

BEFORE THE NATIONAL GREEN TRIBUNAL KOLKATA
MEMORANDUM OF APPLICATION
(Under Section 18(1) read with Sections 14, 15 of National Green
Tribunal Act 2010)

Application No. of 2024

Between :

Animesh Barman,
Son of Late Anil kumar Barman,
Kuthipara, Hatiduba, Cooch Behar,
West Bengal, Pin-736133.

.... Applicant

AND

~~1.~~ The Union of India,
Represented through Ministry of Environment,
Forest & climate change
& Others

... Respondents



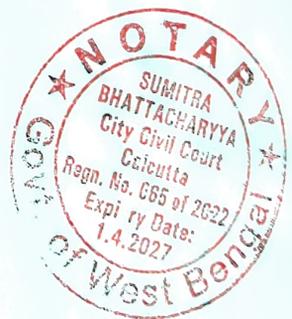
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SYNOPSIS

As per the notification on Friday, August 14, 2020 issued by the order of government and sign by the principal secretary of the government of the West Bengal in exercise of the powers conferred under section 37(1) of the Biological Diversity Act, 2002 and Rule 20(2) of the West Bengal Biodiversity ^{Rule}, 2005. The Governor has been pleased to declare Baneswar Shiva Dighi and surrounding area in the immediate vicinity as Baneswar Shiva Dighi Biodiversity Site. For this reason the area under mouja Kuthipara, Police Station- Pundibari, District- Cooch Behar. There are so many sign board mentioning the caution for the turtle corridor restricting speed limit 20km. But without maintaining the any norms and in violation of the said rules illegal construction over the government (PWD land) is going on upon the land under LR plot no-748, LR khatian no- 398/3, JL no-34, Police Station- Pundibari by which the unnatural hinderance/obstruction is found for the Black Soft-Shell Turtles, locally called "Mohan" towards adversely impacting the ecology system. Instant application is filled for restitution of the environment for the area.





Dates

Events

14.08.2020 : By the order of government and sign by the principal secretary of the government of the West Bengal in exercise of the powers conferred under section 37(1) of the Biological Diversity Act, 2002 and Rule 20(2) of the West Bengal Biodiversity ^{Rule} ~~Act~~, 2005. The Governor has been pleased to declare Baneswar Shiva Dighi and surrounding area in the immediate vicinity as Baneswar Shiva Dighi Biodiversity Site.

16.05.2024 : Received by the state respondent authorities written objection to the all the appropriate respondent authorities regarding illegal-construction over Govt.(PWD) land corresponding to LR plot no. 748, LR khatian No. 398/3, corresponding to Mouja-Kutipara,(Baneswar) JL=34, PS- Pundibari, District-Coochbehar, within the near vicinity of century old Baneswar Shiva Temple thereby, creating unnatural hindrance/obstruction for the Black Soft-shell turtles, locally called "Mohan" toward adversely impacting their ecology system

June, 2024 : Hence this instant application.



S.L. No. 18/24



BEFORE THE NATIONAL GREEN TRIBUNAL KOLKATA
MEMORANDUM OF APPLICATION

(Under Section 18(1) read with Sections 14, 15 of National Green Tribunal Act 2010)

Application No. of 2024

Between :

Animesh Barman,
Son of Late Anil Kumar Barman,
Kuthipara, Hatiduba, Cooch Behar,
West Bengal, Pin-736133.

.... Applicant

AND

1. The Union of India,
Ministry of Environment
Forest and Climate Change,
Represented through Secretary
Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj,
New Delhi, Pin- 110 003.
Email- secy-moef@nic.in
2. The Government of West Bengal,
service through the Additional Chief Secretary,
Department of Environment,
Government of West Bengal,
Pranisampad Bhavan, 5th Floor, LB-2,
Sector-III, Salt Lake, Kolkata-700098.
Email-acsenvwb@gov.in
3. The Chairman,
West Bengal Bio Diversity Board,
(Department of Environment),

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Prani Sampad Bhawan (5th floor) LB-2,
Sector-III, Salt lake city, Kolkata-700106, West Bengal.
Email- chairman.wbbb@nic.in

4. The District Magistrate & President of Cooch behar Debutter Trust Board, Office at Sagar Dighee Square, Post Office and District- Coochbehar, Pin- 736101.
Email- dm-cbr@nic.in
5. The Sub- Divisional Officer Sadar & cum Ex-Officio Member Of Coochbehar Debutter Trust Board, Office at Sagar Dighee Square, Post Office & District- Coochbehar, Pin-736101.
Email- sdo.sadar.cbr@gmail.com
6. The Executive Engineer, Public Work Department(Highway Road), Cooch Behar Highway Devison, P.O & District- Cooch Behar, Pin-736101.
~~to~~ cobhighway@yahoo.in / cechdshc4pwd@wb.gov.in
7. The Additional Principal Chief Conservator of Forest (PCCF), North Bengal, Forest Administrative (Block-B), South Santi-nagar, Debgram-II, Post Office- Debgram, District- Jalpaiguri, Pin- 734004, Email: apccfnb-wb@nic.in
8. The Block Land & Land Reform Officer, Cooch Behar-II, P.O- Pundibari, District – Cooch Behar Pin-736165.
Email- blro.cob2@gmail.com
9. The Officer-in-Charge, Pundibari, P.S & P.O-Pundibari, District- Coochbehar, Pin-736165.
Email- contact@coochbeharpolice.in



10. The Pradhan,
Baneswar Gram Panchayat, Office of The
Cooch Behar-II Panchayat Samity, P.O- Baneswar,
District-Cooch Behar, Pin-736165.
Email-baneswargpg@gmail.com

11. Samir Biswas
Son of Ratan Biswas
Of Vill- Sonari Nikotiyar Kuthi
P.O- Kharija Kakribari, P.S- Pundibari
District- Cooch Behar, Pin- 736179.

12. Sudarshan Mahato
Son of Sadhu Sara Mahato
Vill+P.O-Baneswar, P.S- Pundibari,
Dist-Cooch Behra, Pin-736133.

.....Respondents



**TO,
THE HON'BLE CHAIRMAN AND HIS COMPANION MEMBER OF THE
NATIONAL GREEN TRIBUNAL**

**HUMBLE APPLICATION SUBMITTED
BY THE APPLICANT ABOVENAMED**

1. The applicant abovenamed is Animesh Barman residing at the address as given in the cause title above of this application. As per the notification on Friday, August 14, 2020 issued by the order of government and sign by the principal secretary of the government of the West Bengal in exercise of the powers conferred under section 37(1) of the Biological Diversity Act, 2002 and Rule 20(2) of the West Bengal

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Biodiversity Rule, 2005. The Governor has been pleased to declare Baneswar Shiva Dighi and surrounding area in the immediate vicinity as Baneswar Shiva Dighi Biodiversity Site. For this reason the area under mouja Kuthipara, Police Station- Pundibari, District- Cooch Behar. There are so many sign board mentioning the caution for the turtle corridor restricting speed limit 20km. But without maintaining the any norms and in violation of the said rules illegal construction over the government (PWD land) is going on upon the land under LR plot no-748, LR khatian no- 398/3, JL no-34, Police Station- Pundibari by which the unnatural hinderance/obstruction is found for the Black Soft-Shell Turtles, locally called "Mohan" towards adversely impacting the ecology system. Instant application is filled for restitution of the environment for the area.

Copy of the above notification dated 14.08.2020 is annexed herewith and marked as 'A1'

2. By virtue of notice vide No. 880-En/T-11-7/003-II/2003 dated 03.07.2020 under section 37(1) of Biological Diversity Act, 2002 The West Bengal Bio Diversity Board has been pleased to recommend this sensitive area as "Baneswar Shib Dighi Bio Diversity Heritage Area" and simultaneously innumerable cautioning have also been affixed encompassing the area keeping in mind the safety and security and conservation of those Black Soft-Shell Turtles.

Photographs of the said location is annexed herewith and marked as 'A2'

3. It is noteworthy to be mention here that, from last couple of months an adverse plight suddenly emerged as we have identified few illegal as well as unauthorized construction over and above the Govt. (PWD) land without any lawful-sanction or permission randomly built up, particular by two individuals namely one Samir Biswas (Respondent

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No.11) and by one Sudarshan Mahato (Respondent No.12) over Govt.(PWD) land corresponding to LR plot no. 748, LR khatian No. 398/3, corresponding to Mouja-Kutipara, (Baneswar) JL=34, PS-Pundibari, Dist- Coochbehar, within the near proximity of state highway (PWD Road) which connect between Coochbehar to Alipurduar district and such road as well as roadside area is frequently used by those species for their natural as well as biological crossing cum movement corridor.

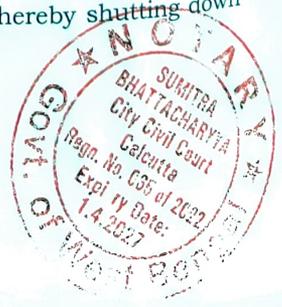
Copy of the said L.R. Record of Rights is annexed herewith and marked as 'A3'

4. Even the competent authority has also restricted the speed limit of all vehicles in the said area highly considering their natural as well as biological crossing cum movement.

5. Pertinent to mention here that, despite relentless objections substantiating our grievances regarding the unnatural hindrance/ obstruction for the Black Soft-Shell turtles, toward adversely impacting their ecology system upon obstructing their natural and easy movement cum crossing, the illegal as well as unauthorized construction situation particularly at the road (state Highway) side is continuing.

