

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 88/2024

In The Matter of:

BINAY BASFORE

..... Applicant

Versus

THE STATE OF WEST BENGAL & Ors.

..... Respondents

AFFIDAVIT ON BEHALF OF THE DISTRICT MAGISTRATE, HOWRAH
DISTRICT (RESPONDENT NO. 5)

INDEX

SL	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1 - 5
2.	Letter to the BL&LRO Sankrail for enquiry into the allegation & soliciting report	"R ₁ "	6
2.	Report dated 28-06-2024 submitted by the BL&LRO Sankrail	"R ₂ "	7-13

Filed by Shri *Sudip K. Dutta* Advocate for Respondent Number 5.



[Signature]
02 JUL 2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION 88/2024

In The Matter of:

BINAY BASFORE

..... Applicant

Versus

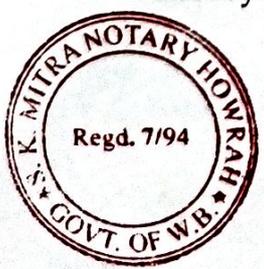
THE STATE OF WEST BENGAL & Ors.

..... Respondents

SL No. G-42/2024

AFFIDAVIT ON BEHALF OF THE DISTRICT MAGISTRATE, HOWRAH
(RESPONDENT NO. 5)

I, Dr. Deepap Priya P., D/o. Sri I. Palraj, working for gain as the District
Magistrate, Howrah at P.O. & P.S. Howrah, District Howrah Pin-711101 do
hereby solemnly affirm and submit as follows: -



02 JUL 2024

1. That I have been communicated with a copy of the order in O.A. No. 88/2024/EZ from the Learned Counsel for the State associated with the instant case.
2. That this affidavit is being filed in compliance to the Solemn Order dated 01.05.2024 passed by the Hon'ble Tribunal.
3. That in compliance of the afore-said direction of the Hon'ble Tribunal, report was solicited from the BL&LRO Sankrail on 09-05-2024 by the Additional District Magistrate (LR) & District Land & Land Reforms Officer, Howrah.
4. That the photocopy of the above-cited letter is annexed herewith marked as *Annexure - R1*
5. That in pursuance to the above letter, the BL&LRO Sankrail caused an enquiry into the veracity of the matter & submitted a report on 28-06-2024 in which it is revealed that the northern side of the pond at LR Plot no. 305 & other surrounding plots which are characterized as Pond has been partly filled up with soil.
6. That several notices under appropriate sections of WBLR Act, 1955 were issued to the raiyat by the BL&LRO Sankrail with direction to restore the land in its original position, but the same was not complied by the raiyat.



[Handwritten Signature]
02 JUL 2024

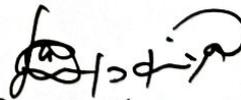
7. That an FIR bearing no. 267/24 had been filed at Sankrail PS against the raiyat for violation of the instructions given to him as per statute on 07-04-2024.

8. That the photocopy of the above-cited report of the BL&LRO Sankrail dated 28-06-2024 is annexed herewith marked as *Annexure-R₂*

9. That the statements made in the above paragraphs are true to my knowledge are belief of the record as available in the office of the deponent and the rest are humble submissions before the Hon'ble Tribunal.

10. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary order / orders as is deemed fit for the ends of justice

Identified by me


Deponent

District Magistrate
Howrah

Advocate
State of West Bengal




02 JUL 2024

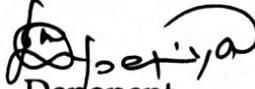
VERIFICATION:

I, the deponent above- named, do hereby verify, and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at on day of July 2024.

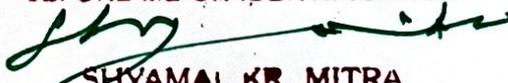
Identified by me

Advocate
State of West Bengal


Deponent
District Magistrate
Howrah



SOLEMNLY AFFIRMED & DECLARED
BEFORE ME ON IDENTIFICATION


SHYAMAL KR. MITRA
NOTARY HOWRAH

0 2 JUL 2024



RI

Government of West Bengal
Office of the Additional District Magistrate and
District Land & Land Reforms Officer, Howrah.

