, MOEF and CC, and Sri Rajsekhar Ratti, Scientist D, MOEF and CC, Wetland Division.

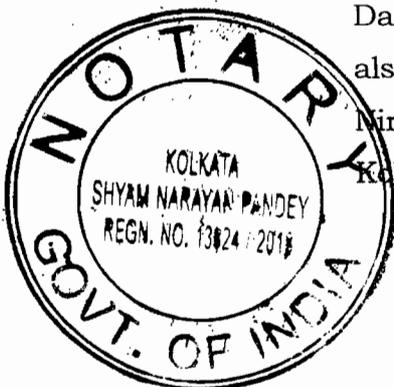
It is stated that the National Wetland Authority (National Wetland Committee) is a division of MOEF and CC, and therefore both these members were represented by similar officials in the meetings of the Eight Member Joint Committee. The same will be also evident from the attendance sheet of the meeting dated January 25, 2022, at Page No. 202 of the said Application.

3. State Wetland Authority being represented by Sri Kaliyamurthi Balamuruagan, Chief Environment Officer, Department of Environment, Government of West Bengal and Member, State Wetlands Authority.
4. Central Pollution Control Board being represented by Smt. Susmita Ekka, Scientist D, Eastern Regional Director, CPCB.



5. State Pollution Control Board being represented by Sri Debashis Sarkar, Chief Engineer, West Bengal Pollution Control Board.
 6. Director of Environment, West Bengal being represented by Smt. Neelam Meena, Director, Institute of Environmental Studies and Wetland Management, Smt. Pausali Mukherjee, Senior Law Officer, Department of Environment, West Bengal.
 7. District Magistrate, South 24 Parganas being represented by Sri Nitesh Dhali, ADM DL &LRO, District Magistrate Office, South 24 Parganas , Sri Sidhartha Guin, Deputy District Land Reforms Officer, District Magistrate Office, South 24 Parganas.
 8. Senior Superintendent of Police, South 24 Parganas being represented by Sri Gaurav Lal, IPS, Deputy Commissioner of Police, East Division, Kolkata Police and Rupesh Sapui, Officer in Charge, Pragati Maidan, Police Station
 9. Kolkata Municipal Corporation being represented by Sri Debashis Chakrabarty, DG, Environment and Heritage Department, Kolkata Municipal Corporation.
- ii. Detail of the meeting:

This meeting was called by the Eight-Member Joint Committee and Kolkata Municipal Corporation was present in the meeting as decision were taken to conduct a joint survey by Kolkata Municipal Corporation and ADM&LR, South 24 Parganas on 07.02.2022 to ascertain on which Dag Numbers the water body namely Ukil Bheri falls and also the status of Dag No. 267 and 268 of Mouza – Nimokpoktan, under P.S: Pragati maidan, Ward No. 57, Kolkata Municipal Corporation.



b. Field visit dated February 17, 2022:

i. Parties Present:

1. National Wetland Authority (National Wetland Committee), being represented by Dr. Shahida Parvin Quazi, Scientist E, Integrated Regional Office, MOEF&CC.
2. MOEF&CC, being represented by Dr. Shahida Parvin Quazi, Scientist E, Integrated Regional Office, MOEF&CC.

It is stated that the National Wetland Authority (National Wetland Committee) is a division of MOEF&CC, and therefore both these members were represented by similar officials in the meetings of the Eight Member Joint Committee.

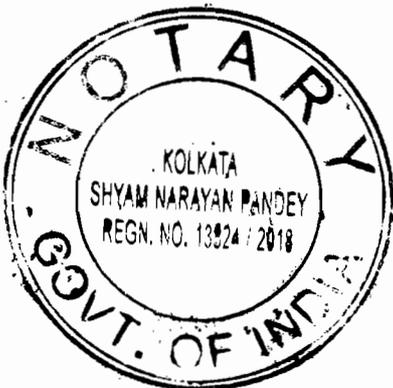
3. State Wetland Authority being represented by Sri Aniruda Paul, Scientist Officer, East Kolkata Wetland Management Authority, Barnali Dey, Technical Officer – Law, and Tarak Nath Das, Technical Assistant, East Kolkata Wetland Management Authority.
4. Central Pollution Control Board being represented by Smt. Susmita Ekka, Scientist D, Eastern Regional Director, CPCB.
5. State Pollution Control Board being represented by Debashis Sarkar, Chief Engineer, West Bengal Pollution Control Board.
6. Director of Environment, West Bengal being represented by Alok Halder, CAO, Institute of Environmental Studies and Wetland Management and Nirmal Kar, Institute of Environmental Studies and Wetland Management.



7. District Magistrate, South 24 Parganas being represented by Sri Nitesh Dhali, ADM DL &LRO, District Magistrate Office, South 24 Parganas , Sri Sidhartha Guin, Deputy District Land Reforms Officer, District Magistrate Office, South 24 Parganas, Parna Paul Ghosh, SDL&LRO, District Magistrate Office, and Dwaipayan Ghosh, RO&TA, Office of ADM DL&LRO, South 24 Parganas.
8. Senior Superintendent of Police, South 24 Parganas being represented by Sri S.K. Bera, Inspector/Officer in Charge, Pragati Maidan, Police Station.
9. Kolkata Municipal Corporation being represented by Dibendu Pal, Executive Engineer (Building), Kolkata Municipal Corporation, KDM, Executive Engineer (E&H), Kolkata Municipal Corporation.
10. Mr. Sanjib Poddar, the erstwhile Secretary of the Metropolitan Cooperative Housing Society being the Respondent No. 15.

ii. Detail of the meeting:

This was a site visit conducted by the Committee on February 17, 2022, based on the field enquiry conducted from February 7, 2022 to February 11, 2022 and the report submitted thereafter on February 16, 2022, by the Additional District Magistrate & District Land and Land Reforms Officer, South 24 Parganas. Kolkata Municipal Corporation was present as direction was passed on them to provide certain information as Mouza Nimokpoktan, J.L. No. 1, was integrated into the jurisdiction of Ward No. 57 of Kolkata Municipal Corporation as per the Kolkata Municipal Corporation Act, 1980. It is also pertinent to note that the one Sanjib Poddar, the then Secretary of Respondent No. 15 was present during the field visit



representing the Metropolitan Cooperative Housing Society.

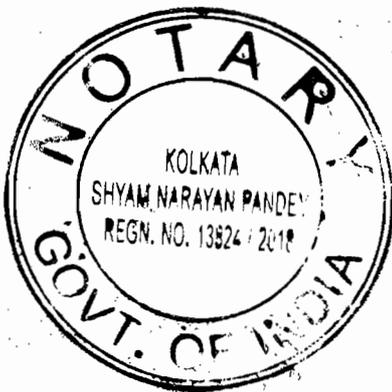
c. Second meeting dated March 15, 2022:

i. Parties Present:

1. National Wetland Authority (National Wetland Committee), being represented by Dr. Shahida Parvin Quazi, Scientist E, Integrated Regional Office, MOEF&CC.
2. MOEF&CC, being represented by Dr. Shahida Parvin Quazi, Scientist E, Integrated Regional Office, MOEF&CC.

It is stated that the National Wetland Authority (National Wetland Committee) is a division of MOEF&CC, and therefore both these members were represented by similar officials in the meetings of the Eight Member Joint Committee.

3. State Wetland Authority being represented by Sri Kaliyamurthi Balamuruagan, Chief Environment Officer, Department of Environment, Government of West Bengal and Member, State Wetland Authority.
4. Central Pollution Control Board being represented by Smt. Susmita Ekka, Scientist D, Eastern Regional Director, CPCB.
5. State Pollution Control Board being represented by Sri Debashis Sarkar, Chief Engineer, West Bengal Pollution Control Board.
6. Director of Environment, West Bengal being represented Neelam Meena, Director, Institute of Environmental Studies and Wetland Management and Sri Kaliyamurthi Balamuruagan, Chief Environment Officer, Department of Environment,



Government of West Bengal and Member, State Wetland Authority.

7. District Magistrate, South 24 Parganas being represented by Sri Nitesh Dhali, ADM DL &LRO, District Magistrate Office, South 24 Parganas , Sri Sidhartha Guin, Deputy District Land Reforms Officer, District Magistrate Office, South 24 Parganas, and Dwaipayan Ghosh, RO&TA, Office of ADM DL&LRO, South 24 Parganas.
 8. Senior Superintendent of Police, South 24 Parganas being represented by Rupesh Sapui, Officer in Charge, Pragati Maidan, Police Station and Arunoy Mukherjee, ACP, Kolkata Police.
 9. Kolkata Municipal Corporation being represented by Ujjwal Kumar Sarkar, Deputy Chief Engineer, Building, Kolkata Municipal Corporation.
- ii. Detail of the meeting:

This meeting was held pursuant to the field visit dated February 17, 2022. In this meeting, Kolkata Municipal Corporation was present for submitting certain documents as was asked for by the Eight Member Joint Committee. Further, directions were also passed on the Kolkata Municipal Corporation to issue Stop Work Notice at R.S. Dag No. 267 and 268 and submit documents with respect to the Land Classification of R.S. Dag No. 267 and 268 and whether such Land Classification was changed from “Beel” to anything else, against which the Kolkata Municipal Corporation issued Building Sanction Plans at the subject R.S. Dag Numbers.

d. Third Meeting dated March 22, 2022:

- i. Parties Present:



1. National Wetland Authority (National Wetland Committee), being represented by Dr. Shahida Parvin Quazi, Scientist E, Integrated Regional Office, MOEF&CC.
2. MOEF&CC, being represented by Dr. Shahida Parvin Quazi, Scientist E, Integrated Regional Office, MOEF&CC.

It is stated that the National Wetland Authority (National Wetland Committee) is a division of MOEF&CC, and therefore both these members were represented by similar officials in the meetings of the Eight Member Joint Committee.

3. State Wetland Authority being represented by Sri Kaliyamurthi Balamuruagan, Chief Environment Officer, Department of Environment, Government of West Bengal and Member, State Wetland Authority.
4. Central Pollution Control Board being represented by Smt. Susmita Ekka, Scientist D, Eastern Regional Director, CPCB.
5. State Pollution Control Board being represented by Debashis Sarkar, Chief Engineer, West Bengal Pollution Control Board.
6. Director of Environment, West Bengal not represented.
7. District Magistrate, South 24 Parganas being represented by Sri Nitesh Dhali, ADM DL &LRO, District Magistrate Office, South 24 Parganas , Sri Sidhartha Guin, Deputy District Land Reforms Officer, District Magistrate Office, South 24 Parganas, and Dwaipayana Ghosh, RO&TA, Office of ADM DL&LRO, South 24 Parganas, Tathagata Mukherjee, BL&LRO.



8. Senior Superintendent of Police, South 24 Parganas being represented by S. Chattopadhyay, Officer in Charge, Khasmahal, District South 24 Parganas.
9. Kolkata Municipal Corporation being represented by Ujjwal Kumar Sarkar, Deputy Chief Engineer, Building, Kolkata Municipal Corporation, Dibendu Pal, Executive Engineer (Building), Bhaskar Bhattacharya, Chief Manager, Revenue, South, Kolkata Municipal Corporation, Partha Sarathi Samanta, Deputy Chief Engineer (C), Environment and Heritage Department, Kolkata Municipal Corporation, Nitish Chandra Basak, Chief Valuer and Surveyor Department and Dulal Saha, Environment and Heritage Department, Kolkata Municipal Corporation.

ii. Detail of the meeting:

In this meeting, several Officers of Kolkata Municipal Corporation were present as they were called for by the Eight Member Joint Committee as per the second meeting dated March 15, 2022. Several questions were put forward by the Eight Member Joint Committee to the officers of the Kolkata Municipal Corporation present in the said meeting. Upon consideration of the submissions made by such officials and the documents submitted by them, the Eight Member Joint Committee, directed Kolkata Municipal Corporation to issue Stop Work Notice at the subject land and also submit a report regarding the procedure adapted by Kolkata Municipal Corporation and regarding justification of assessment mutation and building sanction issued to Metropolitan Cooperative Housing Society.

e. Final meeting dated July 27, 2022:

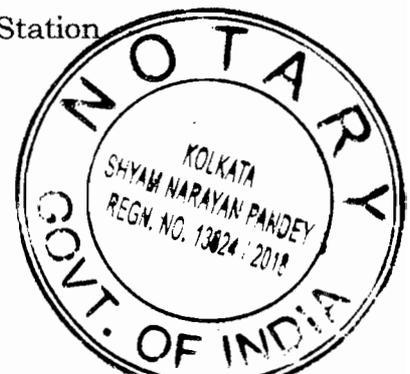
i. Parties Present:



1. National Wetland Authority (National Wetland Committee), being represented by Dr. Shahida Parvin Quazi, Scientist E, Integrated Regional Office, MOEF&CC.
2. MOEF&CC, being represented by Dr. Shahida Parvin Quazi, Scientist E, Integrated Regional Office, MOEF&CC.

It is stated that the National Wetland Authority (National Wetland Committee) is a division of MOEF&CC, and therefore both these members were represented by similar officials in the meetings of the Eight Member Joint Committee.

3. State Wetland Authority being represented by Sri Kaliyamurthi Balamuruagan, Chief Environment Officer, Department of Environment, Government of West Bengal and Member, State Wetland Authority.
4. Central Pollution Control Board being represented by Smt. Susmita Ekka, Scientist D, Eastern Regional Director, CPCB.
5. State Pollution Control Board being represented by Sri Debashis Sarkar, Chief Engineer, West Bengal Pollution Control Board.
6. Director of Environment, West Bengal being represented by Poushali Mukherjee, Senior Law Officer, Environmental Department, Government of West Bengal.
7. District Magistrate, South 24 Parganas being represented by Sri Nitesh Dhali, ADM DL &LRO, District Magistrate Office, South 24 Parganas.
8. Senior Superintendent of Police, South 24 Parganas being represented by Rupesh Sapui, Officer in Charge, Pragati Maidan, Police Station



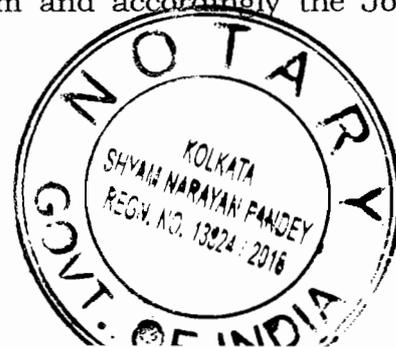
9. Kolkata Municipal Corporation being represented by Mukti PT, Kolkata Municipal Corporation, Priyabrata Mukherjee, Kolkata Municipal Corporation, and Sidhharth Sarui, Kolkata Municipal Corporation.

ii. Detail of the meeting:

The Eight Member Joint Committee after having perused the documents submitted by various authorities within the span of the three meetings and one field visit held by the Eight Member Joint Committee, documents submitted by the Respondent No. 1 on May 23, 2022, and the documents submitted by one Sanjib Poddar, being the secretary of the Metropolitan Cooperative Housing Society on May 25, 2022, have taken several decisions as would be evident from the minutes of meeting dated July 27, 2022. In this meeting Kolkata Municipal Corporation was present as directions were given to the Kolkata Municipal Corporation to immediately restore the waterbody and demolish the Plots which were created after 2013 by filling up of the waterbody.

f. Meeting dated September 23, 2022:

Pursuant to the request of the Applicant herein on September 5, 2022, this meeting was convened to provide another opportunity of hearing to the parties being one Sanjib Poddar, the then Secretary of the Respondent No. 15, and the Respondent No. 1 herein. It would be pertinent to mention that Mr. Sanjib Poddar along with his Advocate, Sanjay Upadhyay, made detailed submission before the Committee and also submitted written documents in support of their claim. After having considered such written documents submitted by the said Sri Sanjib Poddar, the committee observed that there were no new evidence which came up in support of their claim and accordingly the Joint



Committee, decided to follow the decisions taken in the final meeting dated July 27, 2022.

17. It is stated that from bare perusal of the details of the meetings as mentioned herein above it would be evident that the Eight Member Joint Committee had the quorum whenever meetings were convened. It would also be pertinent to mention that on May 17, 2022, that due to lack of quorum no decisions were taken by the Joint Committee. Therefore, the allegation that the Joint Committee did not act as per the order dated January 3, 2022, is incorrect. Moreover, the final report of the Eight Member Joint Committee was prepared on October 20, 2022, after the Joint Committee accorded an opportunity of hearing to one Sanjib Poddar, the then Secretary of Respondent No. 15 and to the Respondent No. 1. Therefore, the allegation of the Applicant that the decision taken by the Eight Member Joint Committee on July 27, 2022, was thrust on him is an incorrect submission made on behalf of the Applicant. The Eight Member Joint Committee decided to follow the decision taken in the meeting dated July 27, 2022, as no new evidence was provided by the Respondent No. 15.

18. It would also be pertinent to mention that the final report of the Committee was ratified by the Official and/or nominated representatives of all the Eight Members of the Joint Committee which in turn shows that the decisions, measures and the factfinding exercises undertaken by the Committee stood approved by all the Eight Members jointly. The details of the Officials and the members they represented at the time of ratifying the final report of the Committee are stated herein below:

- i. Neelam Meena, Director, IESWM & Secretary, Environment Department, Government of West Bengal (Represented the Director Environment, West Bengal).
- ii. Kaliyamurthi Balamuruagan, Chief Environment Officer, Environment Department, Government of West Bengal &



Member, State Wetland Authority (Represented the State Wetland Authority).

- iii. Dr. Shaida Parvin Quazi, Scientist E, Integrated Regional Office, MOEF&CC (Represented MOEF&CC and National Wetland Authority (Committee)).
- iv. Susmita Ekka, Scientist 'D', East Regional Directorate, Central Pollution Control Board (Represented Central Pollution Control Board).
- v. Nitesh Dhali, ADM & DL&LRO, District South 24 Parganas (Represented District Magistrate, South 24 Parganas).
- vi. Debashis Sarkar, Chief Engineer, West Bengal Pollution Control Board, (Represented State Pollution Control Board).
- vii. Gaurav Lal, Deputy Commissioner of Police, East Division, Kolkata Police (Represented Superintendent of Police, South 24 Parganas).

19. In view of the facts as mentioned above, it would be evident that the Eight Member Joint Committee ratified the decision taken by them and with respect to some of the members who attended the meeting of the Joint Committee without being designated to be members of the Committee, the same was necessary for the purpose of the fact finding exercise carried out by the Eight Member Joint Committee as they were called upon several times to produce several documents related to Dag No. 267 and 268 and provide explanations with respect to certain actions taken by them including sanction of Building Plans on Dag No. 267 and 268 without there being any conversion of land classification of the said Dag Numbers from 'Beel' to any other classification. Therefore, the said non-members were not involved in the decision-making process of the Eight Member Joint Committee, only non-essential functions were delegated to these attendees and all facts figures were finally collated and opinion formed by the designated eight-member joint committee.



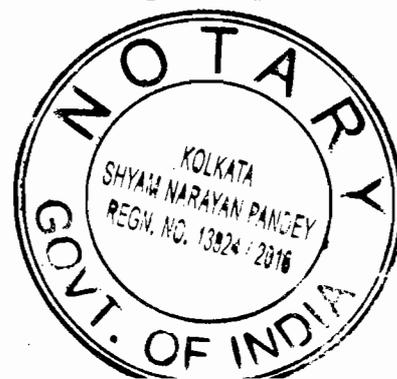
20. It is stated that the Applicant have also contended that the Hon'ble National Green Tribunal in its order dated January 03, 2022, passed in Original Application No. 25/16/EZ had constituted an Eight Member Joint Committee only by giving names of the offices without specifying as to which Officer is required to be present in the Committee. The Respondent No. 1 herein submits that such contention of the Applicant herein is in total contradiction to the order dated April 13, 2022, passed by the Hon'ble Supreme Court of India in Civil Appeal No. 2723 of 2022 being Sabyasachi Mullick Chowdhury vs. The State of West Bengal and Others. It is submitted that the Respondent No. 1 herein filed the Civil Appeal No. 2723 of 2022, assailing the order dated January 03, 2022, passed in Original Application No. 25/16/EZ being aggrieved by the constitution of the Eight Member Joint Committee, however, the Hon'ble Apex Court having heard the Respondent No. 1 herein was pleased to observe that there was no cogent reason to entertain the said Civil Appeal No. 2723 of 2022, as the Judgment dated January 03, 2022 passed in Original Application No. 25/16/EZ did not warrant any interference of the Hon'ble Apex Court.

Copy of the order dated April 13, 2022, passed by the Hon'ble Supreme Court of India in Civil Appeal No. 2723 of 2022 being Sabyasachi Mullick Chowdhury vs. The State of West Bengal and Others is annexed herewith and marked with letter "I".

21. That in view of such order dated April 13, 2022, passed by the Hon'ble Supreme Court of India in Civil Appeal No. 2723 of 2022 being Sabyasachi Mullick Chowdhury vs. The State of West Bengal and Others, the Judgment dated January 03, 2022, passed in Original Application No. 25/16/EZ had attained its finality as no one else had challenged the said order dated January 03, 2022. Therefore, the contention of the Applicant that the Eight Member Joint Committee was formed only by giving names of the offices without specifying as to which officers are required to be present in the Committee cannot not be accepted at this stage.



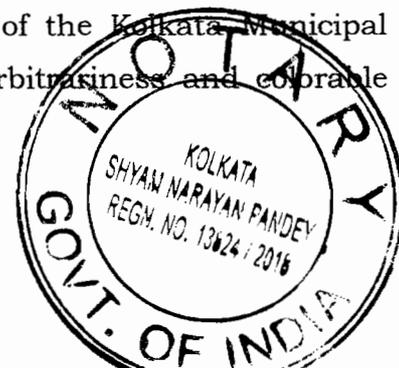
22. It is stated that the Respondent No. 1, earlier filed another writ petition being W.P.A. No. 12605 of 2017, before the Hon'ble High Court at Calcutta, against the inactions and illegal issuance of sanction plans by the Kolkata Municipal Corporation in the year 2017, the said writ petition was lastly heard on May 16, 2024, wherein the Hon'ble Court, took note of the order dated December 19, 2022 passed by the Special Municipal Commissioner, Kolkata Municipal Corporation in terms of Section 397 of the Kolkata Municipal Corporation Act, 1980, as the same was pointed out by the Respondent No. 1 before the Hon'ble Court.
23. The Respondent No. 15 society who was also a party to the said writ petition submitted before the Hon'ble Court that the concerned authority of the Kolkata Municipal Corporation may decide the matter in terms of Section 397 of the Kolkata Municipal Corporation Act, which was already initiated earlier. It was further submitted by the Respondent No. 15 society that the concerned authority of the Kolkata Municipal Corporation before taking any final decision should grant an opportunity to the allottees being the members of the Respondent No. 15, society to make deliberation before the concerned authority of the Kolkata Municipal Corporation Act.
24. That the counsel appearing on behalf of the Kolkata Municipal Corporation in the said writ petition also submitted before the Hon'ble Court that since an order was passed by the Special Municipal Commission, Kolkata Municipal Corporation on December 19, 2022, after the recommendation was made by the Eight Member Joint Committee, if the Hon'ble Court passes an appropriate direction, the Kolkata Municipal Corporation shall take steps to conclude the proceeding under section 397 of the Kolkata Municipal Corporation Act, 1980, in accordance with law.



25. The Hon'ble Court after hearing all the parties present, disposed off the said writ petition, thereby directing the concerned authority of the Kolkata Municipal Corporation to take necessary steps for bringing the proceeding which was initiated under section 397 of the Kolkata Municipal Corporation Act, 1980, to its logical conclusion after granting opportunity of hearing to the interested parties provided that no order is passed in the writ petition preferred by some of the plot holders being W.P.A. No. 20656 of 2022, preferred by one Sanjib Poddar and W.P.A. No. 20653 of 2022, preferred by one Supriti Saha, both of which are still pending before the Hon'ble High Court. The Hon'ble Court further directed that such proceeding be concluded within a period of 16 weeks from the date of communication of this order and the final order to be passed by the concerned authority of the Kolkata Municipal Corporation shall be communicated to the parties within one week thereafter.

Copy of the order dated May 16, 2024, passed by the Hon'ble High Court at Calcutta in W.P.A. No. 12605 of 2017 is annexed herewith and marked with letter "J".

26. It is reiterated that since the issue being dealt by the Hon'ble Tribunal in Original Application No. 25/16/EZ was an issue in rem and the enforcement was ultimately left to the statutory authority being the Kolkata Municipal Corporation, it was not necessary to consider individual matters in these proceedings, as the same has to be dealt with by the statutory authority being the Kolkata Municipal Corporation in accordance with law. Moreover, the Hon'ble High Court, while passing the order dated May 16, 2024, in W.P.A. No. 12605 of 2017 have already directed the concerned authority of the Kolkata Municipal Corporation to grant opportunity of hearing to the interested parties before taking any final decision and therefore the allegation of the applicant that he has become extremely vulnerable to the whimsical acts of the authorities and that the acts of the Kolkata Municipal Corporation allegedly suffers from gross arbitrariness and colorable



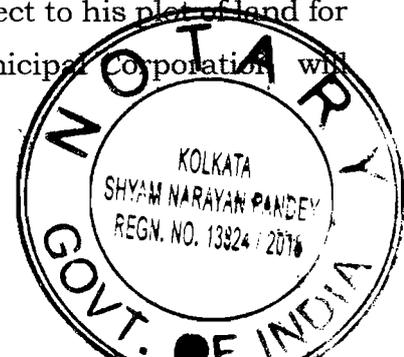
exercise of power accompanies with hostile discrimination against the petitioner while proceeding under section 397 of the Kolkata Municipal Corporation Act, 1980, in respect of CZ/15, CZ15A, Block-B, Canal South Road, Kolkata - 700015, appears to be infructuous as on date as the applicant being one of the interested parties will have the opportunity of hearing before the concerned authority of the Kolkata Municipal Corporation in the proceeding initiated under section 397 of the Kolkata Municipal Corporation Act, 1980.

27. It is stated that there is no reasonable justification or explanation given by the Applicant herein in preferring the said Application. The said Application is bereft of any plausible reason and/or ground that would warrant this Hon'ble Tribunal to exercise discretion in favour of the Applicant and allow the Application. No ground, far less sufficient ground is disclosed by the Applicant herein in preferring the instant Application. The Prayer made by the Applicant herein in the instant Application should therefore be rejected. The application is not in proper form.
28. Without prejudice to the aforesaid I now proceed to deal with and/or traverse only those averments and allegations made in the said application which are material for proper adjudication of the instant case. Save what are matters of record, what can be substantiated therefrom and except what are specifically admitted by me hereunder, I deny and dispute each and every statement and/or allegation made in the said application in seriatim as if the same are specifically traversed. Any statement or allegation made in the said application and not specifically dealt with by me hereinunder should not be deemed to have been admitted or accepted by me in any manner whatsoever.
29. With reference to paragraph no. 1 to 3, save what are matter of records and save and except what appears from ~~the~~ and proper



construction thereof, each and every allegation and/or contention is denied and disputed.

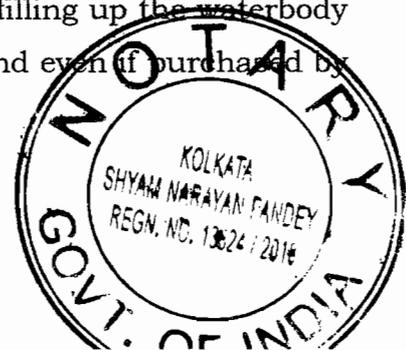
30. With reference to paragraph no. 4(A) to 4(D), save what are matter of records and save and except what appears from true and proper construction thereof, each and every allegation and/or contention is denied and disputed. It is denied that the applicant have complied all statutory formalities to obtain the building sanction plan from the Kolkata Municipal Corporation, as alleged or at all. It is stated that for the Applicant to obtain the building sanction plan for his plot, required a No Objection Certificate from the Society, and the answering respondent apprehends that such No Objection Certificate was obtained by the Applicant and issued by the Society without paying any heed to the status quo order which was then passed by this Hon'ble Tribunal in Original Application No. 25/16/EZ vide order dated April 23, 2018. Moreover, it is further stated that the society of which the Applicant is a member was a party to the proceeding being Original Application No. 25/16/EZ, and accordingly it is clear that the Applicant was very much aware of the said proceeding and chose to watch the same from the fence while the Respondent No. 15 society took up the cause of the Applicant and contested the said proceeding, the same would also be evident from the false and wrongful declarations given by the Applicant with respect to his plot as referred above. Such declarations clearly indicates that the Applicant in order to circumvent the status quo order passed by the National Green Tribunal did not disclose the entire property schedule which would have indicated that the said plot falls under Dag No. 268, Mouza Nimokpoktan which was the subject matter of the proceeding that was pending to be adjudicated then by the Hon'ble National Green Tribunal, and in addition to the same, the Applicant gave a false declaration that there was no litigation pending over his plot and further gave an undertaking that if any dispute/litigation arises in the future with respect to his plot of land for the approved sanctioned plan the Kolkata Municipal Corporation will



not be liable for the same and may revoke/cancel the same sanction plan with respect to his plot.

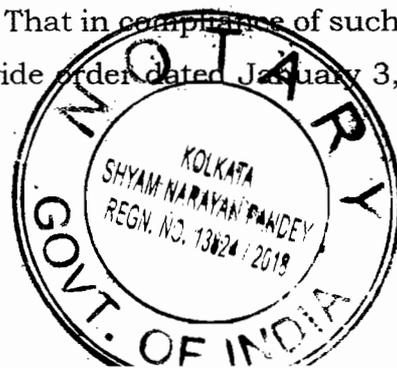
31. With reference to Paragraph No. 4(E) to 4(H), save what are matter of records and save and except what appears from true and proper construction thereof, each and every allegation and/or contention is denied and disputed. It is denied that suddenly on December 09, 2022, a representative of the Applicant visited the Kolkata Municipal Corporation's office for some official work and suddenly a purported show cause notice being Memo No. BLDG/VII/33/22-23 dated April 16, 2022, under section 397 of the Municipal Act, 1980 was handed over to him, as alleged or at all. It is also denied that the Applicant came to learn about the proceeding of Original Application No. 25/16/EZ for the first time through the said show cause notice, as alleged or at all. It is stated that the Applicant being a member of the Respondent No. 15 society was very much aware of the said proceeding, and however, decided to watch the said proceeding from the fence while the Respondent No. 15, took up the cause of the Applicant and contested the said proceeding.

32. With reference to Paragraph No. 4(I) to 4(L), save what are matter of records and save and except what appears from true and proper construction thereof, each and every allegation and/or contention is denied and disputed. It is denied that the R.S. Dag No. 268 was a part of the Metropolitan Cooperative Housing Society Limited, as alleged or at all. It is also denied that on the basis of the master plan prepared by the Respondent No. 15 society the Applicant was allotted the Plot No. CZ/15A, as alleged or at all. It is stated that as per the master plan which was before the Eight Member Joint Commission for consideration clearly reflected that CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 were the last plot of the Respondent No. 15 society. Hence, the plot of the applicant being CZ/15A was created by filling up the waterbody in R.S. Dag No. 268. Therefore, such plot of land even if purchased by



the Applicant upon payment of valuable consideration of money, the same appears to be illegal and calls for demolition in order to restore the said waterbody.

33. With reference to Paragraph No. 4(M) to 4(Q), save what are matter of records and save and except what appears from true and proper construction thereof, each and every allegation and/or contention is denied and disputed. It is denied that the applicant of the said Original Application No. 25/16/EZ, being the answering Respondent herein was well aware of the ownership of the said plot of land of the Applicant herein, as alleged or at all. It is also denied that despite such knowledge the Applicant herein was never made a party in the said Original Application No. 25/16/EZ, before this Hon'ble Tribunal, as alleged or at all. It is further denied that the Eight Member Joint Committee, constituted by this Hon'ble Tribunal proceeded behind the back of the Applicant, as alleged or at all. It is stated that the issue which was dealt by this Hon'ble Tribunal in O.A. No. 25/2016/EZ, was in relation to restoration of a wetland - 'Ukil Bheri', situated at Mouza Nimokpoktan, Pagladanga, Dihi Panchanangram, near Chingrighata, within Police station Pragati Maidan, Ward no. 57, Kolkata Municipal Corporation, measuring about 60 bighas, wherein the members of the Respondent No. 15 being a cooperative housing society was carrying out illegal filling up of the said waterbody and making constructions thereupon. Such issue which was dealt with by this Hon'ble Tribunal was an issue in rem and moreover, this Hon'ble Tribunal after while passing the order dated January 3, 2022, constituted an eight-member joint committee and directed them to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question, and if such prohibition is applicable, this Tribunal further directed for remedial action for protection of the wetland in question be taken by the concerned statutory authority. That in compliance of such direction passed by this Hon'ble Tribunal vide order dated January 3,



2022, the Eight Member Joint Committee prepared a final report wherein the Eight Member Joint Committee came to the conclusion that several plots were created by filling up of the waterbody and hence such plots needs to be demolished and the Kolkata Municipal Corporation, being the statutory authority and under whose jurisdiction the waterbody falls as the complete mouza Nimokpoktan was integrated into the jurisdiction of Ward No. 57 of Kolkata Municipal Corporation as per the Kolkata Municipal Corporation Act, 1980, was directed to take steps immediately to restore the waterbody at the said plots in compliance with the order dated January 03, 2022 passed by this Hon'ble Tribunal. That since the issue being dealt by this Hon'ble Tribunal in OA25/2016/EZ was an issue in rem and the enforcement was left to the statutory authority being the Kolkata Municipal Corporation, it was not necessary to consider individual matters in these proceedings as the same has to be dealt with by the statutory authority being the Kolkata Municipal Corporation in accordance with law. Moreover, the Hon'ble High Court, at Calcutta, while passing the order dated May 16, 2024, in W.P.A. No. 12605 of 2017 have already directed the concerned authority of the Kolkata Municipal Corporation to grant opportunity of hearing to the interested parties before taking any final decision and therefore the allegation of the applicant that he has become extremely vulnerable to the whimsical acts of the authorities and that the acts of the Kolkata Municipal Corporation allegedly suffers from gross arbitrariness and colorable exercise of power accompanies with hostile discrimination against the petitioner while proceeding under section 397 of the Kolkata Municipal Corporation Act, 1980, in respect of CZ/ 15, Block-B, Canal South Road, Kolkata - 700015, appears to be infructuous as on date as the applicant being one of the interested parties will have the opportunity of hearing before the concerned authority of the Kolkata Municipal Corporation in the proceeding initiated under section 397 of the Kolkata Municipal Corporation Act, 1980.

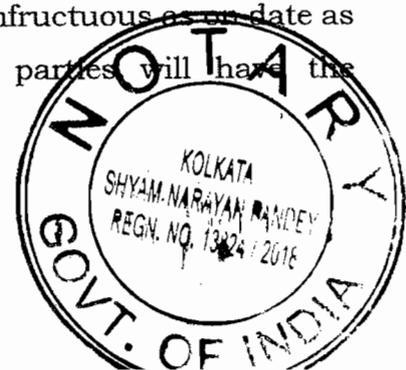


34. With reference to Paragraph No. 4(R), save what are matter of records and save and except what appears from true and proper construction thereof, each and every allegation and/or contention is denied and disputed. It is denied that there was no occasion of filling up of waterbody if admittedly the said land was a "Pukurpar", as per the report of the Additional District Magistrate and District Land & Land Reforms Officer, (South) 24 Parganas, as filed before the Hon'ble Tribunal on January 04, 2017, as alleged or at all. It is further denied that no land of the Respondent No. 15 society overlaps with the land of "Ukil Bheri", as alleged or at all. It is stated that the Applicant herein conveniently relied upon the Eight Member Joint Committee without disclosing the annexures of the said report which would have included another report submitted by the Additional District Magistrate and District Land & Land Reforms Officer, (South) 24 Parganas before the Eight Member Joint Committee on February 16, 2022. That the said report clearly states that both Dag No. 267 and 268 have been classified as 'Beel' and it was also stated in the said report two buildings constructed on Plot No. CZ 14A and CZ 14B, was over the filled up portion of the water body of RS Plot No. 268, and the Deed of Conveyance dated May 8, 2015, of the applicant clearly states that Plot No. CZ 14A and CZ 14B is located on its southern portion and hence it is clear that the plot of the applicant falls on the same line and was created over the filled up portion of the water body of RS Plot No. 268 and not on RS Plot No. 267. The said report also clearly states that the filled up portion within RS Plot No. 267 and 268 coincides with major portion of Sector - B, and parts of Sector - A and AE of the Respondent No. 15 society.

35. With reference to Paragraph No. 4(S) to 4(W), save what are matter of records and save and except what appears from true and proper construction thereof, each and every allegation and/or contention is denied and disputed. It is denied that the writ petition being WPA No. 1563 of 2023 filed by the applicant is still pending for



adjudication, as alleged or at all. It is further denied that the Hon'ble Supreme Court on Civil Appeal Diary No. 9248 of 2023, vide order dated April 24, 2023, has permitted the applicant to move before this Hon'ble Tribunal as he was never heard at any point of time, as alleged or at all. It is stated that the writ petition being WPA No. 1563 of 2023 filed by the applicant was dismissed vide order dated January 10, 2024, against which the applicant filed an appeal before the Hon'ble Division Bench being MAT No. 239 of 2024, and the same has also been disposed off vide order dated February 19, 2024. It is further stated that the Hon'ble Supreme vide order dated April 24, 2023, in Civil Appeal No. 3049 of 2023, directed this Hon'ble Tribunal to look into the tenability of the grievance of the Applicant on merits that no hearing was afforded to the Applicant before the order dated January 03, 2022, was passed by this Hon'ble Tribunal in O.A. No. 25/2016/EZ, before passing an order thereon. It is stated that since the issue being dealt by this Hon'ble Tribunal in OA25/2016/EZ was an issue in rem and the enforcement was finally left to the statutory authority being the Kolkata Municipal Corporation, it was not necessary to consider individual matters in these proceedings as the same has to be dealt with by the statutory authority being the Kolkata Municipal Corporation in accordance with law. Moreover, the Hon'ble High Court at Calcutta, while passing the order dated May 16, 2024, in W.P.A. No. 12605 of 2017 have already directed the concerned authority of the Kolkata Municipal Corporation to grant opportunity of hearing to the interested parties before taking any final decision and therefore the allegation of the applicant that he has become extremely vulnerable to the whimsical acts of the authorities and that the acts of the Kolkata Municipal Corporation allegedly suffers from gross arbitrariness and colorable exercise of power accompanies with hostile discrimination against the petitioner while proceeding under section 397 of the Kolkata Municipal Corporation Act, 1980, in respect of CZ/15, CZ15A, Block-B, Canal South Road, Kolkata - 700015, appears to be infructuous as on date as the applicant being one of the interested parties will have the



opportunity of hearing before the concerned authority of the Kolkata Municipal Corporation in the proceeding initiated under section 397 of the Kolkata Municipal Corporation Act, 1980

Copy of the order dated January 10, 2024, passed in WPA No. 1563 of 2023, and the order dated February 19, 2024, passed in MAT No. 239 of 2024, are annexed hereto and collectively marked with letter "K (Colly.)".

36. With reference to Paragraph No. 4(X) and 4(Y), save what are matter of records and save and except what appears from true and proper construction thereof, each and every allegation and/or contention is denied and disputed. It is denied that the interest of the applicant was never truly represented before any forum, as alleged or at all. It is further denied that no orders could have been passed against the said land without hearing the applicant, as alleged or at all. It is stated that the Respondent No. 15 have at all times represented the interest of all its members.
37. With reference to Paragraph No. 4(a) to 4(k) of the said application, I submit that the grounds set forth in the sub paragraphs thereunder are thoroughly misconceived, baseless, devoid of any substance or any merit and do not warrant for any consideration by this Hon'ble Tribunal.
38. With reference to Paragraph No. 5 of the said application, save what are matter of records and save and except what appears from true and proper construction thereof, each and every allegation and/or contention is denied and disputed.
39. With reference to Paragraph No. 6 of the said application, save what are matter of records and save and except what appears from true and proper construction thereof, each and every allegation and/or contention is denied and disputed. It is stated that the facts and the



grounds stated in the said Application does not warrant for any prayer being passed in favour of the Applicant by this Hon'ble Tribunal.

40. In the facts and circumstances of the case as stated hereinabove, I submit that this application is absolutely misconceived, purposive and is liable to be dismissed.

41. The statements made in foregoing paragraphs 1 to 3, 8, 9(c), 9(f), 9(g), 10 to 19, 21 to 24, 26 to 34 and 36 to 39 are true to my knowledge, those made in paragraphs 4 to 7, 9(a), 9(b), 9(d), 20, 25 and 35 are true to my information derived from the records which I verily believe to be true and those made in paragraph 40 are my humble submissions before this Hon'ble Tribunal.

Satyasachi Mullick Chowdhury

Deponent is known to me

Clerk to

Advocate

Prepared in my Office

Vishwanath Acharya
Advocate

Solemnly affirmed before me

On the day of June, 2024

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

Shyam Narayan Pandey

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

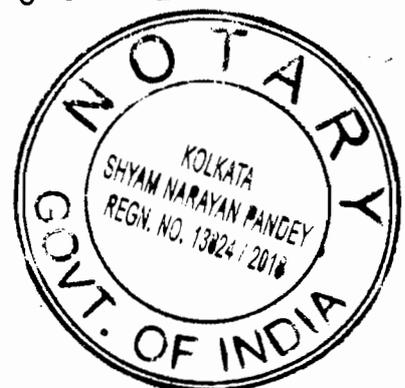
28.06.2024

BEFORE ME

NOTARY



28 JUN 2024



VERIFICATION

Verified at Kolkata on this the day of June, 2024, that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.