Copy of the said written objection is annexed herewith and marked as 'A4'

6. Curiously enough, the said private respondent having been indulged into an unholy alliance with local administration and the construction work is in progress blatantly violating the existing Rules and Regulation towards endangering the ecology of those species being the black Soft-Shell turtles, locally called Mohan thereby shutting down their ecological-corridors.



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The address for service on the appellant is that of his Counsel:-

TANMAY BASU

Advocate

Bar Association Room No. 13

High Court at Calcutta

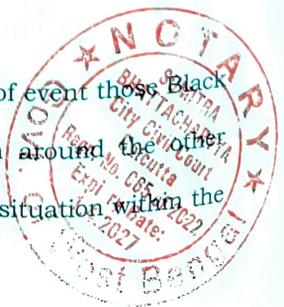
Mobile : 9836982908

Email : tanmaythelawyer@gmail.com

And the address for service on the respondent is as mentioned herein above in the cause title of the application.

7. FACTS IN BRIEF

- A. The applicant above named is a citizen of India and is a resident of the address as mentioned in the cause title of this application.
- B. The applicant along with the other local inhabitants of kutipara (Baneswar) mouja under Baneswar Gram Panchayat, Coochbehar-II Panchayt Samity, within the near vicinity of century old Baneswar Shiva Temple, we have been cherishing the species being the black soft shell turtles, locally called "Mohan" generation after generation who have been naturally build up their ecology system in the century old Baneswar Shiv Temple pond which has been under the administration control of Cooch Behar Debutter Trust Board.
- C. Your applicant states that in a natural course of event those Black Soft-shell turtles, locally called mohan, roam around the other ponds, water bodies for their natural survivals situation within the

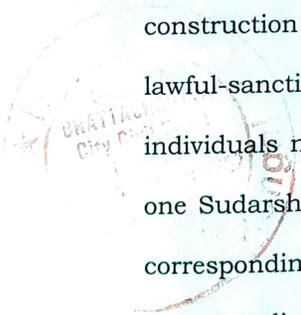




periphery of kutipara (Baneswar) mouja under Baneswar Gram Panchayat, Cooch Behar-II Panchayat Samity regarding which frequently the species required to cross the state highway (PWD Road) which connect between Cooch Behar to Alipurduar districts.

D. Your applicant states that by virtue of notice vide No. 880-En/T-11-7/003-II/2003 dated 03.07,2020 under section 37(1) of Biological Diversity Act, 2002 The West Bengal Bio Diversity Board has been pleased to recommend this sensitive arear as "Baneswar Shib Dighi Bio Diversity Heritage Area" and simultaneously innumerable cautioning have also been affixed encompassing the area keeping in mind the safety and security and conservation of those Black Soft-Shell Turtles.

E. Your applicant states that it is noteworthy to be mention here that, from last couple of months an adverse plight suddenly emerged as we have identified few illegal as well as unauthorized construction over and above the Govt. (PWD) land without any lawful-sanction or permission randomly built up, particular by two individuals namely one Samir Biswas (Respondent No.11) and by one Sudarshan Mahato (Respondent No.12) over Govt.(PWD) land corresponding to LR plot no. 748, LR khatian No. 398/3, corresponding to Mouja-Kutipara, (Baneswar) JL=34, PS-Pundibari, Dist- Coochbehar, within the near proximity of state highway (PWD Road) which connect between Coochbehar to Alipurduar district and such road as well as roadside area is



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frequently used by the species for their natural as well as biological crossing cum movement corridor.

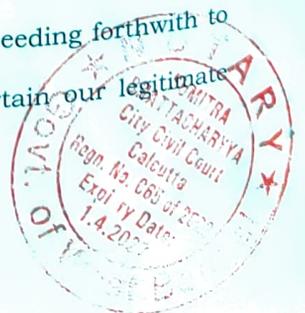
- F. Your applicant states that even the competent authority has also restricted the speed limit of all vehicles highly considering their natural as well as biological crossing cum movement corridor.
- G. Your applicant states that pertinent to mention here that, despite relentless objections substantiating our species grievances regarding the unnatural hindrance/obstruction for the Black Soft-Shell turtles, toward adversely impacting their ecology system upon obstructing their natural and easy movement cum crossing the illegal as well as unauthorized construction particularly at the road (state Highway) side is continuing.
- H. Your applicant states that curiously enough, the said private respondent having been indulged into an unholy alliance with the local administration the construction work is in progress blatantly violating the existing Rules and Regulation towards endangering the ecology of the species being the black Soft-Shell turtles, locally called Mohan thereby Shutting down their ecological-corridors.
- I. Thereafter in view of the above factual circumstances the applicant along with other local inhabitants jointly made a written objection to the all the appropriate respondent authorities regarding illegal-construction over Govt.(PWD) land corresponding to Plot no

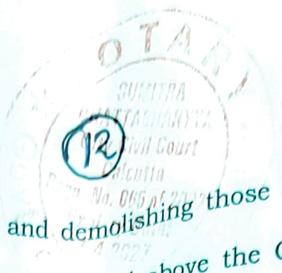


748, LR khatian No. 398/3, corresponding to Mouja-Kutipara,(Baneswar) JL=34, PS- Pundibari, District- Coochbehar, within the near vicinity of century old Baneswar Shiva Temple thereby, creating unnatural hindrance/obstruction for the Black Soft-shell turtles, locally called "Mohan" toward adversely impacting their ecology system which has been received by the said respondent authorities in the different dates in the month of June, 2024.

J. In the said written objection the applicant along with the other local inhabitants prayed before the concerned respondent authorities to immediately initiate appropriate proceeding forthwith to conduct a field enquiry, if necessary, to ascertain their legitimate prayer thereby stopping and demolishing those illegal as well as unauthorized construction over and above the Govt. (PWD) land which are without any lawful-sanction or permission, in the "Baneswar Shib Dighi Bio Diversity Heritage Area" so that the species being the black Soft-shell turtles, locally called Mohan Could be conserved and protected accordingly but despite the expiry of considerable time the appropriate respondent authorities did not take any action in view of the complaint raised by the applicant.

K. Being aggrieved by and/or dissatisfied with the inaction and/or non-action and/or commission and/or omission from taking stern action for immediately initiate appropriate proceeding forthwith to conduct a field enquiry, if necessary, to ascertain our legitimate



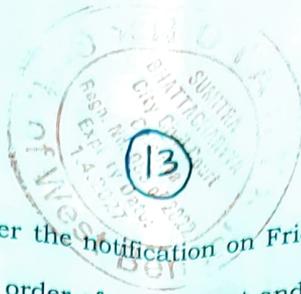


prayer thereby stopping and demolishing those illegal as well as unauthorized construction over and above the Govt. (PWD) land which are without any lawful-sanction or permission, in the "Baneswar Shib Dighi Bio Diversity Heritage Area" so that those species being the black Soft-shell turtles, locally called Mohan Could be conserved and protected accordingly.

G R O U N D S

- I. For that in a natural course of event those Black Soft-shell turtles, locally called Mohan, roam around the other ponds, water bodies for large number of local inhabitants for their natural survivals situation within the periphery of Kutipara (Baneswar) mouja under Baneswar Gram Panchayat, Cooch Behar-II Panchayat Samity regarding which frequently the species required to cross the state highway (PWD Road) which connect between Cooch Behar to Alipurduar districts.

- II. For that by virtue of notice vide No. 880-En/T-11-7/003-II/2003 dated 03.07,2020 under section 37(1) of Biological Diversity ^{act}, 2002 The West Bengal Bio Diversity Board has been pleased to recommend this sensitive arear as "Baneswar Shib Dighi Bio Diversity Heritage Area" and simultaneously innumerable cautioning have also been affixed encompassing the area keeping in mind the safety and security and conservation of those Black Soft-Shell Turtles.



III. For that as per the notification on Friday, August 14, 2020 issued by the order of government and sign by the principal secretary of the government of the West Bengal in exercise of the powers conferred under section 37(1) of the Biological Diversity Act, 2002 and Rule 20(2) of the West Bengal Biodiversity Rule, 2005. The Governor has been pleased to declare Baneswar Shiva Dighi and surrounding area in the immediate vicinity as Baneswar Shiva Dighi Biodiversity Site. For this reason the area under mouja Kuthipara, Police Station- Pundibari, District- Cooch Behar. There are so many sign board mentioning the caution for the turtle corridor restricting speed limit 20km..

IV. For that even the competent authority has also restricted the speed limit of all vehicles highly considering their natural as well as biological crossing cum movement corridor

V. For that pertinent to mention here that, despite relentless objections substantiating our species grievances regarding the unnatural hindrance/obstruction for the Black Soft-Shell turtles, toward adversely impacting their ecology system upon obstructing their natural and easy movement cum crossing for those illegal as well as unauthorized construction situation particularly at the road (state Highway) side.



VI. For that But without maintaining the any norms and in violation of the said rules illegal construction over the government (PWD land) is going on upon the land under LR plot no-748, LR khatian no- 398/3, JL no-34, Police Station- Pundibari by which the unnatural hinderance/obstruction is found for the Black Soft-Shell Turtles, locally called "Mohan" towards adversely impacting the ecology system. Instant application is filled for restitution of the environment for the area.

LIMITATION :

The applicant declares that as per the National Green Tribunal Act application is well within the prescribed time. The construction activities in the taking place as on dated and hence there is a continuous cause of action. The respondent authorities have not initiated any action on the complaints/grievances made by the application till dated and hence the application is well within the period of limitation under NGT Act.