12, Nityadhan Mukherjee Road, (2nd 3rd floor) Howrah-71110

Phone: 2641-2749/2436(PBX) 2638-9924(Fax): e-mail id: dllrohowrah@gmail.com

Memo. No. 2162 /LR

Date: 09/05/2024.

To
The Block Land & Land Reforms Officer,
Sankrail

Sub: Enquiry report regarding alleged filling of water-body on
LR plot no. 305/477 of mouza-Banipur, P.S.-Sankrail, Howrah

Enclosed please find herewith a copy of the order of Hon'ble National Green Tribunal, Eastern Zone Branch, Kolkata in O.A. no. 88/2024/EZ, and also a copy WPA(P)no. 13 of 2023 and subsequent compliance proceeding disposed of from your end.

You are requested to cause enquiry over the plot and submit a detailed report with your comment on the following points:

- 1) Actual physical area of the water body
- 2) Whether any part was/is being filled up unauthorizedly.
- 3) Whether any construction work has been done in and around the water-body.
- 4) What action/actions have been taken up from your end.

This report must be submitted annexing sketch map of the plot in question along with adjacent plots and also copies of RORs and disposition of witnesses.

This matter is extremely urgent.


Additional District Magistrate &
District Land & Land Reforms Officer,
Howrah.




02 JUL 2024



Office of the Block Land & Land Reforms Officer
Sankrail, Howrah
E-mail::bllrosank@gmail.com

R₂

Memo No. 595/Sank/2024

Dated 28/06/2024

To
The Additional District Magistrate
And
District Land & Land Reforms Officer
Howrah



Sub: Report regarding alleged filling of water body on LR plot no. 305/477 of mouza-Banipur, P.S.-Sankrail, Howrah

Ref: your office memo no 2162/LR dated 09/05/2024

Sir,

As per your instruction concerned R.I. had been sent to the spot for field verification and submitted his report on 29/05/2024. As per R.I. report

1. Area of LR plot no 305; classification 'pukur' is 20 Decimal and LR plot no 305/477, classification 'pukur par' is 10 Decimal.
2. The northern side of the pond at LR plot no 305 and other surrounding plots which are characterized as pond has been partly filled up with soil.
3. No construction work has been done in and around the water-body.
4. Field enquiry had been done several times and notices had been served to the raiyat u/s 4C (5) of WBLR act, 1955 on 22/01/2024 with direction to restore the plot in its original position but he failed to comply. Finally, served notice u/s 4D of WBLR act, 1955 on 21/03/2024. In spite of providing several opportunities to the said raiyat, he failed to comply. Subsequently, an F.I.R. had been filed by the Sankrail P.S. against the raiyat on 07/04/2024 vide PS case no.




28/06/24
Block Land and Land Reforms Officer
Sankrail, Howrah

Block Land & Land
Reforms Officer
Sankrail, Howrah

- Enclosed are-
1. Copy of Field verification report of R.I.
 2. Copy of Notice of u/s 4C(5) and 4D of WBLR act, 1955
 3. Copy of F.I.R.

02 JUL 2024



GOVERNMENT OF WEST BENGAL
OFFICE OF THE REVENUE INSPECTOR OF BANIPUR I & II GP
SANKRAIL, HOWRAH.

Memo: 14/LR/Banipur I & II/2024

Date: 29/05/2024

To
The Block Land & Land Reforms Officer
Sankrail, Howrah.

Sub- Enquiry Report regarding Sankrail PS Case No.267/24 dated 07.04.2024, of water body filling at LR Plot No-305, LR Khatian No1128 of Mouja -Banipur, J.L.-32.

Ref- Sankrail PS Case No.267/24 dated 07.04.2024

Madam,

As per your instruction I went to enquire the pond possessed by Moinuddin Ansari and Raziya Sultana and it is found during the enquiry that the pond in question is situated on the LR Plot No- 305 corresponding to RS Plot No-308 of Banipur Mouja (JL No-32). Moinuddin Ansari also possesses the adjacent LR Plot No. 305/477 corresponding to RS Plot No-308.