Sabyasachi Kullick Chowdhury
DEPONENT



35

"A"

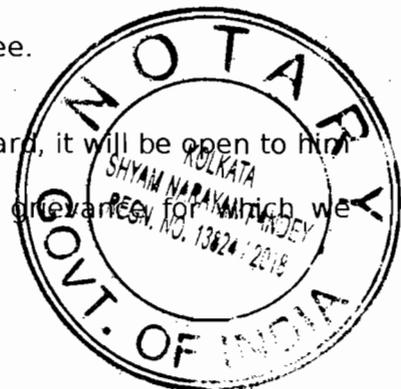
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO 3049 OF 2023
(Diary No 9248/2023)

Hitesh Sharma**... Appellant****Versus****Sabyasachi Mullick Chowdhury & Ors****... Respondents****ORDER**

- 1 Delay condoned.
- 2 Ms Kiran Suri, senior counsel appearing on behalf of the petitioner states that no hearing was afforded to the appellant before the impugned order was passed by the National Green Tribunal on 3 January 2022.
- 3 The submission is, it is only when a notice was received by the appellant on 19 December 2022 that the appellant obtained knowledge of the order of the National Green Tribunal. It has been submitted that the appellant would be seriously affected by the impugned order.
- 4 The allegation pertains to a construction on a wetland.
- 5 The Tribunal has constituted an eight member committee.

Signature Not Verified
Digitally signed by
NEETA SARMA
Date: 2023.04.27
16:56:51 IST
Reason:

6 Since the appellant has a grievance that he was not heard, it will be open to him to move the National Green Tribunal with the above grievance for which we



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grant liberty to the appellant.

- 7 The Tribunal may then look into the tenability of the grievance on merits before passing an order thereon.
- 8 Subject to the grant of the liberty to the appellant in the above terms, the appeal is disposed of.
- 9 Pending applications, if any, stand disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Pamidighantam Sri Narasimha]

New Delhi;
April 24, 2023
GKA



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ITEM NO.6

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 9248/2023

(Arising out of impugned final judgment and order dated 03-01-2022 in OA No. 25/2016 passed by the National Green Tribunal, Eastern Zone Bench, Kolkata)

HITESH SHARMA

Petitioner(s)

VERSUS

SABYASACHI MULLICK CHOWDHURY & ORS.

Respondent(s)

(IA No.74071/2023-CONDONATION OF DELAY IN FILING and IA No.74075/2023-STAY APPLICATION and IA No.74074/2023-PERMISSION TO FILE APPEAL)

Date : 24-04-2023 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Ms. Kiran Suri, Sr. Adv.
Mr. Chandrashekhar A. Chakalabbi, Adv.
Mr. Abhishek Bose, Adv.
Mr. Pijush Biswas, Adv.
Mr. S.k. Pandey, Adv.
Mr. Awanish Kumar, Adv.
Mr. Anshul Rai, Adv.
Mr. Abhinav Garg, Adv.
Mr. D. Girish Kumar, Adv.
Mr. Kumar Vinayakam Gupta, Adv.
Mr. Anupam Jain, Adv.
Ms. Aishwarya N Hiremath, Adv.
M/S. Dharmaprabhas Law Associates, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1 Delay condoned.



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2 The appeal is disposed of in terms of the signed order operative part of which is reproduced as under :

- "6 Since the appellant has a grievance that he was not heard, it will be open to him to move the National Green Tribunal with the above grievance for which we grant liberty to the appellant.
- 7 The Tribunal may then look into the tenability of the grievance on merits before passing an order thereon.
- 8 Subject to the grant of the liberty to the appellant in the above terms, the appeal is disposed of.
- 9 Pending applications, if any, stand disposed of."

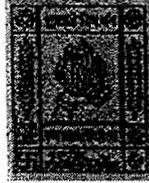
(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)



"B" 39



THE KOLKATA MUNICIPAL CORPORATION
MUNICIPAL ASSESSMENT BOOK (Portal Copy)
LANDS AND BUILDINGS
ASSESSMENT DEPARTMENT

Borough No.	Ward No.	Street No.	Premises No.	Street Name	Heritage	Pond	Assessment No.	Map No.
7	057	02	CZ/15A/B	CANAL SOUTH ROAD	NO	NO	140570208380	

No. of Stories	Nature of Use	Floor (in Sq.Ft.)	Covered (in Sq.Mt.)	Floor (in Sq.Mt.)	Land Area	Article	Section	%	Residential	Non Res	Classified Ownership	Operative GR Quarter	Operative GR Quarter	Operative GR Quarter
	VACANT LAND	4480			Cottah 06, Chatak 03, SqFt 25							1/2017		

Name and address of owner and/or person liable to pay consolidated rate (1)	Initial and date of the H.A./Asst. making correction (2)
Owner : METROPOLITAN CO-OPPOSITE HOUSING SOCIETY, LTD, ALLOTTEE-MR. HITESH SHARMA,..... Address : 12C, MADAN CHATTERJEE LANE, KOLKATA-700007,.....	

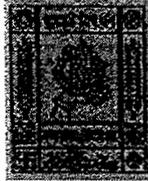
Annual Valuation (A)	Assess. U/s (4)	% of Consolidated Rate (5)	Date of Alteration of Annual Valuation (6)	Date of EOP of Alteration (7)	Quantity payable (8)	Amount of Taxes if any u/s 12 (D) & 27% of Consolidated Rate (9)	Amount After Allowing Rebates (10)
21780		40	23/11/2016	1990-10-01 00:00:00.0	2178	0	2178
26140		40	23/11/2016	1996-10-01 00:00:00.0	2614	0	2614
31370		40	23/11/2016	2002-10-01 00:00:00.0	3137	0	3137
37640		40	23/11/2016	2008-10-01 00:00:00.0	3764	0	3764
45170		40	23/11/2016	2014-10-01 00:00:00.0	4517	0	4517
45940		40	23/11/2016	2015-04-01 00:00:00.0	4594	0	4594
560160		20	20/07/2021	2017-04-01 00:00:00.0	5581	0	5581

Quarterly Rental Bridge Tax leviable on the AV (1)	Proportion of Rent payable (2)	Proportioned Quarterly Rent (3)	% of Rent (4)	Amount of Rent (5)	Gross Amount Payable per Quarter Column 5 x (10.11) and (10.12) (rounded off to the nearest rupee) (16)	Amount of General Duty 6% of 2152 (17)	Net Amount Payable per Quarter (18)	Initial of Assessment Collector (19)	Initial of Assessee (20)	Date of Issuing of Receipt or Supplementary Bill (21)	Remarks (22)
27.23			50	0	2205	110.25	2095				ARV
32.68			50	0	2647	132.35	2515				ARV
39.21			50	0	3178	158.8	3017				ARV
47.05			50	0	3811	190.55	3620				ARV
56.46			50	0	4573	228.65	4344				ARV
57.43			50	0	4651	232.55	4418				ARV
1075.2			0	0	5581	278.05	5301.95				UAA

Annual Valuation and Tax Capping in Unit Area Assessment System are subject to Verification and final determination by KMC, as applicable.



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THE KOLKATA MUNICIPAL CORPORATION
MUNICIPAL ASSESSMENT BOOK (Portal Copy)
LANDS AND BUILDINGS
ASSESSMENT DEPARTMENT

Borough No.	Ward No.	Street No.	Premise No.	Street Name	Heritage	Pond	Assess. No.	Nath. No.
7	057	02	CZ-14B/B	CANAL SOUTH ROAD	NO	NO	140570208032	

No. of Stories	Nature of Use	Plot (In Sq.Mt.)	Covered (In Sq.Mt.)	Floor (In Sq.Mt.)	Land Area	Article	Section	%	Residential	Non-Res.	Classified Ownership	Operative GR Quarter	Operative GR Quarter	Operative GR Quarter
					Cottah 3							2/2015		

Name and address of owner and/or person liable to pay consolidated rate (1)	Initial and date of the H.A./Asst. making correction (2)
Owner : METROPOLITAN CO-OPERATIVE HOUSING SOCIETY LTD., ALLOTTEE - RATNA CHATTERJEE,..... Address : 139D/4, MAHARANI INDIRA DEVI ROAD, KOLKATA-700080,.....	

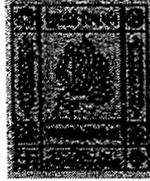
Annual Valuation (3)	Assess. (In %)	% of Consolidated Rate (5)	Date of Alteration of Annual Valuation Column (6)	Date of Effect of Alteration (7)	Quantity payable Consolidated Rate (8)	Amount of Rebate if any (in % of 25% of Consolidated Rate (9))	Amount After Allowing Rebate (Col. 6 minus Col. 9) (10)
10500		27.5	15/10/2015	1990-10-01 00:00:00.0	721.88	0	721.88
12600		31	15/10/2015	1998-10-01 00:00:00.0	976.5	0	976.5
15120		35.2	15/10/2015	2002-10-01 00:00:00.0	1330.56	0	1330.56
18140		40	15/10/2015	2008-10-01 00:00:00.0	1814	0	1814
21770		40	15/10/2015	2014-10-01 00:00:00.0	2177	0	2177

Quarterly House Bridge Tax (as levied on the AV (1))	Proportion of AV (2)	Proportion of Quarter Rate (3)	% of Sample (4)	Amount of Sample (5)	Gross Annual Expenditure on Quarter Column (6) (in % of 10% of Sample (5) in rupees) (16)	Amount of Sample (7) (in % of 25% of (16))	Net Amount of Sample (8) (in % of (7))	% of Sample (9)	Initial of Authorizing Officer (1) (12)	Quarter of Issuing of Tax or Supplementary Bill as per Amendment (11)	Remarks (22)
13.13			50	0	735	36.75	698				ARV
15.75			50	0	892	49.6	942				ARV
18.9			50	0	1349	67.45	1282				ARV
22.68			50	0	1837	91.85	1745				ARV
27.21			50	0	2204	110.2	2094				ARV

Annual Valuation and Tax Capping in Unit Area Assessment System are subject to Verification and final determination by KMC, as applicable.



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THE KOLKATA MUNICIPAL CORPORATION
MUNICIPAL ASSESSMENT BOOK (Portal Copy)
LANDS AND BUILDINGS
ASSESSMENT DEPARTMENT

Borough No.	Ward No.	Street No.	Plotting No.	Street Name	Heritage	Point	Assessment No.	Nash No.
7	057	02	CZ-9B/B	CANAL SOUTH ROAD	NO	NO	140570208123	

No. of Stories	Nature of Use	Floor (in Sq.M.)	Covered (in Sq.M.)	Floor (in Sq.M.)	Land Area	Article	Section	%	Unit/Category	Number	Classified Ownership	Operative GR Quarter	Operative GR Quarter	Operative GR Quarter
					Cottah 4, Chatak 8							2/2015		

Name and address of owner and/or person liable to pay consolidated rate (1) Owner : METROPOLITON CO-OPERATIVE HOUSING SOCIETY LTD.,ALLOTTEE - SMT. SUPRITI SAHA..... Address : P-125, SECTOR 'A' CANAL SOUTH ROAD,,KOLKATA-700105,.....	Initial and date of the H.A./Assit. making correction (2)
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Annual Valuation (3)	Area (4)	% of Consolidated Rate (5)	Date of Alteration of Annual Valuation Column (6)	Date of Effect of Alteration (7)	Quantity, suitable Consolidated Rate (8)	Amount of Rebate if any, up to 171(6) @25% of Consolidated Rate(9)	Amount After Allowing Rebate (Col. 8 minus Col. 9)(10)
15750		36.3	11/12/2015	1990-10-01 00:00:00.0	1429.31	0	1429.31
18900		40	11/12/2015	1996-10-01 00:00:00.0	1890	0	1890
22680		40	11/12/2015	2002-10-01 00:00:00.0	2268	0	2268
27220		40	11/12/2015	2008-10-01 00:00:00.0	2722	0	2722
32660		40	11/12/2015	2014-10-01 00:00:00.0	3266	0	3266
34180		40	11/12/2015	2015-07-01 00:00:00.0	3418	0	3418

Quantity of Rebate on the AV (11)	Area (12)	Consolidated Rate (13)	% of Surcharge (14)	Amount of Surcharge (15)	Gross Amount Payable per Quarter (Col. 10, 11 and 15) (16)	Amount of General Rebate (17)	Net Amount Payable per Quarter (Col. 16 minus Col. 17) (18)	Initial of Assessment Officer (19)	Initial of Authorizing Officer (20)	Order of Forfeiture of Supplementary Bill as per Alterations (21)	Remarks (22)
19.89			50	0	1449	72.45	1377				ARV
23.63			50	0	1914	95.7	1818				ARV
26.35			50	0	2296	114.8	2181				ARV
34.03			50	0	2756	137.8	2618				ARV
40.83			50	0	3307	165.35	3142				ARV
42.73			50	0	3461	173.05	3288				ARV

Annual Valuation and Tax Capping in Unit Area Assessment System are subject to Verification and final determination by KMC, as applicable.



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THE KOLKATA MUNICIPAL CORPORATION

MUNICIPAL ASSESSMENT BOOK (Portal Copy)

LANDS AND BUILDINGS
ASSESSMENT DEPARTMENT

Borough No.	Ward No.	Street No.	Promised No.	Street Name	Holding	Pond	Assessors No.	Nathi No.
7	057	02	CZ-20A/B	CANAL SOUTH ROAD	NO	NO	140570208020	

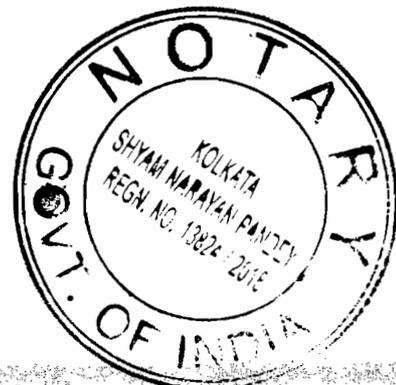
No. of Stories	Nature of Use	Plot (in Sq.Ft.)	Covered (In Sq.Ft.)	Floor (In Sq.Mtr.)	Land Area	Article	Section	%	Residential	Non Res.	Classified Ownership	Operative GR Quarter	Operative GR Quarter	Operative GR Quarter
6	D.H	3240	13850			Cottah 4, Chatak 8						4/2019		

Name and address of owner and/or person liable to pay consolidated rate (1)	Initial and date of the H.A./Asst. making correction (2)
Owner : METROPOLITAN CO-OPERATIVE HOUSING SOCIETY LTD., ALLOTTEE - SANJIB PODDAR,..... Address : P-59, SECTOR-'A', GR FLOOR, CANAL SOUTH ROAD, KOLKATA-700105,.....	

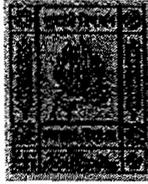
Annual Valuation (3)	Assessors (4)	% of Consolidated Rate (5)	Date of Alteration of Asses. Valuation Column (6)	Date of Effect of Alteration (7)	Quarterly payable Consolidated Rate (8)	Amount of Rebate if any (in % of 25% of Consolidated Rate) (9)	Amount After Allowing Rebate (Col. 8 minus Col. 9) (10)
15750		36.3	09/10/2015	1990-10-01 00:00:00.0	1429.31	0	1429.31
18900		40	09/10/2015	1996-10-01 00:00:00.0	1890	0	1890
22680		40	09/10/2015	2002-10-01 00:00:00.0	2268	0	2268
27220		40	09/10/2015	2008-10-01 00:00:00.0	2722	0	2722
41300		40	09/10/2015	2014-07-01 00:00:00.0	4130	0	4130
41300		40	09/10/2015	2014-10-01 00:00:00.0	4130	0	4130
150770		20	22/11/2018	2017-04-01 00:00:00.0	5018	0	5018
381200		20	06/07/2020	2020-01-01 00:00:00.0	18512	0	18512

Quarterly Payable Bridge Tax (as per the Act) (11)	Proportional A/C Rates applicable (12)	Proportional Electricity Rates (13)	% of Surcharge (14)	Amount of Surcharge (15)	Gross Amount Payable per Quarter Column (10) plus 11, 12, 13 and 14 multiplied by the number of quarters (16)	Amount of General Subsidy (17)	Net Annual Payable (18)	Rate of Assessment Certificate Assessed (19)	Initial of Authorizing Officer (in 1914) (20)	Office of issue of Certificate of Assessment (21)	Remarks (22)
19.69			50	0	1449	72.45	1377				ARV
23.63			50	0	1914	95.7	1818				ARV
28.35			50	0	2298	114.8	2181				ARV
34.03			50	0	2756	137.8	2618				ARV
51.63			50	0	4182	209.1	3973				ARV
51.63			50	0	4182	209.1	3973				ARV
188.46			0	0	5018	250.9	4767.1				UAA
451.5			0	0	18512	925.6	17586.4				UAA

Annual Valuation and Tax Capping in Unit Area Assessment System are subject to Verification and final determination by KMC, as applicable.



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THE KOLKATA MUNICIPAL CORPORATION
MUNICIPAL ASSESSMENT BOOK (Portal Copy)
LANDS AND BUILDINGS
ASSESSMENT DEPARTMENT

Borough No.	Ward No.	Street No.	Premise No.	Street Name	Heritage	Pond	Assessm. No.	Nath. No.
7	057	02	CZ-21A/B	CANAL SOUTH ROAD	NO	NO	1405/0208068	

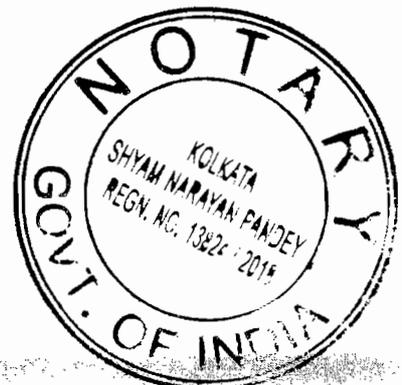
No. of Stories	Nature of Use	Floor (In Sq.Mt.)	Covered (In Sq.Mt.)	Floor (In Sq.Mt.)	Land Area	Article	Section	%	Residential	Non Res.	Classified Ownership	Operative GR Quarter	Operative GR Quarter	Operative GR Quarter
					Cottah 4, Chatak 8							1/2017		

Name and address of owner and/or person liable to pay consolidated rate (1) Owner : METROPOLITAN CO-OPERATIVE HOUSING SOCIETY LTD,ALLOTTEE: BISWAJIT SAHA, NANDITA SAHA,..... Address : CZ-21A/B,CANAL SOUTH ROAD,KOLKATA,.....	Initial and date of the H.A./Asst. making correction (2)
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Annual Valuation (2)	Assess. U/R (4)	% of Consolidated Rate (5)	Date of Alteration of Annual Valuation Column (3)	Date of Effect of Alteration (7)	Quarterly payable Consolidated Rate (8)	Amount of Release if any U/R (3) @25% of Consolidated Rate(9)	Amount After Allowing Release (Col. 6 minus Col. 9)(10)
15750		36.3	30/10/2015	1990-10-01 00:00:00.0	1429.31	0	1429.31
18900		40	30/10/2015	1996-10-01 00:00:00.0	1890	0	1890
22680		40	30/10/2015	2002-10-01 00:00:00.0	2268	0	2268
27220		40	30/10/2015	2008-10-01 00:00:00.0	2722	0	2722
32660		40	30/10/2015	2014-10-01 00:00:00.0	3266	0	3266
34990		40	30/10/2015	2015-07-01 00:00:00.0	3499	0	3499
169920		20	30/10/2018	2017-04-01 00:00:00.0	4252	0	4252

Quarterly House Bridge Tax as payable on the AV (1)	Proportional AV as applicable	Proportional Consolidated Rate (13)	% of Surcharge (14)	Amount of Surcharge (15)	Gross Amount Payable (Col. 10 plus Col. 15) (16)	Amount of General Rate (17)	Net Amount Payable (18)	Initial of Assessment Officer (19)	Initial of Authorizing Officer (20)	Order of Issuing of Receipt (21)	Remarks (22)
19.89			50	0	1449	72.45	1377				ARV
23.63			50	0	1914	95.7	1818				ARV
28.35			50	0	2296	114.8	2181				ARV
34.03			50	0	2756	137.8	2618				ARV
40.83			50	0	3307	165.35	3142				ARV
43.74			50	0	3543	177.15	3366				ARV
212.4			0	0	4252	212.6	4039.4				UAA

Annual Valuation and Tax Capping in Unit Area Assessment System are subject to Verification and final determination by KMC, as applicable.



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Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 25/2016/EZ

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M.A. No. 814/2016/EZ, M.A. No. 25/2017/EZ, M.A. No. 12/2018/EZ,
M.A. No. 13/2018/EZ, I.A. No. 72/2019/EZ, I.A. No. 82/2019/EZ
& I.A. No. 10/2020/EZ

Sabyasachi Mallick Chowdhury

Applicant

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 03.01.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

Applicant: Mr. Brijendra Chahar, Senior Advocate along with Mr. Ashok Prasad, Advocate

Respondent: Mr. Sudip Kumar Dutta, Advocate for Respondent No 1 to 4,9,10,11,13,
Mr. Dipanjan Ghosh, Advocate for Respondent No.5&6
Mr. Gopal Chandra Das, Advocate and Mr. Sibojyoti Chakraborti, Advocate for Respondent No.7&8
Mr. Jayanta Mitra, Senior Advocate along with Mr. Ankit Sureka, Advocate for Respondent No. 14
Ms. Saheli Sen, Advocate for R.15

ORDER

1. Issue raised in this application relates to restoration of a wetland - *Ukil Bheri*, situated at Mouza-Nimokpoktan, Pagladanga, Dihi Panchanangram, near Chingrighata, within Police Station Pragati Maidan, Ward No. 57, Kolkata Municipal Corporation (KMC), measuring about 60 bighas.

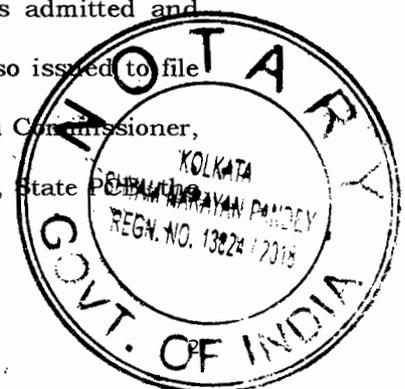


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2. The application was filed before the Eastern Bench of this Tribunal on 17.02.2016. Averments in the application in brief are that respondent nos. 14 to 22, Metropolitan Co-Operative Housing Society Limited and its office bearers and members are illegally constructing boundary wall on the bank of the water body since 17.10.2015. Complaint was made to the Police Station, Pragati Maidan in October, 2015 but no action was taken. Further construction was attempted on 05.02.2016 and again complaint was made but the construction continued. The applicant has a license from the Fisheries Department and such right is violated by the construction. The applicant has also referred to news article dated 04.07.2013 in Times of India under the caption "Ukiler Bheri filled up under councilor's nose, KMC clueless" and further article dated 17.07.2013 in Times of India captioned "Ukiler Bheri gets a second life". Encroachment was on Dag No. 268 measuring 2 bighas. The water body in question is protected under the East Kolkata Wetlands (Conservation and Management) Act, 2006 and the Wetlands (Conservation and Management) Rules, 2010. The applicant has relied upon photographic evidence and also time series Google Earth images to show encroachments.

3. The matter has been considered by this Tribunal in the last about six years by several orders. The parties have filed their respective versions. In the course of this order, reference will be made to the relevant orders and pleadings of the parties.

4. Vide order dated 25.02.2016, the application was admitted and notice was issued to the respondents. Direction was also issued to file status report by Chief Secretary, West Bengal, Municipal Commissioner, KMC, the East Kolkata Wetlands Management Authority, State P



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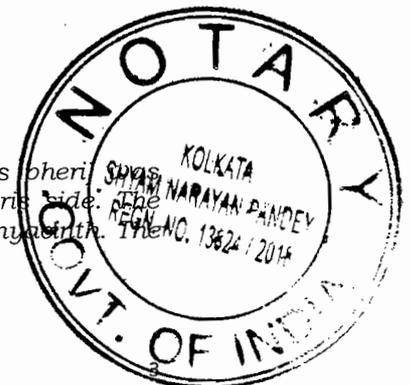
Director General (Project Management Unit) KMC and the Commissioner of Police, Kolkata Police. Wetland Management Authority was directed to mention whether the water body in question is part of the wetland. Directions were also issued against illegal filling up of the waterbody.

5. On 12.07.2016, the Tribunal considered the prayer for interim relief and observed that no order was necessary in the hope that status quo will be maintained in the matter of filling up of the waterbody in question. On 20.07.2016, the Tribunal appointed Surveyor for measurement of the waterbody and to ascertain the encroachments. Status quo was directed to be maintained in the meanwhile. On 07.02.2017, the Tribunal considered the grievance against violation of the order of status quo and directed jurisdictional ADM and Police Station to verify the allegation and stop any illegal construction and file an action taken report. On 06.11.2017, the application was dismissed for non-appearance of the applicant but the said order was recalled on 11.12.2017 which was reiterated on 23.04.2018. Against the order of the Tribunal dated 23.04.2018, Civil Appeal No(s). 6191-6192/2018, *Metropolitan Co-operative Housing Society Limited & Anr. vs. Sunit Kumar Mallick Chowdhury & Ors.* was dismissed on 03.08.2018 by the Hon'ble Supreme Court and WP No. 11287(W) of 2018, *In re: Smt. Supriti Saha vs. The State of West Bengal & Ors.* was dismissed by the Kolkata High Court on 12.09.2018.

6. Affidavit has been filed by the State PCB on 29.03.2016, with an inspection report as follows:-

“Observation:

The alleged Ukhil bheri (also known as Moni Babu's bheri) observed to be partially filled up by construction debris. The major portion of the water body is covered with water hyacinth.



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said bheri is surrounded by Metropolitan Cooperative Housing Society on eastern side, Chingrighata on northern side, Pagladanga on western side and nearby area of E M Bypass on southern side. Bamboo fences and a temporary hut were also observed on the filled up area. **Nearby residents confirmed that the bheri has been partially filled up with construction debris during the recent times. However, they remained silent about the persons filling up the bheri. The filled up area of the bheri lies on the side of Metropolitan Cooperative Housing Society. During inspection, the office of the Metropolitan Cooperative Housing Society was visited. Sri Paritosh Dutta Roy, Board Member of the said Society was contacted over telephone. He confirmed that the visited bheri was Ukhil bheri and he is ignorant of any filling up of the Bheri. During the visit, 02 nos. of photographs were taken and they are annexed with the report.**"

7. The Chief Secretary, West Bengal, vide reply dated 06.05.2016 made a statement that Mouza-Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanangram, P.S. Pragati Maidan is outside the East Kolkata Wetlands and therefore, the matter has been referred to Additional Chief Secretary, Fisheries Department, Principal Secretary, Land & Land Reforms Department, Government of West Bengal and the District Magistrate, District 24 Parganas (South) with a request not to allow filling up of the water body, without consulting the Department of Environment. Vide affidavit dated 28.11.2016 of the ADM of the area, it is mentioned that a part of plot no. 268 has been filled up and encroachments made. Plot no. 267 was part of embankment of the water body. The relevant statement is reproduced below:-

"8. Upon reconciliation of the survey report with regard to plot nos. 267 and 268 it was observed that **plot 267 is classified as 'Pukur Par'. Out of total 4.45 acres, a quantum of 1.22 acres of land is being used as 'Pukur Par'. The plot 268 constitutes a part of 'Ukil Bheri' and a quantum of 2.57 acres out of total area of 9.50 acres has been filled up and encroachments are made there on. The portion which has been filled up is contiguous to the land learnt to have belonged to the Metropolitan Cooperative Housing Societies Limited. Further, it is to be noted that the premises bearing no. CZ-28, Sector F, Canal South Road, District -South 24 Parganas, Kolkata-105 of Respondent no. 15 is not situated at filled up portion of plot 268. A total of 174 points in the field was covered by ETS machine which was used in the entire survey process.**"



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8. With the said affidavit, a sketch map and present position of the survey report has been filed as Annexure-R 4/4:-

"The survey work started in presence of representatives of both sides on 20.10.2016. We started the survey work after consulting both parties in the field and representatives of both the parties present in the field till the completion of the work. After reaching a consensus that the entire water body comprising plot no. 268 and its adjacent plots are to be surveyed, the survey work started. They survey of water bodies comprising plot no. 268 and others has completed in presence of representatives of both sides on 24.10.2016. The authorised surveyor of both sides were present all along and they put their signature on the daily proceedings. They are also allowed to check every point at every observation. We covered total 174 points in the field by the ETS machine. A quantum of 2.57 acres out of total area of 9.50 acres has been filled up and there are some encroachment. Further, it is to be noted that the premises bearing no. CZ-28, Sector-B, Canal South Road, District-South 24-Parganas, Kolkata-700105 of Respondent no. 15 does not lie on the filled up portion of plot no. 268."

9. Report of the ADM filed on 05.08.2018 mentions the encroachments as follows:-

"A. Construction work of two buildings was found to be under progress in RS Plot No. 268, Out of these two, one is a G+4 building, which appears to be almost completed. The other building has been risen up to 2nd floor. Its construction work has not been completed. The two buildings seem to have been constructed over the filled up portion of the water body of RS Plot No. 268. The location of these two under-construction buildings have been shown on the previously submitted survey sketch map as prepared by the Revenue Officer and TA on eye-estimation.

Copy of the said sketch map as prepared by Revenue Officer and TA is annexed herewith and marked as R-1/2.

B. The exact quantum of filled up portion of the water body till date can be ascertained only by performing detailed survey of the land-in-question."

10. The version of the respondent nos. 14 to 22 – the Housing Society and its Members (PP) is that they have not encroached upon wetlands. They have purchased 4.45 acres in Dag No. 267 which is not part



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water body. Reference has been made to the KMC affidavit dated 03.11.2017 that no construction was found at the time of inspection. In further affidavit filed on 08.08.2019, the KMC has stated that it has accorded sanction for construction on 05.10.2016 and 01.09.2016 to ground plus 4 and ground plus 3 buildings without any information about proceedings before this Tribunal. The land in question appears to be part of Dag no. 267. The sanction did not authorize construction contrary to the status quo order.

11. In the rejoinder filed by the applicant on 31.01.2021, a copy of sale deed dated 11.05.2011 between the Housing Society and its Members, Debasis Das has been filed stating as follows:-

“xxxxxx.....xxx

*...Metropolitan Co-operative Housing Society Limited became the absolute owner of the **western portion of the Taki Estate Bheri Land(Marshy) which constitutes entire C.S. Dag Nos. 201, 141 and 140 of District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 248, 186, 187 and 267 recorded in the revised Settlement Khanda Khatian Nos. 407, 408, 352 and 353 of Mouza Nimakpoktan under Police Station – Jadavpur (Old Tollygunj) and at present Tiljala, Touzi Nos. 173, 1298/2833, J.L. No. 1 under Alipore Collectorate, District 24-Parganas (now District South 24-Parganas) as well as the Western portion of the lands of C.S. Dag No. 31 District Settlement Khatian No. 21, Touzi No. 173, J.L. No. 2, R.S. No. 236 of Mouza Dhapa under Police Station Jadavpur (Old Tollygunge) and at present Tiljala under the Alipore Collectorate, District 24-Parganas (now South 24-Parganas) corresponding to the Western Portion of the land included in the revised settlement khatian Nos. 654 (Khanda) 609 (Khanda) of the same Mouza, same Police Station and same R.S. Number under the same collectorate and District which corresponds to western portion of R.S. Dag Nos. 87 and it was for greater clearance demarcated by a common boundary line passing North to South through the said Dag No. 87.”***

12. In the Schedule to the said document, boundaries of the land are mentioned as follows:-

“On the North: By Plot No. CZ15A



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On the South: By 30' Wide Common Passage

On the East: By Plot No. CZ14

On the West: By Plot No. CZ14B (now under water)"

13. Similar other sale deeds have been filed in favour of the Members of the Housing Society.

14. We have heard learned Counsel for the parties and perused the record.

15. Learned Counsel for the applicant submitted that in violation of the order of this Tribunal to maintain status quo, 16 houses have been constructed. There are two buildings of ground plus 2 and ground plus 4. On eight floors, two houses each have been constructed. The construction started in the year 2018 but only 2 persons have so far shifted their residence as the construction is not habitable. He has drawn our attention to the orders of this Tribunal, the Hon'ble Supreme Court and the High Court and findings to the effect that construction was being raised as already noticed. It was submitted that constructions are not only against orders of this Tribunal but also against statutory rules mandating protection of wetlands and other water bodies as they perform important ecological functions.

16. As against above, learned Counsel for the Project Proponents submitted that no construction has been raised in Dag no. 268 which is a water body. Construction in Dag no. 267 is outside the water body and not in violation of order of status quo nor in violation of statutory Rules on the subject.



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17. We have considered the rival submissions. Question for consideration is whether Dag number 267 is part of wetland and whether construction in question is permissible.

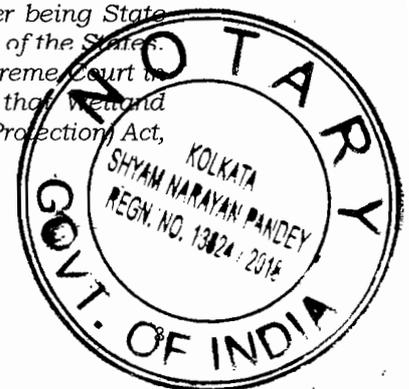
18. Proper demarcation of boundaries of the wetland and the site of construction are not clear. While prohibition in Dag number 268 is admitted by the Project Proponent, construction is claimed to be in Dag number 267, which according to the Project Proponent is not prohibited.

19. Having regard to the description of land in the Sale deeds and inspection reports referred to above, *prima facie* the area where construction has been made appears to be part of wetland or its buffer zone, zone of influence or catchment area, attracting prohibition under the Rules. The Wetland Authority is not a party nor the parties have focused on compliance status with reference to the Rules.

20. The Hon'ble Supreme Court vide orders dated 03.04.2017 and 04.10.2017 in *M.K. Balakrishnan & Ors. v. Union of India & Ors.*¹, *inter alia*, held that the principle of Rule 4 of the 2010 Rules will apply to 201503 wetlands, mapped by the Union of India. It was directed that the mapped wetland will continue to be protected on the principle of Rule 4 of 2010 Rules. Following the said directions, this Tribunal vide order dated 25.11.2021 in *O.A. No. 351/2019, Raja Muzaffar Bhat vs. State of Jammu and Kashmir & Ors.* directed monitoring of compliance by MoEF&CC as follows:-

"16. The Joint Secretary, MoEF&CC stated that water being State subject, primary responsibility of handling the matter is of the States. Similar approach was disapproved by the Hon'ble Supreme Court in observations already quoted earlier. Needless to say that Wetland Rules, 2017 have been framed under the Environment (Protection) Act,

¹ (2017) 7 SCC 805

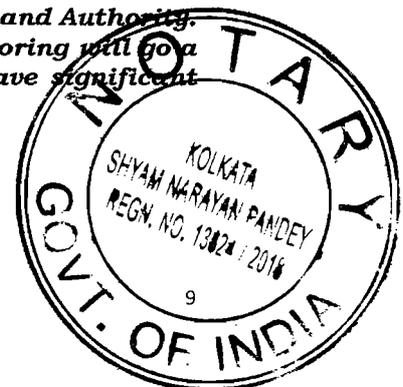


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1986 under which there are statutory powers with the Central Wetland Authority to oversee the protection of wetland. It is not subject of 'water' alone. 'Environment protection' is covered by Central laws on account of International obligations under Entry 1 List 13 of Schedule 7 to the Constitution. Attitude of avoiding responsibility cannot thus be appreciated. CWA in the MoEF&CC needs to monitor compliance of the Wetland Rules throughout the country by periodical interaction atleast once in a month.

17. The suggestion of the applicant is that significant wetlands need not be limited to 363 and more wetlands on examinations be added to the list from time to time for better protection by preparing appropriate action plans under the programme for protection of the significant wetlands. Further, **apart from figure of 2.01 lakh wetlands already mapped, to which the Wetland Rules, 2017 are applicable even if no separate Notification in terms of 2017 Rules in view of directions of the Hon'ble Supreme Court in M.K. Balakrishnan, supra, it may be possible to identify more such wetlands. Infact, the report of the MoEF&CC itself mentions that some States have already identified larger number of wetlands than earlier mapped. In UP itself, 133484 wetlands are entered in the Revenue Records which are being protected by the State. On the same pattern, all the States/UTs need to map all available wetlands in their jurisdiction and file report with the National Wetland Authority so that National Wetland Authority can prepare an exhaustive inventory of wetlands in the country and extend protection to all such wetlands. These suggestions need to be considered by the MoEF&CC.**

18. **District Environment Plan of each District in terms of order of this Tribunal dated 05.07.2021 in OA 360/2018, Shree Nath Sharma vs. Union of India & Ors. should also cover the wetlands in the District. If necessary, the said plans be revised accordingly by the District Magistrates concerned by providing that the core activity for conservation and protection of wetlands may primarily focus on not discharging of sewage, disposal of solid waste and other wastes, preventing siltation, demarcation of wetlands/flood protection zone and removal of encroachments. There should be regular monitoring of water quality under water quality management programme at strategic locations (around 10 locations) to ensure that it is compliant with TC/FC norms. Water quality of the wetlands with respect to BOD needs to be less than 3 mg/l, faecal coliform should meet norms and contamination due to toxic constituents either directly or through runoff from the catchment should be prevented. Biodiversity of the wetlands needs to be maintained. Monitoring of steps for compliance of Rules in relation to such Wetlands ought to be at District level by the District Magistrate, at State level by State Wetland Authority and at National level by National Wetland Authority. We are confident that such initiatives in monitoring will go a long way in protecting the Wetlands which have significant environmental functions."**

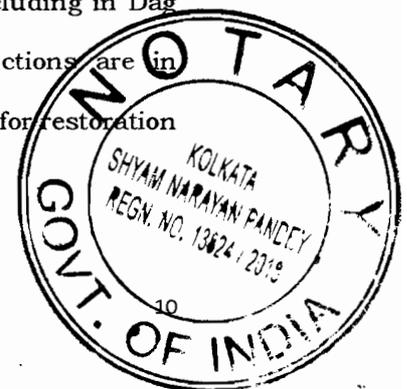


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21. We note that though at the time of passing of the order by the Hon'ble Supreme Court, the applicable Rules were 2010 Rules, the same now stand replaced by "The Wetlands (Conservation and Management) Rules, 2017". In substance, restrictions in Rule 4 of 2017 Rules are similar to the restrictions in Rule 4 of the 2010 Rules. Definition of 'wetland' also is similar, which covers marsh land also.

22. In view of above, we consider it necessary to direct an eight-member Joint Committee of National Wetland Authority, State Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority. The CPCB and the State Wetland Authority will be the nodal agency jointly for coordination and compliance. The meeting of the Committee may be held within two weeks. The Committee may undertake visit to the site and interact with the stakeholders including the applicant and the Project Proponents. The Committee may thereafter, take further measures in accordance with law. The Committee may conclude its proceedings preferably within three months.

23. In view of our prima facie finding that the area is wetland and prohibition against construction is applicable, pending further action, no further activity be undertaken in the area in question, including in Dag no. 267 and 268. If the Committee finds the constructions are in prohibited area, the Committee will ensure removal thereof for restoration of the wetland in question.



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The application is disposed of.

A copy of this order be forwarded to National Wetland Authority, State Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas, by e-mail for compliance.

The parties are at liberty to file their respective versions along with relevant documents including satellite imageries/photographs before the Committee.

All pending M.A.s and I.A.s will also stand disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

B. Amit Sthalekar, JM

Dr. Nagin Nanda, EM

Mr. Saibal Dasgupta, EM

January 03, 2022
Original Application No. 25/2016/EZ
SN



"D" 55

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 25/ 2016 /EZ

Sabyasachi Mallick Chowdhury

Versus

State of West Bengal and Others



FINAL REPORT OF THE JOINT COMMITTEE CONSTITUTED BY
THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN BENCH,
KOLKATA VIDE ORDER DATED 03.01.2022.

INDEX

SL No	DOCUMENTS	ANNEXURE	PAGE
1.	Affidavit		
2.	Final Report of the Joint Committee along with annexures	R/1	

Filed by:

Sudip Kumar Dutta

01 NOV 2022

ADVOCATE



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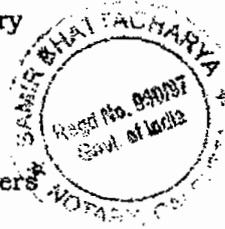
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Versus

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FINAL REPORT OF THE JOINT COMMITTEE CONSTITUTED
BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN
BENCH, KOLKATA VIDE ORDER DATED 03.01.2022.

I, Kaliyamurthi Balamurugan, son of Shri Kaliyamurthi, aged about 48 years, working as Chief Environment Officer, Department of Environment, Government Of West Bengal and member, State Wetlands Authority, West Bengal having office at Prani Sampad Bhawan, 5th Floor, LB-2, Sector-III, Salt Lake City, Kolkata-700106 do hereby solemnly affirm and state as under:-

1. That I am acquainted with the facts and circumstances of the present case as derived from official records and hence competent to swear the present affidavit.
2. That the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata vide Order dated 03.01.2022 has constituted an eight-member Joint Committee of National Wetland Authority, State

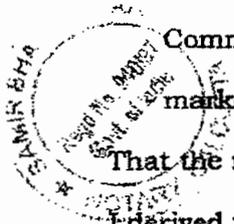
03.01.2022



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Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority. The CPCB and the State Wetland Authority will be the nodal agency jointly for coordination and compliance.