INTERIM RELIEF :

Pending disposal of the original application, the applicant prays that this Hon'ble Tribunal may be pleased to DIRECT THE RESPONDENTS TO FORTHWITH



- A. Constitute a committee to conduct a site inspection and submit an action taken report before the Hon'ble National Green Tribunal within a stipulated time period.
- B. To ascertain their legitimate prayer thereby stopping and demolishing the illegal as well as unauthorized construction activities over and above the Govt. (PWD) land which are without any lawful-sanction or permission, in the "Baneswar Shib Dighi Bio Diversity Heritage Area" so that those species being the black Soft-shell turtles, locally called Mohan Could be conserved and protected accordingly, until further order of the Hon'ble Tribunal.
- C. To direct Respondent No. 11 and 12 to refrain from further illegal as well as unauthorized construction over and above the Govt. (PWD) land which are without any lawful-sanction or permission, in the "Baneswar Shib Dighi Bio Diversity Heritage Area" so that those species being the black Soft-shell turtles, locally called Mohan Could be conserved and protected accordingly.

PRAYER :

For the reasons stated above, it is humbly prayed that this Hon'ble Tribunal may be pleased to :-

- A. Pass an order for restitution of the environment by demolishing illegal construction over the government (PWD) land is going on upon the land under LR plot no-748, LR khatian no-398/3, JL no-



34, Police Station- Pundibari by which the unnatural hinderance/obstruction is found for the Black Soft-Shell Turtles, locally called "Mohan" towards adversely impacting the ecology system.

B. To ascertain their legitimate prayer thereby permanently stopping and demolishing those illegal as well as unauthorized construction over and above the Govt. (PWD) land which are without any lawful-sanction or permission in the "Baneswar Shib Dighi Bio Diversity Heritage Area" so that those species being the black Soft-shell turtles, locally called Mohan Could be conserved and protected accordingly.

C. Direct the Respondent Authorities to protect, preserve and ~~protect~~ Conserve black soft-shell turtle in the "Baneswar Shib Dighi Bio Diversity Heritage Area" so that those species being the black Soft-shell turtles, locally called Mohan Could be conserved and ~~protected~~ Preventing any sort of construction activities in Govt. (PWD Land) corresponding to LR plot no. 748, LR khatian No. 398/3, corresponding to Mouja-Kutipara,(Baneswar) JL=34, PS- Pundibari, Dist- Coochbehar, within the near proximity of state highway (PWD Road) which connect between Coochbehar to Alipurduar.

Ganmay Basu
SIGNATURE OF THE APPLICANT'S COUNSEL

Animesh Barman
Signature of the Applicant





VERIFICATION

I, Animesh Barman, the applicant here, do hereby verify that the contents of the above paragraphs are true to the best of my knowledge and grounds are based on legal advice and that I have not suppressed any material fact.

Date : 14/06/2024

Place : Kolkata

Animesh Barman
Applicant



AFFIDAVIT

I, Animesh Barman, son of Late Anil Kumar Barman, aged about 30 years, by faith-Hindu, by occupation-Cultivation, residing at Village- Kuthipara, Post Office-Hatiduba, Police Station-Pundibari, District-Cooch Behar, PIN-736133, do hereby solemnly affirm and say as follows :

1. That I am the petitioner in the instant case and I am well acquainted with the facts and circumstances of the case. I am competent to affirm this affidavit.

2. That the statements made in the paragraph Nos. 1 to 7 are true to my knowledge and rests are my respectful submission before this Hon'ble Tribunal.

Animesh Barman
DEPONENT

Identified by me

Prepared in my office.

Ganmay Bask
Advocate.

Advocate

Solemaly Affirmea and
Declared before me U/S 139
CPC, (C) CRPC

Sumitra Bhattacharyya
Notary

Sumitra Bhattacharyya
Notary, Govt. of W.B.
Regd. No. 065 of 2022
City Civil Court. Calcutta



14 JUN 2024

Registered No. WB/SC-320

The
Kolkata
Gazette



सत्यमेव जयते
Extraordinary
Published by Authority

SRAVANA 23]

FRIDAY, AUGUST 14, 2020

| SAKA 1942

PART I.—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Environment Department

NOTIFICATION

No. 880-ENT-II-7/003-ii/2003.—3rd July, 2020.—Whereas, Baneswar Shiva Dighi is a pond measuring about 1.65 acre located in Mouza Baneswar in Coochbehar District and offers refuge to Black Softshell Turtle (*Nilssonina nigricans* Anderson, 1875, locally revered as 'Mohan' which is under Appendix I of CITES and is extinct in the wild as per IUCN ;

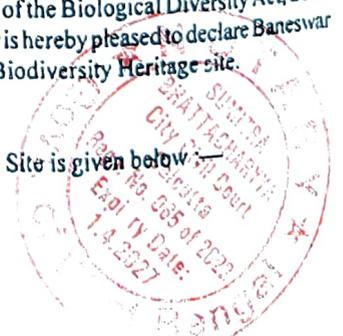
And, whereas, to strengthen the biodiversity conservation and to stem habitat degradation in and around the pond, the State Government, upon the recommendation of the West Bengal Biodiversity Board, has felt it necessary to declare the area as the Baneswar Shiva Dighi Biodiversity Heritage Site ;

And, whereas, the collection of species of plants, animals and microbes from the Baneswar Shiva Dighi requires to be regulated as per the provisions of the Biological Diversity Act, 2002 and West Bengal Biological Diversity Rules, 2005.

And, whereas, no-objection regarding declaration of Baneswar Shiva Dighi has been resolved in the meeting held by District Magistrate of Coochbehar on 17.12.2019 with concerned Biodiversity Management Committees, local authorities and other stakeholders, and thereafter no objection regarding said Biodiversity Heritage Site declaration has been conveyed by the office of the District Magistrate of Coochbehar ;

Now, therefore, in exercise of the powers conferred under sub-section(1) of Section 37 of the Biological Diversity Act, 2002 and sub-rule(2) of rule 20 of the West Bengal Biological Diversity Rules, 2005, the Governor is hereby pleased to declare Baneswar Shiva Dighi and surrounding areas in the immediate vicinity as Baneswar Shiva Dighi Biodiversity Heritage site.

The details of the area and boundary of Baneswar Shiva Dighi Biodiversity Heritage Site is given below :—



BANESWAR SHIVA DIGHI BIODIVERSITY HERITAGE SITE

The Area covered :—

Area	: 1.65 Acre (perimeter of 328 meters)
Mouza	: Baneswar
Gram Panchayat	: Baneswar
Panchayat Samity	: Coochbehar-II
District	: Coochbehar
Boundary	: West : Park, Shiva Mandir Road in further west East : Metalled Road North : Baneswar Shiva Mandir area South : Metalled Road (New Baneswar Road)

GPS-Co-ordinates of the Baneswar Dighi Biodiversity Heritage Site :—

The boundaries of the proposed Biodiversity Heritage Site (BHS) are subtended by GPS co-ordinates mention below :

Waypoint	Waypoint name	Latitude(°N)	Longitude (°E)
1	North-East	26.3985°	89.4986°
2	North-West	26.3985°	89.4977°
3	South-East	26.397796°	89.498563°
4	South-East	26.397835°	89.497699°

The management of Baneswar Shiva Dighi Biodiversity Heritage Site shall be done by the Gram Panchayat level Biodiversity Management Committee (BMC) of Baneswar Gram Panchayat, BMC of Coochbehar-II Block under the overall supervision of the District level BMC/District Magistrate of Coochbehar District in consultation with the West Bengal Biodiversity Board.

This Notification shall come into effect from the date of its publication in *The Kolkata Gazette*.

