

Before the National Green Tribunal,

(Eastern Zone Bench, Kolkata)

Original Application No. 78/2024/EZ

Abharajit Roy Chowdhury

-Versus-

The State of West Bengal & Ors.

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Filed by

Rajib Ray

Advocate for the State of West Bengal

Date: 22.07.2024

22 JUL 2024

Before the National Green Tribunal,

(Eastern Zone Bench, Kolkata)

Original Application No. 78/2024/EZ

Abharajit Roy Chowdhury

-Versus-

The State of West Bengal & Ors.

**REPORT OF THE COMMITTEE IN THE FORM OF
AFFIDAVIT SUBMITTED BY THE DISTRICT
MAGISTRATE, SOUTH 24 PARGANAS DISTRICT,
GOVERNMENT OF WEST BENGAL**

I, Sumit Gupta, Son of Shri. S.K. Gupta, aged about 41 years, by religion - Hindu, by occupation- Government Service, presently posted as the District Magistrate & Collector, South 24 Parganas, having office at New Administrative Building, Alipore, Kolkata- 700027, do

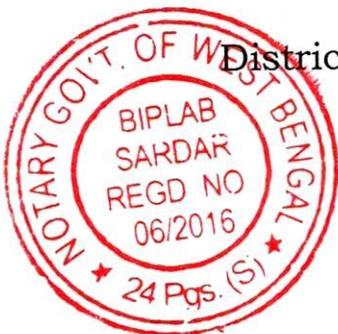
hereby solemnly affirm and say as follows:



22 JUL 2024

1. That I am working for gain as the District Magistrate, South 24-Parganas, Alipore, Kolkata- 700027. I have made myself well acquainted with the facts and circumstances of the case. I am affirming this report in the form of affidavit and I am duly authorized to do so.
2. That in furtherance to the solemn Order dated 02.05.2024, the deponent is filing the report of the committee in the form of the Affidavit.
3. That this affidavit is being solemnly affirmed and filed in view of the solemn Order dated 02.05.2024 passed by this Hon'ble Tribunal, whereby the Hon'ble Tribunal has been pleased to direct that- Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-

- (i) Senior Scientist, West Bengal Pollution Control Board,
- (ii) District Magistrate, South 24 Parganas, or his representative Officer not below the rank of the Additional District Magistrate(A.D.M); and



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(iii) Chief Technical Officer, the East Kolkata Wetlands Management Authority.

The Committee shall visit the site in question and submit its report with regard to the allegations made in the Original Application.

The District Magistrate, South 24 Parganas, shall be the Nodal Body for all logistic purposes and shall file the Inspection Report of the Committee on affidavit.

In case the Violations are found, the committee shall recommend penalty as well as Environmental Compensation and also suggest remedial measures, if any.

4. That in compliance to the solemn order a letter for joint inspection vide Memo.No. Misc/2223/1(2)/2024 dated- 24.06.2024, scheduled to be held on 01.07.2024 was forwarded to all the concerned members of the committee.

The copy of the letter is annexed herewith and marked as

Annexure- R/1.



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5. That the joint inspection was conducted on 01/07/2024 at 12 noon at the below noted plots:

On the stretch of land beside Eastern Metropolitan Bypass in Mouza- Dhapa, J.L. No- 02, P.S.- Pragati Maidan, stretch of vacant land or a wetland opposite the ITC Royale and Bypass Dhaba situated at 1A, Bongaon-Kulpi Road, Sec-B, Tangra, Kolkata.

The inspection was conducted by the following members:

- (i) The Chief Technical Officer, East Kolkata Wetlands Management Authority,
- (ii) Senior Scientist, West Bengal Pollution Control Board,
- (iii) The Additional District Magistrate & District Land & Land Reforms Officer, South 24 Parganas along with the BL & LRO, Kolkata Block.

Observation of the Committee during site-inspection:

The allegations as made by the applicants in the Original Application were physically verified and it was observed that the subject area consists of two plots at Mouza



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Dhapa, J.L.NO.- 02, R.S. and L.R. Plots No-86 & 87, Khatian-01 with total area- 1.30 and 97.54 Acre respectively, Classification- Khal and Beel Mach Chas.