3. In pursuance of the aforesaid Order, a final report of the Joint Committee along with annexures is annexed herewith and marked as Annexure R/1.



That the reply is true to the best of my knowledge and belief, which I derived from the office records.

Kaliyamurthi Balamurugan
DEPONENT
Chief Environment Officer
Environment Department
Government of West Bengal

VERIFICATION

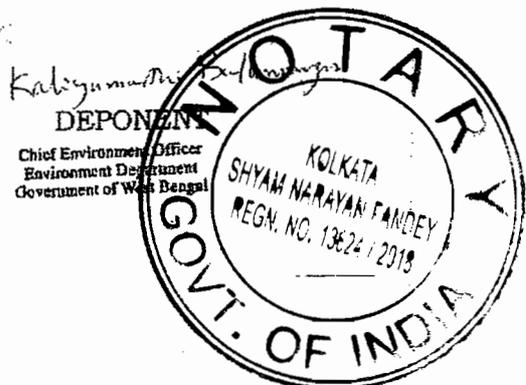
I, Kaliyamurthi Balamurugan, Chief Environment Officer, Department of Environment, Government of West Bengal and do hereby verify that the contents of the report in the form of an affidavit are true to the best of my knowledge and belief. No part of the report is false and nothing has been concealed there from.

01 NOV 2022

Verified at Kolkata this 28 day of October, 2022.



Kaliyamurthi Balamurugan
DEPONENT
Chief Environment Officer
Environment Department
Government of West Bengal
01/11/22
Shyam Narayan Pandey
Notary Public
Regd. No. 13624/2018
Cliff Court, Calcutta



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Final Report of the Joint Committee Constituted by Hon'ble National Green Tribunal, Eastern Bench, vide order dated 03.01.2022 in O.A. 25 of 2016/EZ in the matter of (Sabyasachi Mallick Chowdhury -Vs- State of West Bengal & Ors).

The Hon'ble National Green Tribunal (NGT), Eastern Zone vide its Order dated 03.01.2022 in O.A. 25 of 2016/EZ in the matter of (Sabyasachi Mallick Chowdhury -Vs- State of West Bengal & Ors.) has constituted an 8 (eight) member Joint Committee comprising National Wetlands Authority, State Wetlands Authority (SWA), Central Pollution Control Board (CPCB), Ministry of Environment, Forest and Climate Change, State Pollution Control Board, Director Environment, West Bengal, District Magistrate, South 24 Parganas and Superintendent of Police, South 24 Parganas with respect to the illegal filling up of water body, "Ukil Bheri". The Hon'ble NGT vide its Order has stated that demarcation of boundary of the said water body and the site of construction is not clear. Prima facie, the area where the construction is made appears to be part of said water body or its buffer zone, attracting prohibition under the Wetlands (Conservation and Management) Rules, 2017. The Tribunal directed the Committee constituted "to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority". The CPCB and SWA were declared as the Nodal Agency for coordination and compliance. Copy of the Order of the Hon'ble Tribunal dated 03.01.2022 is annexed herewith and marked as Annexure -I.

In compliance with the aforesaid Order, the Joint Committee held its first meeting on 25.01.2022 at Conference Room of the Environment Department and discussed the issues raised in the Order. During the meeting it was decided the Kolkata Municipal Corporation (KMC) and the Additional District Magistrate & District Land and Land Reforms Officer ADM&DL&LRO), South 24 Parganas, would jointly conduct survey to ascertain on which Dag number the said water body "Ukil Bheri" falls and also the status of Dag numbers 267 and 268 of Mouza Nimokpoktan, under P.S. Pragati Maidan, Ward No. 57, KMC. The minutes of the meeting dated 25.01.2022 is annexed herewith and marked as Annexure-II.

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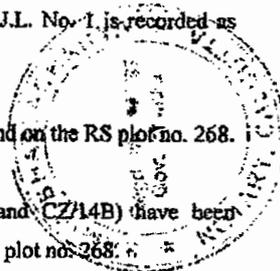
The Additional District Magistrate & District Land and Land Reforms Officer, South 24 Parganas conducted a field enquiry on R.S. Plot no. 267 and 268 in Mouza Nimokpoktan, J.L. No. 1 from 07/02/2022 to 11/02/2022 and submitted the report on 16.02.2022. The survey report of ADM & DL&LRO dated 16.02.2022 is annexed herewith and marked as Annexure-III.

A letter was issued for site inspection of the said plot on 15.02.2022 and 16.02.2022 to all the members of the Joint Committee as well as the applicant and project proponent. Copy of letters are annexed herewith and marked as Annexure-IV.

The Joint Committee inspected the site on 17.02.2022 at 11.30 a.m. and the following facts have come up at the time of site visit:

1. The present condition of "Ukil Bheri" is a low and marshy land with less water, filled up with aquatic vegetations. There is no sign of pisciculture activity.
2. At present, the bheri/ water body stretches within the parts of RS plot no. 267, 268, 271, 269, 270, 398, 272, 275, 276, 127, 274, 273, 128, 126 and 278 of Mouza Nimokpoktan, J.L. No. 1 comprising an area of approximately 8.63 ha (21.32 Acres).
3. As per report of the ADM & DL& LRO, South 24 Parganas the classification of the area in question i.e. R.S. plot no. 267 and 268 of Mouza Nimokpoktan, J.L. No. 1 is recorded as "Beel".
4. There are few complete and incomplete new constructions found on the RS plot no. 268.
5. One G+4 building (CZ/9B) and other building (CZ/14A and CZ/14B) have been constructed recently over the filled up portion of the water body of RS plot nos. 268.
6. As per report of the ADM & LRO, South 24 Parganas the RS plot nos. 267 and 268 were not converted by the district administration of South 24 Parganas.
7. The subject land is not under the purview of the East Kolkata Wetlands Management Authority.

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8. The complete Mouza Nimokpoktan, J.L. No. 1 has been integrated into the jurisdiction of Ward no. 57 of Kolkata Municipal Corporation as per the Kolkata Municipal Corporation Act, 1980.

At the time of site inspection on 17.02.2022, one representative of the Metropolitan Cooperative Housing Society, Mr. Sanjib Podder was present, no one was present on behalf of the petitioner.

At the end of inspection, the Joint Committee decided that KMC would submit the following documents:

- i. Assessee Number, building sanction plan by KMC, mutation certificate, completion certificate for the two buildings at 9B, 14A and 14B and for other buildings which got permission for construction at R.S. Dag No.267 and 268 situated on RS Dag no. 267 of Mouza Nimokpoktan, JL no. 1, in general starting from Canal South Road to existing waterbody.
- ii. Report of Project Management Unit (PMU), KMC regarding Ukil Bheri.
- iii. Land use pattern as per KMC land records for R.S. Dag No. 267 and 268.

Thereafter, KMC submitted the following documents for three buildings bearing premises nos. 9B, 14A and 14B of Canal South Road, Metropolitan Cooperative Housing Society situated on RS Dag no. 267 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dahi Panchanagram (which is shown as Dag No. 268 in BL&LRO report), under the Police Station- Pragati-Maidan, Ward No. 57 of KMC:

- a. Deed of Conveyance
- b. Survey Observation Report
- c. Assessment Book
- d. Building Sanction Detail Register.



The copy of the minutes of the site visit dated 17.02.2022 is annexed herewith and marked as Annexure-V.

The Joint Committee held its second meeting on 15.03.2022 and scrutinized the documents submitted by KMC which stated that three buildings at premises nos. 9B, 14A and 14B of

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Handwritten signatures and initials: a, B. SP, M., S., SIKKA, NLF



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Canal South Road, Metropolitan Cooperative Housing Society is situated on RS Dag no. 267 of Mouza Nimokpoktan, JL no. 1, Pagladanga, although the report of ADM&DL&LRO, South 24 Parganas, stated that three buildings bearing premises nos. 9B, 14A and 14B have come up on RS Dag no. 268 (not on RS Dag no. 267), which falls within the water body.

During the meeting ADM&DL&LRO, South 24 Parganas also brought to notice of the Joint Committee that as per the Kolkata Municipal Corporation Act, 1980, Ward No.57 came under the jurisdiction of KMC from 1980. He also stated that as per R.S. records the land classification was recorded as Beel for both RS Dag no. 267 & 268.

The Deputy Chief Engineer, KMC could not produce any document on land classification of RS Dag No.267 and he requested the Joint Committee to call the following officials to be present in the next meeting to be held on 22.03.2022 namely :

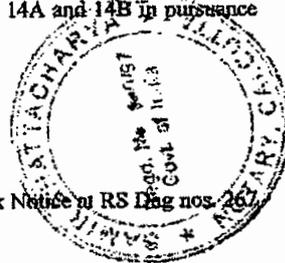
- i. Chief Valuer & Surveyor, KMC
- ii. Deputy Chief Engineer, PMU, Environment & Heritage Department, KMC
- iii. Chief Manager, Revenue, South Division, KMC
- iv. Block Land & land Reforms Officer, Kolkata
- v. Deputy Chief Engineer, Building, KMC
- vi. Officer-in-charge, Khasmahal, Dist-South 24 Parganas

The Deputy Chief Engineer, KMC also informed the Joint Committee that KMC is in the process of revocation of the plan sanctioned for building nos. 9B, 14A and 14B in pursuance of the Order of Hon'ble NGT.

Thereafter, the Joint Committee decided the following :

1. Kolkata Municipal Corporation (KMC) to issue a Stop Work Notice in RS Dag nos. 267 and 268.
2. KMC to submit the following documents in the next meeting to be held on 22.03.2022:
 - i. The period from when RS Dag nos. 267 & 268 of Mouza- Nimokpoktan, JL no. 1, KMC Ward No. 57, PS- Pragati Maidan came under the jurisdiction of the KMC.
 - ii. As per the survey report of the ADM&LRO, South 24 Parganas the subject RS Dag nos. 267 & 268 of Mouza- Nimokpoktan, JL no. 1, KMC Ward No. 57 under PS Pragati Maidan are recorded in the RS Records as 'Beel'. If the land classification

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(land use pattern) has been changed from 'Beel' to anything else, KMC to provide with the relevant documents.

- iii. To provide the land classification details against which the KMC has issued building sanction plans at the subject RS Dag numbers.

A Copy of the minutes of the meeting dated 15.03.2022 is annexed herewith and marked as Annexure-VI.

The third meeting of the Joint Committee was held on 22.03.2022 at Conference Hall II of CMO Building of the Kolkata Municipal Corporation. The Chief Environment Officer chaired the meeting and requested officers of KMC to provide the Joint Committee necessary documents including procedure followed by KMC for permitting construction of buildings in the Ukil Bheri area at RS Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanagram under PS Pragati Maidan, Kolkata Municipal Corporation (KMC) Ward No. 57 which are classified as 'Beel' as per BL&LRO records.

Shri Bhaskar Bhattacharya, Chief Manager, Revenue South, Kolkata Municipal Corporation (KMC) described the procedure maintained by the assessment department of KMC for processing applications for assessment/mutations/building plan sanctioned in ward No.1-100 of KMC as per the Kolkata Municipal Corporation Act, 1980. He stated that for proving land character, mutation and premises no. of an unassessed property KMC only verifies the sale deed and other documents submitted by the applicant and if necessary causes a field inspection. During the process, if KMC is satisfied that the applied plot is water body, KMC does not provide sanction for construction on the applied plot. On the entire process of assessment / mutation / building plan sanction in ward no. 1 to 100 of KMC, KMC does not require to check any records of the applied plot from the end of the Block Land & Land Reforms Office (BL&LRO). He said that in the case of the Metropolitan Cooperative Society, in particular, KMC made the assessment on the basis of sale deed and thereafter sanction plan was issued as per the provisions of the Kolkata Municipal Corporation Act, 1980.

Deputy Chief Engineer (C) Environment & Heritage Department further informed that in the year 2016, a complaint was received from Shri Sunit Kumar Mallick Chowdhury regarding filling up of 'Ukil Bheri' in Ward No.57. KMC caused a field inspection and identified an illegal pond filling and construction of boundary wall on the embankment of "Ukil Bheri". KMC used a high resolution satellite map prepared by NRSA for identification of violation in



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the waterbody. In this regard four (4) complaints were lodged by KMC with PS Pragati Maidan, from 2016 - 2019, against which a case was already started vide PGM P.S. Case No.-105 dated 15.03.2016, u/s 22 of the West Bengal Inland Fisheries Act, u/s 53 of the West Bengal Town and Country Planning Act and Section 18 of the East Kolkata Wetlands Act. A copy of complaints and report from P.S- Pragati Maidan are annexed herewith and marked as Annexure -VII.

In the third meeting, the Joint Committee decided the following :

- a. KMC to ascertain the plot number (either RS Dag no. 267 or 268 of Mouza Nimokpoktan) on which the premises nos. 9B, 14A and 14B are in place.
- b. KMC to issue a Stop Work Notice in view of the Order of Hon'ble NGT and to call Metropolitan Cooperative Society for a hearing, and to take necessary action for restoration of waterbody.
- c. KMC has to submit a written documentation as to the procedure adopted by KMC regarding justification of assessment, mutation and building sanction issued to Metropolitan Cooperative Housing Society in order to incorporate the same in the Committee Report to be placed before the Hon'ble NGT.

The Minutes of the Meeting dated 22.03.2022 is annexed herewith and marked as Annexure VIII.

Thereafter, KMC submitted a report before the Joint Committee stating that KMC has issued intimation letter to stop construction work at Premises No.CZ/9B, Canal South Road and CZ/14/A/B, Canal South Road. Previously, KMC has accorded sanction vide Building Permit No.2016070100 dated 05.10.2016 for a G+IV storied residential building at Premises No.9B/B, Canal South Road and G+III storied residential building for Premises No.14A/B, Canal South Road sanction plan vide Building Permit No.2016070075 dated 01/09/2016 for considering the Deed of Conveyance, Assessment Book Copy & Survey Observation Report of KMC and NOC from Kolkata Improvement Trust.

However, on coming into notice that several buildings which have been constructed within the periphery of Dag Nos. 267 & 268 which has been demarcated by District Land and Land Reforms Officer, 24 Parganas (South) dated 16/02/2022 vide No.MISC 885/2022.

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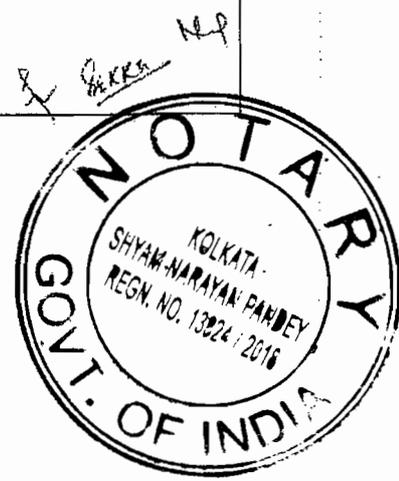
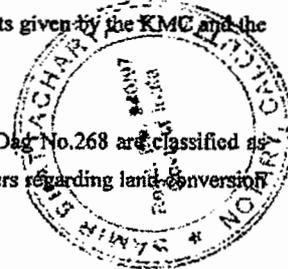
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KMC intimated stop construction notice to the following premises and revocation of sanction plan u/sec 397 of the KMC Act, 1980: 1. A/P-CZ-23, 2. A/P-34/B, 3.CZ-20A/B, 4. A/P-25/A, 5.A/P -38/A, 6. CZ/15A/B, 7. A/P-CZ-18.

The report of KMC is annexed herewith and marked as Annexure-IX.

An Interim Report was submitted by the Joint Committee before the Hon'ble NGT, Eastern Bench on 25.04.2022 with certain conclusion and recommendations and further three months time was sought to submit the Final Report:

- i. As per ADM&DL&LRO's Report the construction works on Dag No.268 which is "Beel" has been shown as Dag No. 267 in the documents given by the KMC and the Metropolitan Co-operative Housing Society.
- ii. ADM&DL&LRO has reported that Dag No. 267 and Dag No.268 are classified as Beel. However, KMC could not submit supporting papers regarding land conversion of Dag No. 267 and Dag No.268.
- iii. KMC has lodged 2 complaints at Pragati Maidan -P.S. in 2016 , one complaint in 2018 and one complaint in 2019 against filling up of water body and construction of boundary wall at Ukilbheri. However, KMC could not ascertain how much area has been encroached within the said water body.
- iv. As per the KMC's map total water body area is recorded as 82154.352 sq metre. The Joint Committee has requested KMC to demarcate the total waterbody area.
- v. KMC officials claims that as per the Kolkata Municipal Corporation Act, 1980, they do not require to check any records of the applied plot from the end of the Block Land & Land Reforms Office (BL&LRO) to ascertain the land clarification records of BL&LRO, for Ward no. 1to 100. The Metropolitan Co-operative Housing Society lies in Ward No. 57.



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- vi. The Joint Committee suggested that the Metropolitan Co-operative Housing Society is required to be called for hearing to provide supporting documents regarding Dag. No.268 in which the construction is taking place. They shall also provide deeds of plots surrounding the waterbody.
- vii. The petitioner is also requested to attend the hearing to produce further supporting documents regarding the said waterbody.

On 27.04.2022 one letter was given to the Petitioner i.e. Sabyasachi Mallick Chowdhury to submit all relevant documents regarding Ukil Bheri on 06.05.2022 and to attend hearing before the Joint Committee on 11.05.2022.

One letter was also issued to the Secretary, Metropolitan Co-operative Housing Society on 27.04.2022 to submit the documents regarding Ukil Bheri on 06.05.2022 and appear before the Joint Committee for hearing on 11.05.2022 :

On 10.05.2022 the petitioner requested the Chief Technical Officer, EKOMA to fix another date to submit relevant documents and re-schedule date for hearing.

On 11.05.2022 Secretary of the Metropolitan Co-operative Housing Society submitted written documents in support of their contentions and requested to fix a date after 10.06.2022 .

In the fourth meeting of the Joint Committee held on 17.05.2022 no decision could be taken by the Joint Committee as there was no quorum. However, Advocate Ankit Surekha appeared on behalf of Secretary of the Metropolitan Co-operative Housing Society and submitted verbally that he would collect and submit relevant deeds as and when available to him. A prayer was made by the Advocate of the petitioner to re-schedule another date for hearing and submission of documents. No one appeared on behalf of the petitioner and time was sought by them.

Another opportunity was given to the petitioner vide letter dated 19.05.2022 to submit relevant documents within 26.05.2022. Letter was issued to the Secretary of the Metropolitan Co-operative Housing Society to submit the relevant documents within 26.05.2022.



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The petitioner submitted the documents on 23.05.2022 to the office of EKWMA and the Secretary, Metropolitan Co-operative Housing Society submitted the documents on 25.05.2022 in the office of EKWMA.

Letter was also issued on 19.05.2022 to the Commissioner, Kolkata Municipal Corporation by the Chief Technical Officer, EKWMA, to submit the Deeds and Mutation certificate of plots surrounding the waterbody i.e CZ-9A, CZ-14, CZ-15A, CZ-15, CZ-20, CZ-20A, CZ-8 at Sector B, Metropolitan Co-operative Housing Society, Canal South Road, Kolkata-700105.

Letter was issued by the Chief Technical Officer, EKWMA, to the Inspector General of Registration on 19.05.2022 to provide the certified copies of the Deed of Plots surrounding the water body i.e. CZ-9A, CZ-14, CZ-15A, CZ-15, CZ-20, CZ-20A, CZ-8 at Sector B, Metropolitan Co-operative Housing Society, Canal South Road, Kolkata-700105 to ascertain the factual position of the land in question.

Deeds were received from the different Registration offices of West Bengal between 21.06.2022 - 30.06.2022.

The final meeting of the Joint Committee was held on 27.07.2022, a power point presentation was shown which stated as follows:

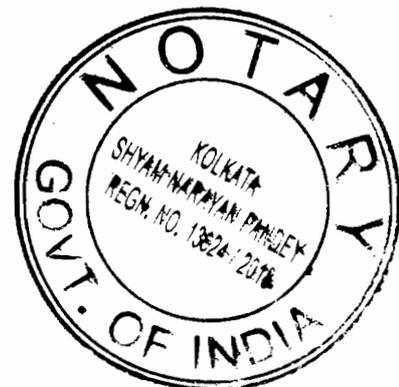
- In the presentation, the actual physical location of Ukil Bheri was shown.
- The petitioner submitted a certified copy of Sale Deed of Plot No. CZ-9A bearing No. 04577/1985 along with a Master Plan of Metropolitan Cooperative Housing Society. The master plan clearly shows that the water line of Ukil Bheri, and the plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are adjacent to the water-line. These plot numbers are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society .
- The Google imagery of 2013 also shows plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society and no encroachment on the eastern side of Ukil Bheri was found.

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- The Google Imagery of 2022, shows the existence of plot Nos. CZ-9B, CZ-14A, CZ-14B, CZ-15A, CZ-20A, CZ-21A and CZ 26 A/B/C.
- From deeds of plots of Metropolitan Cooperative Housing Society provided by the Inspector General, Registration, West Bengal, the following facts regarding filling up of Ukil Bheri is evident :
 - i. Plot no. CZ 9B was purchased by Supriti Saha from the Metropolitan Co-operative Housing Society by Deed No 04577 of 2015. The schedule of the Registered Deed shows that Plot No CZ-9A is on the Eastern side of the Plot no. CZ-9B.
As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot No. CZ-9A is the last plot to the west of the Society. Hence, plot no. CZ 9B has been created by filling up water body after 2013.
 - ii. Plot No. CZ-14A was purchased by Sri Debasis Das from Metropolitan Co-operative Housing Society by Deed No. 01451 of 2015. The Schedule of Registered Deed shows that plot no. CZ 14 is the eastern side of plot no. CZ 14A, and CZ 14B is on the west of plot no. CZ 14A. It is clearly mentioned in the Deed that plot no. CZ 14B is under water.
As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot No. CZ 14 is the last plot to the west of the Society. Hence, plot no. CZ 14A has been created by filling up water body after 2013.
 - iii. Plot no. CZ 14B was purchased by Smt. Ratna Chatterjee from Metropolitan Co-operative Housing Society by Deed No 190106470 of 2015. As per the Schedule of the Deed, plot no. CZ 14B is to the west of plot no. CZ 14A, which is referred to above.
As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot no. CZ 14 was the last plot to the west of the Society. Hence, plot no. CZ 14B has been created by filling up the water body after 2013.
 - iv. Plot no. CZ 15 was purchased by Mr. Radheshyam Agarwal from Mr. Narayan Das sharma by Deed No 00713 of 2012. As per the Schedule of the Deed, plot no. CZ 15 is to



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the west of plot no. CZ 16, wherein there is a vacant land (plot number of which is not mentioned in the Deed) to the west of plot no. 15.

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot no. CZ 15 is the last plot to the west of the Society. Hence, plot no. CZ 15A has been created by filling up water body after 2013.

Findings of the Joint Committee based on documents available are as follows:

- i. From the master plan of Metropolitan Cooperative Housing Society, 1985 and Google Imagery of 2013, it is found plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society.
- ii. As per the Google Imagery of 2022, it is evident that plot no. CZ 9B, CZ 14A, CZ 14B, CZ 15A, CZ 20A, CZ 21A and CZ 26A/B/C are newly created plots by filling up of Ukil Bheri after 2013.
- iii. The Inspection Report of West Bengal Pollution Control Board dated 18.03.2016 along with photographs, confirms that the eastern side of Ukil Bheri has been partly filled up by construction debris on the eastern side which is annexed herewith and marked as Annexure X.
- iv. The report of ADM& DL&LRO South 24 Parganas dated 16.02.2022, at point No.2 states that " the construction work of two buildings, were found to be under process in the eastern portion RS plot No.268. The G+4 building (CZ/9B) appears to be completely full of residents. The other buildings (CZ14A/14B) in the opposite side has been risen up to 4th floor. Its construction work has not been completed. The two buildings have been constructed over the filled-up portion of the waterbody of RS plot No.268 ".
- v. The alleged Dag No.268 at Mouza-Nimokpoktan, JL no. 1 under P.S. Pragati Maidan, Ward no. 57 of Kolkata Municipal Corporation (KMC) is nowhere mentioned in the deeds of Metropolitan Cooperative Housing Society available with this office, however the report and map of ADM & DL&LRO at Point No.9



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confirms " at present, most of the land in the eastern side of R.S. plot No.268 and almost all of R.S. Plot 267 is occupied by members of Metropolitan Co-operative Housing Society ".

- vi. Kolkata Municipal Corporation has submitted copies of complaints on 26.07.2016, 06.08.2016, 04.05.2018, 25.01.2019 with P.S. Pragati Maidan against filling up of Ukil Bheri. The KMC issued notice dated 17.08.2018 u/s. 401 of the Kolkata Municipal Corporation Act, 1980 against Supri Saha to stop illegal constructions at plot no. CZ- 9B. The map submitted by KMC shows that filling has been done in the eastern side of Ukil Bheri.

Finally, the Committee unanimously took the following decisions:

- Plot Nos. CZ- 9B, CZ- 14A, CZ- 14B, CZ-15A, CZ- 20A, CZ-21A and CZ- 26A/B/C have been created after 2013 by filling up of waterbody i.e. Ukil Bheri. Hence, they need to be demolished.
- The KMC shall take steps to immediately restore the water body at plot nos. CZ- 9B, CZ- 14A, CZ- 14B, CZ- 15A, CZ- 20A, CZ- 21A and CZ- 26A/B/C in compliance with the Order of the Hon'ble National Green Tribunal dated 03.01.2022.
- After restoration of the water body, the KMC shall take management control of the same in accordance with The West Bengal Inland Fisheries Act, 1984.
- The KMC will demarcate Ukil Bheri boundary with concrete pillars and do the geo-tagging with the help of ADM&LRO, Dist South 24 Parganas.
- The KMC shall submit a compliance report after restoration of the above mentioned plots before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata within a period of 6 months.

The report of the final meeting held on 27.07.2022 is annexed herewith and marked as Annexure-XI.

Further KMC submitted some photocopy of deeds related in plot nos. CZ-14A, CZ-14B, CZ- 15A, CZ-9B on 08.09.2022.



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On 05.09.2022 Sri Sanjib Podder , owner of plot No.CZ/20-A, Sector-B of Metropolitan Co-operative Housing Society requested for a hearing before the Joint Committee. After seeking permission from the Joint Committee, another opportunity of hearing was given to both the petitioner and Sri Sanjib Podder on 23.09.2022.

The meeting of the Joint Committee was held in virtual mode as well as physical mode on 23.09.2022. The petitioner appeared before the Joint Committee and stated that construction was complete at plot No. CZ 9B, CZ 14A, CZ 14B. Sri Sanjib Podder was represented by his Advocate Sanjay Upadhyay who has made detail submission before the Joint Committee and has also submitted written documents in support of their claim. As no new documents/evidence came up in support of their claim, the Joint Committee decided to follow the decisions taken in the final meeting dated 27.07.2022.

On 27.09.2022 , a copy of WPA 21710 of 2022 (Sabyasachi Mullick Chowdhury –vs- National Wetlands Authority & Ors.) filed at High Court, Calcutta has been served upon the SWA by the petitioner .

nee

Smt. Neelam Meena, Director, IESWM & Secretary, Environment Department

Neelam Meena, IAS
Secretary
Environment Department
Government of West Bengal

dmf

Sri Kaliyamurthi Balamurugan, CEO Environment Department & Member, State Wetland Authority

Chief Environment Officer
Environment Department
Government of West Bengal

Dr. Sha. Hida Parvin

Dr. Shahida Parvin Quazi, Scientist E, Integrated Regional Office, MOEF&CC,

डॉ. शाहिदा परवीन काजी / DR. SHAHIDA PARVIN QAZI
वैज्ञानिक - ई / SCIENTIST - E
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE
महानगर क्षेत्रीय कार्यालय / INTEGRATED REGIONAL OFFICE
एन.सी.डी. 19B, सेक्टर-III, सॉल्ट लेक सिटी, कोलकाता-700106
19-19B, SECTOR-III, SALT LAKE CITY, KOLKATA-700106

Susmita Ekka

Susmita Ekka, Scientist 'D', Eastern Regional Directorate, CPCB

सुषमिता एक्का / Susmita Ekka
वैज्ञानिक 'D' और सहायक निदेशक
Scientist 'D' & Asst. Analyst
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय : Regional Directorate
एन.सी.डी. 19B, सेक्टर-III, सॉल्ट लेक सिटी, कोलकाता-700106
N.C.D. 19B & Sector III, Salt Lake City, Kolkata-700106
19B, SECTOR-III, SALT LAKE CITY, KOLKATA-700106



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Nitesh Dhali

Sri. Nitesh Dhali, ADM& DL&LRO
District South 24 Parganas
District Land & Land Reforms
South 24-Parganas, Alipore

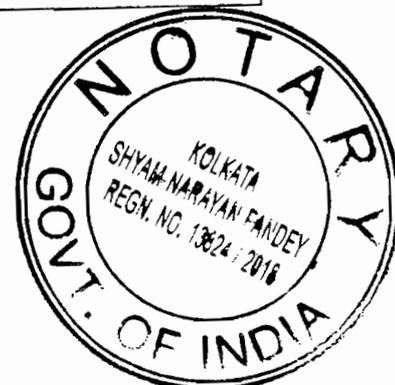
Debashis Sarkar

Sri. Debashis Sarkar, Chief Engineer
WBPCB
Chief Engineer
W. B. Pollution Control Board
Dept. of Environment, Govt. of W.B

Gaurav Lal

Sri Gaurav Lal, Deputy Commissioner
of Police, East Division, Kolkata Police

Executive Engineer(Civil)
KMC Building, BR-VII



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Annexure - 1

Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 25/2016/EZ

&

M.A. No. 814/2016/EZ, M.A. No. 25/2017/EZ, M.A. No. 127/2018/EZ,
M.A. No. 13/2018/EZ, I.A. No. 72/2019/EZ, I.A. No. 82/2019/EZ,
& I.A. No. 10/2020/EZ

Sabyasachi Mallick Chowdhury

Versus

State of West Bengal & Ors.

Respondent(s)

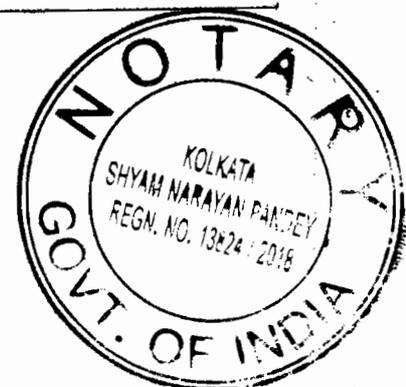
Date of hearing: 03.01.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

Applicant: Mr. Brijendra Chahar, Senior Advocate along with Mr. Ashok Prasad, Advocate

Respondent: Mr. Sudip Kumar Dutta, Advocate for Respondent No 1 to 4,9,10,11,13,
Mr. Dipanjan Ghosh, Advocate for Respondent No.5&6
Mr. Gopal Chandra Das, Advocate and Mr. Sibojyoti Chakraborti, Advocate for Respondent No.7&8
Mr. Jayanta Mitra, Senior Advocate along with Mr. Ankit Sureka, Advocate for Respondent No. 14
Ms. Sabeli Sen, Advocate for R.15**ORDER**

1. Issue raised in this application relates to restoration of a wetland - *Ukil Bheri*, situated at Mouza-Nimokpoktan, Pagladanga, Dihi Panchanangram, near Chingrighata, within Police Station Fragati Maidan, Ward No. 57, Kolkata Municipal Corporation (KMC), measuring about 60 bighas.



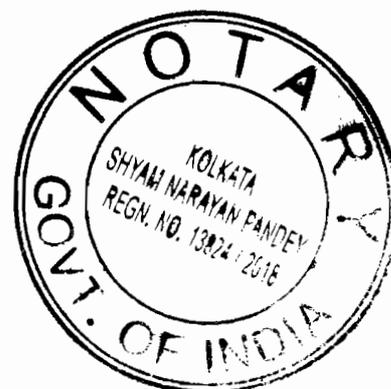
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2. The application was filed before the Eastern Bench of this Tribunal on 17.02.2016. Averments in the application in brief are that respondent nos. 14 to 22, Metropolitan Co-Operative Housing Society Limited and its office bearers and members are illegally constructing boundary wall on the bank of the water body since 17.10.2015. Complaint was made to the Police Station, Pragati Maidan in October, 2015 but no action was taken. Further construction was attempted on 05.02.2016 and again complaint was made but the construction continued. The applicant has a license from the Fisheries Department and such right is violated by the construction. The applicant has also referred to news article dated 04.07.2013 in Times of India under the caption "Ukher Bheri filled up under councilor's nose, KMC clueless" and further article dated 17.07.2013 in Times of India captioned "Ukher Bheri gets a second life". Encroachment was on Dag No. 268 measuring 2 bighas. The water body in question is protected under the East Kolkata Wetlands (Conservation and Management) Act, 2006 and the Wetlands (Conservation and Management) Rules, 2010. The applicant has relied upon photographic evidence and also time series Google Earth images to show encroachments.

3. The matter has been considered by this Tribunal in the last about six years by several orders. The parties have filed their respective versions. In the course of this order, reference will be made to the relevant orders and pleadings of the parties.

4. Vide order dated 25.02.2016, the application was admitted and notice was issued to the respondents. Direction was also issued to file status report by Chief Secretary, West Bengal, Municipal Commissioner, KMC, the East Kolkata Wetlands Management Authority, State PCB, the

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Director General (Project Management Unit) KMC and the Commissioner of Police, Kolkata Police. Wetland Management Authority was directed to mention whether the water body in question is part of the wetland. Directions were also issued against illegal filling up of the waterbody.

5. On 12.07.2016, the Tribunal considered the prayer for interim relief and observed that no order was necessary in the hope that status quo will be maintained in the matter of filling up of the waterbody in question. On 20.07.2016, the Tribunal appointed Surveyor for measurement of the waterbody and to ascertain the encroachments. Status quo was directed to be maintained in the meanwhile. On 07.02.2017, the Tribunal considered the grievance against violation of the order of status quo and directed jurisdictional ADM and Police Station to verify the allegation and stop any illegal construction and file an action taken report. On 06.11.2017, the application was dismissed for non-appearance of the applicant but the said order was recalled on 11.12.2017 which was reiterated on 23.04.2018. Against the order of the Tribunal dated 23.04.2018, Civil Appeal No(s). 6191-6192/2018, *Metropolitan Co-operative Housing Society Limited & Anr. vs. Sunil Kumar Mallick Chowdhury & Ors.* was dismissed on 03.08.2018 by the Hon'ble Supreme Court and *WP No. 11287(W) of 2018, In re: Smt. Supriti Saha vs. The State of West Bengal & Ors.* was dismissed by the Kolkata High Court on 12.09.2018.

6. Affidavit has been filed by the State PCB on 29.03.2016, with an inspection report as follows:-

***Observation:**

The alleged Ukhl bheri (also known as Moni Babu's bheri) was observed to be partially filled up by construction debris side. The major portion of the water body is covered with water hyacinth. The



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said bheri is surrounded by Metropolitan Cooperative Housing Society on eastern side, Chingrighata on northern side, Pagladanga on western side and nearby area of E M Bypass on southern side. Bamboo fences and a temporary hut were also observed on the filled up area. Nearby residents confirmed that the bheri has been partially filled up with construction debris during the recent times. However, they remained silent about the persons filling up the bheri. The filled up area of the bheri lies on the side of Metropolitan Cooperative Housing Society. During inspection, the office of the Metropolitan Cooperative Housing Society was visited. Sri Paritosh Dutta Roy, Board Member of the said Society was contacted over telephone. He confirmed that the visited bheri was Ukhl bheri and he is ignorant of any filling up of the Bheri. During the visit, 02 nos. of photographs were taken and they are annexed with the report."

7. The Chief Secretary, West Bengal, vide reply dated 06.11.2016 made a statement that Mouza-Nimokpoktan, JL no. 1, Pagladanga, Dinh Panchanagram, P.S. Pragati Maidan is outside the East Kolkata Wetlands and therefore, the matter has been referred to Additional Chief Secretary, Fisheries Department, Principal Secretary, Land & Land Reforms Department, Government of West Bengal and the District Magistrate, District 24 Parganas (South) with a request not to allow filling up of the water body, without consulting the Department of Environment. Vide affidavit dated 28.11.2016 of the ADM of the area, it is mentioned that a part of plot no. 268 has been filled up and encroachments made. Plot no. 267 was part of embankment of the water body. The relevant statement is reproduced below:-

"8. Upon reconciliation of the survey report with regard to plot nos. 267 and 268 it was observed that plot 267 is classified as 'Fukur Par'. Out of total 4.45 acres, a quantum of 1.22 acres of land is being used as 'Fukur Par'. The plot 268 constitutes a part of 'Ukhl Bheri' and a quantum of 2.57 acres out of total area of 9.50 acres has been filled up and encroachments are made there on. The portion which has been filled up is contiguous to the land learnt to have belonged to the Metropolitan Cooperative Housing Societies Limited. Further, it is to be noted that the premises bearing no. CZ-28, Sector B, Canal South Road, District -South 24 Parganas, Kolkata-105 of Respondent no. 15 is not situated at filled up portion of plot 268. A total of 174 points in the field was covered by BTS machine which was used in the entire survey process."



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8. With the said affidavit, a sketch map and present position of the survey report has been filed as Annexure-R 4/4:-

"The survey work started in presence of representatives of both sides on 20.10.2016. We started the survey work after consulting both parties in the field and representatives of both the parties present in the field till the completion of the work. After reaching a consensus that the entire water body comprising plot no. 268 and its adjacent plots are to be surveyed, the survey work started. The survey of water bodies comprising plot no. 268 and others has completed in presence of representatives of both sides on 24.10.2016. The authorised surveyor of both sides were present all along and they put their signature on the daily proceedings. They are also allowed to check every point at every observation. We covered total 174 points in the field by the ETS machine. A quantum of 2.57 acres out of total area of 9.50 acres has been filled up and there are no space encroachment. Further, it is to be noted that the premises bearing No. C2-28, Sector-B, Canal South Road, District-South 24-Parganas, Kolkata-700105 of Respondent no. 15 does not lie on the filled up portion of plot no. 268."

9. Report of the ADM filed on 05.08.2018 mentions the encroachments as follows:-

"A. Construction work of two buildings was found to be under progress in RS Plot No. 268, Out of these two, one is a G+4 building, which appears to be almost completed. The other building has been risen up to 2nd floor. Its construction work has not been completed. The two buildings seem to have been constructed over the filled up portion of the water body of RS Plot No. 268. The location of these two under-construction buildings have been shown on the previously submitted survey sketch map as prepared by the Revenue Officer and TA on eye-estimation.

Copy of the said sketch map as prepared by Revenue Officer and TA is annexed herewith and marked as R-1/2.

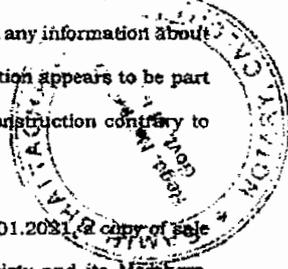
B. The exact quantum of filled up portion of the water body till date can be ascertained only by performing detailed survey of the land-in-question."

10. The version of the respondent nos. 14 to 22 – the Housing Society and its Members (PP) is that they have not encroached upon wetlands. They have purchased 4.45 acres in Dag No. 267 which is not part of the



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water body. Reference has been made to the KMC affidavit dated 03.11.2017 that no construction was found at the time of inspection. In further affidavit filed on 08.08.2019, the KMC has stated that it has accorded sanction for construction on 05.10.2016 and 01.09.2016, to ground plus 4 and ground plus 3 buildings without any information about proceedings before this Tribunal. The land in question appears to be part of Dag no. 267. The sanction did not authorize construction contrary to the status quo order.



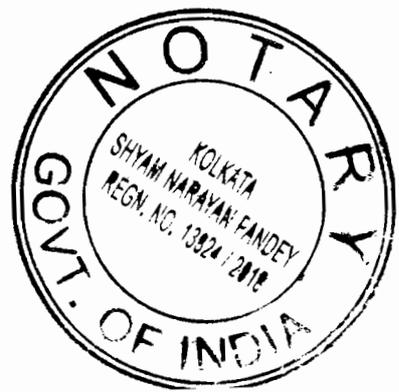
11. In the rejoinder filed by the applicant on 31.01.2021, a copy of sale deed dated 11.05.2011 between the Housing Society and its Members, Debasis Das has been filed stating as follows:-

xxxxxx.....xxx

...Metropolitan Co-operative Housing Society Limited became the absolute owner of the western portion of the Taki Estate Bheri Land(Marahy) which constitutes entire C.S. Dag Nos. 201, 141 and 140 of District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 245, 186, 187 and 267 recorded in the revised Settlement Khanda Khatian Nos. 407, 408, 352 and 353 of Mouza Nimakpotta under Police Station - Jadavpur (Old Tollygunj) and at present Tijala, Touzi Nos. 173, 1298/2833, J.L. No. 1 under Alipore Collectorate, District 24-Parganas (now District South 24-Parganas) as well as the Western portion of the lands of C.S. Dag No. 31 District Settlement Khatian No. 21, Touzi No. 173, J.L. No. 2, R.S. No. 236 of Mouza Dhapa under Police Station Jadavpur (Old Tollygunge) and at present Tijala under the Alipore Collectorate, District 24-Parganas (now South 24-Parganas) corresponding to the Western Portion of the land included in the revised settlement khatian Nos. 654 (Khanda) 609 (Khanda) of the same Mouza, same Police Station and same R.S. Number under the same collectorate and District which corresponds to western portion of R.S. Dag Nos. 87 and it was for greater clearance demarcated by a common boundary line passing North to South through the said Dag No. 87."