During enquiry it has been found that-

- (i) LR Plot No- 305 is recorded in favour of Moinuddin Ansari under LR khatian no. 1128. LR Plot No. 305/477 is recorded in favour of Moinuddin Ansari under LR khatian no. 1128 and Suchitra Roy Choudhury under LR khatian no. 420.
- (ii) The classification of LR Plot No- 305 is "pukur" and the total area of the plot is 20 Dec and the classification of LR Plot No- 305/477 is "pukur Par" and the total area of the plot is 10 Dec.
- (iii) The above said suit plots is possessed by Moinuddin Ansari .
- (iv) The suit properties are not vested.
- (v) There is no Patta holder/ Bargadar exist in the suit properties at the time of the enquiry.

The investigation also revealed that, the northern side of the pond which is situated at LR plot No-305 and other surrounding plots which was characterised as pond, has been partly filled up with soil. Also this is to inform you that the above said plots have been enquired several times before and the raiyat was told to restore the pond in its original character and several notices have been served to the raiyat. In spite of that no action has been taken by the raiyat to restore the pond in its original character.

- Encl. (i) CLR of LR plot No- 305
(ii) CLR of LR plot No 305/477
(iii) Khatian information of LR khatian no-1128



Seen

03/06/24
Block Land & Land
Reforms Officer

Yours faithfully

Subhadeep Chakraborty
(Subhadeep Chakraborty)
Revenue Inspector
Banipur I & II GP

02 JUL 2024



পশ্চিমবঙ্গ ভূমি সংস্কার আইনের (১৯৫৬ সালের ১০ নং আইনের) ৫৭ ধারামতে



প্রতি:- ১.মহিনুদ্দিন আনসারী
পিতা মহঃ হারিক
বানীপুর (কাঠ সিডি), সাঁকরাইল, হাওড়া.

আপনার এলাকার অধিবাসীবৃন্দর অভিযোগের পরিপ্রেক্ষিতে আপনাকে জানানো যাইতেছে যে, নিম্ন তপশীল ভুক্ত জমির, যাহার রেকর্ড ভুক্ত শ্রেণী - পুকুর তাহা আপনি বিনা অনুমতিতে ভরাট করিয়া জমির চরিত্ত পরিবর্তন করিয়াছেন।

অতএব, আপনাকে আগামী ১০ দিনের মধ্যে অর্থাৎ ইং ০২/০২/২০২৪. এর মধ্যে নিম্ন তপশীল ভুক্ত জমিটির U/S 4C(5) of WBLR Act, 1955 অনুযায়ী পূর্ববিন্যয় ফিরিয়ে দিতে নির্দেশ দেওয়া যাইতেছে। অন্যথায় আইন মোতাবেক ব্যাবস্থা গ্রহন করা হইবে।

মৌজা:- বানীপুর, জে.এল. নং- ৩২, সাবেক দাগ নং-৩০৮, হাল দাগ নং- ৩০৫.

তারিখ:- ইং- ২২/০১/২০২৪.

স্থান:- সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের কার্যালয়

[Signature]
22/01/24

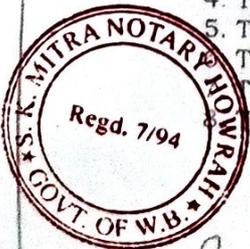
সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিক
সাঁকরাইল, হাওড়া.

Memo No: 89 (1-8) /Sank/2024

Date: 22/01/2024

Copy forwarded for information to:-

1. The Additional District Magistrate and District Land & Land Reforms Officer, Howrah.
2. The Sub Divisional Land & Land Reforms Officer, Sadar, Howrah.
3. The Savapati of Panchayet Samity, Sankrail, Howrah.
4. The Block Development Officer, Sankrail, Howrah.
5. The Fishery Extension Officer, Sankrail, Howrah.
- The Sankrail Police Station, Sankrail, Howrah.
- The Panchayet Pradhan, Duillya, Howrah.
- The Revenue Inspector of Duillya G.P., Sankrail, Howrah.