The current physical status of the plot involved in the Original Application as submitted by the Office of the Block Land & Land Reforms Officer, Kolkata, South 24 Parganas is furnished below:

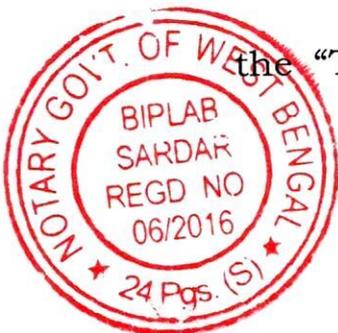
Advertisement Hoardings are erected in parts of L.R. Plots No- 86 & 87, Khatian-01 with total area- 1.30 Acre and 97.54 Acre respectively, Classification- Khal and Beel Mach Chas at Mouza Dhapa, J.L.NO.- 02. Iron Structures consisting approx 40(forty) feet high found existing in the subject area and is spread over the plots as mentioned below:-

Plot No.- 86, Area- 11.47 decimal (Approx 5000 sq.ft.)

Plot No.- 87, Area- 3.44 decimal (Approx 1500 sq.ft.).

This is to be noted that big water bodies exists in Plot No.- 81 and 87 which is locally known as "Captain Bheri and Nuner Bheri". The Plots No.s.- 81,86 and 87 belongs to

the "The Collector". The Plot No.- 86 does not exists in



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L.R. Database and information is available in R.S. Khatian only.

The area to the east of Eastern Metropolitan Bypass is within the jurisdiction of East Kolkata Wetlands.

Hence, there is violation of Section 4 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 as the the act of erection of hoarding without prior approval of the EKWMA is an illegal activity as per the East Kolkata Wetlands (Conservation and Management) Act,2006 . So the Hoardings and/or structures of hoardings needs to be removed/dismantled and the subject land is to be restored to its original nature and character.

The copy of the Joint Committee Report is annexed herewith and marked as Annexure- R/2.

6. That in view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to pass such further order or orders as deemed fit and proper in the interest of justice.



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7. That the Statement made in paragraph No. 1 is true to my knowledge and those made in paragraph 2 to 5 hereof are based on information derived from the records including facts & figures which I verified and believe to be true to the best of my knowledge and belief and rest are my humble submissions before the Hon'ble Tribunal.


DEPONENT
District Magistrate,
South 24-Parganas.



22 JUL 2024

SL. NO. - 89/24
VERIFICATION

I, Sumit Gupta, District Magistrate, South 24 Parganas, do hereby verify that the contents of the report of the committee in the form of affidavit are true and correct to the best of my knowledge and belief. No part of the report is false and nothing material has been concealed there from.

Verified at Kolkata on this 22nd July, 2024.



Identified by me

A. Patra

ARIJIT PATRA
Advocate
F. No.- 1569 / 2009
Criminal And Judge's Court
Alipore, Kol-700 027
Advocate

Sumit Gupta
DEPONENT
District Magistrate,
South 24-Parganas.

For the State of West Bengal



Solemnly Affirmed & Declared
before me on Identification

[Signature]
BIPLAB SARDAR,
NOTARY
Regd. No 06/2016
Govt Of W Bengal

22 JUL 2024



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

Memo No. *Mise/2223/1(2)/2024*

Date: *24*. 06. 2024

To

1. The Chief Technical Officer, East Kolkata Wetlands Management Authority,
2. Shri. Lakshmi Kanta Halder, Senior Scientist, West Bengal Pollution Control Board,

Sub: Compliance of directions dated 02.05.2024 of Hon'ble NGT i.c.w. O.A. 78/2024/EZ (Abhrajit Roy Chowdhury vs. The State of West Bengal & Ors.)

Ref: Solemn Order dated 02.05.2024

Madam/Sir,

With reference to be above, the Hon'ble NGT was pleased to pass an order forming a committee comprising of the following Members:-

- i) Senior Scientist, West Bengal Pollution Control Board,
- ii) District Magistrate, South 24 Parganas, or his representative officer not below the rank of Additional District Magistrate,
- iii) Chief Technical Officer, East Kolkata Wetlands Management Authority.