12. In the Schedule to the said document, boundaries of the land are mentioned as follows:-

*On the North: By Plot No. CZ15A



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On the South: By 30' Wide Common Passage
 On the East: By Plot No. CZ14
 On the West: By Plot No. CZ14B (now under water)

13. Similar other sale deeds have been filed in favour of the Members of the Housing Society.

14. We have heard learned Counsel for the parties and perused the record.

15. Learned Counsel for the applicant submitted that in violation of the order of this Tribunal to maintain status quo, 16 houses have been constructed. There are two buildings of ground plus 2 and ground plus 4. On eight floors, two houses each have been constructed. The construction started in the year 2018 but only 2 persons have so far shifted their residence as the construction is not habitable. He has drawn our attention to the orders of this Tribunal, the Hon'ble Supreme Court and the High Court and findings to the effect that construction was being raised as already noticed. It was submitted that constructions are not only against orders of this Tribunal but also against statutory rules mandating protection of wetlands and other water bodies as they perform important ecological functions.

16. As against above, learned Counsel for the Project Proponents submitted that no construction has been raised in Dag no. 268 which is a water body. Construction in Dag no. 267 is outside the water body and not in violation of order of status quo nor in violation of statutory Rules on the subject.



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17. We have considered the rival submissions. Question for consideration is whether Dag number 267 is part of wetland and whether construction in question is permissible.

18. Proper demarcation of boundaries of the wetland and the site of construction are not clear. While prohibition in Dag number 268 is admitted by the Project Proponent, construction is claimed to be in Dag number 267, which according to the Project Proponent is not prohibited.

19. Having regard to the description of land in the Sale deeds and inspection reports referred to above, *prima facie* the area where construction has been made appears to be part of wetland or its buffer zone, zone of influence or catchment area, attracting prohibition under the Rules. The Wetland Authority is not a party nor the parties have focused on compliance status with reference to the Rules.

20. The Hon'ble Supreme Court vide orders dated 03.04.2017 and 04.10.2017 in *M.K. Balakrishnan & Ors. v. Union of India & Ors.*¹, *inter alia*, held that the principle of Rule 4 of the 2010 Rules will apply to 201503 wetlands, mapped by the Union of India. It was directed that the mapped wetland will continue to be protected on the principle of Rule 4 of 2010 Rules. Following the said directions, this Tribunal vide order dated 25.11.2021 in *O.A. No. 351/2019, Raja Muzaffar Bhat vs. State of Jammu and Kashmir & Ors.* directed monitoring of compliance by MoEF&CC as follows:-

¹16. The Joint Secretary, MoEF&CC stated that water being State subject, primary responsibility of handling the matter is of the States. Similar approach was disapproved by the Hon'ble Supreme Court in observations already quoted earlier. Needless to say that Wetland Rules, 2017 have been framed under the Environment (Protection) Act,

¹ (2017) 7 SCC 805



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1986 under which there are statutory powers with the Central Wetland Authority to oversee the protection of wetland. It is not subject of 'water' alone. 'Environment protection' is covered by Central laws on account of International obligations under Entry 1 List 13 of Schedule 7 to the Constitution. Attitude of avoiding responsibility cannot thus be appreciated. CWA in the MoEF&CC needs to monitor compliance of the Wetland Rules throughout the country by periodical interaction atleast once in a month.

17. The suggestion of the applicant is that significant wetlands need not be limited to 363 and more wetlands on examinations be added to the list from time to time for better protection by preparing appropriate action plans under the programme for protection of the significant wetlands. Further, apart from figure of ₹.01 lakh wetlands already mapped, to which the Wetland Rules, 2017 are applicable even if no separate Notification in terms of 2017 Rules in view of directions of the Hon'ble Supreme Court in *M.K. Balakrishnan, supra*, it may be possible to identify more such wetlands. Infact, the report of the MoEF&CC itself mentions that some States have already identified larger number of wetlands than earlier mapped. In UP itself, 133484 wetlands are entered in the Revenue Records which are being protected by the State. On the same pattern, all the States/UTs need to map all available wetlands in their jurisdiction and file report with the National Wetland Authority so that National Wetland Authority can prepare an exhaustive inventory of wetlands in the country and extend protection to all such wetlands. These suggestions need to be considered by the MoEF&CC.

18. District Environment Plan of each District in terms of order of this Tribunal dated 05.07.2021 in OA 360/2018, *Shree Nath Sharma vs. Union of India & Ors.* should also cover the wetlands in the District. If necessary, the said plans be revised accordingly by the District Magistrates concerned by providing that the core activity for conservation and protection of wetlands may primarily focus on not discharging of sewage, disposal of solid waste and other wastes, preventing siltation, demarcation of wetlands/flood protection zone and removal of encroachments. There should be regular monitoring of water quality under water quality management programme at strategic locations (around 10 locations) to ensure that it is compliant with TC/FC norms. Water quality of the wetlands with respect to BOD needs to be less than 3 mg/l, faecal coliform should meet norms and contamination due to toxic constituents either directly or through runoff from the catchment should be prevented. Biodiversity of the wetlands needs to be maintained. Monitoring of steps for compliance of Rules in relation to such Wetlands ought to be at District level by the District Magistrate, at State level by State Wetland Authority and at National level by National Wetland Authority. We are confident that such initiatives in monitoring will go a long way in protecting the Wetlands which have significant environmental functions."



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21. We note that though at the time of passing of the order by the Hon'ble Supreme Court, the applicable Rules were 2010 Rules, the same now stand replaced by "The Wetlands (Conservation and Management) Rules, 2017". In substance, restrictions in Rule 4 of 2017 Rules are similar to the restrictions in Rule 4 of the 2010 Rules. Definition of 'wetland' also is similar, which covers marsh land also.

22. In view of above, we consider it necessary to direct an eight-member Joint Committee of National Wetland Authority, State Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority. The CPCB and the State Wetland Authority will be the nodal agency jointly for coordination and compliance. The meeting of the Committee may be held within two weeks. The Committee may undertake visit to the site and interact with the stakeholders including the applicant and the Project Proponents. The Committee may thereafter, take further measures in accordance with law. The Committee may conclude its proceedings preferably within three months.

23. In view of our prima facie finding that the area is wetland and prohibition against construction is applicable, pending further action, no further activity be undertaken in the area in question, including in Dag no. 267 and 268. If the Committee finds the constructions are in prohibited area, the Committee will ensure removal thereof for restoration of the wetland in question.

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The application is disposed of.

A copy of this order be forwarded to National Wetland Authority, State Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas, by e-mail for compliance.

The parties are at liberty to file their respective versions along with relevant documents including satellite imageries/photographs before the Committee.

All pending M.A.s and I.A.s will also stand disposed of.

Adarsh Kumar Goyal, CP

Sudhir Agarwal, JM

B. Amit Sthaicker, JM

Dr. Nagin Nanda, EM

Mr. Saibal Dasgupta, EM

January 03, 2022
Original Application No. 25/2016/EZ
SN



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Annexure : 11

OA 25/2016/EZ

Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors

Meeting of the Committee constituted by the NGT vide Order dated 03.01.2022 in OA 25 of 2016/EZ, (Sabyasachi Mallick Vs State of West Bengal & Others).

The first Committee meeting was called in compliance with the Order dated 03.01.2022 of the Hon'ble National Green Tribunal, Eastern Zone in relation to illegal filling up of a water body namely "Ukil Bheri". The Hon'ble NGT in its said Order stated that proper demarcation of boundaries of the said water body is not clear. *Prima facie*, the area where the construction has been made appears to be part of the said water body or its buffer zone, attracting prohibition under the Rules. The NGT directed the constituted Committee "to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority".

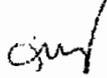
The following Members of the constituted Committee were present in the meeting held at 12noon on 25.01.2022 through Video Conference:

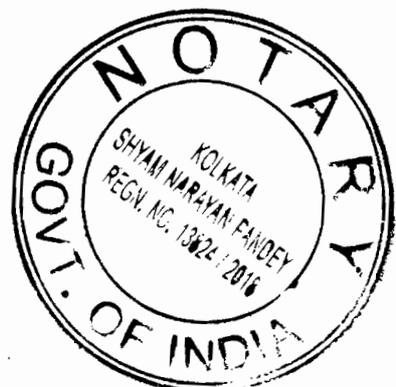
- 1) Smt. Manju Pandey, Joint Secretary, Ministry of Environment, Forest and Climate Change.
 - 2) Shri Rajasekhar Ratti, Scientist D, Ministry of Environment, Forest and Climate Change, Wetland Division.
 - 3) Smt. Neelam Meena, Director, Institute of Environmental Studies and Wetland Management.
 - 4) Shri Kalyanurthi Balamurugan, Chief Environment Officer, Department of Environment, Government of West Bengal & Member, State Wetlands Authority.
 - 5) Shri Gaurav Lal, Deputy Commissioner of Police, East Division, Kolkata Police.
 - 6) Smt. Susmita Ekka, Scientist D, Central Pollution Control Board.
 - 7) Shri Debasish Chakraborty, DG, Environment & Heritage Department, Kolkata Municipal Corporation.
 - 8) Shri Nitesh Dhall, Additional District Magistrate Land Reforms, South 24 Parganas.
 - 9) Shri Rupesh Sapui, Additional Officer-in-Charge, Pragati Maidan Police Station.
 - 10) Shri Sidhartha Chh. Deputy District Land Reforms Officer, South 24 Parganas.
- The Chief Environment Officer, Department of Environment chaired the meeting and welcomed the members.

The following decisions were taken in the meeting

1. To conduct a joint survey by the Kolkata Municipal Corporation and the ADM&LR, Dis. South 24 Parganas on 07.02.2022 to ascertain on which Dag number the said water body namely "Ukil Bheri" falls and also the status of Dag numbers 267 and 268 of Mouza Nimokpoktan, under P.S. Pragati Maidan, Ward No. 57, Kolkata Municipal Corporation.
2. The survey report to be submitted by 11.02.2022 (tentatively).
3. Based on the survey report the constituted Committee to make a site visit on 16.02.2022 (tentatively) for inspection along with the Applicant of OA 25/2016/EZ and the project proponent(s).
4. The Committee to submit its report by 09.03.2022 (tentatively).

The meeting ended with vote of thanks.


Chief Environment Officer,
Department of Environment, Government of West Bengal &
Member, State Wetlands Authority



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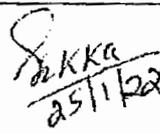
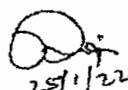
OA 25 of 2016/EZ
Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors

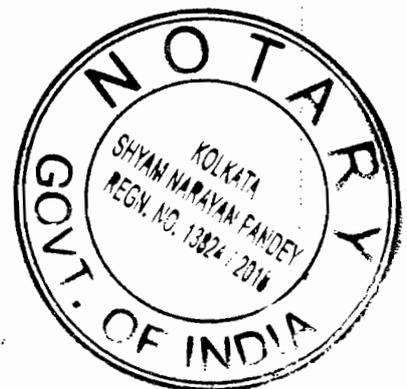
ATTENDANCE SHEET

Hearing conducted as per the Order of the Hon'ble National Green Tribunal, Eastern Zone Bench
dated 03.01.2022

Date: 25.01.2022

Time: 12:00 noon

Name With Designation (IN CAPITAL LETTERS)	Organization	Contact no. & E-mail Id	Signature
SUSMITA EKKA SCIENTIST D	Central Pollution Control Board of	9439023133 susmita-ekka@ cpwbmail.in	 25/1/22
PAUSALI MUKHERJEE Sr. L.O.	Deptt. of Environment		 25/1/22
Mr Hanju Pandey, Joint Secretary, MOEF&CE	MOEF&CE and NWC	hanju.pandey@ nic.in	
Debasish Chakraborty, Joint Secy, (DE/Env) WBPCB KMC	WBPCB KMC		
Debasish Sarkar,	WBPCB		
Neelam Meena, Director, IESWM	IESWM		
Rajasekhara Reddy			
Geetanjali Lal, IPS Deputy Commissioner Dist. Div., K.P.	Dist. Division, Kolkata Police		



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OA 25 of 2016/EZ

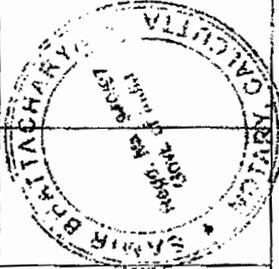
Sabvasachi Mallick Chowdhury Vs State of West Bengal & Ors

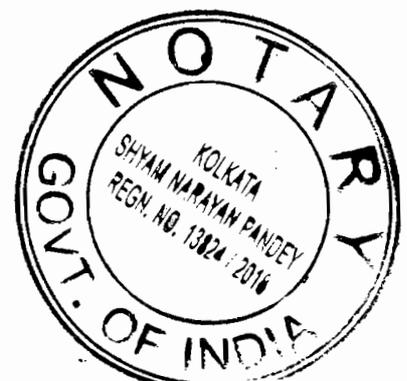
ATTENDANCE SHEET

Hearing conducted as per the Order of the Hon'ble National Green Tribunal, Eastern Zone Bench
dated 03.01.2022

Date: 25.01.2022

Time: 12:00 noon

Name With Designation (IN CAPITAL LETTERS)	Organization	Contact no. & E-mail Id	Signature
Nitesh Dholi, ADM Land Reforers, South 24 Parganas	DM office, South 24 Parganas		
Rupesh Sapari, Additional D.C., Pragati Maidan PS	Kolkata Police		
Siddhartha Guin Deputy DLRO	ADMLR, South 24 Parganas	9681808343 dlro.s24pgs @gmail.com	



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Annexure III

085/2022
17/02/2022

Government of West Bengal
Office of the Additional District Magistrate &
District Land & Land Reforms Officer, South 24 Parganas
New Treasury Building (8th & 9th Floor), Alipore, Kolkata - 700027.
TEL. NO. 2479-1955, 2479-2196, FAX- 2499-4820, email ID-
dilro.s24pgs@gmail.com

AN ISO 9001:2008 CERTIFIED ORGANIZATION

Memo No. Misc/885/2022

Date : 16.02.2022

To,
The Chief Technical Officer,
East Kolkata Management Authority,
Pranisampad Bhawan,
LB-2, Sector - III,
Salt Lake,
Kolkata - 700 106.

Sub : Submission of report regarding present status of RS
Plot No. 267 and 268 in Mouza Nimokpokan (IL No. - F)
Under BL&LRO, Kolkata, P.S. Pragati Maidan, v.r.r.
"Ukil Bheri" as per the order of the Hon'ble NGT, dt.
03.01.2022 and communicated by the Registrar, NGT,
Eastern Zone Bench, Kolkata, vide IA/10/2020/EZ/
In OA 25/2016/EZ.

Sir,

With reference to above, enclosed kindly find the report, submitted by
the Revenue Officer & Technical Advisor, attached to the office of the undersigned, for his
kind consideration.

Yours, faithfully,

Encl: As stated.

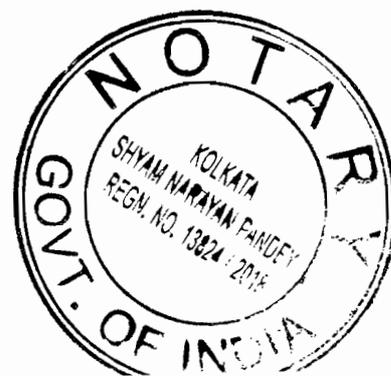
Additional District Magistrate and
District Land and Land Reforms Officer
South 24 Parganas

Memo No. Misc/885/1/2022

Date : 16.02.2022

Copy forwarded for information to C.A to the District Magistrate, South 24 Parganas.

Additional District Magistrate and
District Land and Land Reforms Officer
South 24 Parganas



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**REPORT REGARDING PRESENT STATUS OF RS PLOTS NO. 267 AND 268 IN
MOUZA NIMOKPOKTAN(JL NO. - 1) UNDER BL&LRO, KOLKATA, P.S. PRAGATI
MAIDAN, WITH RESPECT TO "UKIL BHERI" AS PER THE ORDER OF THE
HON'BLE COURT (NATIONAL GREEN TRIBUNAL) DATED 03/01/2022 AND
COMMUNICATED BY THE REGISTRAR, NGT, EASTERN ZONE BENCH, KOLKATA
VIDE IA/10/2020/EZ IN OA 25/2016/EZ**

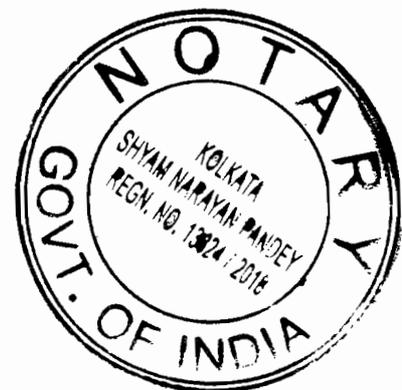
As per the order of the Hon'ble Court (National Green Tribunal) dated 03/01/2022 and communicated by the Registrar, NGT, Eastern Zone Bench, Kolkata vide IA10/2020/EZ in OA 25/2016/EZ, an enquiry was conducted in RS plot no. 267 and 268 in mouza Nimokpoktan, JL no. 1 under Block Land & Land Reforms Office, Kolkata from 07/02/2022 to 11/02/2022.

The following facts which were found out from the enquiry are as follows:

1. The status of land showing magnum of filling and remnant water body in RS plots no. 267 and 268 were found to be the following:

RS PLOT NO.	CLASSIFICATION IN RS RECORDS	RECORDED AREA IN RS (ACRES)	PRESENT WATER BODY AS PER RS SHEET (ACRES)	PRESENTLY FILLED UP & RESIDENTIAL PORTION AS PER RS SHEET (ACRES)
267	Beel	4.45	0.67	3.78
268	Beel	9.50	6.93	2.57

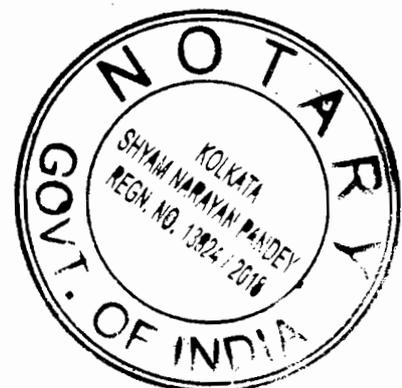
2. The construction work of two buildings, which was found to be under process in the eastern portion RS plot no. 268 as mentioned in the previous report, the G+4 building (CZ/9B), appears to be completed full with residents. The other building (CZ/14A and CZ/14B) in the opposite side, has been risen up to 4th floor. Its construction work has not been completed. The two buildings have been constructed over the filled-up portion of the water body of RS plot no. 268.
3. It appeared that as many as 25 residential plots along with construction (i.e. CZ/9A, CZ/9, CZ/14, CZ/10, CZ/13, etc.) and 4 common metalled roads are present in the said RS plots 267 and 268.
4. From the ground measurement with the RS sheet, it was found that the length of the filled up and residential portion in RS plot number 268 is 153 feet from the plot boundary up to the present edge of the water body (Ukil Bheri) in the longest side.



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5. From the ground measurement with the RS sheet, it was found that the length of the filled up and residential portion in RS plot number 267 is 352 feet from the plot boundary up to the present edge of the water body (Ukai Bheri) in the longest side.
6. The South Canal Road joining the Eastern Metropolitan Bypass in the south and the Canal Road in the north runs along North-South direction in RS plot number 267.
7. There are certain other complete and incomplete constructions and filled up portions in the North side of the RS plot 268, which are outside the Metropolitan Co-Operative Housing Society.
8. The present condition of "Ukai Bheri" is a low and marshy land with very less water, filled up with marsh land vegetation, showing no signs of pisciculture or any other kind of aquatic activity. At present, the so called bheri stretches within parts of RS plots no. 267, 268, 271, 269, 270, 398, 272, 275, 276, 127, 274, 273, 128, 126 and 278 comprising an area of approximately 8.63 Hectares (21.32 acres).
9. This is also worth mentioning that at present most of the land in the eastern side of the RS plot 268 and almost all of RS plot 267 is occupied by members of Metropolitan Co-Operative Housing Society Ltd., Registration No. 75/Cal of 1966 who have claimed to purchase the property from Biswendranath Chowdhury, S/o - Dhirendranath, Munshi House, Baranagar, Kolkata - 700036 and Roy Harendranath Chowdhury, S/o - Roy Surendranath, Munshi House, Baranagar, Kolkata - 700036 between 1966 and 1970, vide several purchase deeds, as mentioned by the society.
10. The Metropolitan Co-Operative Housing Society Limited has developed the entire lands, divided into Four sectors namely "A", "B" and "C" & "BA" Sectors and allotted it to different members.
11. In the present day, the filled-up portion within RS plots 267 and 268 coincides with major portion of Sector-B, and parts of Sector-A and AE respectively, as per the map of Metropolitan Co-Operative Housing Society.
12. Vide the Kolkata Municipal Corporation Act, 1980, the complete mouza has been integrated into the jurisdiction of Ward no. 57 of Kolkata Municipal Corporation. As per Metropolitan Cooperative Housing Society Limited, KMC is the owner for payment of Development charges and taking over of roads for all the Plot Numbers owned by the said society in Mouza Nimakpoktan.

2 | Page



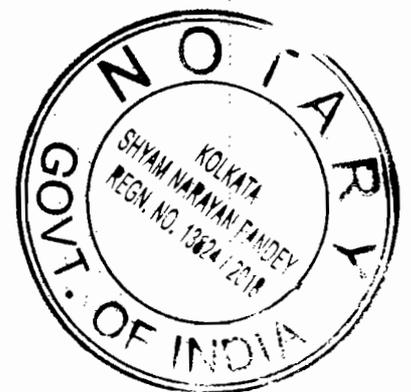
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13. The RS plots 267 and 268, along with the whole Nimokpoktan mouza does not come under the jurisdiction of East Kolkata Wetlands Management Act, 2006 or any other wetland protection act.

Encl: Annexure-A: Sketch map showing present status of Ukl Bheri with respect to RS plots 267 and 268 (1 sheet)

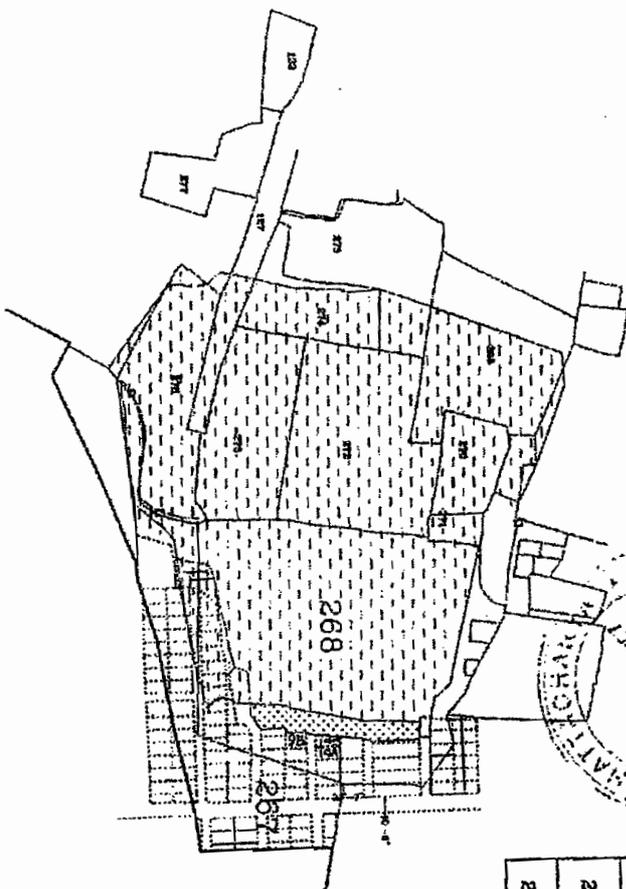
This report is being placed before you for your kind perusal.

Shrawan Kumar
RA & TA (HO)
EPA, KOLKATA
SAYEE



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MOUZA - NIMAKPOKTAN
 P.S - TOLLYGUNGE (PRAGATI MIDAN)
 DISTRICT - SOUTH 24 PARAGANAS
 NOT TO SCALE



AREA STATEMENT

PLAT NO. CLASSIFICATION (R.S)	PRESSENT BEEL AREA IN ACRES (APPROX)	WATER BODY AREA IN ACRES (APPROX)	RESIDENTIAL PORTION AREA IN ACRES (APPROX)
267	4.46	0.67	3.78
268	9.50	8.93	2.67

* HIGHLIGHTED PORTION SHOWING PRESENT LOCATION OF PLAT NOS. C2/98, C3/11A AND C2/14B

Shyam Narayan Chander
 17/3/22
 4/6, HOWRAH, WEST BENGAL, INDIA

LEGEND

- MOUZA BOUNDARY —————
- PLAT BOUNDARY - - - - -
- PRESSENT WATER BODIES (UKUL BEER) [diagonal hatching]
- FILLING PORTION WITHOUT BUILDING [dotted pattern]
- PORTION OF THE METROPOLITAN CO-OPERATIVE HOUSING SOCIETY [cross-hatching]

ANNEXURE 3A



Annexure - IV 91

State Wetlands Authority
Department of Environment, Government of West Bengal
Pranisangad Bhavan, 5th Floor, 1.B-2, Sector-III, Salt Lake, Kolkata - 700 106

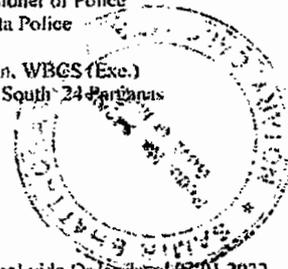
No: 053/EN/3C-15/2016

Date: 15.02.2022

From: Kaljyamurthi Balamurugan
 Chief Environment Officer, Environment Department &
 Member, State Wetlands Authority

To:

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. The Chairperson
 National Wetlands Committee
 Ministry of Environment, Forest & Climate Change
 Indira Paryavaran Bhawan, Jorbagh Road
 New Delhi-110003</p> | <p>2. The Secretary
 Ministry of Environment, Forest & Climate Change
 Indira Paryavaran Bhawan, Jorbagh Road
 New Delhi-110003</p> |
| <p>3. Dr. Shahida Parvin Quazi
 Scientist 'E', Integrated Regional Office, MoEF&CC
 IB -198, Sector III, Salt Lake, Kolkata 700106</p> | <p>4. Member Secretary
 Central Pollution Control Board
 Parivesh Bhawan, Maharshi Valmiki Marg
 Delhi 110032</p> |
| <p>5. Dr. Susmita Ekka
 Scientist 'D', Eastern Regional Directorate
 Central Pollution Control Board</p> | <p>6. Smt. Roshni Sen, IAS
 Member Secretary
 West Bengal Pollution Control Board</p> |
| <p>7. Smt. Neelam Meena, IAS
 Director
 Institute of Environmental Studies and Wetland
 Management</p> | <p>8. The District Magistrate
 South 24 Parganas</p> |
| <p>9. Shri Nitesh Dhali, WBCS (Exe.)
 Additional District Magistrate, Land Reforms
 South 24 Parganas</p> | <p>10. Shri Gaurav Lal, IPS
 The Deputy Commissioner of Police
 East Division, Kolkata Police</p> |
| <p>11. Shri Debasish Chakraborty
 DG, Environment & Heritage Department
 Kolkata Municipal Corporation</p> | <p>12. Shri Siddhartha Guin, WBCS (Exe.)
 Deputy DL & LRO, South 24 Parganas</p> |
| <p>13. Shri Rupesh Sapui
 Additional Officer-in-Charge
 Pragati Maidan Police Station)</p> | |



Sub: Field visit of the Committee constituted by the Hon'ble National Green Tribunal vide Order dated 05.01.2022

Ref: Minutes of the meeting of the Committee held on 25.01.2022 (copy enclosed)

Sir/Madam,

With reference to the above, this is to inform you that site visit will be held on 17.02.2022 at 11.30 a.m.

You are requested to present or send your representative at the site during the site inspection.

Yours faithfully,

(Signature)
 (K. Balamurugan)



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State Wetlands Authority
Department of Environment, Government of West Bengal
Prajasaroad Bliayan, 5th Floor, L.B-2, Sector-III, Salt Lake, Kolkata - 700 106

No: 055/EN/3C-15/2016

Date: 16.02.2022

From: K. Balamurugan, IFS
 Chief Environment Officer, Department of Environment
 & Member, State Wetlands Authority

To: 1. Shri Ashok Prasad
 Advocate of Sabyasachi Mallick Chowdhury
 ashokadvhc@gmail.com

2. Shri Ankit Sureka,
 Advocate of Metropolitan Co-operative Housing Society Limited
 mchskolkata@gmail.com

Sub: Field visit of the Committee constituted by the Hon'ble National Green Tribunal vide Order dated 03.01.2022

Ref: Minutes of the meeting held on 25.01.2022 of the Committee (copy enclosed)

Sir / Madam,

With reference to the above, this is to inform you that site visit will be held on 17.02.2022 at 11:30am.

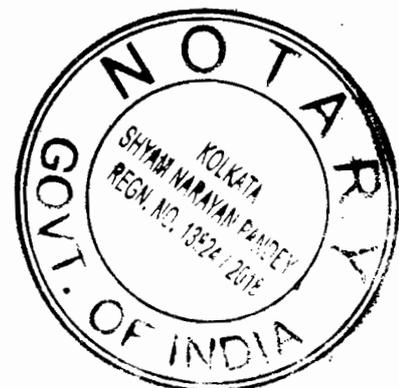
You are requested to be present or to send your authorized representative at the site during the site inspection.

You may contact Shri Anirudha Paul, Scientific Officer, East Kolkata Wetlands Management Authority at no. 9038707344.

Yours faithfully


 (K. Balamurugan)

Encls: As stated above



93

Annexure - V

**Original Application No. 25 of 2016/EZ
Subyasachi Mallick Chowdhury Vs. The State of West Bengal & Others**

Minutes of the site visit conducted by the Committee constituted by the Hon'ble National Green Tribunal vide Order dated 03.01.2022 in O.A. No. 25 of 2016/EZ (Subyasachi Mallick Vs. State of West Bengal & Ors) on 17.02.2022.

In compliance with the Order of Hon'ble National Green Tribunal vide dated 03.01.2022 the Committee held its first meeting on 25.01.2022 and as per the decision of the said meeting, the Additional District Magistrate & District Land and Land Reforms Officer, South 24 Parganas conducted a field enquiry on R.S. Plot no. 267 and 268 in Mouza Nimokpoktan, J.L. No. 1 from 07/02/2022 to 11/02/2022 and submitted their report on 16.02.2022.

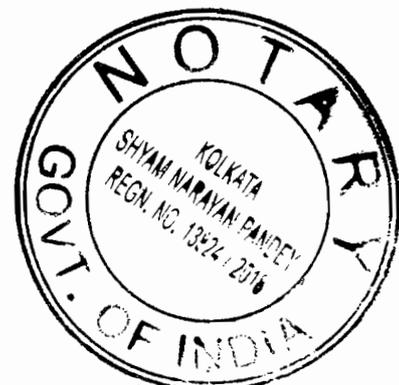
Based on the survey report, the Committee members inspected the site on 17.02.2022 at 11.30 am. The list of participants is annexed herewith.

From the available documents, reports, records, maps etc. following facts have come up:

1. The present condition of "Ukil Bheri" is a low and marshy land with less water. Filled up with aquatic vegetations. There is no sign of pisciculture activity.
2. At present, the bheri/ water body stretches within the parts of RS plot no. 267, 268, 271, 269, 270, 398, 272, 275, 276, 127, 274, 273, 128, 126 and 278 of Mouza Nimokpoktan, J.L. No. 1 comprising an area of approximately 8.63 Ha (21.32 Acres).
3. The classification of the area in question i.e. R.S. plot no. 267 and 268 of Mouza Nimokpoktan, J.L. No. 1 is recorded as "Beel".
4. One G+4 building (C7/9B) and other building (C7/14A and C7/14B) have been constructed recently over the filled up portion of the water body of RS plot no. 268.
5. There are few complete and incomplete new constructions found on the RS plot no. 268.
6. No land of RS plot no. 267 and 268 were converted from the district administration of South 24 Parganas.
7. The subject land is not under the purview of the East Kolkata Wetlands Management Authority.
8. The complete Mouza Nimokpoktan, J.L. No. 1 has been integrated into the jurisdiction of Ward no. 57 of Kolkata Municipal Corporation as per the Kolkata Municipal Corporation Act, 1980.

At the end of the inspection, the Committee decided that the Kolkata Municipal Corporation (KMC) will provide the following information by 28.02.2022 to the State Wetlands Authority, Pranisampad Bhavan, 5th Floor, I.B-2, Sector-III, Salt Lake, Kolkata - 700 106 (email. ctokwma@gmail.com):

- i. Assessee Number, building sanction plan permitted by the KMC, mutation certificate, completion certificate if any for the above mentioned two buildings in particular and for other buildings which have got permission for construction on the RS Dag No. 267 and 268 of Mouza Nimokpoktan, J.L. No. 1 in general starting from Canal South Road to existing water body..



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- ii. Report of Project Management Unit (PMU), KMC regarding the 'Ukil Bheri'.
- iii. Land used pattern as per KMC land records for RS Dag No. 267 and 268 of Mouza Nimokpoktan, J.L. No. 1.

The Committee will meet in the first week of March, 2022.

(K. Balamurugan)

Chief Environment Officer, Environment Department &
Member, State Wetlands Authority



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O.A. No. 25 of 2016/EZ
 (Sunit Kumar Mallick Chowdhury Vs. The State of West Bengal & Others)

ATTENDANCE SHEET
 Field Visit Conducted as per the Order of the Hon'ble National Green
 Tribunal dated 03.01.2022

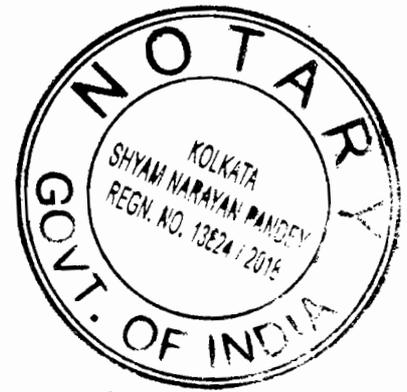
Date: 17.02.2022

Time: 11.30 am

Name with Designation	Organization	Contact No. & E-mail ID	Signature
Dr. Shakti An P Guazi Sd. E	JRO, Kolkata MOEF CC,	SP V ma 21 @gov.in 897509218	Dr. Shakti An Guazi
[Faint handwritten text]	[Faint handwritten text]	[Faint handwritten text]	[Faint handwritten text]
[Faint handwritten text]	[Faint handwritten text]	[Faint handwritten text]	[Faint handwritten text]
[Faint handwritten text]	[Faint handwritten text]	[Faint handwritten text]	[Faint handwritten text]
Subarna Saha Chief Engineer	W&P (B)	963002185	[Signature]
Susmita EKKA Sd. D. CP&B Kolkata	CP&B	7021995986	SEKKA 17/2/22
Diljeet Pr. Ex. Engr (Mech) KMC	KMC	9433417653 dpt 1809 pg	[Signature] 17/2/22



Virgama prul face SDLRD,
 22 pore chider 2582887117
 50110010@ 17/2/22
 gmail.com



96

Annexure VI

OA No 25/2016/EZ
Sabyasachi Mallick Chowdhury
Vs
State of West Bengal & Ors.

Minutes of the meeting of Joint Committee constituted by the Order dated 03.01.2022 of the Hon'ble National Green Tribunal in OA No. 25 of 2016/EZ; Sabyasachi Mallick Chowdhury Vs. State of West Bengal & Ors. held on 15.03.2022.

The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata through its Order dated 03.01.2022 constituted a Joint Committee with respect to the illegal filling up of a water body namely "Ukil Bheri" at RS Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanangram under PS Pragati Maidan, Kolkata Municipal Corporation (KMC) Ward No. 57. The first meeting of the Joint Committee was held on 25.01.2022 and the second meeting was held on 15.03.2022.

The following participants were present in the meeting:

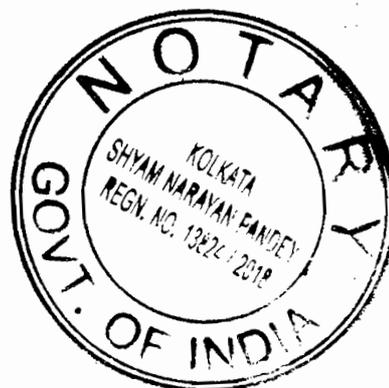
1. Smt. Neelam Meena, IAS, Secretary, Environment Department, Government of West Bengal and Director, Institute of Environmental Studies and Wetland Management.
2. Shri Kaliyamurthi Balamurugan, IFS, Chief Environment Officer and Member, West Bengal State Wetlands Authority.
3. Dr Shahida Parvin Quazi, Scientist F, Integrated Regional Office, Kolkata, MoEF&CC.
4. Dr Susmita Ekka, Scientist D, Central Pollution Control Board.
5. Shri Arunoy Mukherjee, Assistant Commissioner of Police (I), East Division, Kolkata Police.
6. Shri Debushis Sarkar, Chief Engineer, West Bengal Pollution Control Board
7. Shri Ujjwal Kumar Sarkar, Deputy Chief Engineer, Building, Kolkata Municipal Corporation.
8. Shri Nitesh Dhali, Additional District Magistrate & District Land and Land Reforms Officer, Dist South 24 Parganas.

Shri Kaliyamurthi Balamurugan, Chief Environment Officer chaired the meeting and welcomed all participants to the meeting. The following documents have been submitted by Kolkata Municipal Corporation regarding RS Dag no. 267 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanangram, under the Police Station Pragati Maidan, Ward No. 57 of KMC for Premises nos. 9B, 14A and 14B, Canal South Road, Metropolitan Cooperative Housing Society Ltd.

- a. Deed of Conveyance
- b. Survey observation report
- c. Assessment Book
- d. Building Sanction Detail Register.

But, in the submitted documents by the KMC there is no mention about the land fill up at RS Dag no. 268. But, the report submitted by the ADM&LR, Dist South 24 Parganas is showing that 2 Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, PS Pragati Maidan, KMC Ward no. 57.

During the meeting ADM & LR, Dist South 24 Parganas said that as per the Kolkata Municipal Corporation Act, 1980 Ward No. 57 went under the jurisdiction of Kolkata Municipal Corporation in 1980. He also said that as per RS records the land classification was recorded as "Beel" for both RS Dag nos. 267 and 268.



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Shri Ujjwal Kumar Sarkar, Deputy Chief Engineer of KMC said that the KMC is in the process of revocation of the plan sanctioned for building nos. 9B, 14A and 14B. According to the map submitted with the report of the ADM&LR, these three buildings have come up on RS Dag no. 268, which is within the water body. From the documents submitted by the KMC it is not clear whether the KMC has sanctioned any building plan in RS Dag no. 268. If yes, clarification is needed on the date of land conversion along with the relevant documents. The Deputy Chief Engineer, KMC could not produce any document regarding land classification of RS Dag no. 267.

Finally, the Joint Committee unanimously took the following decisions:

1. Kolkata Municipal Corporation (KMC) to issue a Stop Work Notice at RS Dag nos. 267 and 268.
2. KMC to submit the following documents in the next meeting to be held on 22.03.2022:
 - i. The period from when RS Dag nos. 267 & 268 of Mouza Nimokpoktan, JL no. 1, KMC Ward No. 57, PS Pragati Maidan came under the jurisdiction of the KMC.
 - ii. As per the survey report of the ADM&LR, South 24 Parganas the subject RS Dag nos. 267 & 268 of Mouza Nimokpoktan, JL no. 1, KMC Ward No. 57 under PS Pragati Maidan are recorded in the RS Records as "Beel". If the land classification (land use pattern) has been changed from "Beel" to anything else, KMC should provide with the relevant documents.
 - iii. Please provide with the land classification details against which the KMC has issued building sanction plans at the subject RS Dag numbers.
3. KMC was also requested to submit the documents that were sought for in the Minutes dated 17.02.2022 of the site visit by the Joint Committee.

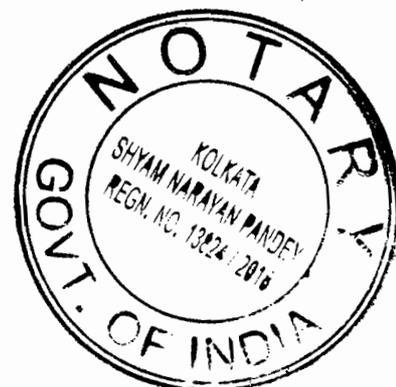
The Deputy Chief Engineer, KMC informed that since the required documents are not in his possession, he requested the Committee to call the following officials of the KMC in the next meeting.

1. Chief Valuer & Surveyor, KMC
2. Deputy Chief Engineer, PMU, Environment & Heritage Department, KMC
3. Chief Manager, Revenue, South Division, KMC
4. Block Land & Land Reforms Officer, Kolkata
5. Deputy Chief Engineer, Building, KMC
6. The Officer-in-Charge, Khasmahal, District South 24 Parganas.

The Joint Committee decided that the Deputy Chief Engineer, KMC will coordinate with their officials and bring them to the next meeting scheduled on 22.03.2022 along with the relevant documents. Accordingly, a letter may also be issued to these KMC officials.

The meeting ended with thanks to and from the chair.