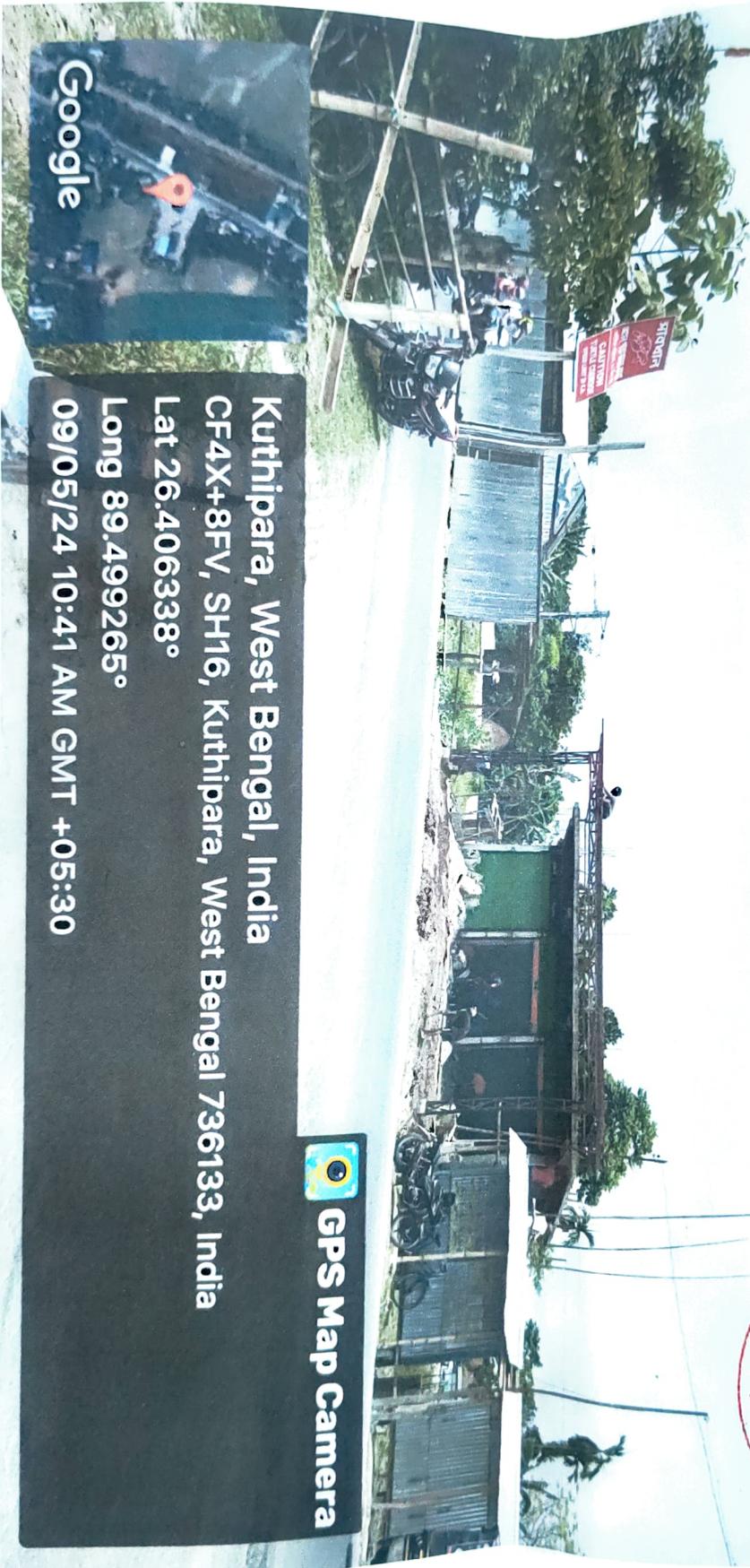


By order of the Governor,

Sd/-

Principal Secy. to the Govt. of West Bengal.

NOTARY
 SUMITRA
 BHATTACHARYYA
 City Civil Court
 Calcutta
 Regn. No. 065 of 2022
 Expiry Date:
 1.4.2027
 Govt. of West Bengal



Google

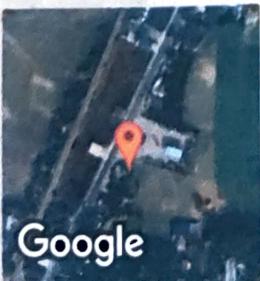


GPS Map Camera

Kuthipara, West Bengal, India
 CF4X+8FV, SH16, Kuthipara, West Bengal 736133, India
 Lat 26.406338°
 Long 89.499265°
 09/05/24 10:41 AM GMT +05:30

A2

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 **GPS Map Camera**
Kuthipara, West Bengal, India
CF4X+8FV, SH16, Kuthipara, West Bengal 736133, India
Lat 26.406356°
Long 89.499295°
09/05/24 10:44 AM GMT +05:30



Google

Kuthipara, West Bengal, India
 CF4X+8FV, SH16, Kuthipara, West Bengal 736133, India
 Lat 26.40642°
 Long 89.499229°
 09/05/24 10:44 AM GMT +05:30



GPS Map Camera





Google

Kuthipara, West Bengal, India

CF4X+8FV, SH16, Kuthipara, West Bengal 736133, India

Lat 26.40631°

Long 89.499342°

09/05/24 10:47 AM GMT +05:30



GPS Map Camera

NOTARY PUBLIC
 SUNITA BHATTACHARYA
 City Civil Court
 Calcutta
 Regd. No. 303 of 2022
 Exp. Date
 1.4.2027
 West Bengal



NOTARY
 BINA KUMARI
 District Court
 Calcutta
 29th August of 2022
 Exp. 31st
 19.2021
 West Bengal

Google

 **GPS Map Camera**
 Kuthipara, West Bengal, India
 CF4X+8FV, SH16, Kuthipara, West Bengal 736133, India
 Lat 26.40631°
 Long 89.499342°
 09/05/24 10:47 AM GMT +05:30

A2

26

স্রাবধান
 লালন শ্রাবধানের জন্য
 CAUTION
 TURTLE CORRIDOR
 ১৫০ মিটার

NOTARY
 KUTHIPARA
 ০৯/০৫/২৪
 ১০:৪৮ AM GMT +০৫:৩০

GPS Map Camera

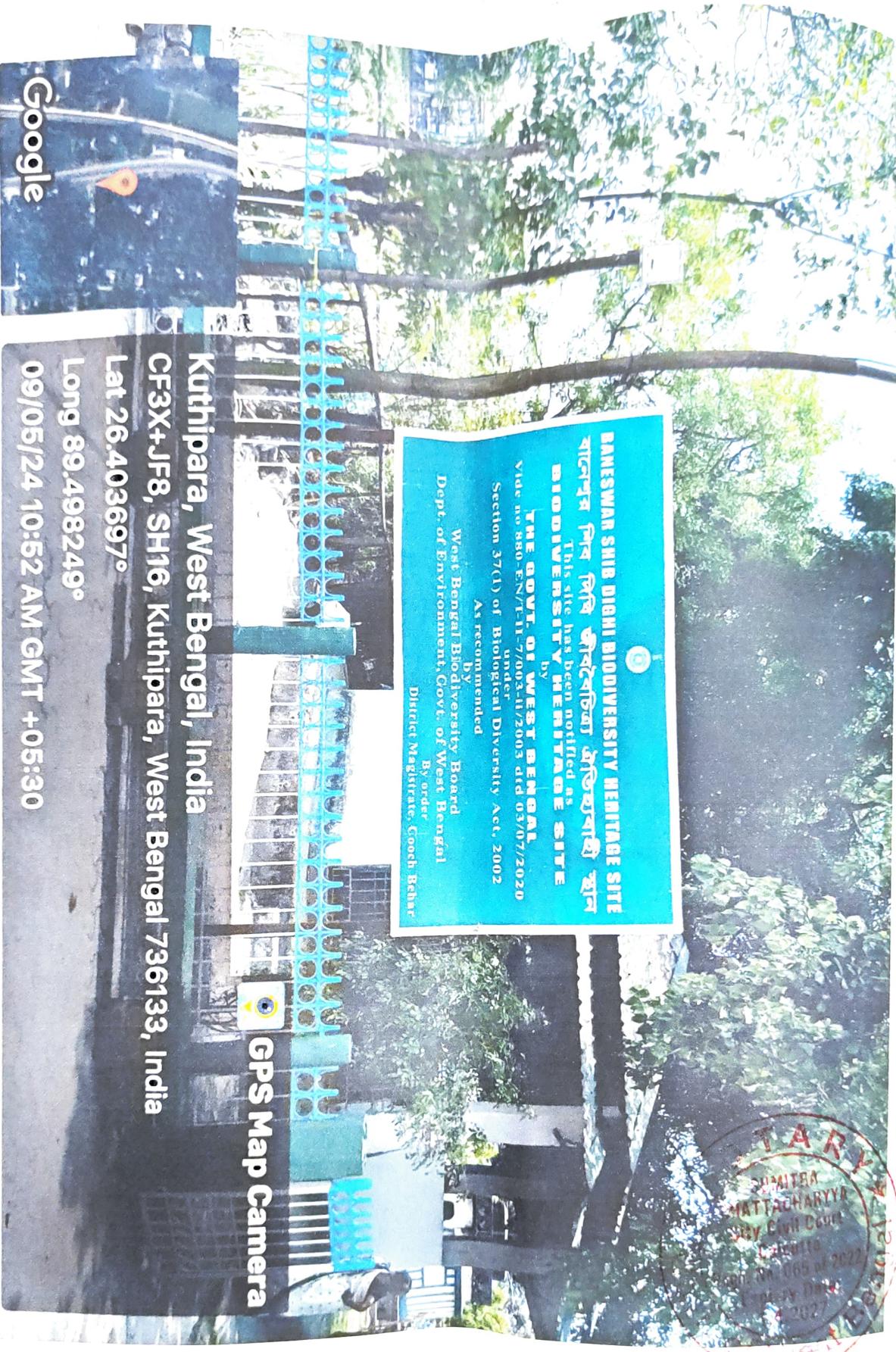
Kuthipara, West Bengal, India
 CF4X+8FV, SH16, Kuthipara, West Bengal 736133, India
 Lat 26.405908°
 Long 89.498873°
 09/05/24 10:48 AM GMT +05:30



Google

27
A2

27



BANESWAR SHIB DIGHI BIODIVERSITY HERITAGE SITE
 বানেশ্বর শিব দিগি বৈচিত্র্য ঐতিহ্যবাহী স্থান
 This site has been notified as
BIODIVERSITY HERITAGE SITE
 by
THE GOVT. OF WEST BENGAL
 Vide no. 880-EN/TEI-7/0024.H/2003 dtd 03/07/2020
 under
 Section 37(1) of Biological Diversity Act, 2002
 As recommended
 by
 West Bengal Biodiversity Board
 Dept. of Environment, Govt. of West Bengal
 By order
 District Magistrate, Gooch Behar

TARIK
 SUMITRA
 MATTAACHARYA
 Jy. Civil Court
 Calcutta
 No. 069 of 2022
 2022

Google

GPS Map Camera

Kuthipara, West Bengal, India

CF3X+JF8, SH16, Kuthipara, West Bengal 736133, India

Lat 26.403697°

Long 89.498249°

09/05/24 10:52 AM GMT +05:30

NESTING BEACH

NILSSONIA NIGRICANS
(Black Soft- Shell Turtle)