Received on
22.01.24. in the
office

[Signature]
22/01/24
Block Land & Land Reforms Officer
Sankrail, Howrah

02 JUL 2024

GOVERNMENT OF WEST BENGAL
OFFICE OF THE BLOCK LAND AND LAND REFORMS OFFICER
Sankrail, Howrah.

Memo No.:- 325 /SANK/2024

Date:- 21/03/2024

FINAL REMINDER

To

Moinuddin Ansari
Banipur, Sankrail, Howrah.

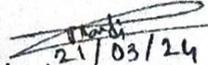


Sub: To restore the plots in its original position

Whereas it appears on the basis of complaint lodged by local people that you are the alleged person. So, two U/s 4C (5) of WBLR Act, 1955 notice has been issued against you for restoration earth vide Memo. No. 89(1-8)/Sank/2024 dated 22.01.2024 and Memo. No. 220 (1-8)/Sank/2024 dated 23.02.2024 but you will not restore the plot in its original position from LR plot-305 corresponding to RS plot-308 in Mouja- Banipur, J.L. No.- 32.

You are hereby directed to stop such illegal activities and restore the same in its original character within 4 days after receiving this letter. Failing of which as per provision of 4D of WBLR Act, 1955 a F.I.R. will be lodged against you without any further correspondence.

This should be treated as extremely urgent.


21/03/24
Block Land and Land Reforms Officer
Sankrail, Howrah

Memo No.:- 301/1 (5) /SANK/2024

Date:- 19/03/2024

Copy forwarded to:

- 1) ADM& DL&LRO, Howrah
- 2) SDL&LRO, Howrah Sadar
- 3) B.D.O., Sankrail, Howrah
- 4) I.C. Sankrail P.S.
- 5) Ram/ Manwar Ansari/ Sukriya Begam/ Ashiya Khatun/ Sajada Begam/ Qureshi,
All residing at Banipur, Sankrail, Howrah




21/03/24
Block Land and Land Reforms Officer
Sankrail, Howrah

02 JUL 2024

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



হাওড়া ব্লক- সাকড়াইল [০৫০৪০৬২]
পূজা- বানীপুর জে.এল.নং- ৩২ থানা- সাকরাইল
দাগ নং- ৩০৫ শ্রেণী- পুকুর জমির পরিমাপ(এ)- ০.২০
সাবেক দাগ নং- ৩০৮

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাপ(এ)	স্বামীর/লেসীর বিবরণ	মন্তব্য
১১২৮	পুকুর	১.০০০০	০.২০০০	মইনুদ্দিন আনসারী পিতা-মহঃ হারিক মাং-নিজ	
		১.০০০০	০.২		

Authenticated
৩/৫/২৪
Revenue Officer
Sankrail, Howrah



02 JUL 2024

Government of West Bengal
Block Land and Land Reforms Officer
- Plot Information -

District - Howrah	Block - Sankrail.	
Mouza - Banipur	J.L.No. - 32	P.S. - Sankrail
Plot No. - 305	Class - Pukur	Area of Land in (Acres) - 0.20
Sabek Plot No. - 308		

Khatian no.	Class	Share	Area as per Share in acres	Name of Raiyat/Description	Remarks
11128	Pukur	0.9996	0.1000	Mouinuddin Ansari S/o - Md. Harik Vill. - Banipur	
		1.0000	0.20		

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



হাওড়া ব্লক- সাঁকড়াইল [০৫০৪০৩০]
জে.এল.নং- ৩২ থানা- সাঁকড়াইল
নাম নং- ৩০৫/৪৭৭ শ্রেণী- মুকুর পাড় জমির পরিমাণ(এ)- ০.১০
সাবক দাগ নং- ৩০৮