 (Kaliamurthi Balamurugan)
 Chief Environment Officer
 & Member, West Bengal State Wetlands Authority



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No 097/EN/3C-150016

Date: 17.03.2022

Copy forwarded to:

1. Ms Leena Nandan,
The Secretary, Ministry of Environment Forest & Climate Change, Government of India
& The Chairperson, National Wetlands Committee
2. Smt. Manju Pandey
Joint Secretary, Ministry of Environment Forest & Climate Change
3. Dr. Prashant Gargava
Member Secretary, Central Pollution Control Board
4. Shri Rajasekhar Ratti
Scientist D, Ministry of Environment Forest & Climate Change
5. Smt. Roshni Sen,
Member Secretary, West Bengal Pollution Control Board
6. Smt. Neelam Meena,
Director, Institute of Environmental Studies and Wetland Management
7. Shri Binod Kumar,
The Commissioner, Kolkata Municipal Corporation — with a request to send the KMC officials along
with the relevant documents as mentioned in the Minutes to the next meeting to be held on 22.03.2022
at 12:30pm at the Conference Hall No. 1 of Kolkata Municipal Corporation, 5 SN Banerjee Road,
Kolkata-700013.
8. Dr. P. Uloganathan
District Magistrate, Dist South 24 Parganas
9. Shri Gaurav Lal
The Deputy Commissioner of Police, East Division, Kolkata Police
10. Smt Susmita Ekka
Scientist D, Central Pollution Control Board
11. Shri Nitesh Dhali
Additional District Magistrate, Land Reforms, Dist South 24 Parganas
12. Shri Siddhartha Guin
Deputy DL&LRO, Dist South 24 Parganas
13. Shri Debasish Chakraborty
DG, Environment & Heritage Department
Kolkata Municipal Corporation



(Kaliyamurthi Balamurugan)

Chief Environment Officer, & Member, West Bengal State Wetlands Authority



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OA 25/2016/EZ
Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors

ATTENDANCE SHEET
 Meeting of the Joint Committee formed as per the Order of the Hon'ble NGT dated 03.01.2022

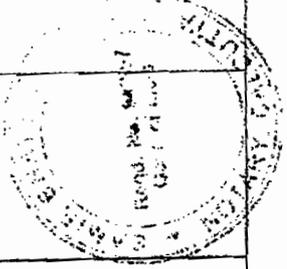
Date: 15.03.2022

Time: 12:00 noon

Name With Designation (IN CAPITAL LETTERS)	Organization	Contact no. & E-mail Id	Signature
Debasish Sarkar	WFO/13	9836621997 debasish.sarkar@wfo.gov.in	
UTTAM KUMAR SARKAR DYCE (A)/F&S	K.M.C	9831014687 dyce-ubdy@kmc.gov.in @kmcgovin	
Uttam Kumar Sarkar DYCE (A)/F&S	K.M.C	9831014687 dyce-ubdy@kmc.gov.in @kmcgovin	
Subrata Kumar Sarkar DYCE (A)/F&S	Govt. of WB	9836621997 subrata.sarkar@wfo.gov.in	
DWAIPAYAN GHOSH RO-2 TA-CHC M/O ADM (LR), 524 RGS	LR Dept. Govt. of WB	9836621990 dwaipayan.ghosh09@gmail.com	



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Name With Designation (IN CAPITAL LETTERS)	Organization	Contact no. & E-mail Id	Signature
MUPESH SAPUI	KOLKATA POLICE Field Ofc. Pragati Maidan P. S	9836486777 mupeshsapui@ yahoocom.	<i>Mupesh Sapui</i>
ARUMOIY MUKHERJEE	KOLKATA POLICE ASST. COMMISSIONER OF POLICE (1) EAST DIVISION	9830889064 Arumoiy.kp@ gmail.com	<i>Arumoiy Mukherjee</i> 15/03/22
DR SHANIDA PARVIN QUARI	TRO, KOLKATA, MOEFACC	8974599218 sp.quari@ gov.in	<i>Dr. Shanida Parvin 15/3/22</i>
SUCWETA TRKKE	CPRI, RTS, KOLKATA	7021995956 sucweta.trk@ gov.in	<i>Sucweta</i> 15/3/22
			



101

Annexure VII

MUNICIPAL COMMISSIONER'S OFFICE
File No. 148
15/11/18
19/11/18

~~RECEIVED~~
~~19/11/18~~
~~20/11/18~~

978
4011a

D.G.(PMU)

No. Illegal pond filling and construction of boundary wall on embankment of Ukil Dheri in Ward No. 57 under Br.-VII.

➤ Complaint received from Mr. Sunil Kt. Mullick Chowdhury regarding illegal filling on 22.06.2016.

Action taken:

Notice against illegal filling U/S 53 of WBIC(P&D) Act 1979 and FIR lodged with Officer-in-Charge, Pragati Maidan P.S. Kolkata-700105 vide Memo No. PMU/31/2016-17 dated 26.07.2016 & PMU/91/2016-17 dated 26.07.2016 respectively.

➤ Second FIR lodged vide Memo No. PMU/113/2016-17 dated 06.08.2016 with Officer-in-Charge, Pragati Maidan P.S. Kolkata-700105 by this department.

➤ On receiving the complaint on 17.03.18, notice against illegal filling was issued for second time vide Memo No. PMU/57/2017-18 dated 17.03.18. Thereafter, FIR lodged with Officer-in-Charge, Pragati Maidan P.S. Kolkata-700105 vide Memo No. PMU/45/2018-19 dated 04.05.18 for the third time.

➤ Fourth time, FIR was lodged on 25.01.19 with Officer-in-Charge, Pragati Maidan P.S. Kolkata-700105 as per order of Spl. Municipal Commissioner (C&D).

Now, the matter is under sub-judice.

Not permitted please.

File No. 148
15/11/18
19/11/18
P(2219)
Date 05.2.19

DC(PMU)

Special Municipal Commissioner
The Kolkata Municipal Corporation

Honorable Member

24.01.19
EE(C)/PMU

NOTARY SEAL
24-1-19
Dy.CE(C)/PMU

Make FIR
and CP to
register in a
FIR
Encl.

The statement report is attached
herewith.

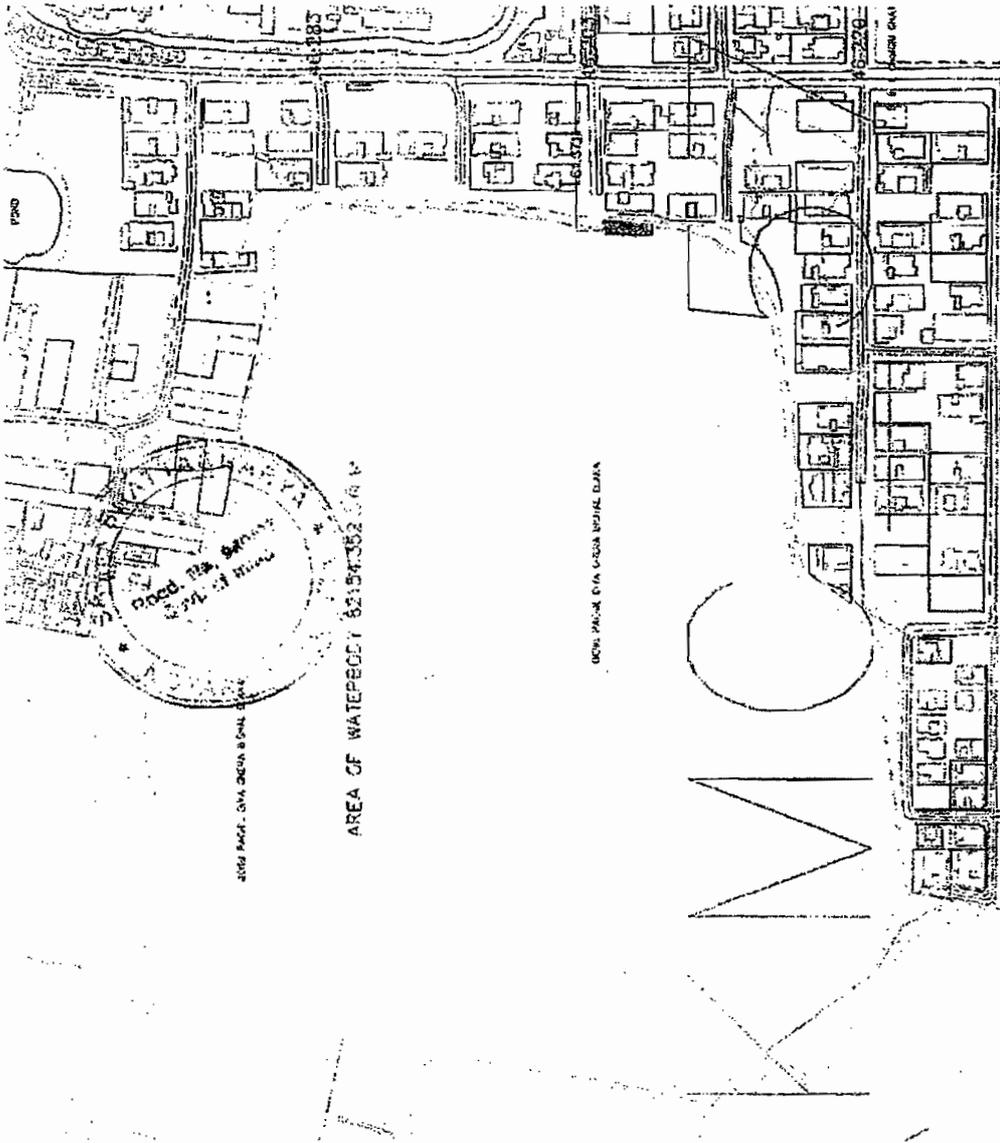
Sub. M.

THE POLICE
MUNICIPAL COMMISSIONER'S OFFICE

NOTARY
KOLKATA
SHYAM NARAYAN PANDEY
REGN. NO. 1382/2016
GOVT. OF INDIA

102

ENCROACHMENT →



103

B-32

Project Management Unit
 25, Lalbazar Municipal Corporation
 27, Market Street, Kolkata - 700 037

Memo No. PMU/137/1-19

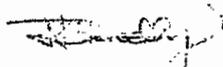
Dated: 15.01.19

To,
 The Officer-in-Charge,
 Pragati Maidan Police Station
 Kolkata-700 105.

**Sub: FIR against filling up of water body and boundary wall on
 embankment of Tikil Bheri in ward no 57 under Br.-VII.**

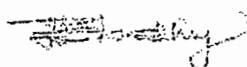
With reference to the complaint lodged by Sri Sumit Kumar Mullick Chowdhury of 65/11 G. Suren Sarkar Road, Kolkata-700010 on 04.01.19 before Honourable Mayor, Municipal Commissioner, Special Municipal Commissioner (G&D) and DG/PMU of the Kolkata municipal corporation, this is to inform you that an illegal filling up of water body at the abovementioned premises is going on in violation of section 53 of W.P. T & C (P&D) Act 1979 & 22 of West Bengal Inland Fisheries Act 1993 (Amended).

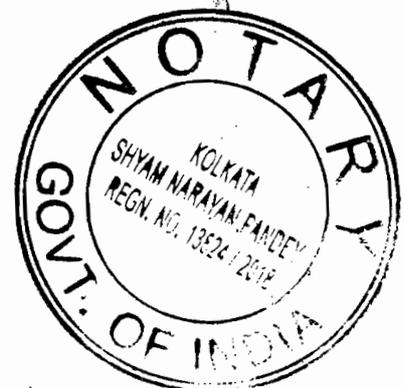
Therefore you are requested to take immediate action considering this as an FIR and provide us a Case Reference for further necessary action in this matter.


 Executive Engineer (C/PMU)

Copy to:

1. MMIC (Environment), KMC - for kind information
2. Addl. C.P.-IV, Kolkata Police Directorate, Lalbazar - for kind information & necessary action please.
3. Dy. Director, Fisheries, 9, Esplanade East, Kolkata - 700 069 - for information and necessary action please.
4. Executive Engineer (C/Br.-VII) - for information and necessary action please


 Executive Engineer (C/PMU)



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EE/THC
P.S. No. 20/03

af

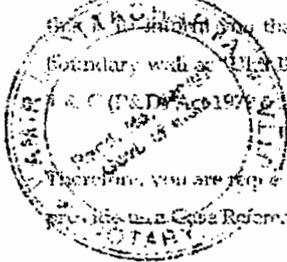
From: Executive Engineer, THC

To: Dy. Commisioner, Police

The Officer-In-Charge,
Kolkata Metropolitan Police Station,
Kolkata - 700 105

Sub: Reminder letter of FIR against illegal filling up of water body at "Dku Bheri" in Ward No.57 Under Borough VII

In reference to the complaint lodged before DG/PMU of KMC, this Department lodged FIR vide memo No: PMU/91/2016-17, PMU/113/2016-17, & PMU/45/2016-19, dated 26.07.2016, 01.08.2016, & 01.05.2016 respectively to your good office. And the A.P. informed you that an illegal filling up of water body and construction of boundary wall at "Dku Bheri" is going on till date in violation of Section 55 of W.B. A.C. (P.W.D.) Act 1974 & 2 of West Bengal Inland Fisheries Act 1993 (Amended).



Therefore, you are requested to take immediate action considering this as an FIR and provide the Case Reference for further necessary action in this matter.

24.01.16
EXECUTIVE ENGINEER
I.E.C.

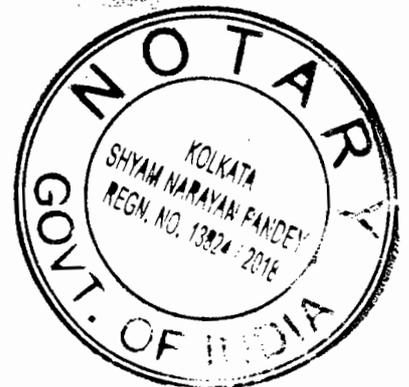
Copy to:

- 1. AMUC (Environment), KMC - for kind information.
- 2. Addl. CP IV, Kolkata Police Directorate, Lalbazar - with a request to direct the local Police Station to take immediate measures as filling work is still going on.
- 3. Dy. Director, Fisheries Department, 9A, Esplanade East, Kolkata - 700 069 - for information and necessary action please.
- 4. Executive Engineer (C-Borough VII)- for information and necessary action please.

RECEIVED

EXECUTIVE ENGINEER

Comments not Verified
Project Mission P.
Kolkata-700



105



To
The Chief Environment Officer
Environment Department
Government of West Bengal
Prani Sampad Bhavan
5th Floor, LB-2
Sector-3, Saltlake - 700106

Ref: Draft interim report of the joint committee in O.A. No 25/21

Sir,

This is to submit that K.M.C authorities had submitted four complains at Pragati Maidan P.S from the year 2016 to 2019 and against which a case was already started vide PGM P.S Case No-105 dated.15/03/2016 U/s 22 of the West Bengal Inland Fisheries Act, U/s 53 of the West Bengal Town and country planning Act & Section 18 of the East Kolkata wetlands Act. The subsequent complaints were tagged into the said above noted case. Periodic enquires and watch was kept at the complaint location.

However K.M.C could not ascertain how much area has been encroached within the said water body.

RECEIVED
29 APR 2022
Prani Sampad Bhavan
Environment Dept

(Signature)
(Subin K. Bera) Officer
In-Charge
Pragati Maidan P.S
Prani Sampad Bhavan
Salt Lake
Kolkata



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Annexure - VIII

OA No 25/2016/EZ
Sabyasachi Mallick Chowdhury
Vs
State of West Bengal & Ors.

Minutes of the meeting of Joint Committee constituted by the Order dated 03.01.2022 of the Hon'ble National Green Tribunal in OA No. 25 of 2016/EZ; Sabyasachi Mallick Chowdhury Vs. State of West Bengal & Ors. held on 22.03.2022 at Conference Hall No. 1 of , Kolkata Municipal Corporation, 5 SN Banerjee Road, Kolkata-700013.

The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata through its Order dated 03.01.2022 constituted a Joint Committee with respect to the illegal filling up of a water body namely "Ukil Bheri" at RS Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanagram under PS Pragati Maidan, Kolkata Municipal Corporation (KMC) Ward No. 57. The first meeting of the Joint Committee was held on 25.01.2022, the second meeting was held on 15.03.2022 and the third meeting was held on 22.03.2022.

The names of the participants present in the third meeting are attached herewith in Annexure 1.

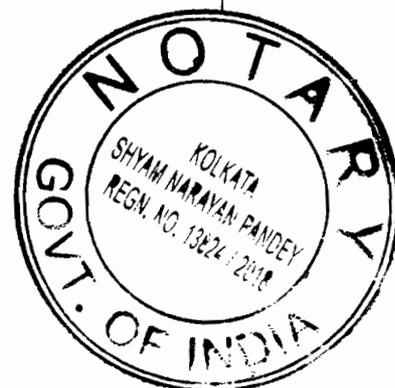
Shri K Balamurugan, Chief Environment Officer chaired the meeting and welcomed all the participants and explained the background and purpose of the meeting.

He requested officers of KMC to provide the Joint Committee, necessary documents including procedure followed by KMC for permitting construction of buildings in the Ukil Bheri area in RS Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanagram under PS Pragati Maidan, Kolkata Municipal Corporation (KMC) Ward No. 57 which are classified as 'Beer' under BL&LRO records.

Shri Bhaskar Bhattacharya, Chief Manager, Revenue South, Kolkata Municipal Corporation (KMC) described the procedure maintained by the Assessment Department of KMC for processing applications for assessment / mutation / building plan sanction in ward no. 57 of KMC as per the Kolkata Municipal Corporation Act, 1980. He noted to the committee that for proving land character, mutation and premises number of an unassessed property, KMC only verifies the sale deed and other documents submitted by the applicant, and if necessary causes a field inspection. During the process, if KMC is satisfied that the applied plot is water body, KMC does not provide sanction for construction on the applied plot. The Chief Manager declared that on the entire process, the KMC does not require to check any records of the applied plot from the end of the Block Land & Land Reforms Office (BL&LRO). He said that in the case of the Metropolitan Cooperative Society in particular, KMC made the assessment on the basis of sale deed and thereafter sanction plan was issued as per the provisions of the Kolkata Municipal Corporation Act, 1980.

Shri Partha Swathi Samanta, Deputy Chief Engineer(C) / E2H, KMC said that in the year 2016 a complaint was received from Shri Sunit Kumar Mallick Chowdhury regarding filling up of the water body namely "Ukil Bheri" in KMC Ward No. 57. Based on the complaint, they caused a field inspection and identified that an illegal pond filling and construction of boundary wall on the embankment of "Ukil Bheri". A high resolution satellite map of waterbodies prepared by National Remote Sensing Agency (NRSA) in 2004 for KMC was used to identify the violation. KMC lodged 4 FIRs with PS Pragati Maidan. A copy of FIR was shown before the Committee.

During discussion, it has come up that as per the survey report submitted by the Additional District Magistrate & District Land and Land Reforms Officer, South 24 Parganas the three premises no. 9B.



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14A and 14B is on the part of R.S Plot no. 268 of Mouza Nimokpoktan whereas the deed of Metropolitan Cooperative Society, shows that the said three premises are on RS Dag no. 267 of Mouza Nimokpoktan.

Shri Debasish Sarkar, Chief Engineer, WBPCB requested KMC to ascertain the plot number on which those premises nos. 9B, 14A and 14B are in place.

Shri K Balamurugan directed KMC to issue a Stop Work Notice in view of the Order of Hon'ble NGT and to call Metropolitan Cooperative Society for a hearing, and to take necessary action for restoration of waterbody.

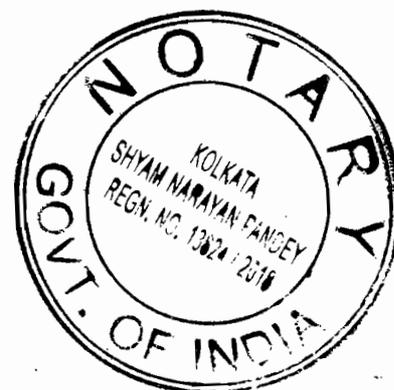
Dr Shahida Quazi, Scientist F, Integrated Regional Office, Kolkata, MoEF&CC said that the KMC has to submit a written documentation regarding as to the procedure adopted by KMC regarding justification of assessment mutation and building sanction issued to Metropolitan Cooperative Housing Society in order to incorporate the same in the Committee Report to be placed before the Hon'ble NGT.

Finally, the Committee unanimously took the following decisions:

- i. The KMC will issue a Stop Work Notice at the subject land.
- ii. Before 25.03.2022 the KMC will give the report and the draft copy of the report will be circulated by 27.03.2022, and after getting inputs from the members the Committee will finalize the Report by 31.03.2022.

The meeting ended with thanks to and from the chair.


(Kaliyamurthi Balamurugan)
Chief Environment Officer
& Member, West Bengal State Wetlands Authority



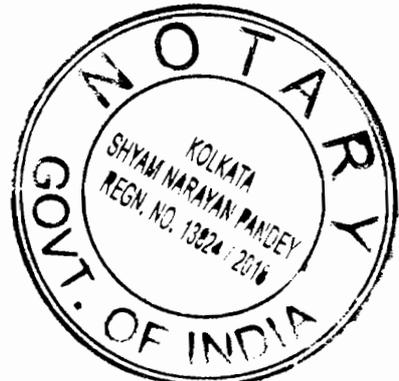
108

Name With Designation (IN CAPITAL LETTERS)	Organization	Contact no. & E-mail Id	Signature
K. BALAMURUGAN.	CEO, Env. Dep.	environmentub@ gmail.com	<i>[Signature]</i>
Bhaskar Bhattacharya Ch. Manager (Res-South) KMC.	KMC.	9831291317 chiefmanagercv@gmail.com.	<i>[Signature]</i>
UJJWAL KAL SARICAR DY (CE/3)/2 KMC	KMC	9831014687 dyce-3@kmc.gov.in	<i>[Signature]</i>
DIBYENDU PAL Ex. Engg (BUILDING) KMC	KMC	9433417657 eebldg02@gmail.com	
NITESH DHALI NAM, LR, SOUTH MPGS	SOUTH 24 PARGANAS DISTRICT	9836919555 dltr.24pgs@gmail.com	<i>[Signature]</i>
<i>[Faint text]</i>	<i>[Faint text]</i>	<i>[Faint text]</i>	<i>[Signature]</i>
Debarshi Saha Chief Engineer	KOLKATA	debarshi.saha@gmail.com	<i>[Signature]</i>



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Susmita EKKA	CPCB	7021995956	Susmita EKKA 22/3/22
Dr. Sheldade P Buezi	JRO, M. E. F. C. C. Kolkata	8974599- 218	P. Sheldade Pune 22/3/22
Poojita Sankhi Sankade	Dy. CEO/ESH KMC	983267462	P. Sankade 22/03/22
Nitish Ch. Basak Biswa Saha	AEC/Ch. VSS Dept. KMC AEC/Env. X.M. Dept.	9836400916 7345986495	Nitish Ch. Basak 22/03/22
Tatrayata Mukherjee Dwijipayan Ghosh	BILLER, Kolkata, ROUTH, G/O/AM(12) S24265	7059658247 9836601190	Tatrayata Mukherjee Dwijipayan Ghosh
Biswajit Chatterjee	SP. Environment - Kolkata	1092550	Biswajit Chatterjee

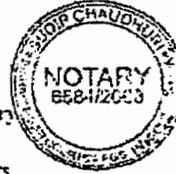


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Annexure - IX
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Annexure - VII

REPORT

OA No. 25/2016/EZ
Sabyasachi Mallick Chowdhury
Vs.
State of West Bengal & Others



As per decision of the Joint Committee in connection with the above mentioned court's order it was decided that KMC will issue stop work notice for the premises within RS Dag Nos. 267 & 268 of Mouza Nimokpoktan, J.L. No. 1, KMC Ward 57.

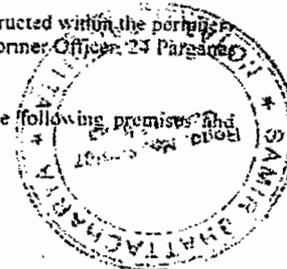
A meeting was held on 22/03/2022 at Conference Room No.11 of CMO Building KMC in connection with judgement of the Hon'ble NGT dated 03/01/2022 relating to the land situated at R.S. Dage Nos. 267 & 268 of Mouza - Nimokpoktan, J.L. No. 1, KMC Ward No. 57 under P.S. Pragati Maidan and Premises No. A/P - CZ-9B/B (Plot No. CZ-9B), A/P - CZ-14A/B (Plot No. CZ-14A), A/P - CZ-14B/B (Plot No. CZ - 14B) at Metropolitan Co-operative Housing Society Ltd.

Accordingly, KMC has issued intimation letter to stop further constructional work at Premises No. CZ-9B-B, Canal South Road and CZ-14A/B, Canal South Road.

Previously, KMC has accorded sanction vide Building Permit No.2016070100 dated 05/10/2016 for a G-IV storied residential building at Premises No. 9B/B, Canal South Road and G-III storied residential building for Premises No. 14A/B, Canal South Road sanction plan vide Building Permit No.2016070075 dated 01/09/2016 for considering the Deed of Conveyance, Assessment Book Copy & Survey Observation Report of KMC and NOC from Kolkata Improvement Trust.

However, it has been noticed that there are several buildings which have been constructed within the portions of Dag Nos. 267 & 268 which has been demarcated by District Lane and Land Reformer Officer, 23 Parganas (South) dated 16/02/2022 vide no. MISC 885/2022.

Accordingly, intimation letter to stop further construction has been issued to the following premises and revocation of sanctioned plan u/sec. 397 of the KMC Act, 1980 is under process.



1. A/P - CZ - 23, Canal South Road [B.P. No. 2016070078 dated 05/09/2016]
2. A/P - 34/B, Canal South Road [B.P. No. 2017070103 dated 13/10/2017]
3. CZ - 20A/B, Canal South Road [B.P. No. 2018070230 dated 08/01/2019]
4. A/P - 25/A, Canal South Road [B.P. No. 2020070036 dated 15/09/2020]
5. A/P - 38/A, Canal South Road [B.P. No. 2021070026 dated 30/10/2021]
6. CZ/15A/B, Canal South Road [B.P. No. 2021070099 dated 02/11/2021]
7. A/P - CZ - 18, Canal South Road [B.P. No. 2017070104 dated 13/10/2017]

In this connection report of Chief Manager (Revenue/South) of KMC as endorsed by Spl. Mpt. Commissioner (R/S/P) and report of Dy. Ch. Engineer (Civil), Environment & Heritage Department of KMC are attached herewith.

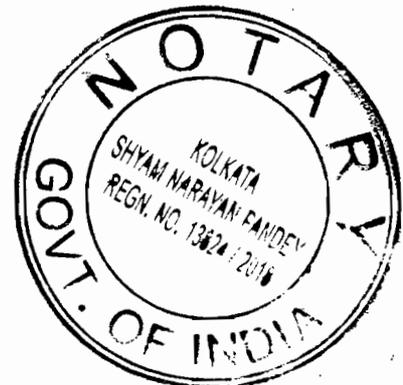
S.A.E (C)/Bldg.

25/03/22
A.E. (C)/Bldg.

25/03/22
Exe. Engineer / Br - VII
Bldg. Br. VII
KMC.

25.3.2022
Dy. Ch. Engineer (Civil)/Bldg. North
Dy. C.E.(C)/Bldg. North
Building Department

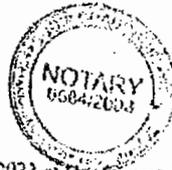
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By Chief Engineer (Buildings) (N)
Special Municipal Commissioner (Revenue)



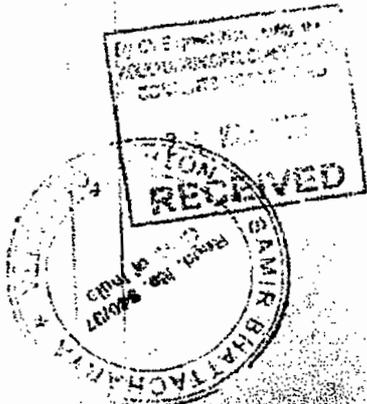
The Kolkata Municipal Corporation
(By Chief Manager Revenue)

This has reference to meeting held on 22-02-2022 at Conference Room No. B of CMO Building, KMC in connection with judgement of the Hon'ble NGT dated 03-01-2022 relating to the land situated at R.S. Dag Nos. 267 & 268 of Mouza-Nimakpaktan, J.L. No. 1, KMC Ward No. 057 under P.S. Pragati Maidan and Premises No. A/P CZ-91/B (Plot No. CZ-91B), A/P CZ-14A/B (Plot No. CZ-14A), A/P CZ-14B/B (Plot No. CZ-14B) at Metropolitan Co-operative Housing Society Ltd.

In terms of discussion, following may be perused

Assessment and mutation of unassessed properties are done following Municipal Commissioner's Circular No. 48 of 2014-15 dated 05-08-2014 [Flag - A] which reads as follows:-

Sl.	ISSUE POINT	ACTIONS TO BE TAKEN
	<u>MUTATION & ASSESSMENT OF UNASSESSED PROPERTIES (LAND)</u>	<p><i>Documents required - in addition to A-42 Form & other supporting papers/documents specially Affidavit-cum-Bond</i></p> <p>1) For City Proper (Ward No. 001 - 100): a) Clearance from Chief Valuer & Surveyor, KMC (within 7 working days from receiving the file). b) Clearance/Certificate from Authorities of KMDA/KIT/Khashimahal, as may be applicable.</p> <p>2) For Unit Offices (Ward Nos. 101 - 141): a) Clearance from Chief Valuer & Surveyor, KMC (within 7 working days from receiving the file). b) Clearance Certificate from H&LRD concerned.</p> <p>3) For all the above cases of (1) & (2), the acquisition list supplied by I.A. Collector & Spl I.A.O. 24 Pgs(S) requires to be checked in a mandatory fashion.</p> <p>4) For point nos. (1) & (2) above, properties having plot area upto 05 Kathas, no such clearance of Government Department/Agencies will be required, excepting clearance from Chief Valuer & Surveyor, KMC.</p> <p>5) However, submission of Affidavit-cum-Bond by the applicants will be mandatory in all such cases of unassessed properties.</p> <p>6) Files covering point no. 4 above will be dealt with and approved by Assessor-Collectors concerned. Files containing above 5 Kathas of land will be processed for approval upto the level of Joint Mpl. Commissioner (Revenue). Files containing above 20 Kathas of land will be processed for approval of Mpl. Commissioner.</p> <p>7) Assessment and mutation of properties/buildings, (collective quarter of assessment) will be the quarter following the date of the first electricity bill).</p>



In this case, plots under question were created by Metropolitan Co-operative Housing Society Ltd and the Society itself is responsible for division of their property into several plots and allotment of the same to respective allottees by way of executing registered instrument in favour of allottee, issuance of share certificate as Member of the Society etc.

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The plots under reference were originally unassessed property and were assessed and mutated at different points of time.

Mutations of unassessed properties are generally done following Municipal Commissioner's Circular No. 48 of 2014-15 dated 05-08-2014.

In case of plots under Metropolitan Co-operative Housing Society Ltd. mutation against individual plot owners are done based upon registered Deed, Membership Certificate and NOC from the Co-operative Society. However, original Deed in favour of Metropolitan Co-operative Housing Society Ltd and further allotment Deeds do not refer to Dag No. in question i.e. 268.

However, in the particular instance, the relevant files are not readily available even after thorough search.

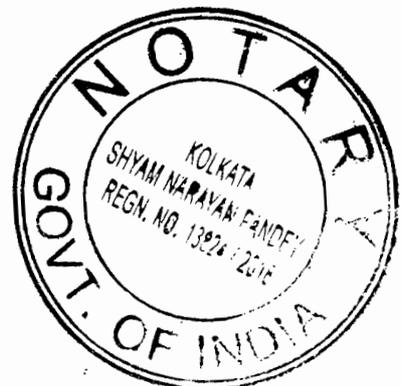
Since we do not have any statutory map of KMC area concerning premises boundary with other details, mutations are given based on registered Deed assigning Premises No. Assessed against the property in question and recording the name of person from whom property tax shall be realised.

Chief Manager Revenue-South

The Kolkata Municipal Corporation

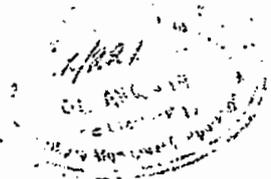
Special Municipal Commissioner (South)
Kolkata Municipal Corporation

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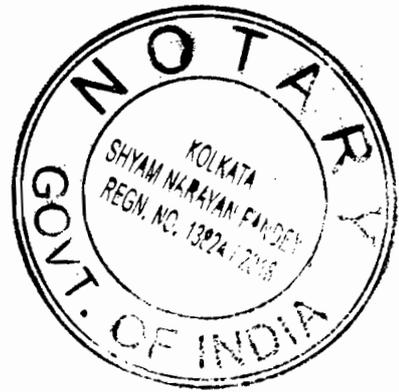
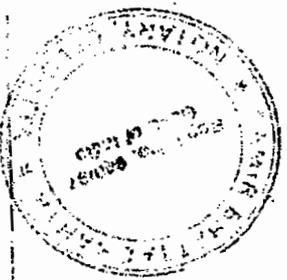
The Kolkata Municipal Corporation
Office of the Municipal Commissioner
CMO Buildings
A.S.N. Bannerjee Road, Kolkata-700 013

Mpl. Commissioner's Circular No. 42 of 2014-15 dated 05-08-2014

Sub: Guideline to be followed by the Assessment Collection Deptt. to deal with various issues relating to mutation and assessment of different properties/lands or buildings

Pursuant to the Resolution of Municipal Corporation Meeting dated 24-07-2014 vide Agenda No. 51, Item No. 6 on the recommendation of Mayor-in-Council vide Item No. 11-84,20 dated 09-06-2014, following guideline has been framed to be followed by the Assessment-Collection Deptt., to overcome the hindrances and difficulties, faced by Assessment-Collection Deptt. relating to various issues concerning mutation and assessment:

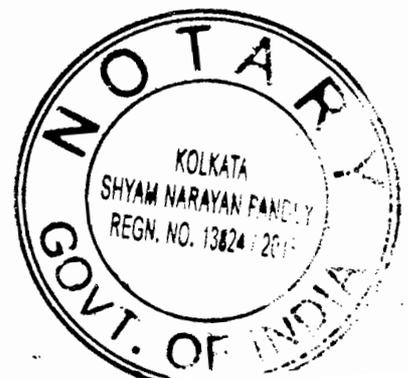
Sl	ISSUE POINT	ACTIONS TO BE TAKEN
1.	<u>ACQUISITION POINT -</u>	<ul style="list-style-type: none"> a) For mutation apportionment cases and for cases of simple mutation (1-Visit) of assessed properties, no such Affidavit as stated in the Issue Point will be required. For all other cases, such Affidavit will be mandatory. b) To make the matter smooth and easy, assessors/applicants may be allowed to submit Notarial Affidavit also. c) But in all cases the AC Deptt. will verify the Acquisition List, so supplied by LA Collector and/or Special LAO. d) Since the office order of Chief Manager (Revenue) was issued on 24-04-2014, that date will be treated as the cut off date.
2.	<u>CASES RELATING TO WATER BODIES -</u>	<ul style="list-style-type: none"> a) For all cases of apportionment, separation, amalgamation relating to Water Body (either physically found or found in KMC records), files need to be sent to PMU Deptt. b) If the report of PMU Department states that there is no physical existence of tank/water body in the premises concerned; not found in the tank but maintained by the PMU Department and also not found in the NRSA Map, then A-C Department will process the cases of separation of properties having water bodies (either physically found or found in KMC records), and will place the matter for final approval. <p>We may process mutation-apportionment cases of the owners/units of buildings/premises already in existence, though recorded in our records as tank/water body keeping such owners as 'person liable to pay tax' and not giving absolute mutation. But if sanctioned building plan is found, in that event, regular mutation in favour of such owners can be given. However, in both the cases nature of use of the premises will remain unaltered.</p>



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Sl.	ISSUE POINT	ACTIONS TO BE TAKEN
3.	<u>PROCESSING OF FILES REGARDING SEPARATION / AMALGAMATION</u>	It is clarified that at the time of processing such cases, AC Deptt. will consult acquisition list, so supplied by LA Collector & Special LAO, South 24 Pgs. mandatorily.
4.	<u>MUTATION & ASSESSMENT OF UNASSESSED PROPERTIES (LAND)</u>	<p>Documents required - in addition to A-43 Form & other supporting papers/ documents specially Affidavit-cum-Bond</p> <p>1) For City Proper (Ward No. 001 - 100):</p> <p>a) Clearance from Chief Valuer & Surveyor, KMC (within 7 working days from receiving the file).</p> <p>b) Clearance/Certificate from Authorities of KMDA/KIT/ Khashnahal, as may be applicable.</p> <p>2) For Out Cities (Ward No. 101 - 141):</p> <p>a) Clearance from Chief Valuer & Surveyor, KMC (within 7 working days from receiving the file).</p> <p>b) Clearance/Certificate from BL&LRO concerned.</p> <p>3) For all the above cases of (1) & (2) the acquisition list supplied by L A Collector & Spl LAO, 24 Pgs (S) requires to be checked in a mandatory fashion.</p> <p>4) For point nos. (1) & (2) above, properties having plot area upto 05 Kathas, no such clearance of Government Department/Agencies will be required, excepting clearance from Chief Valuer & Surveyor, KMC.</p> <p>5) However, submission of Affidavit-cum-Bond by the applicants will be mandatory in all such cases of unassessed properties.</p> <p>6) Files covering point no. 4 above will be dealt with and approved by Assessor-Collectors concerned.</p> <p>Files containing above 5 kathas of land will be processed for approval upto the level of Joint Mpl. Commissioner (Revenue).</p> <p>Files containing above 20 kathas of land will be processed for approval of Mpl. Commissioner.</p> <p>7) Assessment and mutation of properties/buildings, hitherto remaining unassessed, and erected without getting any sanction from KMC and occupants/inhabitants, having electric/telephone connection/ration cards/voter I/cards, issued to them, have started dwelling either as purchaser or tenant/lessee/licencee etc. to be made as person liable to pay tax on the basis of Affidavit-cum-Bond, sketch map drawn by LRS and signed by owners/occupants/inhabitants with submission of necessary proof in the manner of electric/telephone connection/ration cards/voter I/cards etc. (Effective quarter of assessment will be the quarter following the date of the first electricity bill)</p> <p>N.B. It is further clarified that for all such cases of unassessed properties/lands, site plan duly signed by the applicant as well as LRS (Scale 1: 200) will be mandatory for the space applying for mutation duly butted and bounded.</p>



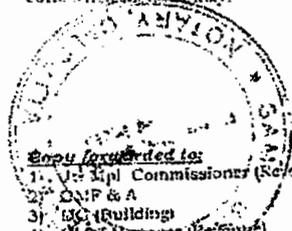
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Sl.	ISSUE POINT	ACTIONS TO BE TAKEN
3.	<p>DELETION OF THE WORD FACTORY/WORKSHOP/GODOWN FROM OUR BOOKS OF RECORDS - (In partial modification of Municipal Commissioner's Circular No. 62 of 2013-14 dated 05-10-2013)</p>	<p>Applicants, praying for conversion of character from factory/workshop/godown to land/haata and deletion of the word factory/workshop/godown for all wards having an area upto 500 sq.mt. shall not be insisted to furnish documents viz clearance from ULC, because ULC is not applicable for plots of land upto 500 sq.m. Similarly, clearance from Directorate of Factories or Labour Directorate will also not be required. However, a sketch map duly signed by the applicant and the LRS and an Affidavit-cum-Indemnity Bond will have to be submitted.</p> <p>For conversion of Factory/Workshop/Godown to land/haata/residential (for Wards 001 to 100) having an area more than 500 sq.mt clearance from ULC and clearance from Directorate of Factories or Labour Directorate will only be required without IRD-clearance.</p> <p>Processing of the cases for such conversion for Wards 101 to 147 may be done subject to clearance/ROC from IRD/Government of West Bengal along with clearance from ULC and clearance from Directorate of Factories or Labour Directorate.</p>

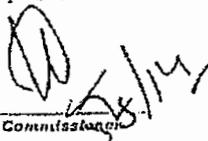
This guideline will take immediate effect prospectively and requires to be followed by all concerned departments.