FOUNDED BY
THE TURTLE CONSERVANCY, U.S.A.
&
SUNDANCE BIOLOGY INC, U.S.A

SCIENTIFIC ADVISOR
DR. PETER PRASCHAG, AUSTRIA

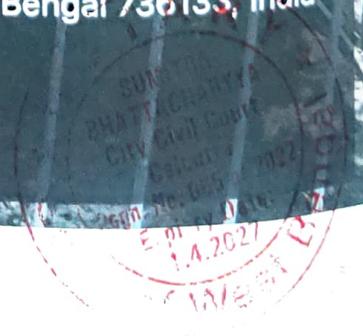
COURTESY
DEBUTOR TRUST BOARD,
COOCH BEHAR



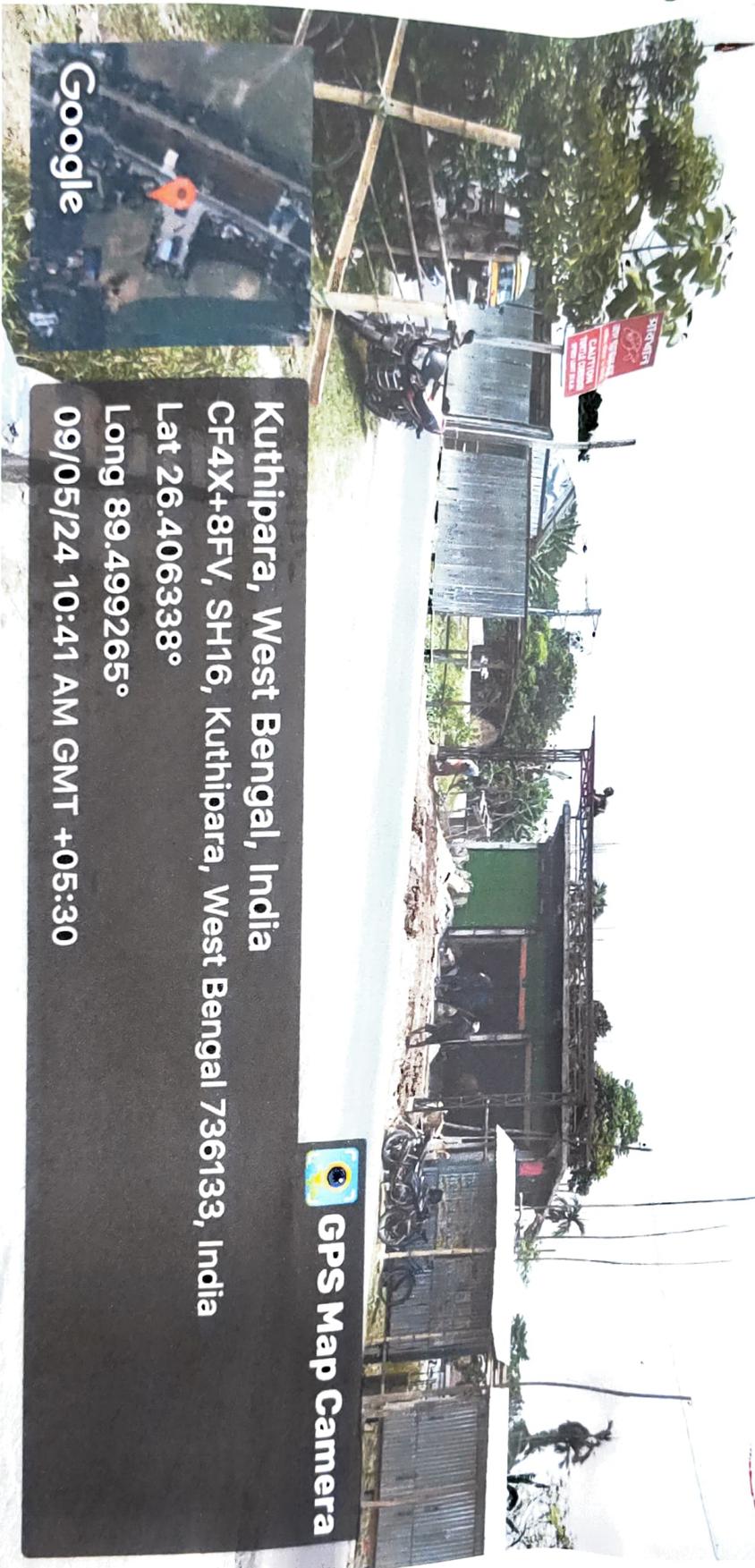
GPS Map Camera

Kuthipara, West Bengal, India
CF3X+JF8, SH16, Kuthipara, West Bengal 736133, India
Lat 26.403697°
Long 89.498249°
09/05/24 10:52 AM GMT +05:30

Google



29



NOTARY ★
 SUMITRA
 BHATNAGARYYA
 City Civil Court
 Calcutta
 Regn. No. 665 of 2022
 Expiry Date:
 1.4.2027

Google



GPS Map Camera

Kuthipara, West Bengal, India
 CF4X+8FV, SH16, Kuthipara, West Bengal 736133, India
 Lat 26.406338°
 Long 89.499265°
 09/05/24 10:41 AM GMT +05:30



পশ্চিমবঙ্গের খতিয়ান ও দাগের তথ্য
Record downloaded from
BanglarBhumi - বাংলার জমির তথ্য
Android App on Google Play

ভূমি ও ভূমি সংস্কার এবং উদ্বাস্ত আন ও পুনর্বাসন দপ্তরের তথ্য
Land and Land Reforms and Refugee Relief and Rehabilitation Department info.

জেলাঃ [08]COOCHBIHAR
ব্লকঃ [02]COOCHBIHAR-2
মৌজাঃ [034]KutiPara

(Live Data As On 04/05/2024,16:36:25)

জে.এল নং 034 থানা কোতোয়ালী

*classificatian
Quantum or land*

দাগের ম্যাপ

দাগ নং	শ্রেণী	জমির মোট পরিমাণ(একর)	দাগের ম্যাপ
748	ফুট	3.04	

খতিয়ান নং	রায়তের নাম	পিতা/স্বামী	অংশ	অংশ পরিমাণ(একর)	মন্তব্য
398/3	পশ্চিমবঙ্গ পক্ষে পথ ও পূর্ত বিভাগ।		1.0000	3.0400	Nil

Disclaimer: This Record is only for information purpose. Do not treat it as official documents. It is not an official app. The source of these data is the official portal of Land and Land Reforms and Refugee Relief and Rehabilitation Department (<https://banglarbhumi.gov.in>), which are available in public domain



(12)
"Translated Copy of Annexure-A3"

31

A-3

Jela:[08]CoochBihar
Block:[02]CoochBihar-2
Mouja:[034]KutiPara

(Live Data As On 04/05/2024,16:36:25)
J.L NO. 034, Police Station-Kotowali

Dag NO.	Clasification	Quantam of land(acer)	Dag Map.
748	foot	3.04	

Khatian No.	Name of the raya.	Father/husband share.	Quntam.	remark
398/3	Road and urban divison West Bengal		1.0000 3.0400	Nil

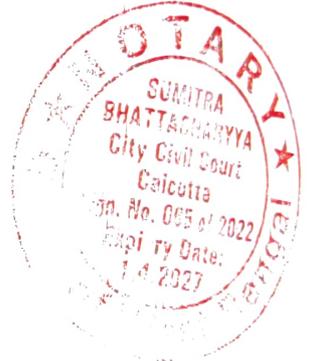
Annawu-A4

32

Dated- 10.05.2024

To,

1. The Chairman, west Bengal Bio Diversity Board, (Department of Environment), Prani Sampad Bhawan (5th floor) LS - 2, Sector - III, Salt Lake City Kolkata- 700106, West Bengal, India
- ✓ 2. The District Magistrate & President of Coochbehar Debutor Trust Board, Office at Sagar Dighee Square , Post Office and District - Coochbehar, PIN - 736101
- ✓ 3. The Sub- Divisional Officer sadar & cum Ex- officio Member of Coochbehar Debutor Trust Board, Office at Sagar Dighee Square , Post Office and District - Coochbehar, PIN - 736101
4. The Executive Engineer, Public Works Department, (PWD ROADS), Cooch Behar Division, Sunity Road, Near Circuit House, PO & Dist- CoochBehar, Pin-736101
5. The Divisional Forest Officer, Coochbehar. Division. Office at- Kameswari Road (East), Near Coochbehar Airport, PO & Dist.: Coochbehar, Pin:- 736101
6. The Block Land & Land Reforms Officer, Coochbehar-II , Po- Pundibari, Dist-Coochbehar-736165
7. The Officer -in -Charge, Pundibari, Police Station, Po- Pundibari, Dist-Coochbehar-736165
8. The Pradhan, Baneswar Gram Panchayat, office of The Coochbehar -II Panchayat Samity, Po- Baneswar, Dist- Coochbehar, Pin- 736165,



Subject:-- Objection regarding illegal-constructions over Govt. (PWD) land corresponding to LR plot No. 748, LR khatian No. 398/3 ,corresponding to Mouja- Kutipara, (Baneswar) JL-34, PS- Pundibari, Dist- Coochbehar, within the near vicinity of century old Baneswar Shiva Temple thereby, creating unnatural hindrance /obstruction for the Black soft-shell turtles, locally called "Mohan" towards adversely impacting their ecology system.