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	রায়তের/লেসীর বিবরণ	মন্তব্য
৪২০	মুকুর পাড়	০.০০০৪	০.০০০০	সুচিত্রা রায়চৌধুরী স্বামী-শচীন্দ্র মাং-নিজ	
১১২৮	মুকুর পাড়	০.৯৯৯৬	০.১০০০	মইনুদ্দিন আনসারী পিতা-মহঃ হারিক মাং-নিজ	
		১.০০০০	০.১		



Authenticated
০৭/০৫/২৪
Revenue Officer
Sankrail, Howrah

07 JUL 2024

Government of West Bengal
Block Land and Land Reforms Officer
- Plot Information -

District – Howrah **Block** – Sankrail.
Mouza – Banipur **J.L.No.** – 32 **P.S.** - Sankrail
Plot No. – 307/477 **Class** – Pukur Parh **Area of Land in (Acres)** – 0.10
Sabek Plot No. – 308

Khatian no.	Class	Share	Area as per Share in acres	Name of Raiyat/Description	Remarks
420	Pukur Parh	0.0004	0.0000	Suchitra Roy Chaudhury W/o – Sachindra Vill. – Banipur	
11128	Pukur Parh	0.9996	0.1000	Mouinuddin Ansari S/o – Md. Harik Vill. – Banipur	
		1.0000	0.10		

02 JUL 2024



FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

5918

1. Dist. Howrah P.S. Sankrail Year 2024 FIR No. 263/24 Date 07/04/2024
 2. (i) Act IPC Sections 277/278 (ii) Act _____ Sections _____
 (iii) Act _____ Sections _____
 (iv) Other Acts & Sections AD 1988 Act, 17A of the W.B. Jm land
 3. (a) Occurrence of offence Day 07-04-2024 Date From 01-01-2024 Date To _____
 Time Period _____ Time From _____ Time To _____
 (b) Information received at P.S. Date 07-04-2024 Time 20:25 hrs
 (c) General Diary Reference: Entry No(s) 485 Time 20:25 hrs
 4. Type of information _____ Written Oral
 5. Place of Occurrence: (a) Direction and Distance from P.S. East 01.05 KM Beat No _____
 (b) Address XIII-7 P.O. Baniapur PS Sankrail Dist Howrah

(c) in case outside limit of this Police Station, then the Name of P.S. _____ District _____

Complainant/Information:
 (a) Name Subhakar Nath
 (b) Father's/Husband's Name _____
 (c) Date/Year of Birth _____ (d) Nationality Indian
 (e) Passport No. _____ Date of issue _____ Place of issue _____
 (f) Occupation Staff West Bengal Police Service
 (g) Address PS Sankrail East Howrah

Details of known/suspected/unknown accused with full particulars
 (Attach separate sheet, if necessary)
Mr. Mohammad Anwar Siddiqi of Kadsheri, with PO Baniapur PS Sankrail Howrah & others

Reasons for delay in reporting by the Complainant/Information _____

Particulars of properties stolen/involved (Attach separate sheet, if necessary) _____

Total value of properties stolen/involved _____

Inquest Report/U.D. Case No. in any _____

FIR Contents (Attach separate sheets, if required) _____

The original written submission of the informant which is treated as FIR is attached here with, and the copies of the same is annexed to the Second and Third copy

Since the above report reveals commission of offence(s) as mentioned at Item No. 2 registered the _____ and took up investigation/directed S. Mahanta on Sankrail to take up investigation/Refused investigation transferred to P.S. _____ on point of jurisdiction. FIR read over to the Complainant/Informant _____ and a copy given to the Complainant/Informant free of cost.
 Signature of AS1 Officer-in-Charge Police Station



02 JUL 2024

HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O. A. NO. 88/2024

In The Matter of:

BINAY BASFORE

... APPLICANT

VERSUS

THE STATE OF WEST BENGAL & Ors.

... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE
RESPONDENT No. 05 THAT IS
DISTRICT MAGISTRATE &
COLLECTOR, HOWRAH DISTRICT.

Shri *Sudip K. Dutta*, Advocate

for respondent number 5



[Signature]
02 JUL 2024