Copy forwarded to:

1. V. Mpl Commissioner (Revenue)
2. OMF & A
3. UIC (Buildings)
4. Chief Engineer (Electricity)
5. Municipal Engineers (South)
6. Manager System (A.C)
7. P.S to Hon'ble Mayor/De Dy. Mayor/All MM/CS/Mpl. Commissioner/Jt. Mpl. Commissioner (General)/Ld. CMLO


 (Khushi Varshil)
 Municipal Commissioner


 Municipal Commissioner



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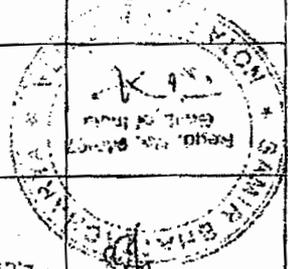
O.A. No. 25 of 2016/EZ
(Sunit Kumar Mallick Chowdhury Vs. The State of West Bengal & Others)

ATTENDANCE SHEET
Field Visit Conducted as per the Order of the Hon'ble National Green Tribunal dated 03.01.2022

Date: 17.02.2022

Time: 11.30 am

Name with Designation	Organization	Contact No. & E-mail ID	Signature
K DM E.B.(C)	EYM EDM.	98315186 35	[Signature]
Alak Halder CAO, IESWM	IESWM	7530977476	[Signature]
SUSHERMAL KUMAR	IESWM		[Signature]
Imp. S.K. Bera OIC PGM. PS	OIC PGM. PS	9073393706	[Signature]
Sanjay B. Dey Secretary	metrowater	9830088827 Sanjayb@metrowater.com	[Signature]
Maipayan Ghosh	ROVTA OIC PGM. PS E.K.W.M.A	9836624490	[Signature]



Aishwarya Paul Scientific Officer, E.K.W.M.A 9898709344 [Signature]

Barnali Dey Technical Officer (Law) 9038226217 [Signature]

Tarun Nath Das Technical Asstt. E.K.W.M.A 9903480550 [Signature]



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Annexure - X

- 3

INSPECTION REPORT

Name and address of the units inspected : M/s Ukhil Bheri
 Monza Nimokpokras near Chingrighata, S 24 Hys

Inspection Reference : Order of The National Green Tribunal, Eastern Zone Bench,
 Kolkata O.A. No. 25/2016/EZ

Date and time of inspection : 18/03/16; 3:15 to 4:00 PM

Name of Police Station : Pregeji Maidan

Name of Inspecting Officer : Sri P K Mondal, AEE, Salt Lake RO
 Smt. P. Maltra, AEE, Salt Lake RO

Name of the Person(s) met with : Nearby residents
 Sri Paritosh Dutta Roy, Board Member of Metropolitan
 Cooperative Housing Society was contacted over phone



Observation:
 The alleged Ukhil bheri (also known as Moni Babu's bheri) was observed to be partially filled up by construction debris on the eastern side. The major portion of the water body is covered with water hyacinth. The said bheri is surrounded by Metropolitan Cooperative Housing Society on eastern side, Chingrighata on northern side, Fagladanga on western side and nearby area of E M Bypass on southern side. Bamboo fences and a temporary hut were also observed on the filled up area. Nearby residents confirmed that the bheri has been partially filled up with construction debris during the recent times. However, they remained silent about the persons filling up the bheri. The filled up area of the bheri lies on the side of Metropolitan Cooperative Housing Society. During inspection, the office of the Metropolitan Cooperative Housing Society was visited. Sri Paritosh Dutta Roy, Board Member of the said Society was contacted over telephone. He confirmed that the visited bheri was Ukhil bheri and he is ignorant of any filling up of the bheri. During the visit 02 nos. of photograph were taken and they are annexed with the report.

18/3/16
 P. K. Mondal
 AEE, S.L.R.O.

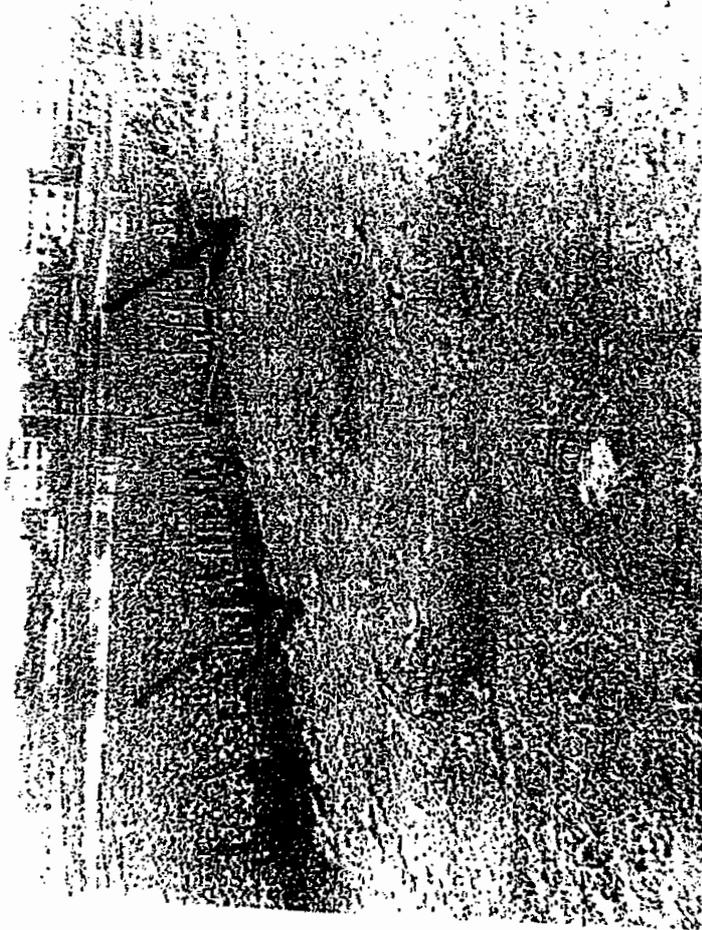
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Maltra
 18/3/16
 P. Maltra
 AEE, S.L.R.O.

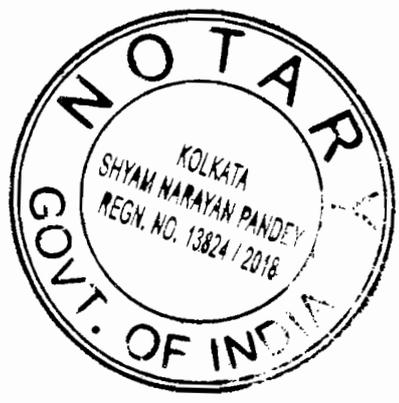


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col-aff-here



Notary Public for the State of West Bengal
Notary Public for the State of West Bengal
Notary Public for the State of West Bengal



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Annexure - XI

OA No 25/2016/EZ
Sabyasachi Mallick Chowdhury
Vs
State of West Bengal & Ors.

Minutes of the meeting of Joint Committee constituted by the Order dated 03.01.2022 of the Hon'ble National Green Tribunal in OA No. 25 of 2016/EZ (Sabyasachi Mallick Chowdhury Vs. State of West Bengal & Ors.) held on 27.07.2022 at Conference Hall of Environment Department, Government of West Bengal.

The Hon'ble National Green Tribunal (NGT), Eastern Zone Bench vide its Order dated 03.01.2022 in O.A. 25 of 2016/EZ in the matter of (Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors.) has constituted an eight (8) member Joint Committee comprising National Wetland Authority, State Wetlands Authority (SWA), Central Pollution Control Board (CPCB), Ministry of Environment, Forest and Climate Change, State PCB, Director of Environment, West Bengal, District Magistrate and SP, South 24 Parganas to enquire and report illegal filling up of water body "Ukil Bheri" at Mouza-Nimokpuktan, JL no. 1 unter P.S. Pragati Maidan, Ward no. 57 of Kolkata Municipal Corporation (KMC). The Hon'ble NGT in its said Order has stated that proper demarcation of boundaries of the said water body is not clear and prima facie the area where the construction has been made appears to be part of the said water body or its buffer zone, attracting prohibition under the Wetlands (Conservation and Management) Rules, 2017. Hence, the Tribunal directed the Committee constituted " to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority ". The CPCB and the SWA were declared as the Nodal Agency for coordination and compliance.

The list of names of the participants present in the final meeting is attached herewith in Annexure 1. Shri K. Balasubramanian, Chief Environment Officer chaired the meeting and welcomed all the participants to the meeting. A power point presentation was shown in the meeting on the final findings of the Ukil Bheri.

- In the presentation, the actual physical location of Ukil Bheri was shown. (Annexure 2).
- The petitioner submitted a certified copy of Sale Deed of Plot No. CZ-9A Being No. 04577/1985 along with a Master Plan of Metropolitan Cooperative Housing Society. The master plan clearly shows that the water line of Ukil Bheri, and the plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are adjacent to the water-line. These plot numbers are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society. (Annexure 3)
- The Google imagery of 2013 also shows plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan



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Cooperative Housing Society and no encroachment on the eastern side of Ukil Bheri was found. (Annexure 4).

- The Google Imagery of 2022 (Annexure 5), shows the existence of plot Nos. CZ-9B, CZ-14A, CZ-14B, CZ-15A, CZ-20A, CZ-21A and CZ-26 A/B/C has been found:-
- From Deeds of plots of Metropolitan Cooperative Housing Society provided by the Inspector General, Registration, West Bengal, the following facts regarding filling up of Ukil Bheri is evident :

- Plot no. CZ 9B was purchased by Supriti Saha from the Metropolitan Co-operative Housing Society by Deed No 04577 of 2015. The schedule of the Registered Deed shows that Plot No CZ-9A is on the Eastern side of the Plot no. CZ-9B. (Annexure 6).

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot No. CZ-9A is the last plot to the west of the Society. Hence, plot no. CZ 9B has been created by filling up water body after 2013.

- Plot No. CZ-14A was purchased by Sri Debasis Das from Metropolitan Co-operative Housing Society by Deed No. 01451 of 2015. The Schedule of Registered Deed shows that plot no. CZ 14 is the eastern side of plot no. CZ 14A, and CZ 14B is on the west of plot no. CZ 14A. It is clearly mentioned in the Deed that plot no. CZ 14B is under water. (Annexure 7).

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot No. CZ 14 is the last plot to the west of the Society. Hence, plot no. CZ 14A has been created by filling up water body after 2013.

- Plot no. CZ 14B was purchased by Smt. Ratna Chatterjee from Metropolitan Co-operative Housing Society by Deed No 190106470 of 2015. As per the Schedule of the Deed, plot no. CZ 14B is to the west of plot no. CZ 14A, which is referred to above. (Annexure 8).

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot no. CZ 14 was the last plot to the west of the Society. Hence, plot no. CZ 14B has been created by filling up the water body after 2013.

- Plot no. CZ 15 was purchased by Mr. Radheshyam Agarwal from Mr. Narayan Das sharma by Deed No 00713 of 2012. As per the Schedule of the Deed, plot no. CZ 15 is to the west of plot no. CZ 16, wherein there is a vacant land (plot number of which is not mentioned in the Deed) to the west of plot no. 15. (Annexure 9)



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As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot no. CZ 15 is the last plot to the west of the Society. Hence, plot no. CZ 15A has been created by filling up water body after 2013.

Findings of the Joint Committee based on documents available are as follows:

- i. From the available deeds and records it is clear that as per the master plan of Metropolitan Cooperative Housing Society, 1985 and Google Imagery of 2013, plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society.
- ii. As per the Google Imagery of 2022, it is clear that plot no. CZ 9B, CZ 14A, CZ 14B, CZ 15A, CZ 20A, CZ 21A and CZ 26A/B/C are newly created plots by filling up of Ukil Bheri after 2013.
- iii. The Inspection Report of West Bengal Pollution Control Board dated 18.03.2016 inspection report with photographs, confirms that the eastern side of Ukil Bheri has been partly filled up by construction debris on the eastern side. (Annexure 10).
- iv. The report of ADM& DLLRO South 24 Parganas dated 16.02.2021 at Point No. 2 states that "the construction work of two buildings, were found to be under process in the eastern portion RS plot No.268. The G+4 building (CZ/9B) appears to be completely full of residents. The other buildings (CZ/14A/14B) in the opposite side has been risen upto 4th floor. Its construction work has not been completed. The two buildings have been constructed over the filled-up portion of the waterbody of RS plot No.268". (Annexure 11).
- v. The alleged Dag No.268 at Mouza-Nimokpoktan, JL no. 1 under P.S. Pragati Maidan, Ward no. 57 of Kolkata Municipal Corporation (KMC) is nowhere mentioned in the deeds of Metropolitan Cooperative Housing Society available with this office, however the report and map of ADM & DL&LRO at Point No.9 confirms "at present, most of the land in the eastern side of R.S. plot No.268 and almost all of R.S. Plot 267 is occupied by members of Metropolitan Co-operative Housing Society".



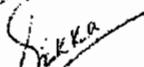
123

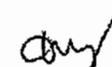
- vi. Kolkata Municipal Corporation has submitted copies of complaints on 26.07.2016, 06.08.2016, 04.05.2018, 25.01.2019 with P.S. Pragati Maidan against filling up of Ukil Bheri. The KMC issued notice dated 17.08.2018 u/s. 401 of the Kolkata Municipal Corporation Act, 1980 against Supriti Saha to stop illegal constructions at plot no. CZ 9B. The map submitted by KMC shows that filling has been done in the eastern side of UKIL BHERI(Annexure 12).

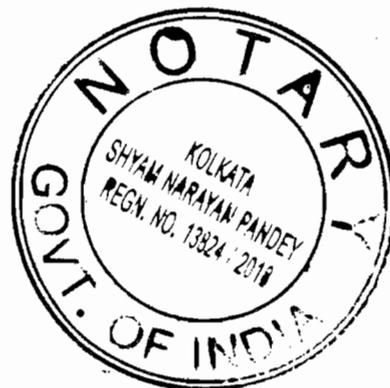
Finally, the Committee unanimously took the following decisions:

- Plot Nos. CZ 9B, CZ 14A, CZ 14B, CZ 15A, CZ 20A, CZ 21A and CZ 26A/B/C have been created after 2013 by filling up of waterbody i.e. Ukil Bheri. Hence, they need to be demolished.
- The KMC shall take steps to immediately restore the water body at plot nos. CZ 9B, CZ 14A, CZ 14B, CZ 15A, CZ 20A, CZ 21A and CZ 26A/B/C in compliance with the Order of the Hon'ble National Green Tribunal dated 03.01.2022.
- After restoration of the water body, the KMC shall take management control of the same in accordance with The West Bengal Inland Fisheries Act, 1981.
- The KMC will demarcate Ukil Bheri boundary with concrete pillars and do the geo-tagging with the help of ADM&LR, Dist South 24 Parganas.
- The KMC will submit a compliance report after restoration of the above mentioned plots before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata within a period of 6 months.

The meeting ended with thanks to and from the chair.


(Dr. Susmita Ekka)
Scientist D, Eastern Regional Directorate
Central Pollution Control Board


(Kaliamurthi Bahamurigan)
Chief Environment Officer
& Member, West Bengal State Wetlands
Authority

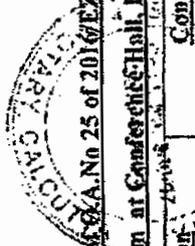


124

Annexure - 1

Attendance Sheet of the hearing in the matter of G.A.No 25 of 2016/EZ (Subyasachi Mallick Chowdhury-Vs- State of West Bengal & Ors.) held on 27.07.2022 at 2 pm at Conference Hall, Environment Department.

Name	Organisation	Contact No.	Email Id
NITESH DAHAL	ADME-DLRLR, SOUTH 29 PGS	886819555	dlr@adme.gov.in
SUSMITA EKKA	CPCW, KOLKATA	702195986	susmita-ekka@rediffmail.com
Dr. Shakida P. Guazi	ILO, Kolkata MOEF CC	8974599218	sp.guazi@ilo.gov.in
Pooja Mukherjee (Polem)	SLO, Environment Dept.	9123859123	
Balamurugan	CEo, Env. Dept.	9479486964	

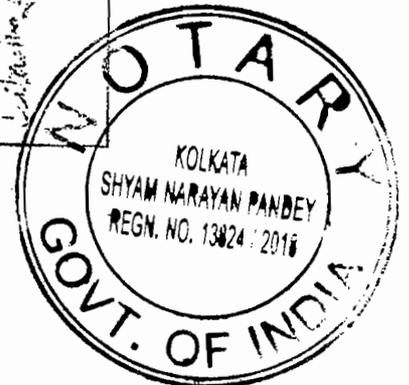


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Attendance Sheet of the hearing in the matter of O.A.No 25 of 2016/EZ (Sahyasachi Mallick Chowdhury-Vs- State of West Bengal & Ors.) held on 27.07.2022 at 2 pm at Conference Hall, Environment Department.

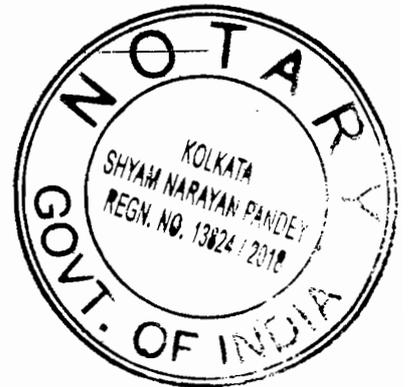
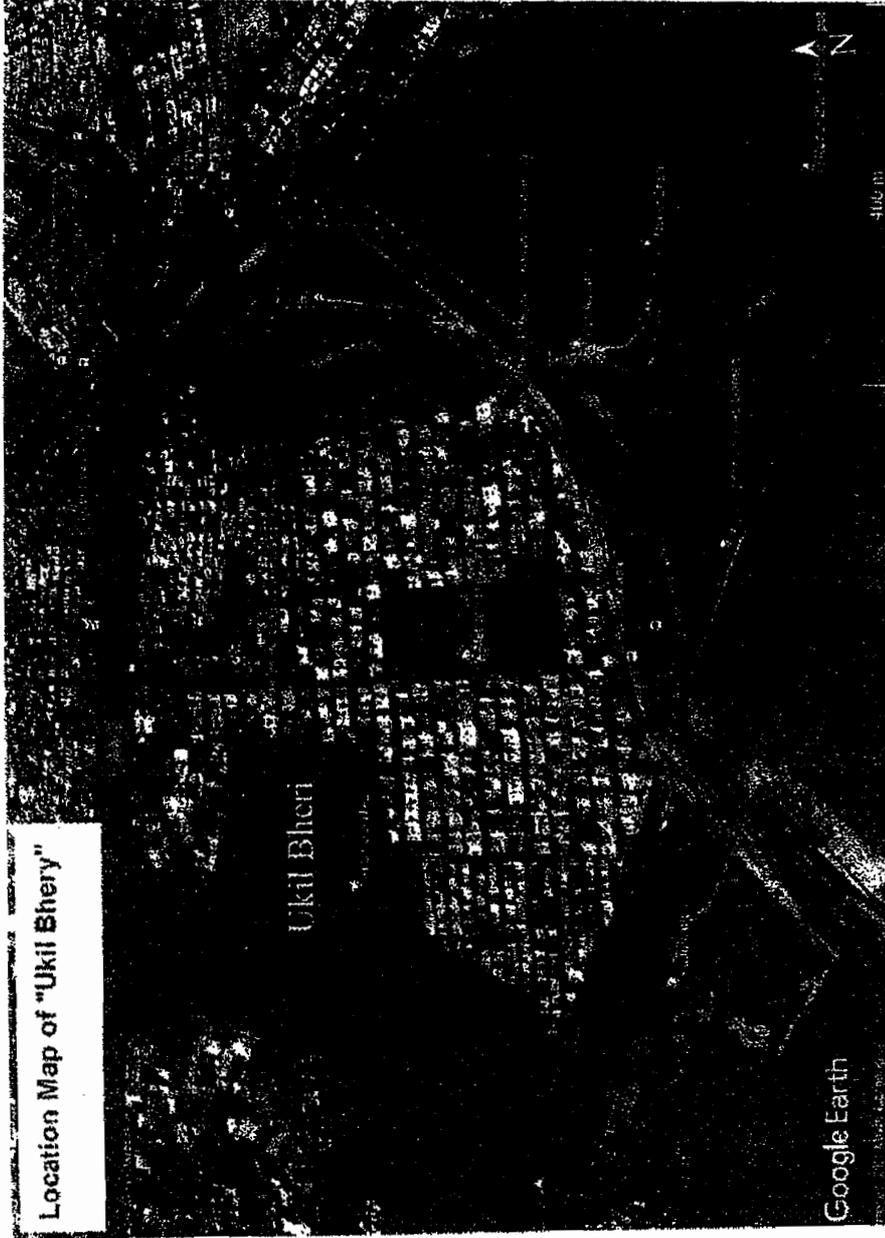
<u>Name</u>	<u>Organisation</u>	<u>Contact No.</u>	<u>Email Id</u>
MUKTI FRAMIS BOWH.	KMC	9609829503	
Prityabrata mukherjee	K.M.C	9593724490	
Siddhanta Saha	K.M.C	9839899950	
Rupak Saha	Pragati maiden	9839899977	
Prityabrata mukherjee	K.M.C		



126

Annexure - 2

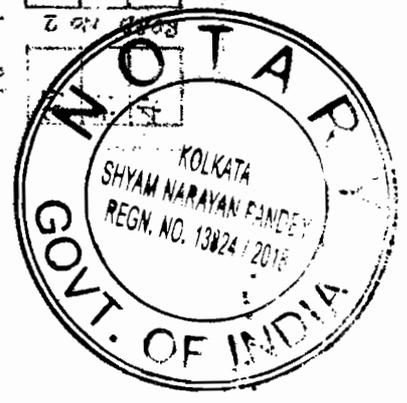
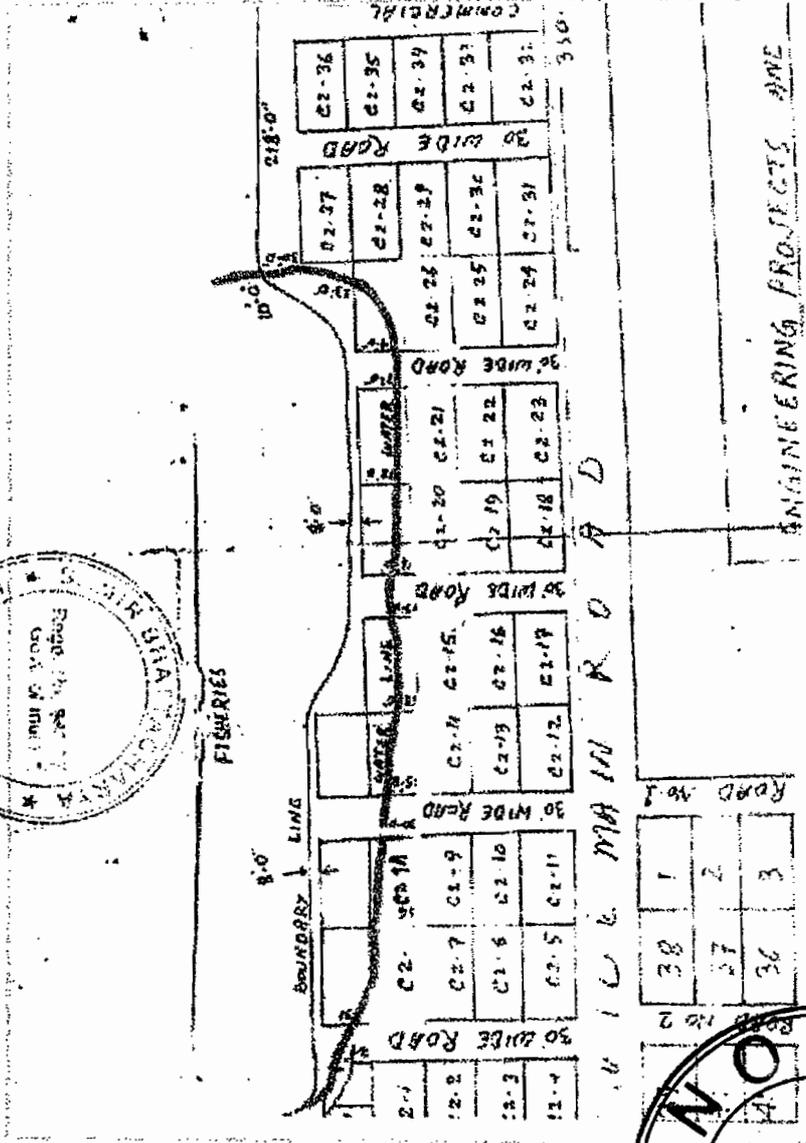
Location Map of Ukil Bheri



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Annexure -3

As per the deed of Conveyance made this 2nd may 1985 between the Metropolitan Co-operative Housing Society and Prasad Chandra Mandal, last plots of Metropolitan Co-operative Housing Society situated at Eastern part of Ukh Bheri are **C2-26, 21, 20, 15, 14, 9A and 8**

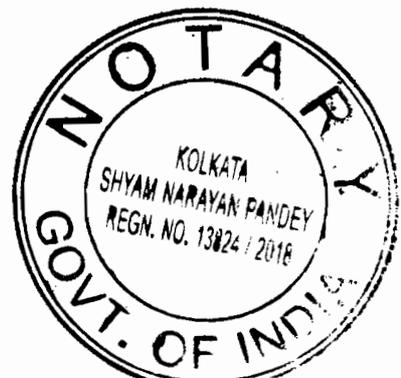
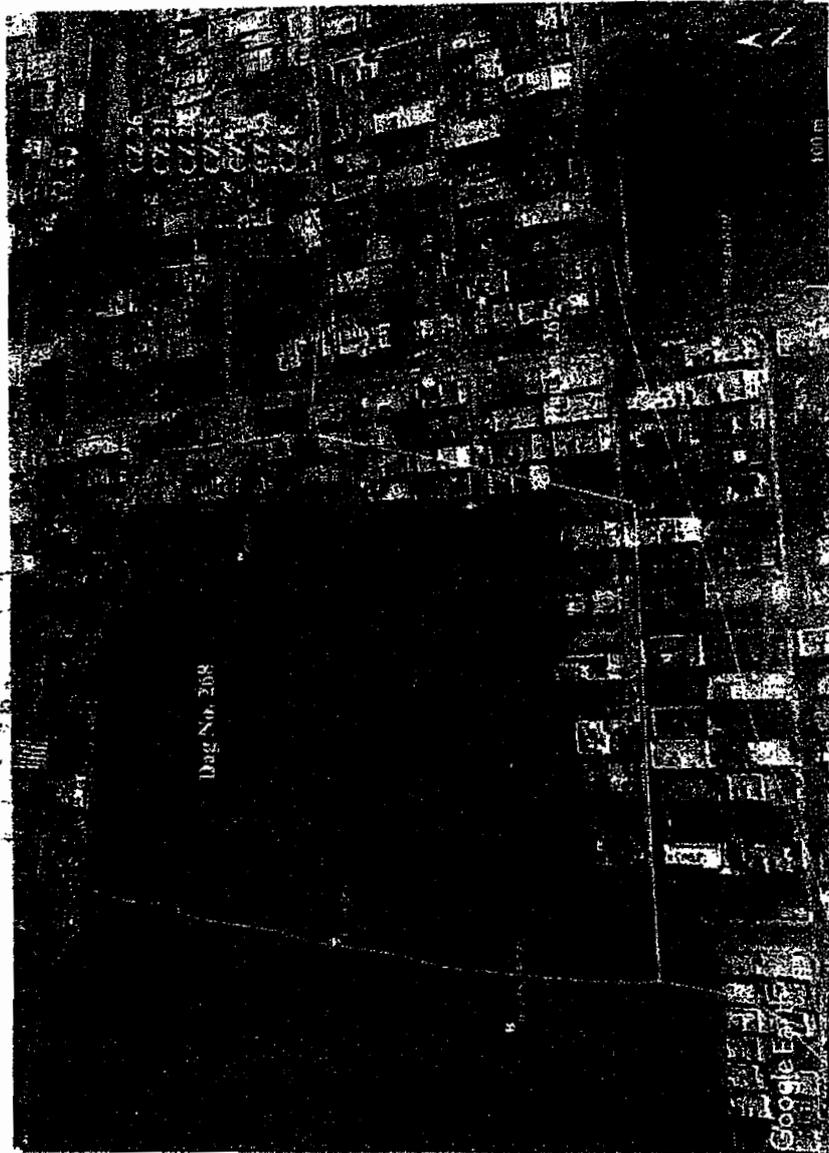


Road No 1	38	1
Road No 2	27	2
Road No 3	36	3

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Annexure-4

As per the Google Satellite Imagery, 2013, last plots of Metropolitan Co-operative Housing Society situated at Easter part of Ukil Bheri within Dag no 268 are CZ 26, 21, 20, 15, 14, 9A and 8



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Amendment, etc.

As per the Google Satellite Imagery, 2022, New plots shown in the Easter part of Ukil Bheri within Dag no 268 are CZ 26A, 26B, 26C, 21A, 20A, 15A, 14A, 14B and 9B



new plots mentioned above were registered under Metropolitan Co-operative Housing Society after 2015 as per the data of Registry Office. They are shown in Dag no 267, whereas physically they are in Dag no 268.



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Annexure - 6

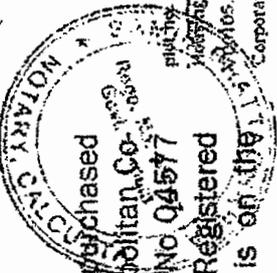
Other Finding of Plot No. CZ-9B (Owner Supriti Saha)

SCHEDULE

ALL THAT piece and parcel of a plot of land being plot No. CZ-9B in Sector - B of the Metropolitan Co-operative Housing Society Limited, Canal South Road, Kolkata - 7000105, under Ward No. 57 of the Kolkata Municipal Corporation, measuring more or less 4 (Four) Cents (Eight bhittach, alongwith 150 sqft. kuchha structure, in the District of 24-Parganas (now District South 24-Parganas), under Moura Dhapa, Touzi No. 173, 1298/2833, J.I. No. 2, R.S. Dag No. 87 (Western Part), under C.S. Khatian No. 654 AND Mauza Nunaokpoken, Revisional Settlement Khanda Kishau Nos 362 and 363, District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 24B, 186, 187 and 267 under Police Station Jadaipur (Old Tollygunge) of present Police Station Tijaka under the District Collectorate at Alipore, District 24-Parganas (now District South 24-Parganas), bounded and bounded in the manner following:

- On the North : By 5.1 M. wide common passage
- On the South : By Plot No. CZ-8A
- On the East : By Plot No. CZ - 9A ←
- On the West : By water body

And more fully and particularly delineated and demarcated in the site plan annexed hereto of this Deed of Conveyance.



It is found that Plot No. CZ-9B was purchased by the Supriti Saha from the Metropolitan Co-operative Housing Society by Deed No Q4577 of 2015. The schedule of this Registered Deed shows that Plot No CZ-9A is on the Eastern side of the Plot no. CZ-9B.

But as per Master Plan of the Metropolitan Co-operative Housing Society which made on 1985, the Plot No. CZ-9A was the last plot of the Society and after that the water body filled up.

Hence, it is observed that Plot No. CZ-9B had been created by filling up of water body between 1985-2015.



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Annexure - 7

Other Finding of Plot No. CZ 14A (Owner Debasis Das)

Similarly, Plot No. CZ-14A was purchased by Sri Debasis Das from the Metropolitan Co-operative Housing Society by Deed No 01451 of 2015. The schedule of Deed shows that CZ-14 was the Eastern side of Plot No.CZ -14A and CZ-14B was the water body.

Hence, it is observed that Plot No. CZ-14A had been created by filling up of water body between 1985-2015.



Revisonal Settlement Khanda Khatian Nos. 352 and 353, District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 249, 186, 187 and 287 under Police Station Jadavpur (Old Tollygunge) at present Police Station Tiljala under the District Collectorate at Alipore, District 24-Parganas District South 24-Parganas) buried and bounded in the manner following

- On the North By Plot No. CZ 15A
- On the South By 30' Wide Common Passage
- On the East By Plot No. CZ 14
- On the West By Plot No. CZ 14B (now under water)

And more fully and particularly delineated and demarcated in the site plan annexed hereto of this Deed of Conveyance.



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Annexure - 2

Other Finding of Plot No. CZ 14B

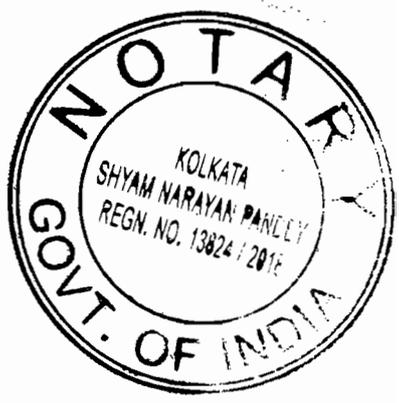
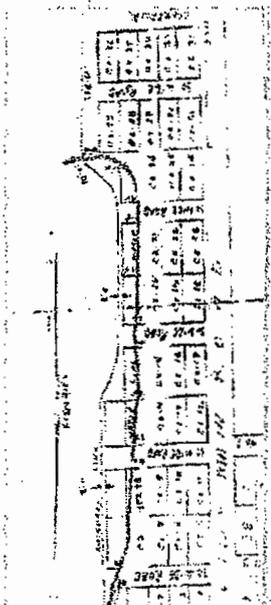
Plot No. CZ-14B was purchased by Smt Ratna Chatterjee from the Metropolitan Co-operative Housing Society by Deed No 190106470 of 2015. The schedule of Registered Deed shows that CZ-14A was the Eastern side of Plot No. CZ -14B which was previously stated as the water body (Deed no. 01451 of 2015).

But as per Master Plan of the Metropolitan Co-operative Housing Society which made on 1985, the Plot No. CZ-14 was the last land of the boundary of the Society. Hence, it is observed that Plot No. CZ-14B had been created by filling up of water body between 1985-2015.

SCHEDULE

ALL THAT piece and parcel of a plot of land being Plot No. CZ/14B in Sector - B of the Metropolitan Co-operative Housing Society Limited, Canal South Road, Kolkata - 700105, under Ward No. 97 of the Kolkata Municipal Corporation, adjoining more or less defined Coterminous boundary of the Metropolitan Co-operative Housing Society in the District of 24 Parganas, to w. District East of Barrage, under Mooga Circle, under No. 173, 173A, 173B, J.L. No. 2, R.S. No. 36, 37 (Western Part), under C.S. Station No. 650 AND 650A, Purnakolkata, Revenue Settlement Khata No. 252 and 253, District Survey and Settlement Khata No. 2 and 47 corresponding to the rates R.S. Dag Nos. 203, 186, 187 and 267 under Police Station, Bahapur (Old Tollygunge) at present Police Station Tolly under the District Collectorate of 24 Parganas, District of Bangladesh, District South 24 Parganas, being and bounded in the manner following:

On the North By plot no. CZ/14A of the Society
On the South By R.S. Dag No. 203, 186, 187 and 267 of the Society
On the East By Plot no. CZ/14A of the Society
On the West By the Society



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Shyam Narayan Pandey

Other Finding of Plot No. CZ 15

One Registered Deed No 00713 of 2012 has been received which is the conveyance deed of Plot No. CZ-15 and in this schedule, vacant land is situated in the western side of plot no CZ-15.

Hence, it is observed that Plot No. CZ-15A had been created by filling up of water body between 1985-2015.

That the said Scheduled Property more particularly shown and delineated with the Colour 'RED' and marked as "Plot No. CZ-15" in Sector No. "B" Metropolitan Housing Co-operative Society Limited. in the Plan annexed herewith, along with the Building Plan annexed herewith, which being part and parcel of this Deed.

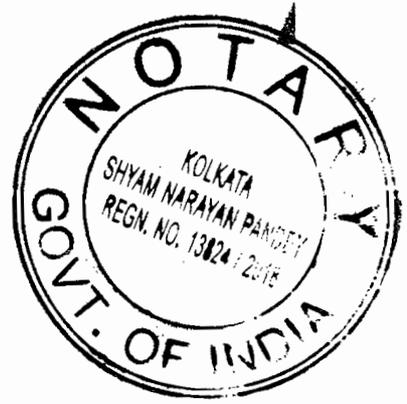
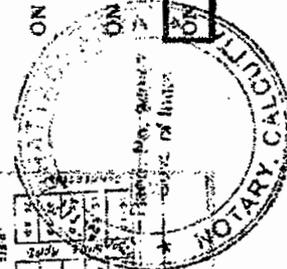
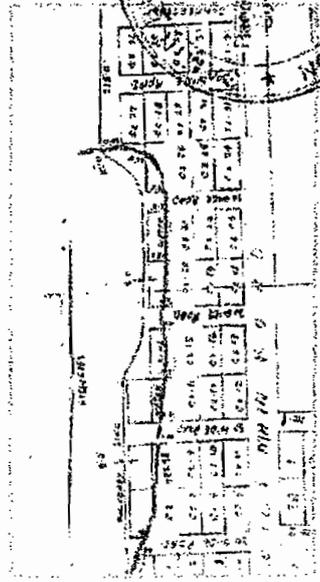
The said Scheduled Property is butted and bounded as follows .

ON THE NORTH : 30 (Thirty) Feet Road

ON THE SOUTH : Plot No. CZ-14

ON THE EAST : Plot No. CZ-16

ON THE WEST : Vacant Land



01/06/18

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D 00948/18

"E"



07/03/18
1/58
1/6806/18

पश्चिम बंगाल WEST BENGAL

Certified that the document is admitted to registration. The signature sheets and the endorsement sheets attached with the document are the part of this document.

14AB 952857

District Sub-Register-III
Alipore, South 24-parganas

07 MAR 2018

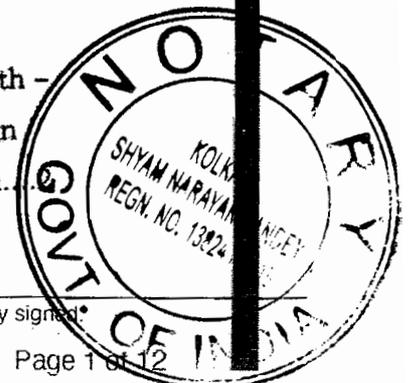
REGISTERED BOUNDARY DECLARATION FOR K.M.C

Reg.: Premises No.A/P-CZ-15A/B, Canal South Road, Metropolitan Co-operative Housing Society Limited, K.M.C. Ward No.057, Borough-VII, Kolkata - 700105, Tonzi No.17, 1298/2833, J.L. No.2, R.S. Dag No.87(Western Part), C.S. Khatian No.654, Khanda Khatian No.352, 353, Mouza - Nimakpoktan, P.S. at present Progati Maidan.

Area of land -As per deed - 6k-3ch-25sft.
Area of land -As per physical measurement
= 6k-3ch-25 sft.
= 4480 sft. = **416.206 smt.**

I, Mrs. Ranjana Sharma, wife of Mr. Pawan Sharma, by faith -
Hindu, by occupation Housewife, residing at 12C, Madan

Contd.



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5760

08 FEB 2018

No. 10/4 Date _____

Name: **B. C. LAHRI**

Advocate

Address: Alipore Judge's Court, Kol-27

Alipore Collectorate, 24 Pgs. (B)

SUBHANKAR DAS

STAMP VENDOR

Alipore Police Court, Kol - 27

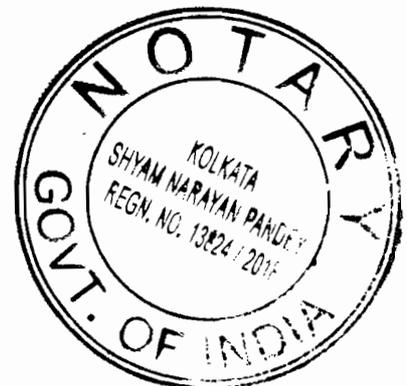
Vendor: _____



District Sub-Registrar-III
Alipore, South 24 Parganas

07 MAR 2018

Tijish Kante Dey
Am of Lt for day
Alipore Police Court
Kol 27
Advocate

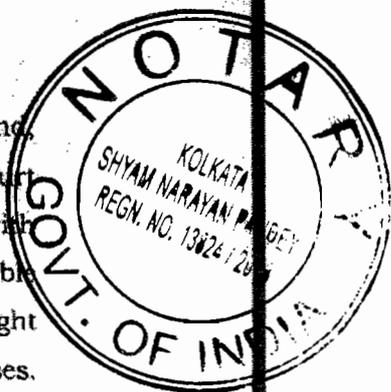


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::2::

Chatterjee Lane, P.S. Girish Park, Kolkata - 700007, constituted Attorney of Mr. Hitesh Sharma, son of Mr. Yogesh Sharma, by faith -Hindu, by occupation - Business, residing at 12C, Madan Chatterjee Lane, P.S. - Girish Park, Kolkata - 700007, vide Reg No.206907 dt.30.03.2006 at state of New South Wales, do hereby declare to the Kolkata Municipal Corporation the followings:-

- 1) That Mr. Hitesh Sharma was allotted a plot of land measuring 6k-3ch-25 sft=416.206 sq. mt. by Metropolitan Co-operative Housing Society Ltd. vide Registered deed in Book-I, Volume No.1901-2015 pages from 14990 to 15014 being No.190104517 for the year 2015 at A.R.A-I, Kolkata, dt. 18.6.2015.
- 2) That on physical measurement and on physical possession the land area is found as 6k-3ch-25sft=416.206 sq. mt at above mentioned premises no.A/P-CZ-15A/B, Canal South Road, Kolkata - 700105, P.S. Progati Maidan.
- 3) That Mr. Hitesh Sharma is going to submit building plan for sanction within the boundaries of the said land as per schedule hereinafter.
- 4) That there is no dispute or discrepancy in the said land, there is no case pending regarding boundary in the court of law. However if found any dispute or discrepancy with boundaries of the said land, I shall be fully responsible and Kolkata Municipal Corporation will have every right to revoke the sanction of the plan at the said premises.



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:: 3 ::

The Kolkata Municipal Corporation will not be liable in any way if there come any dispute in boundary in future.

SCHEDULE OF THE LAND

ALL THAT piece and parcel of the land measuring 6k-3ch-25sft=416.206 sq.mt. at premises No.A/P-CZ-15A/B, Canal South Road, Ward No.057, Borough -VII, Kolkata - 700105, P.S. Progati Maidan.

ON THE NORTH : 19.05m then 9.144mt wide common passage (Canal South Road)
 ON THE SOUTH : 18.882m then plot no. CZ-14B, & CZ-14A
 ON THE EAST : 21.945m, then plot no. CZ-15.
 ON THE WEST : 21.950m, then Water body

Drafted as per K.M.C. proforma.

Pijush Kumar Das
 Advocate
 Alipor Police Const
 Kot-27
 WB/172/98

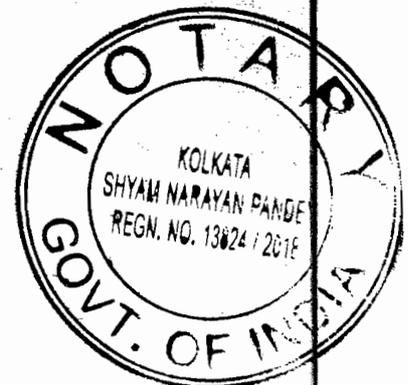
Rajendra Sharma
 AS CONSTITUTES ATTORNEY
 OF HITESH SHARMA.