Respected Sir/ Madam,

With profound respect and utmost sincerity, we the under signed beg to demonstrated that, being the local inhabitants of kutipara (Baneswar) mouja under Baneswar Gram Panchayat, Coochbehar -II Panchayat Samity, within the near vicinity of century old Baneswar Shiva Temple, we have been cherishing the species being the Black soft-shell turtles, locally called "Mohan" generation after generations who have

RECEIVED
16/5/24
Contents not Verified
S.D.O(S) Office
Cooch Behar

RECEIVED
(Contents not Verified)
10/05/24
S.D.O(S) Office
Cooch Behar

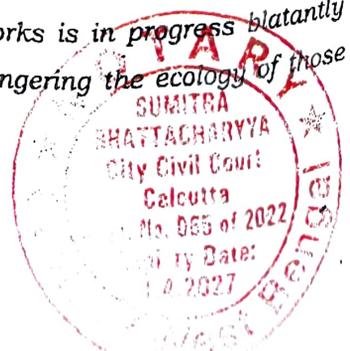
AY

(33)

been naturally build up their ecology system in the century old baneswar shiva temple pond which has been under the administrative control of Coochbehar Debutter Trust Board.

Regard being had to the fact that, in a natural course of event those Black soft-shell turtles, locally called Mohan, roam around the other ponds, water bodies for their natural survivals situating within the periphery of kutipara (Baneswar) mouja under Baneswar Gram Panchayat, Coochbehar -II Panchayat Samity regarding which frequently the species require to cross the state highway (PWD Road) which connects between Coochbehat to Alipurduar districts. By virtue of Notice Vide No. 880-En/T-11-7/003-II/2003 dated 03.07.2020 under Section 37 (1) of Biological Diversity Act 2002 The west Bengal Bio Diversity Board has been pleased to recommend this sensitive area as "Baneswar Shib Dighi Bio Diversity Heritage Area" and simultaneously innumerable cautioning have also been affixed encompassing the area keeping in mind the safety-security and conservations of those Black soft-shell turtles.

(It is noteworthy to mention here that, from last couple of months an adverse plight suddenly emerged as we have identified few illegal as well as unauthorized constructions over and above the Govt. (PWD) land without any lawful-sanction or permission randomly built up, particularly by two individuals namely one Samir Biswas and by one Sudarshan Mahato over Govt. (PWD) land corresponding to LR plot No. 748, LR khatian No. 398/3, corresponding to Mouja- Kutipara, (Baneswar) JL-34, PS-Pundibari, Dist- Coochbehar, within the near proximity of state highway (PWD Road) which connects between Coochbehat to Alipurduar districts and such road as well as roadside area is frequently used by those species for their natural as well as biological crossing cum movement corridor. (Even the competent authority has also restricted the speed limit of all vehicles highly considering their natural as well as biological crossing cum movement corridor.) pertinent to mention here that, despite relentless objections substantiating our specific grievances regarding the unnatural hindrance / obstruction for the Black soft-shell turtles, towards adversely impacting their ecology system upon obstructing their natural and easy movement cum crossing for those illegal as well as unauthorized construction situating particularly at the road (state Highway) side. (Curiously enough, having been indulged into an unholy alliance by the said private individuals and local administrations the constructions works is in progress blatantly violating the existing Rules and regulations towards endangering the ecology of those



species being the Black soft-shell turtles, locally called Mohan thereby shutting down their ecological-corridors.)

Under the above factual circumstances, we the under signed humble pray before your good office to immediately initiate appropriate proceedings forthwith to conduct a field enquiry, if necessary, to ascertain our legitimate prayer thereby stopping or demolishing those illegal as well as unauthorized constructions over and above the Govt. (PWD) land which are without any lawful-sanction or permission, considering the historical, cultural and heritage-recommended Baneswar Shib Dighi Bio Diversity Heritage Area" so that those species being the Black soft-shell turtles, locally called Mohan could be conserved and protected accordingly.

Hope an indispensable and efficacious measures would be taken from your end considering the gravity and seriousness of the issue within a period of 7 days from the date of receiving this representation.

COPY TO :-

1. Samir Biswas

Son of Ratan Biswas
Of Vill- Sonari Nikotiyar Kuthi
PO - Baneswar
PS- pundibari
Dist- Coochbehar-736133

2. Sudarshan Mahato

Son of Sadhu saran Mahato
vill & Po- Baneswar, PS- pundibari
Dist- Coochbehar-736133



Yours Sincerely

① Animesh Barman

② Sushanta Roy

③ Rajesh Roy

④ Dipankar Roy

⑥ মিলন সরকার

কমল মেম কার্ভ

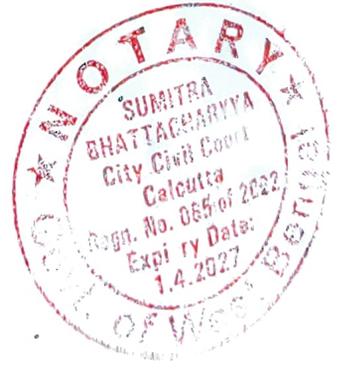
⑧ সুব্রত চট্ট

⑨ Biswasit Berman

⑩ Tanushree RAY

⑪ কলিকাশ দাস

⑫ Milton Das



AY

36

Dated- 10.05.2024

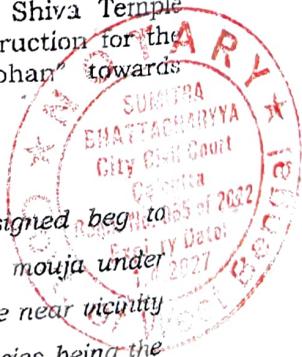
To,

1. The Chairman, west Bengal Bio Diversity Board,
(Department of Environment), Prari Sampad Bhawan (5th
floor) LB - 2, Sector - III, Salt Lake City
Kolkata- 700106, West Bengal, India
- ✓ 2. The District Magistrate & President of Coochbehar Debutor
Trust Board, Office at Sagar Dighee Square, Post Office and
District - Coochbehar, PIN - 736101
3. The Sub-Divisional Officer sadar & cum Ex- officio Member
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Square, Post Office and District - Coochbehar, PIN - 736101
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ROADS), Cooch Behar Division, Sunity Road, Near Circuit
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at- Kameswari Road (East), Near Coochbehar Airport, PO
&. Dist.: Coochbehar, Pin:- 736101
6. The Block Land & Land Reforms Officer,
Coochbehar-II, Po- Pundibari, Dist-Coochbehar-736165
- ✓ 7. The Officer -in -Charge, Pundibari, Police Station, Po-
Pundibari, Dist-Coochbehar-736165
8. The Pradhan, Baneswar Gram Panchayat, office of The
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Coochbehar, Pin- 736165,

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Respected Sir/ Madam,

With profound respect and utmost sincerity, we the under signed beg to demonstrate that, being the local inhabitants of kutipara (Baneswar) mouja under Baneswar Gram Panchayat, Coochbehar -II Panchayat Samity, within the near vicinity of century old Baneswar Shiva Temple, we have been cherishing the species being the Black soft-shell turtles, locally called "Mohan" generation after generations who have



RECEIVED
(Contents not verified)
10 05 24
District Magistrate's Office
Pundibari

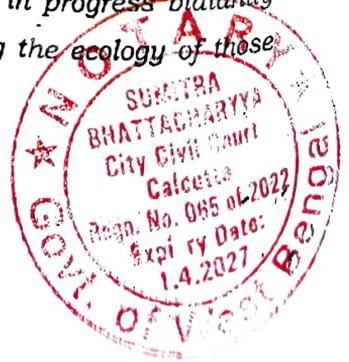
A 4

(37)

been naturally build up their ecology system in the century old baneswar shiva temple pond which has been under the administrative control of Coochbehar Debutter Trust Board .

Regard being had to the fact that, in a natural course of event those Black soft-shell turtles, locally called Mohan, roam around the other ponds, water bodies for their natural survivals situating within the periphery of kutipara (Baneswar) mouja under Baneswar Gram Panchayat, Coochbehar -II Panchayat Samity regarding which frequently the species require to cross the state highway (PWD Road) which connects between Coochbehat to Alipurduar districts. By virtue of Notice Vide No. 880-En/T-11-7/003-II/2003 dated 03.07.2020 under Section 37 (1) of Biological Diversity Act 2002 The west Bengal Bio Diversity Board has been pleased to recommend this sensitive area as " Baneswar Shib Dighi Bio Diversity Heritage Area" and simultaneously innumerable cautioning have also been affixed encompassing the area keeping in mind the safety-security and conservations of those Black soft-shell turtles.

It is noteworthy to mention here that, from last couple of months an adverse plight suddenly emerged as we have identified few illegal as well as unauthorized constructions over and above the Govt. (PWD) land without any lawful-sanction or permission randomly built up, particularly by two individuals namely one Samir Biswas and by one Sudarshan Mahato over Govt. (PWD) land corresponding to LR plot No. 748, LR khatian No. 398/3 , corresponding to Mouja- Kutipara, (Baneswar) JL-34, PS- Pundibari, Dist- Coochbehar, within the near proximity of state highway (PWD Road) which connects between Coochbehat to Alipurduar districts and such road as well as roadside area is frequently used by those species for their natural as well as biological crossing cum movement corridor . Even the competent authority has also restricted the speed limit of all vehicles highly considering their natural as well as biological crossing cum movement corridor. pertinent to mention here that, despite relentless objections substantiating our specific grievances regarding the unnatural hindrance / obstruction for the Black soft-shell turtles, towards adversely impacting their ecology system upon obstructing their natural and easy movement cum crossing for those illegal as well as unauthorized construction situating particularly at the road (state Highway) side. Curiously enough, having been indulged into an unholy alliance by the said private individuals and local administrations the constructions works is in progress blatantly violating the existing Rules and regulations towards endangering the ecology of those



14
A-4

38

species being the Black soft-shell turtles, locally called Mohan thereby shutting down their ecological-corridors .

Under the above factual circumstances, we the under signed humble pray before your good office to immediately initiate appropriate proceedings forthwith to conduct a field enquiry, if necessary, to ascertain our legitimate prayer thereby stopping or demolishing those illegal as well as unauthorized constructions over and above the Govt. (PWD) land which are without any lawful-sanction or permission, considering the historical, cultural and heritage-recommended Banerwar Shib Dighi Bio Diversity Heritage Area" so that those species being the Black soft-shell turtles, locally called Mohan could be conserved and protected accordingly .

Hope an indispensable and efficacious measures would be taken from your end considering the gravity and seriousness of the issue within a period of 7 days from the date of receiving this representation.

COPY TO :-

1. Samir Biswas
Son of Ratan Biswas
Of Vill- Sonari Nikotiyar Kuthi
PO - Banerwar
Ps- pundibari
Dist- Coochbehar-736133
2. Sudarshan Mahato
Son of Sadhu saran Mahato
vill & Po- Banerwar, PS- pundibari
Dist- Coochbehar-736133



- ① Animesh Barman
- ② Sushanta Roy
- ③ Rajesh Roy
- ④ Dipal Rai

⑥ মিলন সরকার (39)

⑦ সুরেন্দ্র দেব সরকার

⑧ সুতোজ দেব

⑨ Biswasit Borman

⑩ Tanushree RAY

⑪ কলিকতা দাস

⑫ Milton Das



Date: 10.05.2024

A4

40

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Department of Environment, Prani Sampad Bhawan (5th
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Kolkata- 700106, West Bengal, India

The District Magistrate & President of Coochbehar Debutter
Trust Board, Office at Sagar Dighee Square, Post Office and
District - Coochbehar, PIN - 736101

The Sub-Divisional Officer sadar & cum Ex-officio Member
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The Divisional Forest Officer, Coochbehar. Division. Office
at- Kameswari Road (East), Near Coochbehar Airport, PO
& Dist: Coochbehar, Pin:- 736101

The Block Land & Land Reforms Officer,
Coochbehar-II, Po- Pundibari, Dist-Coochbehar-736165

The Officer -in -Charge, Pundibari, Police Station, Po-
Pundibari, Dist-Coochbehar-736165

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Black soft-shell turtles, locally called "Mohan" towards
adversely impacting their ecology system.

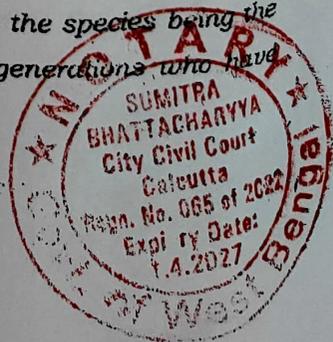
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Received

16/05/2024
Head Clerk
Ollohe Divisional Forest Office
Cooch Behar Division

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10-05-24



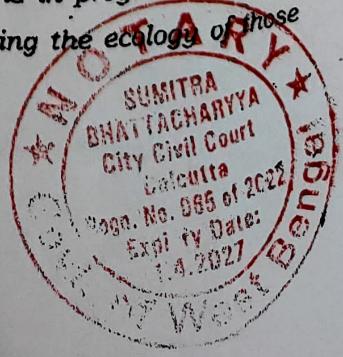
(41)

#9

pond which has been under the administrative control of Coochbehar Debutter Trust Board.

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 Dist- Coochbehar-736133

2. Sudarshan Mahato

Son of Sadhu saran Mahato
 vill & Po- Baneswar, PS- pundibari
 Dist- Coochbehar-736133

Yours Sincerely

① Animesh Barmian
 ② Sushanta Roy
 ③ Rajesh Roy
 ④ Dipal K...



6. निम्न प्रकार (43)

1. अश्विन (18 2022)

2. अश्विन (18 2022)

3. Biswasit Berman

4. Tanushree Rai

5. Gargi Das

12. Milton Das



44

Dated- 10.05.2024

A-4

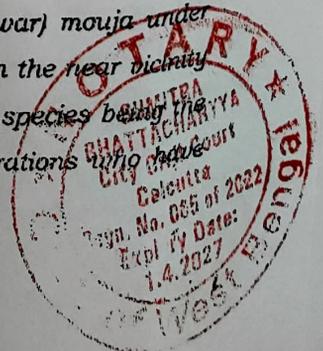
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2. The District Magistrate & President of Coochbehar Debottor Trust Board, Office at Sagar Dighee Square, Post Office and District - Coochbehar, PIN - 736101
3. The Sub-Divisional Officer sadar & cum Ex-officio Member of Coochbehar Debottor Trust Board, Office at Sagar Dighee Square, Post Office and District - Coochbehar, PIN - 736101
4. The Executive Engineer, Public Works Department, (PWD ROADS), Cooch Behar Division, Surity Road, Near Circuit House, PO & Dist- CoochBehar, Pin-736101
5. The Divisional Forest Officer, Coochbehar. Division. Office at- Kameswari Road (East), Near Coochbehar Airport, PO & Dist.: Coochbehar, Pin:- 736101
6. The Block Land & Land Reforms Officer, Coochbehar-II, Po- Pundibari, Dist-Coochbehar-736165
7. The Officer -in -Charge, Pundibari, Police Station, Po- Pundibari, Dist-Coochbehar-736165
8. The Pradhan, Baneswar Gram Panchayat, office of The Coochbehar -II Panchayat Samity, Po- Baneswar, Dist- Coochbehar, Pin- 736165,

Subject:-- Objection regarding illegal-constructions over Govt. (PWD) land corresponding to LR plot No. 748, LR khatian No. 398/3, corresponding to Mouja- Kutipara, (Baneswar) JL-34, PS- Pundibari, Dist- Coochbehar, within the near vicinity of century old Baneswar Shiva Temple thereby, creating unnatural hindrance /obstruction for the Black soft-shell turtles, locally called "Mohan" towards adversely impacting their ecology system.

Respected Sir/ Madam,

With profound respect and utmost sincerity, we the under signed beg to demonstrated that, being the local inhabitants of kutipara (Baneswar) mouja under Baneswar Gram Panchayat, Coochbehar -II Panchayat Samity, within the near vicinity of century old Baneswar Shiva Temple, we have been cherishing the species being the Black soft-shell turtles, locally called "Mohan" generation after generations who have

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10-05-24



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A-4

been naturally build up their ecology system in the century old baneswar shiva temple pond which has been under the administrative control of Coochbehar Debutter Trust Board

Regard being had to the fact that, in a natural course of event those Black soft-shell turtles, locally called Mohan, roam around the other ponds, water bodies for their natural survivals situating within the periphery of kutipara (Baneswar) mouja under Baneswar Gram Panchayat, Coochbehar -II Panchayat Samity regarding which frequently the species require to cross the state highway (PWD Road) which connects between Coochbehat to Alipurduar districts. By virtue of Notice Vide No. 880-En/T-11-7/003-II/2003 dated 03.07.2020 under Section 37 (1) of Biological Diversity Act 2002 The west Bengal Bio Diversity Board has been pleased to recommend this sensitive area as " Baneswar Shib Dighi Bio Diversity Heritage Area" and simultaneously innumerable cautioning have also been affixed encompassing the area keeping in mind the safety-security and conservations of those Black soft-shell turtles,

It is noteworthy to mention here that, from last couple of months an adverse plight suddenly emerged as we have identified few illegal as well as unauthorized constructions over and above the Govt. (PWD) land without any lawful-sanction or permission randomly built up, particularly by two individuals namely one Samir Biswas and by one Sudarshan Mahato over Govt. (PWD) land corresponding to LR plot No. 748, LR khatian No. 398/3, corresponding to Mouja- Kutipara, (Baneswar) JL-34, PS- Fundibari, Dist- Coochbehar, within the near proximity of state highway (PWD Road) which connects between Coochbehat to Alipurduar districts and such road as well as roadside area is frequently used by those species for their natural as well as biological crossing cum movement corridor. Even the competent authority has also restricted the speed limit of all vehicles highly considering their natural as well as biological crossing cum movement corridor. pertinent to mention here that, despite relentless objections substantiating our specific grievances regarding the unnatural hindrance /obstruction for the Black soft-shell turtles, towards adversely impacting their ecology system upon obstructing their natural and easy movement cum crossing for those illegal as well as unauthorized construction situating particularly at the road (state Highway) side. Curiously enough, having been indulged into an unholy alliance by the said private individuals and local administrations the constructions works is in progress blatantly violating the existing Rules and regulations towards endangering the ecology of those

NOTARY
SUMITRA BHATTACHARYYA
City Civil Court
Calcutta
No. 665 of 2022
Dated 4.7.2022

(96)

species being the Black soft-shell turtles, locally called Mohan thereby shutting down their ecological-corridors.

Under the above factual circumstances, we the under signed humble pray before your good office to immediately initiate appropriate proceedings forthwith to conduct a field enquiry, if necessary, to ascertain our legitimate prayer thereby stopping or demolishing those illegal as well as unauthorized constructions over and above the Govt. (PWD) land which are without any lawful-sanction or permission, considering the historical, cultural and heritage-recommended Baneswar Shib Dighi Bio Diversity Heritage Area" so that those species being the Black soft-shell turtles, locally called Mohan could be conserved and protected accordingly.