Declarant

Dated 7th March 2018.

WITNESSES:-

- 1) Pijush Kumar Das
 Adv.
- 2) SK. Kalinuddin
 17/17 Popala Rd Kot-29



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SITE PLAN AT PREMISES NO. A/P - CZ-15A/B, CANAL SOUTH ROAD, METROPOLITAN
CO-OPERATIVE HOUSING SOCIETY LTD. K.M.C. WARD - (57, BOROUGH VII, KOLKATA-700 105,
P.S. PROGATI MAIDAN, TOLU NO. 173, 1238/2833, MOUZA NIMAKPOTAN, JL. NO. 1, R.S. DAG NO.
(WESTERN PART), C.S. KHATAN NO. 654, KHANDA KHATAN NO. 362-253.

AREA OF LAND = 6 K. 3 CH. 25 SFT. = 4480 SFT. = 416.206 SMT.

PRE. NO. CZ-15A/B
18.852 M

21.845 M

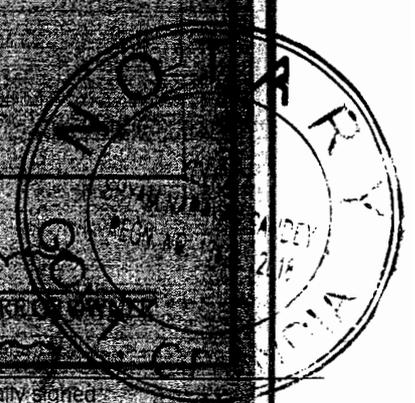
AREA OF LAND = 6 K. 3 CH. 25 SFT.
= 4480.00 SFT.
= 416.206 SMT.

19.05 M

9.144 M WIDE COMMON PASSAGE (CANAL SOUTH ROAD)

L.B.S. 340/1
SIGNATURE OF L.B.S.

R. Shyam
SIGNATURE OF OFFICER



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Thumb 1st finger Middle Finger Ring Finger Small Finger

PHOTO	left hand					
	right hand					

Name

Signature



Thumb 1st finger Middle Finger Ring Finger Small Finger

left hand					
right hand					

Name

Signature *R. Sharma*

Rajendra Sharma

Thumb 1st finger Middle Finger Ring Finger Small Finger

PHOTO	left hand					
	right hand					

Name

Signature

Thumb 1st finger Middle Finger Ring Finger Small Finger

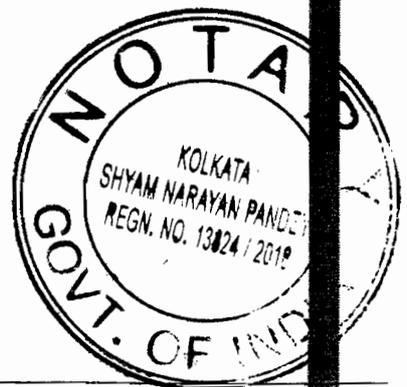
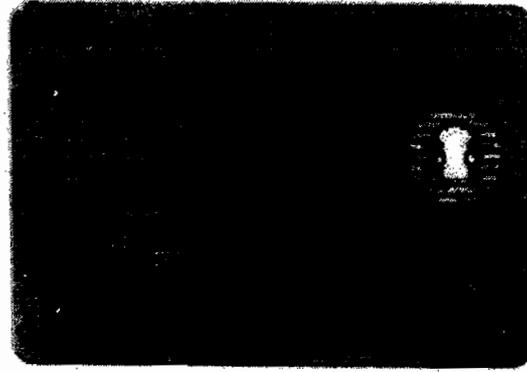
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Name

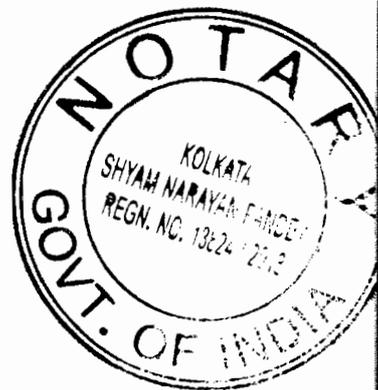
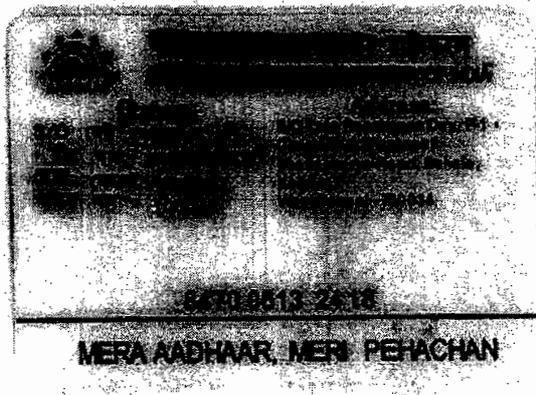
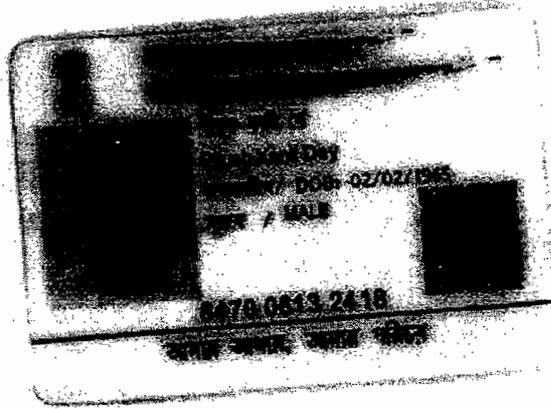
Signature



140



141



142

Major Information of the Deed

Deed No :	I-1603-00948/2018	Date of Registration	07/03/2018
Query No / Year	1603-1000068060/2018	Office where deed is registered	
Query Date	06/03/2018 11:55:37 AM	D.S.R. - III SOUTH 24-PARGANAS, District:	South 24-Parganas
Applicant Name, Address & Other Details	Pijush Kanti Dey Thana : Alipore, District : South 24-Parganas, WEST BENGAL, PIN - 700027, Mobile No. : 9830065019, Status :Advocate		
Transaction	Additional Transaction		
[0901] Declaration, Declaration relating to immovable property			
Set Forth value	Market Value		
	Rs. 1,79,06,936/-		
Stampduty Paid(SD)	Registration Fee Paid		
Rs. 10/- (Article:4)	Rs. 39/- (Article:E, M(b), H)		
Remarks	Received Rs. 50/- (FIFTY only) from the applicant for issuing the assement slip.(Urban area)		

Land Details :

District: South 24-Parganas, P.S:- Tiljala, Corporation: KOLKATA MUNICIPAL CORPORATION, Road: Canal South Rd/Chingrighata Village, Road Zone : (Metropolitan Co.Op -- Metropolitan Co.Op) , , Premises No. AP/CZ15AB, Ward No: 57

Sch No	Plot Number	Khatian Number	Land Use Proposed	Land Use ROR	Area of Land	SetForth Value (In Rs.)	Market Value (In Rs.)	Other Details
L1			Bastu		6 Katha 3 Chatak 25 Sq Ft		1,79,06,936/-	Property is on Road
Grand Total :					10.2667Dec	0 /-	179,06,936 /-	

Declarant Details :

Sl No	Name,Address,Photo,Finger print and Signature
1	Mr Hitesh Sharma Son of Mr Yogesh Sharma 12C, Madan Chatterjee Lane, P.O:- Girish Park, P.S:- Girish Park, District:-Kolkata, West Bengal, India, PIN - 700007 Sex: Male, By Caste: Hindu, Occupation: House wife, Citizen of: India, Status :Individual, Executed by: Attorney, Executed by: Attorney



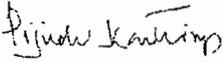
Major Information of the Deed :- I-1603-00948/2018-07/03/2018

143

Attorney Details :

Sl No	Name, Address, Photo, Finger print and Signature			
1	Name	Photo	Finger Print	Signature
	Mrs Ranjana Sharma (Presentant) Wife of Mr Pawan Sharma Date of Execution - 07/03/2018, , Admitted by: Self, Date of Admission: 07/03/2018, Place of Admission of Execution: Office	 <small>Mar 7 2018 3:51PM</small>	 <small>LTI 07/03/2018</small>	 <small>07/03/2018</small>
12C, Madan Chatterjee Lane, P.O:- Girish Park, P.S:- Girish Park, District:-Kolkata, West Bengal, India, PIN - 700007, Sex: Female, By Caste: Hindu, Occupation: Business, Citizen of: India, Status : Attorney, Attorney of : Mr Hitesh Sharma				

Identifier Details :

Name & address	
Mr Pijush Kanti Dey Son of Late P N Dey Alipore Police Court, P.O:- Alipore, P.S:- Alipore, District:-South 24-Parganas, West Bengal, India, PIN - 700027, Sex: Male, By Caste: Hindu, Occupation: Advocate, Citizen of: India, , Identifier Of Mrs Ranjana Sharma	<small>07/03/2018</small>
	

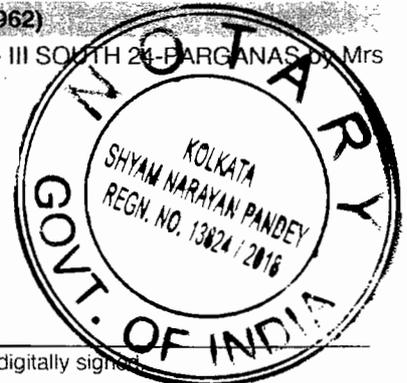
Endorsement For Deed Number : I - 160300948 / 2018**On 07-03-2018****Certificate of Admissibility(Rule 43,W.B. Registration Rules 1962)**

Admissible under rule 21 of West Bengal Registration Rule, 1962 duly stamped under schedule 1A, Article number : 4 of Indian Stamp Act 1899.

Presentation(Under Section 52 & Rule 22A(3) 46(1),W.B. Registration Rules, 1962)

Presented for registration at 13:58 hrs on 07-03-2018, at the Office of the D.S.R. - III SOUTH 24-PARGANAS by Mrs Ranjana Sharma, .

Major Information of the Deed :- I-1603-00948/2018-07/03/2018



144

Executed by Attorney

Execution by Mrs Ranjana Sharma, , Wife of Mr Pawan Sharma, 12C, Madan Chatterjee Lane, P.O: Girish Park, Thana: Girish Park, , Kolkata, WEST BENGAL, India, PIN - 700007, by caste Hindu, by profession Business as the constituted attorney of Mr Hitesh Sharma 12C, Madan Chatterjee Lane, P.O: Girish Park, Thana: Girish Park, , Kolkata, WEST BENGAL, India, PIN - 700007 is admitted by him

Indetified by Mr Pijush Kanti Dey, , , Son of Late P N Dey, Alipore Police Court, P.O: Alipore, Thana: Alipore, , South 24 -Parganas, WEST BENGAL, India, PIN - 700027, by caste Hindu, by profession Advocate

Payment of Fees

Certified that required Registration Fees payable for this document is Rs 39/- (E = Rs 7/- ,H = Rs 28/- ,M(b) = Rs 4/-) and Registration Fees paid by Cash Rs 39/-

Payment of Stamp Duty

Certified that required Stamp Duty payable for this document is Rs. 10/- and Stamp Duty paid by Stamp Rs 10/-
Description of Stamp

1. Stamp: Type: Impressed, Serial no 5766, Amount: Rs.10/-, Date of Purchase: 08/02/2018, Vendor name: Subhankar Das



Asish Goswami

DISTRICT SUB-REGISTRAR

OFFICE OF THE D.S.R. - III SOUTH 24-
PARGANAS

South 24-Parganas, West Bengal

Major Information of the Deed :- I-1603-00948/2018-07/03/2018



145

Certificate of Registration under section 60 and Rule 69.

Registered in Book - I

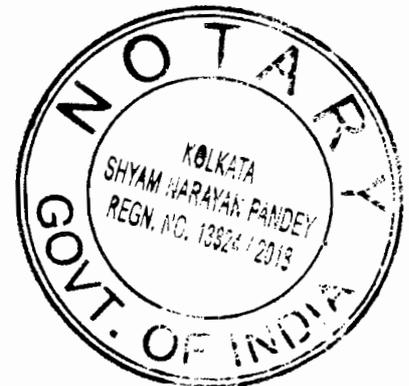
Volume number 1603-2018, Page from 28400 to 28411

being No 160300948 for the year 2018.



Digitally signed by ASISH GOSWAMI
Date: 2018.03.12 12:47:10 +05:30
Reason: Digital Signing of Deed.

(Asish Goswami) 12/03/2018 12:47:05
DISTRICT SUB-REGISTRAR
OFFICE OF THE D.S.R. - III SOUTH 24-PARGANAS
West Bengal.



(This document is digitally signed.)

01/05/18

146

200949/18

"F"



पश्चिम बंगाल पश्चिम बंगाल WEST BENGAL

Registration. The signature sheets and the endorsement sheets attached with this document are the part of this document.

266533

07/03/18
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1/1687/62/18

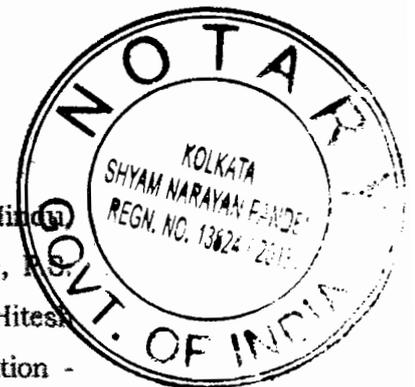
District Sub-Register-III
Alipore, South 24-parganas

COMMON PASSAGE DECLARATION FOR K.M.C. 7 MAR 2018

Reg. : Premises No. A/P-CZ-15A/B, Canal South Road, Metropolitan Co-Operative Housing Society Limited, K.M.C. Ward No. 57, Borough-VII, Kolkata-700105, Touzi No. 17, 1298/2833, J.L. No. 2, R.S. Dag No. 87 (Western Part), C.S. Khatian No. 654, Khanda Khatian No. 352, 353, Mouza -Nimakpoktan, P.S. at present Progati Maidan.

Area of Land : 6 Cottahs 3 Chittaks 25 Sq.ft. more or less.

I, **MRS. RANJANA SHARMA**, wife of Mr. Pawan Sharma, by faith -Hindu by occupation Housewife, residing at 12C, Madan Chaterjee Lane, Girish Park, Kolkata - 700007, constituted Attorney of Mr. Hitesh Sharma, son of Mr. Yogesh Sharma, by faith -Hindu, by occupation -



147

27182

28 FEB 2018

No. No 10/- Date.....

Name: **B. C. LAHIRI**

Advocate

Address: Alipore Judge's Court, Kol-27

Alipore Collectorate, 24 Pgs. (S)

SUBHANKAR DAS

STAMP VENDOR

Alipore Police Court, Kol - 27

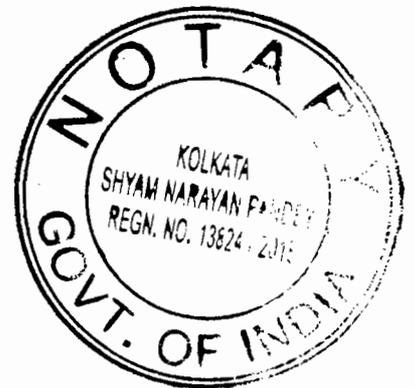
Vendor.....



District Sub-Registrar-III
Alipore, South 24 Parganas

07 MAR 2018

Signature
Sujin Kanti Das
Son of Lt. P. N. Das
Alipore Police Court
Kol-27
Advocate



148

Business, residing at 12C, Madan Chatterjee Lane, P.S. - Girish Park, Kolkata 700007, vide Reg No.206907 dt.30.03.2006 at state of New South Wales, do hereby declare to the Kolkata Municipal Corporation the followings :-

I undertake to the Kolkata Municipal Corporation that we shall not put forward any claim to the Kolkata Municipal . Corporation for 30 yrs. from the date of sanction of building plan on a plot of land forming the part of the above premises or on the above premises or private passage of 9.0M wide common passage on North side,' not constructed as per Kolkata Municipal Corporation specification under section 364 & 365 of the KMC Act. 1990 abutting and leading access to the premises of any civic amenities viz. lighting, water supply, drainage etc. and if so, directed by the Kolkata Municipal Corporation shall pay all necessary charges for improvement of the said 9.0M wide common passage on North side.

Signed on this ^{7th} day of March, 2018.

Witness:-

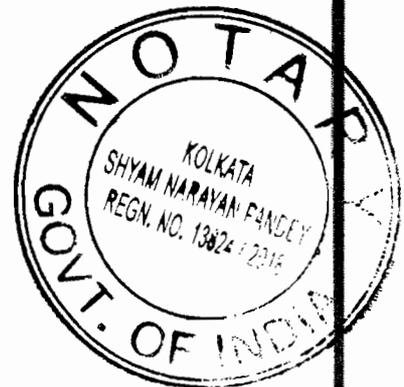
- 1) Pijush Kumar - Dey
Adv.
Ajay Kol. 27.
- 2) S.K. Kalimuddin
17/17 Topsia Rd Kol. 39.

R. Shoma Rajan Shoma
AS CONSTITUTED ATTORNEY
OF HITESH SHARMA

Signature of DECLARANT

Drafted as per KMC Proforma

Pijush Kumar Dey
Adv.
Ajay Police Court
W.D. 17.1.198 Kol. 27
Typed by me



149

385 P/AL/1/1/2/1/2/NO 1/P - GZ 15A/B, CANAL SOUTH ROAD, METROHOUSING
CO-OPERATIVE HOUSING SOCIETY LTD, K.M.C. WARD - 057, BOROUGH VII, KOERATA, PIN 405
75, PRADESHIYADAN, TOLL NO - 173 428 2833, MOUZA - NIMAKPOTAN, II NO 2, RES-DAGINA
(WESTERN PART) - 1/2 KHATAN, NILESA, KHANDA KHATAN NO. 352/353

AREA OF LAND = 8 K 3 CH 25 SFT = 4480 SFT = 416.208 SMT

18.03 M

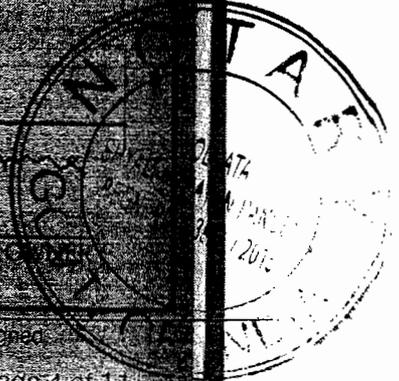
AREA OF LAND = 8 K 3 CH 25 SFT
= 4480 SFT
= 416.208 SMT

19.05 M

4.00 M WIDE COMMON PASSAGE (CANAL SOUTH ROAD)

[Handwritten Signature]
SIGNATURE OF S...

[Handwritten Signature]
SIGNATURE OF S...



150

		Thumb	1 st finger	Middle Finger	Ring Finger	Small Finger
PHOTO	left hand					
	right hand					

Name

Signature

		Thumb	1 st finger	Middle Finger	Ring Finger	Small Finger
	left hand					
	right hand					

Name

Signature *R. Sharma*

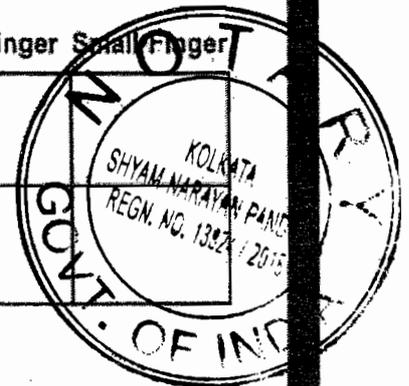
Regina Sharma

		Thumb	1 st finger	Middle Finger	Ring Finger	Small Finger
PHOTO	left hand					
	right hand					

Name

Signature

		Thumb	1 st finger	Middle Finger	Ring Finger	Small Finger
PHOTO	left hand					
	right hand					



Name

Signature

151



भारत सरकार
Unique Identification Authority of India

Enrollment No.: 2017/13148/07504

To
 Ranjana Sharma
 W/O Pawan Sharma
 GZ-4 CANAL SOUTH ROAD
 METROPOLITAN CO-OPERATIVE HOUSING SOCIETY
 Dhapa
 Dhapa North 24 Parganas
 West Bengal 700105
 9331720683

11/04/2018
104269837



ME042698075FH

आपका आधार क्रमांक / Your Aadhaar No.:

5329 8379 0854

मेरा आधार, मेरी पहचान



Ranjana Sharma
 DOB : 16/03/1976
 Female

5329 8379 0854

मेरा आधार, मेरी पहचान

सूचना

- आधार पहचान का प्रमाण है, नागरिकता का नहीं।
- पहचान का प्रमाण ऑनलाइन प्रमाणीकरण द्वारा प्राप्त करें।

INFORMATION

- Aadhaar is proof of Identity, not of citizenship.
- To establish identity, authenticate online.

- आधार देश भर में मान्य है।
- आधार भविष्य में सरकारी और गैर-सरकारी सेवाओं का काम उठाने में उपयोगी होगा।
- Aadhaar is valid throughout the country.
- Aadhaar will be helpful in availing Government and Non-Government services in future.

भारत सरकार
 Unique Identification Authority of India

Address:
 W/O Pawan Sharma, GZ-4, CANAL SOUTH ROAD,
 METROPOLITAN CO-OPERATIVE HOUSING SOCIETY,
 Dhapa, North 24 Parganas, Dhapa, West Bengal, 700105

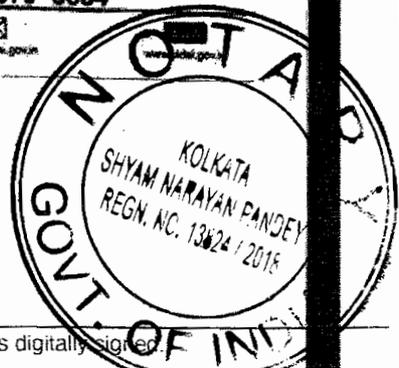
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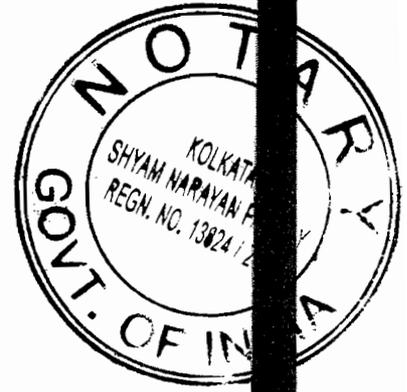
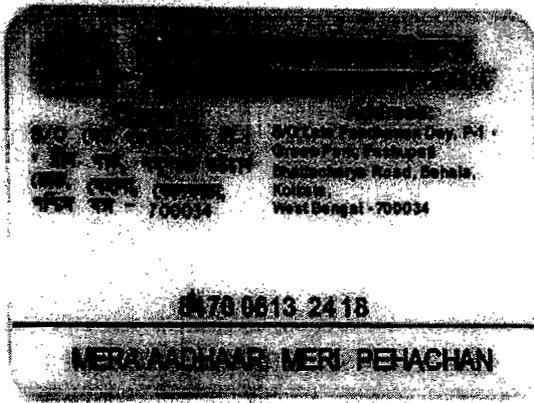
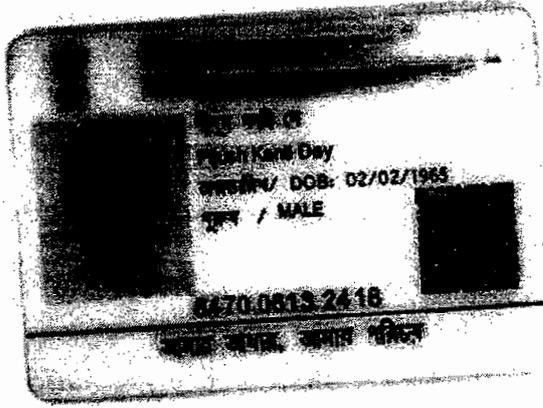
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help@uidai.gov.in



152



153

Major Information of the Deed

Deed No :	I-1603-00949/2018	Date of Registration	07/03/2018
Query No / Year	1603-1000068162/2018	Office where deed is registered	
Query Date	06/03/2018 12:14:56 PM	D.S.R. - III SOUTH 24-PARGANAS, District:	South 24-Parganas
Applicant Name, Address & Other Details	Pijush Kanti Dey Thana : Alipore, District : South 24-Parganas, WEST BENGAL, PIN - 700027, Mobile No. : 9830065019, Status :Advocate		
Transaction	Additional Transaction		
[0901] Declaration, Declaration relating to immovable property			
Set Forth value	Market Value		
	Rs. 1,79,06,936/-		
Stampduty Paid(SD)	Registration Fee Paid		
Rs. 10/- (Article:4)	Rs. 39/- (Article:E, M(b), H)		
Remarks	Received Rs. 50/- (FIFTY only) from the applicant for issuing the assement slip.(Urban area)		

Land Details :

District: South 24-Parganas, P.S:- Tiljala, Corporation: KOLKATA MUNICIPAL CORPORATION, Road: Canal South Rd/Chingrighata Village, Road Zone : (Metropolitan Co.Op – Metropolitan Co.Op) , , Premises No. AP/PCZ15AB, Ward No: 57

Sch No	Plot Number	Khatian Number	Land Use Proposed	ROR	Area of Land	SetForth Value (In Rs.)	Market Value (In Rs.)	Other Details
L1			Bastu		6 Katha 3 Chatak 25 Sq Ft		1,79,06,936/-	Property is on Road
Grand Total :					10.2667Dec	0 /-	179,06,936 /-	

Declarant Details :

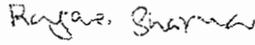
Sl No	Name,Address,Photo,Finger print and Signature
1	Mr Hitesh Sharma Son of Mr Yogesh Sharma 12C, Madan Chatterjee Lane, P.O:- Girish Park, P.S:- Girish Park, District:-Kolkata, West Bengal, India, PIN - 700007 Sex: Male, By Caste: Hindu, Occupation: House wife, Citizen of: India, Status :Individual, Executed by: Attorney, Executed by: Attorney



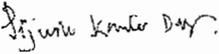
Major Information of the Deed :- I-1603-00949/2018-07/03/2018

154

Attorney Details :

Sl No	Name, Address, Photo, Finger print and Signature			
1	Name	Photo	Finger Print	Signature
	Mrs Ranjana Sharma (Presentant) Wife of Mr Pawan Sharma Date of Execution - 07/03/2018, , Admitted by: Self, Date of Admission: 07/03/2018, Place of Admission of Execution: Office	 <small>Mar 7 2018 3:49PM</small>	 <small>LTI 07/03/2018</small>	 <small>07/03/2018</small>
12C, Madan Chatterjee Lane, P.O:- Girish Park, P.S:- Girish Park, District:-Kolkata, West Bengal, India, PIN - 700007, Sex: Female, By Caste: Hindu, Occupation: Business, Citizen of: India, Status : Attorney, Attorney of : Mr Hitesh Sharma				

Identifier Details :

Name & address	
Mr Pijush Kanti Dey Son of Late P N Dey Alipore Police Court, P.O:- Alipore, P.S:- Alipore, District:-South 24-Parganas, West Bengal, India, PIN - 700027, Sex: Male, By Caste: Hindu, Occupation: Advocate, Citizen of: India, , Identifier Of Mrs Ranjana Sharma	<small>07/03/2018</small>
	

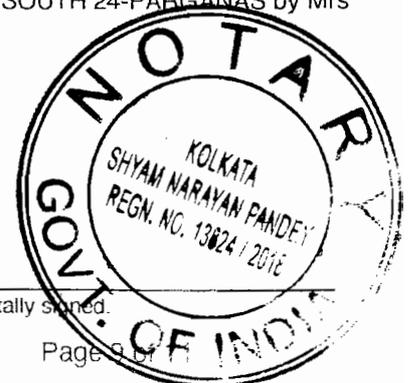
Endorsement For Deed Number : I - 160300949 / 2018**On 07-03-2018****Certificate of Admissibility(Rule 43,W.B. Registration Rules 1962)**

Admissible under rule 21 of West Bengal Registration Rule, 1962 duly stamped under schedule 1A, Article number : 4 of Indian Stamp Act 1899.

Presentation(Under Section 52 & Rule 22A(3) 46(1),W.B. Registration Rules,1962)

Presented for registration at 13:57 hrs on 07-03-2018, at the Office of the D.S.R. - III SOUTH 24-PARGANAS by Mrs Ranjana Sharma ,.

Major Information of the Deed :- I-1603-00949/2018-07/03/2018



155

Executed by Attorney

Execution by Mrs Ranjana Sharma, , Wife of Mr Pawan Sharma, 12C, Madan Chatterjee Lane, P.O: Girish Park, Thana: Girish Park, , Kolkata, WEST BENGAL, India, PIN - 700007, by caste Hindu, by profession Business as the constituted attorney of Mr Hitesh Sharma 12C, Madan Chatterjee Lane, P.O: Girish Park, Thana: Girish Park, , Kolkata, WEST BENGAL, India, PIN - 700007 is admitted by him

Indetified by Mr Pijush Kanti Dey, , , Son of Late P N Dey, Alipore Police Court, P.O: Alipore, Thana: Alipore, , South 24 -Parganas, WEST BENGAL, India, PIN - 700027, by caste Hindu, by profession Advocate

Payment of Fees

Certified that required Registration Fees payable for this document is Rs 39/- (E = Rs 7/- ,H = Rs 28/- ,M(b) = Rs 4/-) and Registration Fees paid by Cash Rs 39/-

Payment of Stamp Duty

Certified that required Stamp Duty payable for this document is Rs. 10/- and Stamp Duty paid by Stamp Rs 10/-
Description of Stamp

1. Stamp: Type: Impressed, Serial no 27182, Amount: Rs.10/-, Date of Purchase: 28/02/2018, Vendor name: Subhankar Das



Asish Goswami

DISTRICT SUB-REGISTRAR

**OFFICE OF THE D.S.R. - III SOUTH 24-
PARGANAS**

South 24-Parganas, West Bengal

Major Information of the Deed :- I-1603-00949/2018-07/03/2018



156

Certificate of Registration under section 60 and Rule 69.

Registered in Book - I

Volume number 1603-2018, Page from 28412 to 28422
being No 160300949 for the year 2018.



Digitally signed by ASISH GOSWAMI
Date: 2018.03.12 12:51:00 +05:30
Reason: Digital Signing of Deed.

(Asish Goswami) 12/03/2018 12:50:52
DISTRICT SUB-REGISTRAR
OFFICE OF THE D.S.R. - III SOUTH 24-PARGANAS
West Bengal.



(This document is digitally signed.)

157 "G"
JFFD = 2012 NEAR = 2020



पश्चिम बंगाल पश्चिम बंगाल WEST BENGAL

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20/3/23

COST OF FEES

Fid	2.00
(s)	2.00
G(a)	112.00
G(b)	
Plan	
Xerox	
Stamp	1000
C.F.S	1000
Total	136.00

30/3/23

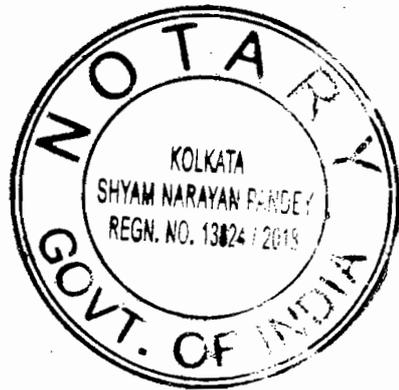
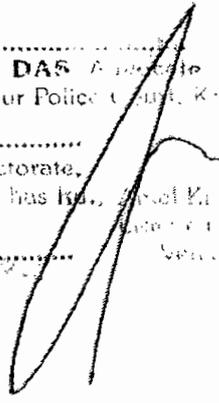


158

206308

Sl. No.
Name : **S. R. DAS** Advocate
Address : Alipur Police Court, Kolkata

Rs.
Kolkata District, District Magistrate
11, Nalanda Road, Kolkata
Kolkata - 1
12/11/2015



159

3290/2020

T-3012/2020



पश्चिम बंगाल पश्चिम बंगाल WEST BENGAL

47AB 989990

Handwritten signature and date
 27/11/2020

Certified that this document is admitted to Registration. The signature sheet and the Endorsement sheet attached to the document are part of this document.

Handwritten signature
 Additional Dist. Sub Registrar
 Kolkata

Handwritten date
 27/11/2020

DECLARATION - CUM - UNDERTAKING

I, SRI HITESH SHARMA, PAN - CNCPS8197M, AADHAAR NO. - 4364 8706

4217, son of Mr. Yogesh Kumar Sharma, by occupation - Business, by faith - Hindu, by

Nationality - Indian, residing at 12C, Madan Chatterjee Lane, Post Office and Police

Station - Barabazar, Kolkata - 700007, District - Kolkata, represented by his constituent

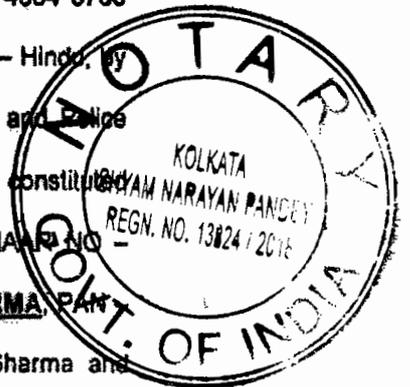
attorney namely; 1) SRI PAWAN SHARMA, PAN - AFUPP5714M, AADHAAR NO -

4879 9138 2380, son of Radheshyam Sharma and 2) SMT RANJANA SHARMA, PAN -

ANNPS9715J, AADHAAR NO. - 5329 8379 0854, wife of Sri Pawan Sharma and

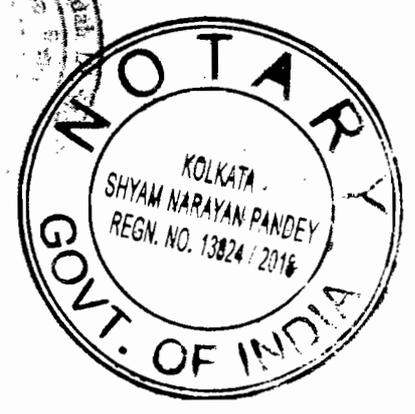
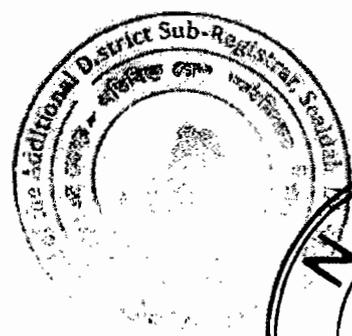
daughter of Pursottam Joshi, both by faith - Hindu, by Nationality - Indian, by occupation

- Business, residing at Plot No. CZ-4, Canal South Road, Sector - B, Metropolitan Co-



Handwritten number
 P. 2/1511445/20

160



161

Sl No. 32283
 Name N Ganguly Advocate
Seldah South
 Address 71, Park Street, (Room No.-14)
Kolkata-700016
 Licensed Stamp Vendor
 Date Smit Sarkar

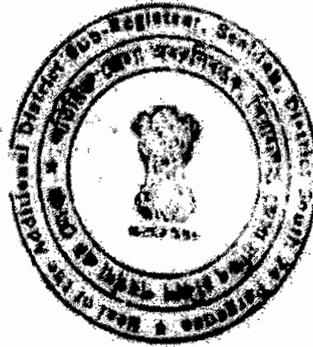
31 NOV 2020

Ranjan Saha



WTI
2757

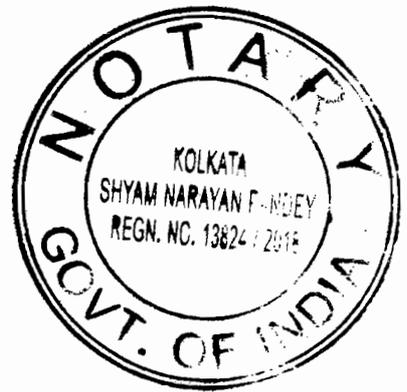
Ranjan Saha



WTI
2758

R. Sharma

A.D.S.R., SEALDAH
 25 NOV 2020
 Dist.-South 24 Parganas



Identified By me:-

Arindam Chatterjee
 (Advocate)
 S.C. Court. Hall - 14.

162

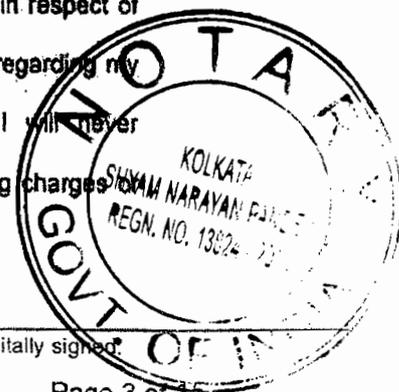


163

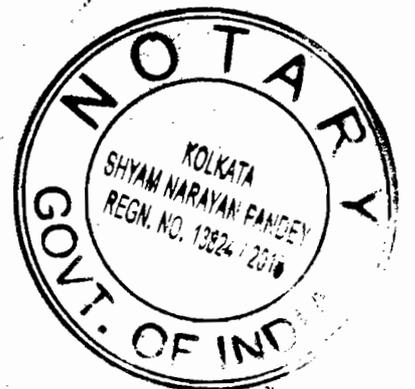
2

operative Housing Society Limited, Post Office – Dhapa, Police Station – Pragati Maidan, Kolkata – 700105, District – 24 Parganas (South), do hereby solemnly affirm and declare as follows:-

1. That I am the allottee and owner of a plot of land measuring 6 Cottahs 3 Chittacks 25 Square Feet more or less being Kolkata Municipal Premises No. CZ/15A/B, Canal South Road, Police Station – Pragati Maidan (formerly Tiljala), Kolkata – 700105, under Kolkata Municipal Corporation, Borough – VII in Ward No. – 057, Assessee No. – 140570208380, within the Metropolitan Co-Operative Housing Society Ltd., and also a member of the said Metropolitan Co-Operative Housing Society Ltd.
2. That my said plot of land mentioned above falls under R.S. Dag No. 87, of Mouza – Dhapa within Metropolitan Co-Operative Housing Society Ltd. and not affected by any order of the Court of Law including Hon'ble National Green Tribunal.
3. That the premises is not under litigation before any court of law.
4. That if any dispute/litigation arises in future under my said plot of land for the approved sanction plan, the Kolkata Municipal Corporation will not be liable for this matter.
5. That if any dispute on litigation arises in future in respect of my above plot of land, the Kolkata Municipal Corporation may revoke/cancel sanction plan in respect of said premises and in this respect any processing charges/demand regarding my said sanction plan by the KMC for approved sanction plan, I will never demand/claim from the Kolkata Municipal Corporation for processing charges or any other statutory charges in future in any circumstances.



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165

3

That the above statements of Declaration-cum-undertaking are to the best of my knowledge and belief and I signed this Declaration-cum-undertaking on this 25th day of November, 2020.

WITNESSES :-

1) Sk. Kalimuddin
61A/3A T.M.B. Lane Kol-39

SRI HITESH SHARMA, represented
by his constituted attorney namely;
PAWAN SHARMA & RANJANA
SHARMA,

2) Sidharth Sharma.
C24, Metropolitan
co-op Housing Society.
Kol-108.

Ranjan

R. Sharma

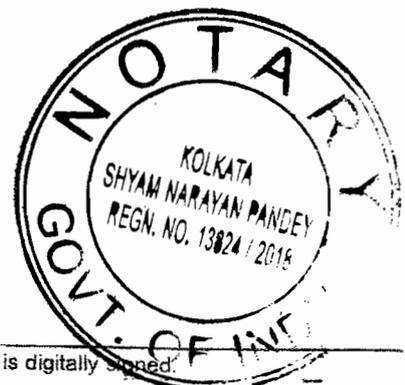
SIGNATURE OF THE DECLARANT

AS PER K.M.C PRO-FORMA

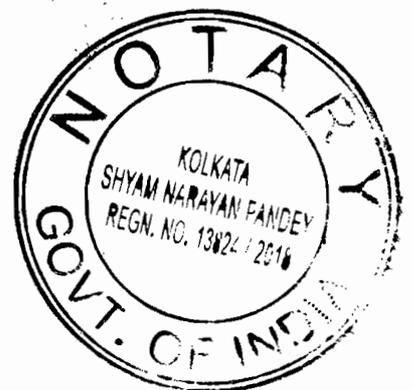
Prepared by me :-

Arindam Chatterjee

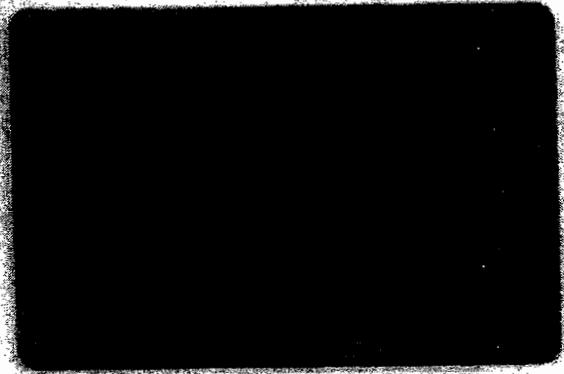
ARINDAM CHATTERJEE
Advocate,
Enrolment No. - F/2176/2017
Sealdah Civil Court
Kolkata - 700014.