Hope an indispensable and efficacious measures would be taken from your end considering the gravity and seriousness of the issue within a period of 7 days from the date of receiving this representation.

COPY TO:---

1. Samir Biswas
Son of Ratan Biswas
Of Vill- Sonari Nikotiyar Kutthi
PO - Baneswar
PS- pundibari
Dist- Coochbehar-736133
2. Sudarshan Mahato
Son of Sadhu saran Mahato
vill & Po- Baneswar, PS- pundibari
Dist- Coochbehar-736133

Yours Sincerely
SUMITRA BHATTACHARYYA
Civil Court
Calcutta
No. 065 of 2022
Date: 12/27/22
West Bengal

- ① Animesh
- ② Sushanta
- ③ Rajesh
- ④ Dipak

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৬. মিলন সরকার

৭. বিষ্ণু মোহন ২০২৫

৮. Biswajit Barmam

৯. Tanvishree RAY

১০. মিলন সরকার

১১. Milton Das

১২. Milton Das



A-4

48

Dated- 10.05.2024

To,

1. The Chairman, west Bengal Bio Diversity Board,
(Department of Environment), Prani Sampad Bhawan (5th floor) LB - 2, Sector - III, Salt Lake City
Kolkata- 700106, West Bengal, India
2. The District Magistrate & President of Coochbehar Debttor Trust Board, Office at Sagar Dighee Square, Post Office and District - Coochbehar, PIN - 736101
3. The Sub- Divisional Officer sadar & cum Ex- officio Member of Coochbehar Debttor Trust Board, Office at Sagar Dighee Square, Post Office and District - Coochbehar, PIN - 736101
4. The Executive Engineer, Public Works Department, (PWD ROADS), Cooch Behar Division, Sunity Road, Near Circuit House, PO & Dist- CoochBehar, Pin-736101
5. The Divisional Forest Officer, Coochbehar. Division. Office at- Kameswari Road (East), Near Coochbehar Airport, PO &. Dist.: Coochbehar, Pin:- 736101
6. The Block Land & Land Reforms Officer, Coochbehar-II, Po- Pundibari, Dist-Coochbehar-736165
7. The Officer -in -Charge, Pundibari, Police Station, Po- Pundibari, Dist-Coochbehar-736165
8. The Pradhan, Banewar Gram Panchayat, office of The Coochbehar -II Panchayat Samity, Po- Banewar, Dist- Coochbehar, Pin- 736165,

Subject:-- Objection regarding illegal-constructions over Govt. (PWD) land corresponding to LR plot No. 748, LR khatian No. 398/3 ,corresponding to Mouja- Kutipara, (Banewar) JL-34, PS- Pundibari, Dist- Coochbehar, within the near vicinity of century old Banewar Shiva Temple thereby, creating unnatural hindrance /obstruction for the Black soft-shell turtles, locally called "Mohan" towards adversely impacting their ecology system.

Respected Sir/ Madam,

With profound respect and utmost sincerity, we the under signed beg to demonstrated that, being the local inhabitants of kutipara (Banewar) mouja under Banewar Gram Panchayat, Coochbehar -II Panchayat Samity, within the near vicinity of century old Banewar Shiva Temple, we have been cherishing the species being the Black soft-shell turtles, locally called "Mohan" generation after generations who have

Received
Contents not verified
for
Office of the Executive Engineer
Cooch Behar Highway Division
P.W. (Roads) Directorate
No. - 16 dt. 16.05.24

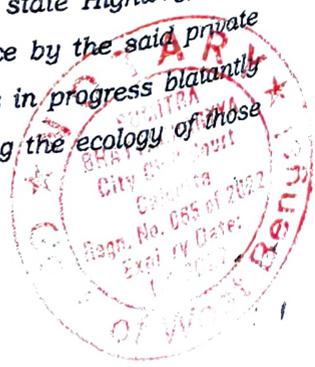
RECEIVED
(Contents not Verified)
10.05.24
District Magistrate's Office,
Cooch Behar

NOTARY
SUNITA
BHARYA
Notary Court
Coochbehar
Pan. No. 085 of 2022
Expiry Date:
10.2027

pond which has been under the administrative control of Coochbehar Debuttor Trust Board.

Regard being had to the fact that, in a natural course of event those Black soft-shell turtles, locally called Mohan, roam around the other ponds, water bodies for their natural survivals situating within the periphery of kutipara (Baneswar) mouja under Baneswar Gram Panchayat, Coochbehar -II Panchayat Samity regarding which frequently the species require to cross the state highway (PWD Road) which connects between Coochbehat to Alipurduar districts. By virtue of Notice Vide No. 880-En/T-11-7/003-II/2003 dated 03.07.2020 under Section 37 (1) of Biological Diversity Act 2002 The west Bengal Bio Diversity Board has been pleased to recommend this sensitive area as " Baneswar Shib Dighi Bio Diversity Heritage Area" and simultaneously innumerable cautioning have also been affixed encompassing the area keeping in mind the safety-security and conservations of those Black soft-shell turtles.

It is noteworthy to mention here that, from last couple of months an adverse plight suddenly emerged as we have identified few illegal as well as unauthorized constructions over and above the Govt. (PWD) land without any lawful-sanction or permission randomly built up, particularly by two individuals namely one Samir Biswas and by one Sudarshan Mahato over Govt. (PWD) land corresponding to LR plot No. 748, LR khatian No. 398/3 ,corresponding to Mouja- Kutipara, (Baneswar) JL-34, PS- Pundibari, Dist- Coochbehar, within the near proximity of state highway (PWD Road) which connects between Coochbehat to Alipurduar districts and such road as well as roadside area is frequently used by those species for their natural as well as biological crossing cum movement corridor . Even the competent authority has also restricted the speed limit of all vehicles highly considering their natural as well as biological cum movement corridor. pertinent to mention here that, despite relentless objections substantiating our specific grievances regarding the unnatural hindrance /obstruction for the Black soft-shell turtles, towards adversely impacting their ecology system upon obstructing their natural and easy movement cum crossing for those illegal as well as unauthorized construction situating particularly at the road (state Highway) side. Curiously enough, having been indulged into an unholy alliance by the said private individuals and local administrations the constructions works is in progress blatantly violating the existing Rules and regulations towards endangering the ecology of those



species being the Black soft-shell turtles, locally called Mohan thereby shutting down their ecological-corridors .

Under the above factual circumstances, we the under signed humble pray before your good office to immediately initiate appropriate proceedings forthwith to conduct a field enquiry, if necessary, to ascertain our legitimate prayer thereby stopping or demolishing those illegal as well as unauthorized constructions over and above the Govt. (PWD) land which are without any lawful-sanction or permission, considering the historical, cultural and heritage-recommended Baneswar Shib Dighi Bio Diversity Heritage Area" so that those species being the Black soft-shell turtles, locally called Mohan could be conserved and protected accordingly .

Hope an indispensable and efficacious measures would be taken from your end considering the gravity and seriousness of the issue within a period of 7 days from the date of receiving this representation.

COPY TO :-

1. Samir Biswas

Son of Ratan Biswas

Of Vill- Sonari Nikotiyar Kuthi

PO - ~~Baneswar~~ KHARIJA KAKRIBARI .

Ps- pundibari

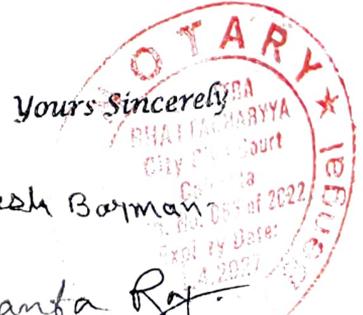
Dist- Coochbehar-726133 736179

2. Sudarshan Mahato

Son of Sadhu saran Mahato

vill & Po- Baneswar, PS- pundibari

Dist- Coochbehar-736133



① Animesh Barman

② Sushanta Raj

③ Rajesh Roy

④ Dipal R S

6. মিলন সরকার

7. সুরেন্দ্র দেব সরকার

8. সুকান্ত দেব

9. Biswasit Borman

10. Tanushree RAY

11. ফারিহা দীপ

12. Milton Das



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Animesh Barman

**BEFORE THE NATIONAL GREEN TRIBUNAL KOLKATA
MEMORANDUM OF APPLICATION**

(Under Section 18(1) read with Sections 14, 15 of National Green Tribunal Act 2010)

Application No.

of 2024

Between :

Animesh Barman,
Son of Late Anil kumar Barman,
Kuthipara, Hatiduba, Cooch Behar,
West Bengal, Pin-736133.

AND

1. The Union of India,
Represented through Ministry of Environment,
Forest & climate change
& Others

VAKALATNAMA

I, Animesh Barman, applicant herein, do appoint and retain MR. TANMAY BASU, Advocate, Bar Association Room No. 13, High Court at Calcutta, Mobile : 9836982908, Email : tanmaythelawyer@gmail.com to appear me in the above Application and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or the receipt to any moneys that may be payable to me in the said Appeal/Application and also in appeal under to the Supreme Court of India and in all applications for review Judgment.

I certify that the contents of the Vakalatnama at were read out and explained in my presence to the Executant who appeared perfectly to understand the same and made his/her/their signature in my presence

Executed before me this 18th day of June, 2024

ACCEPTED

Tanmay Basu
Counsel for Applicant

The address for service of the said Counsel : TANMAY BASU, Advocate,
Bar Association Room No. 13, High Court at Calcutta, Mobile :
9836982908, Email : tanmaythelawyer@gmail.com

I received and accepted
by one Manoj Kumar

Advocate.

Subroto Halder.
Advocate
Debdip Monical
Adv.