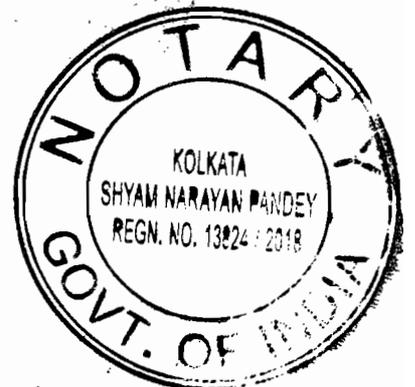
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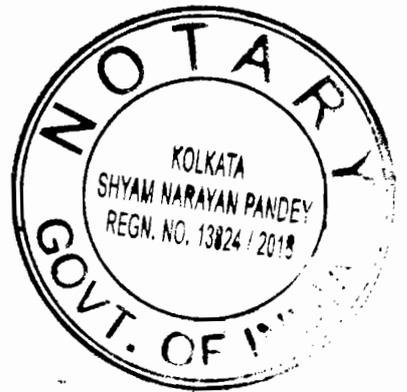
167



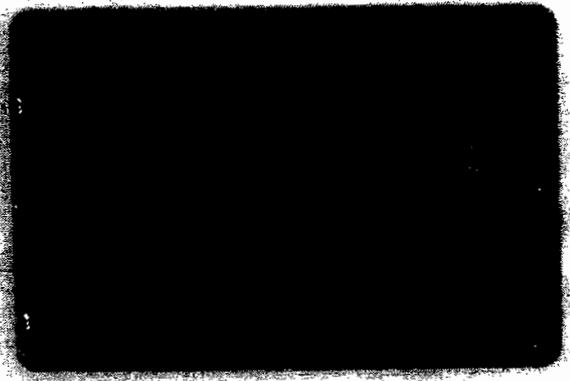
168



170



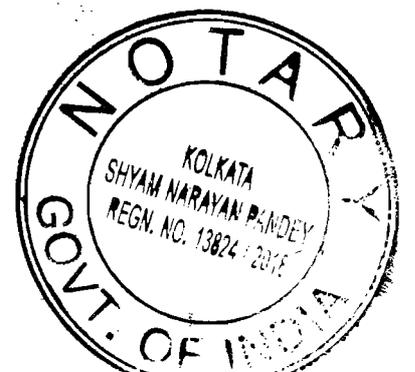
171



Pravin Suresh



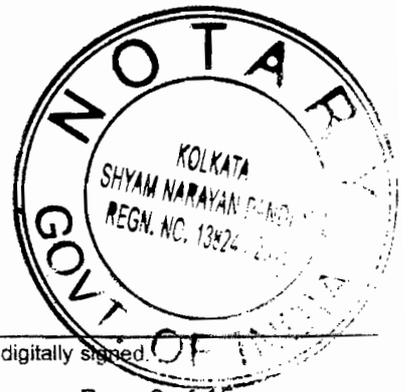
172



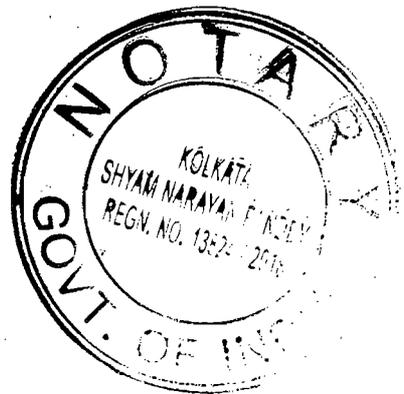
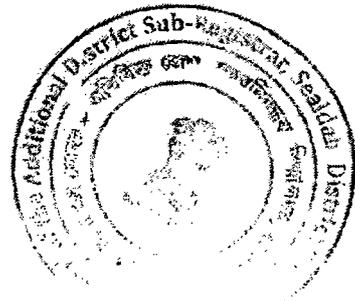
173



R. Shande



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Government of West Bengal

Department of Finance (Revenue), Directorate of Registration and Stamp Revenue

OFFICE OF THE A.D.S.R. SEALDAH, District Name :South 24-Parganas

Signature / LTI Sheet of Query No/Year 16062001511445/2020

I. Signature of the Person(s) admitting the Execution at Private Residence.

Sl No.	Name of the Executant	Category	Photo	Finger Print	Signature with date
1	Shri Pawan Sharma CZ-4, Metropolitan Co-operative Housing Society Limited, Block/Sector: B, Canal South Rd, P.O:- Dhapa, P.S:- Tiljala, District:- South 24-Parganas, West Bengal, India, PIN - 700105	Attorney of Declarant [Shri Hitesh Sharma]			<i>Pawan Sharma</i> 25.11.20
2	Smt Ranjana Sharma CZ-4, Metropolitan Co-operative Housing Society Limited, Block/Sector: B, Canal South Rd, P.O:- Dhapa, P.S:- Tiljala, District:- South 24-Parganas, West Bengal, India, PIN - 700105	Attorney of Declarant [Shri Hitesh Sharma]			<i>R. Sharma</i> 25.11.20

Query No:-16062001511445/2020, 25/11/2020 01:20:23 PM SEALDAH (A.D.S.R.)



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Sl No.	Name and Address of Identifier	Identifier of	Photo	Finger Print	Signature with date
1	Arindam Chatterjee Son of Late Ranjit Chatterjee Sealdah Civil Court, P.O:- Entaly, P.S:- Entaly, District:-South 24-Parganas, West Bengal, India, PIN- 700014	Shri Pawan Sharma, Smt Ranjana Sharma			<i>Arindam Chatterjee</i> 25.11.2020

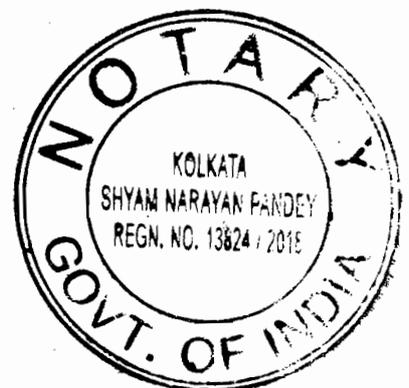
(Kaushik Ray)

ADDITIONAL DISTRICT
SUB-REGISTRAR
OFFICE OF THE A.D.S.R.
SEALDAH
South 24-Parganas, West
Bengal

Query No:-16062001511445/2020, 25/11/2020 01:20:25 PM SEALDAH (A.D.S.R.)



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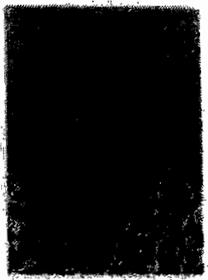
179

SPECIMEN FOR TEN FINGER PRINT

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		Thumb	Fore Hand	Middle Right	Ring	Little	
		RIGHT	Thumb	Fore Hand	Middle Right	Ring	Little
			Thumb	Fore Hand	Middle Right	Ring	Little
			Thumb	Fore Hand	Middle Right	Ring	Little
	Thumb		Fore Hand	Middle Right	Ring	Little	
	Thumb		Fore Hand	Middle Right	Ring	Little	

Name:RAWAN SHARMA

Signature:Rawan Sharma

	LEFT	Thumb	Fore Hand	Middle Right	Ring	Little	
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		RIGHT	Thumb	Fore Hand	Middle Right	Ring	Little
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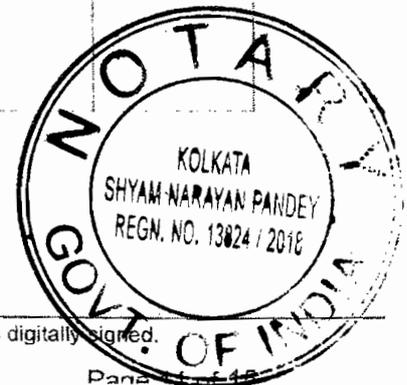
Name:Rajane Sharma

Signature:R. Sharma

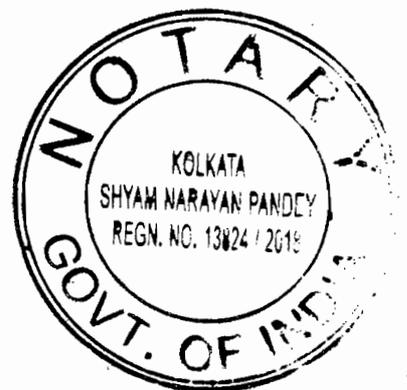
PHOTO	LEFT	Thumb	Fore Hand	Middle Right	Ring	Little	
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		RIGHT	Thumb	Fore Hand	Middle Right	Ring	Little
			Thumb	Fore Hand	Middle Right	Ring	Little
			Thumb	Fore Hand	Middle Right	Ring	Little
	Thumb		Fore Hand	Middle Right	Ring	Little	
	Thumb		Fore Hand	Middle Right	Ring	Little	

Name:

Signature:



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Major Information of the Deed

Deed No.	I-1606-03012/2020	Date of Registration	27/11/2020
Query No./ Year	1606-2001511445/2020	Office where deed is registered	
Query Date	20/11/2020 3:54:54 PM	1606-2001511445/2020	
Applicant Name, Address & Other Details	Sanjay Sarkar Sealdah Civil Court,Thana : Entaly, District : South 24-Parganas, WEST BENGAL, PIN - 700014, Mobile No. : 9831931484, Status :Solicitor firm		
Transaction	Additional Transaction		
[0901] Declaration, Declaration relating to immovable property			
Set Forth value	Market Value		
Rs. 1/-	Rs. 4,47,67,338/-		
Stampduty Paid(SD)	Registration Fee Paid		
Rs. 10/- (Article:4)	Rs. 7/- (Article:E)		
Remarks	Received Rs. 50/- (FIFTY only) from the applicant for issuing the assement slip.(Urban area)		

Land Details :

District: South 24-Parganas, P.S:- Tiljala, Corporation: KOLKATA MUNICIPAL CORPORATION, Road: Canal South Rd, Road Zone : (Not Adjacent To E M By Pass -- Not Adjacent To E M By Pass) , , Premises No: CZ 15A B, , Ward No: 057 Pin Code : 700105

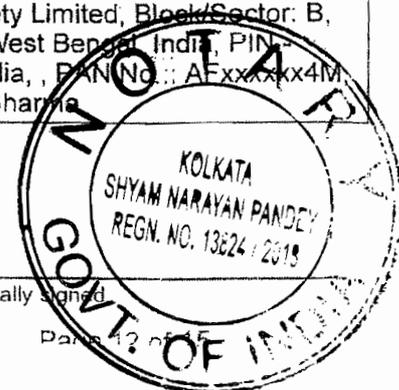
Sch No	Plot Number	Khatian Number	Land Use Proposed ROR	Area of Land	SetForth Value (in Rs.)	Market Value (in Rs.)	Other Details
L1	(RS :-)		Bastu	6 Katha 3 Chatak 25 Sq Ft	1/-	4,47,67,338/-	Property is on Road
Grand Total :				10.2667Dec	1 /-	447,67,338 /-	

Declarant Details :

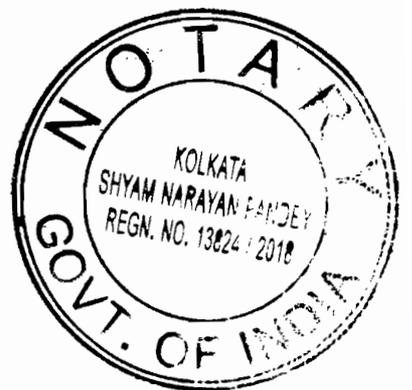
Sl No	Name,Address,Photo,Finger print and Signature
1	Shri Hitesh Sharma Son of Mr Yogesh Kumar Sharma 12C, Madan Chatterjee Lane, P.O:- Barabazar, P.S:- Burrobazar, District:- Kolkata, West Bengal, India, PIN - 700007 Sex: Male, By Caste: Hindu, Occupation: Business, Citizen of: India, PAN No.: CNxxxxxx7M, Aadhaar No: 43xxxxxxxx4217, Status :Individual, Executed by: Attorney, Executed by: Attorney

Attorney Details :

Sl No	Name,Address,Photo,Finger print and Signature
1	Shri Pawan Sharma (Presentant) Son of Radheshyam Sharma CZ-4, Metropolitan Co-operative Housing Society Limited, Block/Sector: B, Canal South Rd, P.O:- Dhapa, P.S:- Tiljala, District:-South 24-Parganas, West Bengal, India, PIN- 700105, Sex: Male, By Caste: Hindu, Occupation: Business, Citizen of: India, , PAN No.: AFxxxxxx4M, Aadhaar No: 48xxxxxxxx2380 Status : Attorney, Attorney of : Shri Hitesh Sharma



182



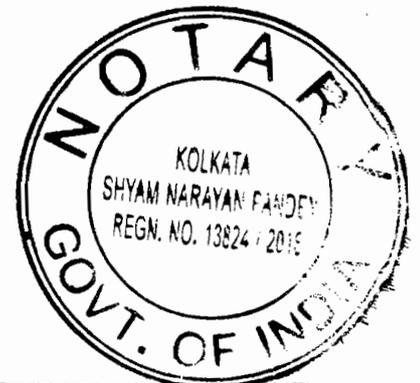
183

2	Smt Ranjana Sharma Wife of Shri Pawan Sharma CZ-4, Metropolitan Co-operative Housing Society Limited, Block/Sector: B, Canal South Rd, P.O:- Dhapa, P.S:- Tiljala, District:-South 24-Parganas, West Bengal, India, PIN - 700105, Sex: Female, By Caste: Hindu, Occupation: Business, Citizen of: India, , PAN No.:: ANxxxxxx5J, Aadhaar No: 53xxxxxxx0854 Status : Attorney, Attorney of : Shri Hitesh Sharma
---	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Identifier Details :

Name	Photo	Finger Print	Signature
Arindam Chatterjee Son of Late Ranjit Chatterjee Sealdah Civil Court, P.O:- Entaly, P.S:- Entaly, District:-South 24-Parganas, West Bengal, India, PIN - 700014			

Identifier Of Shri Pawan Sharma, Smt Ranjana Sharma



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185

Endorsement For Deed Number : I - 160603012 / 2020

On 25-11-2020

Presented for registration (Under Section 32 & Rule 22A(3) 46(1) W.B. Registration Rules, 1962)

Presented for registration at 19:10 hrs on 25-11-2020, at the Private residence by Shri Pawan Sharma ,

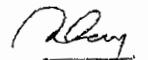
Executed by Attorney

1. Execution by Shri Pawan Sharma , Son of Radheshyam Sharma, CZ-4, Metropolitan Co-operative Housing Society Limited, Sector: B, Road: Canal South Rd , P.O: Dhapa, Thana: Tiljala , South 24-Parganas, WEST BENGAL, India, PIN - 700105, by caste Hindu, by profession Business as the constituted attorney of Shri Hitesh Sharma 12C, Madan Chatterjee Lane, P.O: Barabazar, Thana: Burrobazar , Kolkata, WEST BENGAL, India, PIN - 700007 is admitted by him

Identified by Arindam Chatterjee , , Son of Late Ranjit Chatterjee, Sealdah Civil Court, P.O: Entaly, Thana: Entaly , South 24-Parganas, WEST BENGAL, India, PIN - 700014, by caste Hindu, by profession Advocate

2. Execution by Smt Ranjana Sharma , Wife of Shri Pawan Sharma, CZ-4, Metropolitan Co-operative Housing Society Limited, Sector: B, Road: Canal South Rd , P.O: Dhapa, Thana: Tiljala , South 24-Parganas, WEST BENGAL, India, PIN - 700105, by caste Hindu, by profession Business as the constituted attorney of Shri Hitesh Sharma 12C, Madan Chatterjee Lane, P.O: Barabazar, Thana: Burrobazar , Kolkata, WEST BENGAL, India, PIN - 700007 is admitted by him

Identified by Arindam Chatterjee , , Son of Late Ranjit Chatterjee, Sealdah Civil Court, P.O: Entaly, Thana: Entaly , South 24-Parganas, WEST BENGAL, India, PIN - 700014, by caste Hindu, by profession Advocate



Kaushik Ray
ADDITIONAL DISTRICT SUB-REGISTRAR
OFFICE OF THE A.D.S.R. SEALDAH
South 24-Parganas, West Bengal

On 27-11-2020

Certificate of Admissibility (Rule 43 W.B. Registration Rules 1962)

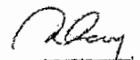
Admissible under rule 21 of West Bengal Registration Rule, 1962 duly stamped under schedule 1A, Article number : 4 of Indian Stamp Act 1899.

Payment of Fees

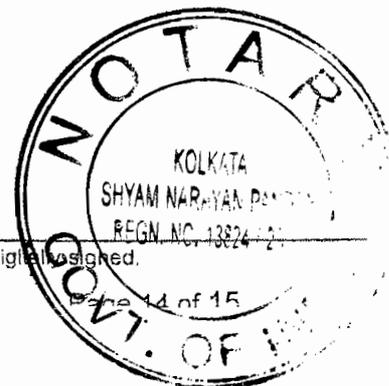
Certified that required Registration Fees payable for this document is Rs 7/- (E = Rs 7/-) and Registration Fees paid by Cash Rs 7/-

Payment of Stamp DutyCertified that required Stamp Duty payable for this document is Rs. 10/- and Stamp Duty paid by Stamp Rs 10/-
Description of Stamp

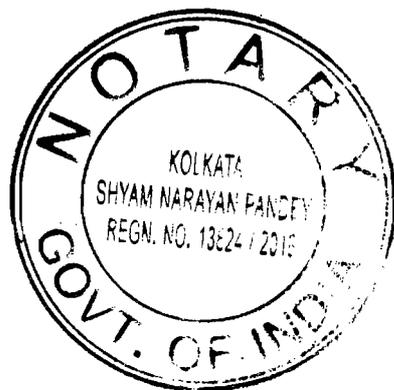
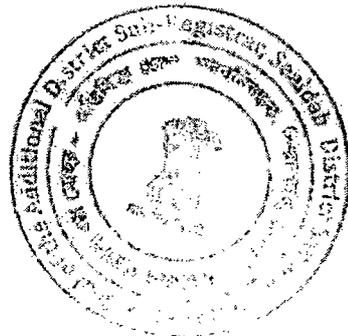
1. Stamp: Type: Impressed, Serial no 32283, Amount: Rs.10/-, Date of Purchase: 11/11/2020, Vendor name: Srijit Sarkar



Kaushik Ray
ADDITIONAL DISTRICT SUB-REGISTRAR
OFFICE OF THE A.D.S.R. SEALDAH
South 24-Parganas, West Bengal



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Certificate of Registration under section 60 and Rule 69.
Registered in Book - I
Volume number 1606-2020, Page from 128195 to 128209
being No 160603012 for the year 2020.



Confirmed to be a True Copy
Asst. District Sub-Registrar
Sealdah, South 24 Parganas
30/3/23

Kaushik Roy

Digitally signed by KAUSHIK ROY
Date: 2020.12.01 15:26:18 +05:30
Reason: Digital Signing of Deed.

(Kaushik Ray) 2020/12/01 03:26:18 PM
ADDITIONAL DISTRICT SUB-REGISTRAR
OFFICE OF THE A.D.S.R. SEALDAH
West Bengal.

Compared by
30/3/23

(This document is digitally signed.)



1

" H "

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O.A. No. 25/2016/EZ
&
MA. 12/2018/EZ with M.A.13/2018/EZ

SUNIT KUMAR MALICK CHOWDHURY

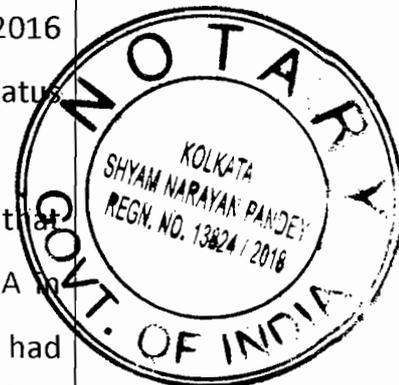
VS

STATE OF WEST BENGAL & ORS

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Dr. Nagin Nanda, Expert Member

PRESENT: **Applicant** : Mr. Rabi Sankar Chattopadhyay, Advocate
Mr. Suman Sarkar, Advocate
Mr. Santanu Maji, Advocate
Mr. Rajashi Dutta, Advocate
Mr. V.V.V.Sashtri, Advocate
Respondent No.1- 4 : Mr. Bikas Kargupta, Advocate
Respondent Nos. 5 & 6 : Mr. Dipanjan Ghosh, Advocate
Respondent No. 7 : Mr. Alok Kumar Ghosh, Advocate
Mr. Sibojyoti Chakraborti, Advocate
Respondents 14 & 15 : Mr. A. Suresh, Sr. Advocate
Respondent No. 24 : Ms. Saheli Sen, Advocate
Ms. Sushmita Ghose, Advocate
Other Respondents : None

Date & Remarks	Orders of the Tribunal
Item No. 7 23 rd April, 2018.	<p>M.A. 12/2018/EZ :</p> <p>By filing this MA, the applicant in the OA, prays for revival of the orders dated 12.7.2016 and 20.7.2016 passed in the OA by which direction to maintain status quo had been passed against the respondents.</p> <p>Ld. Counsel for the private respondents submits that although they were served with a copy of the MA in February 2018, reply was not filed as an application had</p>



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been preferred for transfer of the case to the Principal Bench as this Bench was non-functional at that time. It is stated that although the application was taken up by the Principal Bench on 16.4.2018 but no order has been passed directing transfer of the case.

The fact that the application for transfer has not yet been disposed of by the Principal Bench and the original records are still in this Zonal Bench would indicate that the application for transfer has not yet been disposed of and the matter continues to remain in the list of this Bench.

The Respondents are granted an opportunity to file response to the MA in the interest of justice. However, in the meantime, the parties are directed to maintain status quo until further orders.

Let the responses be filed before the next date without fail with advance copies on the other side.

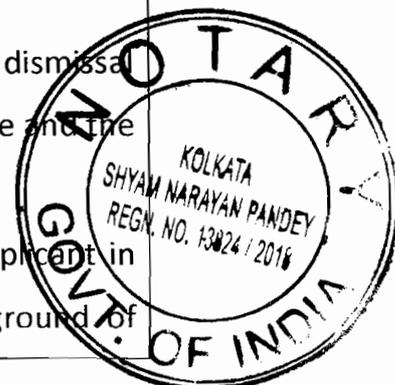
List on 23.5.2018.

M.A. 13/2018/EZ :

This MA has been filed by the Respondent No. 14 seeking for recall of the order dated 11.12.2017 on the grounds stated in the application.

By order dated 11.12.2017 the order of dismissal of the OA for default was recalled and set aside and the OA was restored to its file and number.

At the outset, Ld. counsel for the applicant in the MA prays for an adjournment on the ground of



inability of Mr. Pramit Kr. Roy, Ld. Sr. Counsel who is leading him, to be present today due to his indisposition. We, however, do not find it necessary to adjourn the matter considering the limited question raised in the MA.

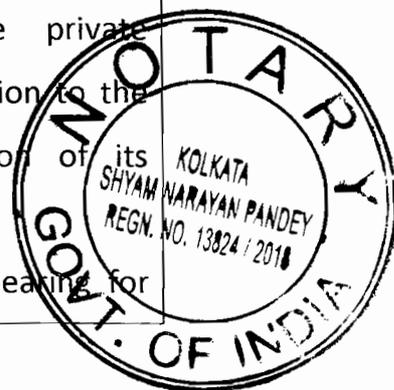
The only ground raised seeking recall of order dated 11.12.2017 is a purely technical plea being that the order having been passed by a Single Member Bench would be a nullity and non-est.

We have considered the application. Since the Bench is now fully constituted and the OA and the MA are being heard, the order dated 11.12.2017 stands reiterated and confirmed. Resultantly, the order of restoration passed by one of us (Justice S.P.Wangdi) on 11.12.2017 shall stand reiterated reviving the OA in terms of the impugned order dated 11.12.2017.

MA 13 stands disposed of with this direction.

In so far as the maintainability of the OA in view of the pendency of the two writ petitions before the Hon'ble Calcutta High Court on the very questions raised in the OA is concerned, we have already noted of this fact in the order dated 11.12.2017 whereby direction had been issued upon the private respondents to file their affidavit-in-opposition to the OA granting liberty to raise the question of its maintainability.

Ms. Saheli Sen, Ld. Advocate appearing for



the private respondent No. 24 prays that since she has appeared for the first time, the applicant may be directed to serve her a copy of the OA to Mr. Chattopadhyay very fairly accedes to the request. He shall ensure that copies of the OA and the MAs are served to Ms. Sen within a week.

Reply filed by the applicant to the MA 13/2018/EZ by Mr. Chattopadhyay be taken on record.

Justice S.P.Wangdi, JM

23-04-2018

Dr. Nagin Nanda, EM

23-4-2018

Later

Although this case has been fixed on 23.05.2018, let it be listed tomorrow i.e., 24.04.2018 for orders.

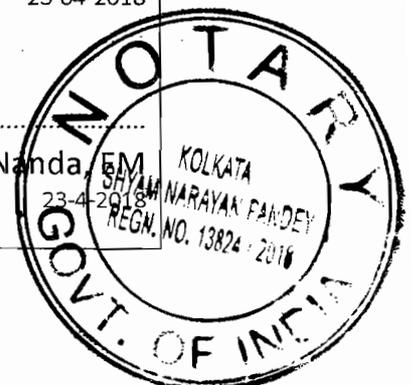
Registry to inform the parties.

Justice S.P.Wangdi, JM

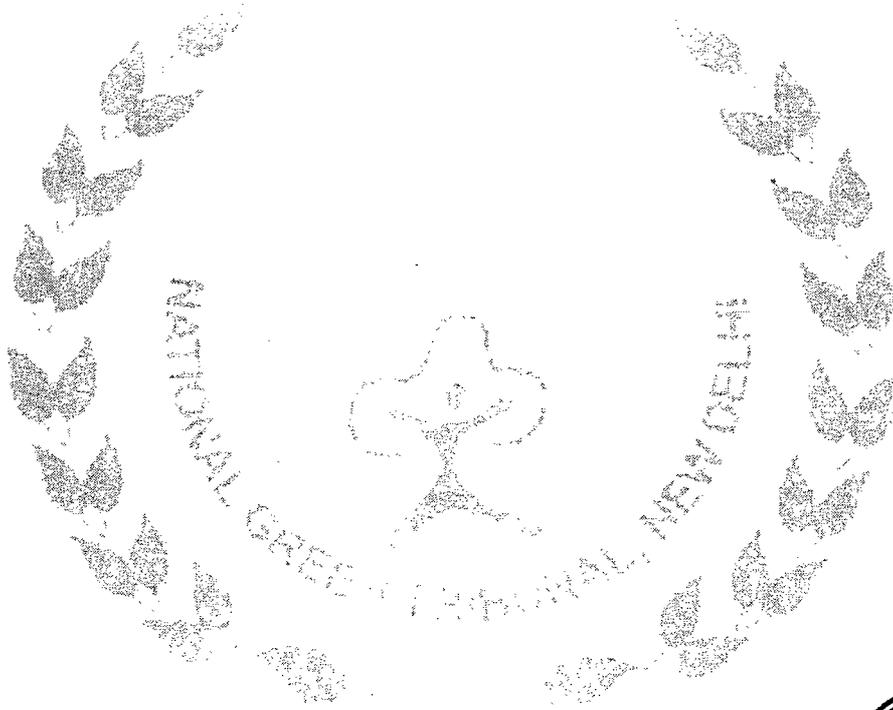
23-04-2018

Dr. Nagin Nanda, EM

23-4-2018



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ITEM NO.17

COURT NO.7

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2723/2022

SABYASACHI MALLICK CHOWDHARY

Appellant(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

(FOR ADMISSION and IA No.51598/2022-EX-PARTE STAY)

Date : 13-04-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE VIKRAM NATH

For Appellant(s)

Mr. Brijender Chahar, Sr. Adv.
Mr. Amitava Das, Adv.
Mrs. Jyoti Chahar, Adv.
Mr. Karan Chahar, Adv.
Ms. Pooja Chahar, Adv.
Mr. Shashi Bhushan, Adv.
Mr. Vinay Garg, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed
order.

Pending applications, if any, also stand
disposed of.

(NEELAM GULATI)

ASTT. REGISTRAR-cum-PS

(Signed order is placed on the file)

(KAMLESH RAJAT)
COURT MASTER (NSH)



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

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CIVIL APPEAL No(s). 2723 OF 2022

SABYASACHI MALLICK CHOWDHARY

Appellant(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

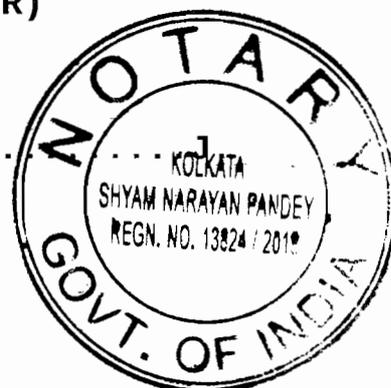
O R D E R

We have heard learned senior counsel for the appellant and perused the record. We do not see any cogent reason to entertain the Appeal. The judgment impugned does not warrant any interference.

The Appeal is dismissed.

.....J.
(S. ABDUL NAZEER)

.....
(VIKRAM NATH)



NEW DELHI
APRIL 13, 2022

"J"

195

16.05.2024
Court No. 15
Item No. 15
(Suvendu)

W.P.A. 12605 of 2017
With
CAN 1/2018 (CAN 6833/2018)
CAN 2/2018 (CAN 6834/2018)
CAN 4/ 2024

Sabyasachi Mullick Chowdhury
(Sunit Kumar Mallick Chowdhury, since deceased)
-Versus-

The Kolkata Municipal Corporation & Ors.

Mr. Rupak Ghosh
Mr. Vishwarup Acharyya
Mr. Akash Dutta

.....for the petitioner

Mr. Ashok Kumar Banerjee, Sr. Adv.
Mr. Alok Kr. Ghosh
Mrs. Sima Chakraborty

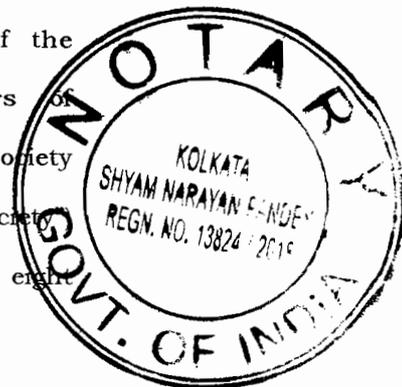
.....for the KMC

Mr. Ankit Sureka
Mr. Asis Dutta

...for the Metropolitan Co-operative
Housing Society Limited

The writ petition is heard in presence of the learned advocates representing the petitioner, Kolkata Municipal Corporation and respondent nos. 4 and 5.

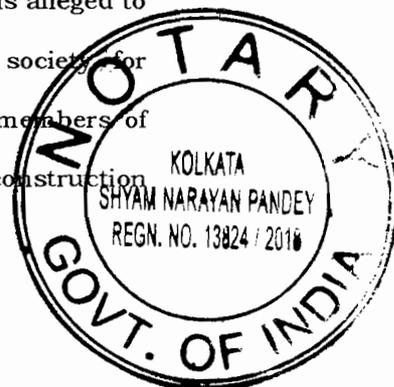
Notwithstanding the prayer couched in this writ petition seeking demolition of the constructions made by the members of Metropolitan Co-operative Housing Society Limited (hereinafter referred to as "said society") based on recommendation made by eight



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members committee which was formed in terms of the order dated 3rd January, 2022 passed by the Special Bench, National Green Tribunal in Original Application No. 25/2016/EZ along with other matters, Mr Rupak Ghosh, learned counsel representing the petitioner today has submitted that the prayer for demolition of the constructions made by members of the said society is not pressed at the present moment. However, prayer has been made for issuance of direction by this Court upon the concerned authority of Kolkata Municipal Corporation to conclude the proceeding which was proposed to be initiated in terms of Section 397 of the Kolkata Municipal Corporation Act, 1980 based on the recommendation made by the eight members committee.

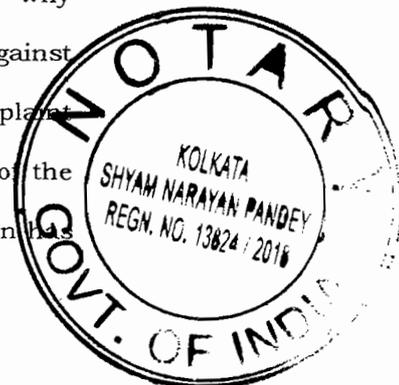
It has been submitted on behalf of the petitioner that plot no. 268 under Mouza - Nimopoktan, JL No. 1, Dihi Panchanangram, Ward No. 57 of Kolkata Municipal Corporation is originally a waterbody and the same is alleged to have been filled up by the said society for allotment of plots in favour of the members of the said society for the purpose of construction of residential houses.



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On query being made to the learned advocate representing the petitioner with regard to the steps taken by the Corporation in terms of Section 397, reliance is placed on an order dated 19th December, 2022 passed by the Special Municipal Commissioner, Kolkata Municipal Corporation which is annexed at pages 149 to 150A to the affidavit-in-reply used on behalf of the petitioner against the affidavit-in-opposition used by Kolkata Municipal Corporation. On perusal of the said order dated 19th December, 2022 of the Special Municipal Commissioner, it transpires that in connection with the four plots under the aforesaid plot no. 268 construction has been made by the members of the said society and in connection with two other plots no such construction has been made.

The concerned authority of the Corporation, as it appears from the said order dated 19th December, 2022, decided to initiate proceeding under Section 397 and in this regard a notice was issued to the plot holders being the members of the said society as to why appropriate steps shall not be taken against them in the backdrop of facts that a complaint was lodged by the *predecessor-in-interest* of the present petitioner that illegally construction was



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been made over the plot no. 268 upon filling up waterbody which is contrary to the findings made by the eight members committee as constituted in terms of the order of the Special Bench, National Green Tribunal.

Mr. Sureka, learned advocate representing the said society has opposed the prayer of the petitioner on the count that there are altogether 612 members in the said society and in the event Section 397 proceeding is initiated in connection with all the plots which were allotted to the members of the said society without making them party in that event the right of the members of the said society would be impinged upon.

However, today in view of submissions made on behalf of the petitioner that grievance centres around plot no. 268 where four residential houses have been built up and at present the petitioner is not pressing the prayer for demolition of the constructions made by the members of the said society, it has been submitted on behalf of the said society that the matter may be decided by the concerned authority of the Corporation in accordance with law.

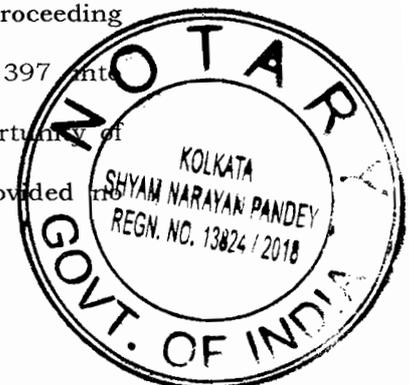


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It is also submitted on behalf of the said society that before taking final decision opportunity should be afforded to the allottees being the members of the said society to make deliberation before the authority concerned.

Kolkata Municipal Corporation is represented by Mr. Banerjee, learned senior advocate who submitted that since an order was passed by the Special Municipal Commissioner on 19th December, 2022 after the recommendation was made by the eight members committee, if appropriate direction is given the steps shall be taken to conclude the proceeding under Section 397 in accordance with law in connection with the constructions made over the plot no. 268.

Having considered the submissions made and taking note of the document which is at page 149 of the affidavit-in-reply used on behalf of the petitioner to the affidavit-in-opposition of the Corporation, the writ petition stands disposed of thereby directing the concerned authority of Kolkata Municipal Corporation to take necessary steps for bringing the proceeding which was initiated under Section 397 into logical conclusion after granting opportunity of hearing to the interested parties provided the



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order is passed in the writ petitions preferred by some of the plot holders.

Let such proceeding be concluded within a period of 16 weeks from the date of communication of this order and the final order to be passed by the concerned authority shall be communicated to the parties within one week thereafter.

However, it is made clear that this Court has not gone into the merit of the issue relating to the validity of the construction made by the members of the said society on the individual plots under plot no. 268.

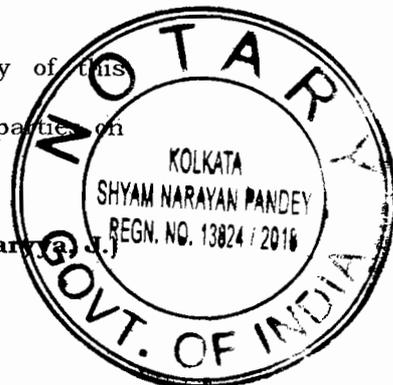
It is clarified that exercise to be carried out by the concerned authority of Kolkata Municipal Corporation in connection with the proceeding under Section 397 shall be restricted to plot nos. CZ-9B, CZ-14A, CZ-14B, CZ-15A, CZ -20A, CZ -21A and CZ -26A/B/C.

Connected applications, if pending, are also disposed of.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharya, J.)



"K (colly.)"

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10. 01. 2024

BP
SI. 670
Court No. 17

WPA 1563 of 2023

Hitesh Sharma

Vs.

The Kolkata Municipal Corporation & Ors.

Mr. Siddhartha Banerjee

Mr. Rahul Karmakar

Mr. Abhisek Baran Das

Ms. Srijoni Chongdar

..for the petitioner

Mr. Fazlul Haque

Mr. Gopal Chandra Das

..for KMC

Mr. Rupak Ghosh

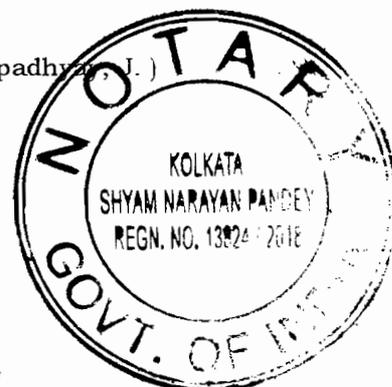
Mr. V. Acharyya

..for the respondent no.5

Pursuant to the direction given by the Hon'ble Supreme Court in Civil Appeal No. 3049 of 2023, the petitioner has submitted that he has already approached the National Green Tribunal.

The writ application is dismissed as the said application cannot be heard by this court. This is a mischievous application for which a cost of Rs. 1,00,000/- is imposed upon the petitioner which is to be paid to the Kolkata Municipal Corporation by seven days from date.

(Abhijit Gangopadhyay, J.)



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19.02.2024
Item No.10
Court No.6.
S. De

M.A.T. 239 of 2024
With
I.A. No. CAN/1/2024

Hitesh Sharma.
Vs
The Kolkata Municipal Corporation & Ors.

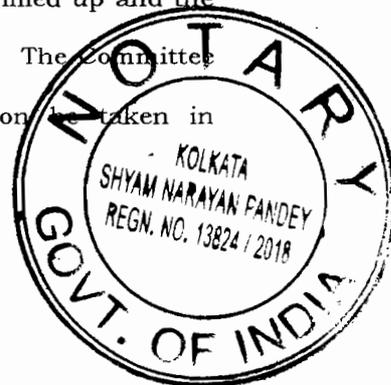
Mr. Siddhartha Banerjee,
Mr. Rahul Karmakar,
Mr. Abhisek Baran Das,
Mr. S.N. Ghosh, ...for the appellant.

Mr. Rupak Ghosh,
Mr. Vishwarup Acharyya,
...for the respondent no.5.

Mr. Fazlul Haque,
Mr. Gopal Chandra Das, ...for the
K.M.C.

Read order dated February 7, 2024.

The material facts of the case briefly stated are that a complaint was made that certain persons had filled up a water body called 'Ukil Bheri' and had made unauthorized construction thereon. The matter was carried before the National Green Tribunal (in short 'NGT'). The NGT set up a eight member Committee for finding out the fact. The Committee returned a finding that indeed the water body had been filled up and the construction had been made thereon. The Committee recommended that appropriate action be taken in



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respect of the unauthorized construction by Kolkata Municipal Corporation (in short 'KMC') and all other concerned authorities. The NGT passed an order in terms of such recommendation.

The present appellant challenged such order by way of appeal before the Hon'ble Supreme Court. One of his contentions was that he was not granted an opportunity of hearing by the NGT before the aforesaid order was passed. We are told that the Hon'ble Supreme Court disposed of the appeal granting liberty to the appellant herein to approach the NGT, by an order dated April 24, 2023.

In the mean time, the KMC authorities initiated proceedings under Section 397 of the KMC Act, 1980 for cancellation of the building plan that had been sanctioned in favour of the present appellant. The proceedings culminated in an order of cancellation of the sanctioned building plan. Such order was challenged by the appellant herein before the learned Single Judge in this round of litigation. The appellant's writ petition was dismissed. Hence this appeal.

Mr. Banerjee, learned advocate appearing for the appellant/writ petitioner says that in the mean time, the appellant has approached the NGT pursuant to the liberty granted by the Hon'ble Supreme Court.



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Mr. Ghosh, learned advocate representing the respondent no.5 says that his client is not aware of the same.

We are of the view that if the appellant herein succeeds before the NGT, this appeal would become unnecessary. Similarly, if the appellant herein fails before the NGT, the present appeal will automatically fail.

Accordingly, we dispose of this appeal and the connected application reserving liberty to the appellant to challenge any order of the NGT that he may be aggrieved by, before the appropriate forum. We do not interfere with the order under appeal excepting that, taking a lenient view, we set aside the order imposing cost on the writ petitioner.

Mr. Banerjee, learned advocate for the appellant says that NGT may be requested to expeditiously dispose of the application that his client has filed before the NGT. The parties will be at liberty to make such prayer before the NGT.

We have not gone into the merits of the matter. NGT is requested to decide the appellant's application in accordance with law without being influenced by any observation in this order. All points are left open.

MAT 239 of 2024 is disposed of along with the application being I.A. No. CAN 1 of 2024.



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Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Arijit Banerjee, J.)

(M.V. Muralidaran, J.)