The Committee shall visit the site in question i.e., on the stretch of land beside Eastern Metropolitan Bypass in Dhapa Mouza, J.L. No-02, P.S. Pragati Maidan, stretch of vacant land or a wetland opposite the ITC Royale and Bypass Dhaba situated at 1A, Bongaon-Kulpi Road, Sec-B, Tangra, Kolkata and submit the Report with regard to the allegations made in the Original Application.

In pursuance of this, joint inspection of the Committee is fixed on 1st July, 2024 (Monday) at 12.00 Noon. The Committee shall assemble near Captain Bhery, Aqua Park.

Therefore, you are requested to be present at the scheduled date and time for the site-inspection.

Enclosed: As stated

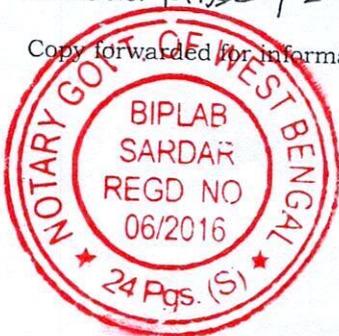

 Additional District Magistrate
 And

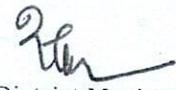
District Land and Land Reforms Officer
 South 24 Parganas

Memo No. *Mise/2223/1(1)/2024*

Date: *24*. 06. 2024

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




 Additional District Magistrate
 And

District Land and Land Reforms Officer
 South 24 Parganas

22 JUL 2024

Report of the Committee constituted by the solemn order of the Hon'ble National Green Tribunal, Eastern Zone Bench, dated-02.05.2024 in connection with the Original Application No- 78/2024/EZ (Abharajit Roy Chowdhury & Ors. Vs. The State of West Bengal & Ors.)

In compliance of the solemn order of the Hon'ble National Green Tribunal, Eastern Zone Bench, dated-02.05.2024 in Original Application No-78/2024/EZ a joint enquiry was conducted on 1st July,2024 at 12:00 Noon at the below noted plots:

On the stretch of land beside Eastern Metropolitan Bypass in Mouza-Dhapa, J.L. No- 02, P.S.- Pragati Maidan, stretch of vacant land or a wetland opposite the ITC Royale and Bypass Dhaba situated at 1A, Bongaon-Kulpi Road, Sec-B, Tangra, Kolkata.

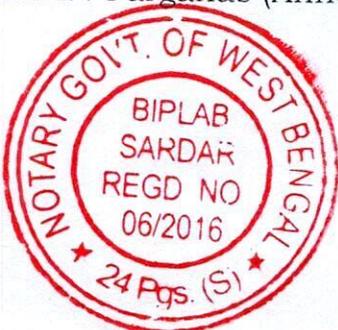
The inspection was conducted by the following members:

- (i) The Chief Technical Officer, East Kolkata Wetlands Management Authority,
- (ii) Senior Scientist, West Bengal Pollution Control Board,
- (iii) The Additional District Magistrate & District Land & Land Reforms Officer, South 24 Parganas along with the BL & LRO, Kolkata Block.

Observation of the Committee during site-inspection:

The allegations as made by the applicants in the Original Application were physically verified and it was observed that the subject area consists of two plots at Mouza Dhapa, J.L.N0.- 02, R.S. and L.R. Plots No-86 & 87, Khatian-01 with total area- 1.30 and 97.54 Acre respectively, Classification- Khal and Beel Mach Chas.

The current physical status of the plot involved in the Original Application as submitted by the Office of the Block Land & Land Reforms Officer, Kolkata, South 24 Parganas (Annexure- A) is furnished below:



22 JUL 2024

Advertisement Hoardings are erected in parts of L.R. Plots No- 86 & 87, Khatian-01 with total area- 1.30 Acre and 97.54 Acre respectively, Classification- Khal and Beel Mach Chas at Mouza Dhapa, J.L.NO.- 02. Iron Structures consisting approx 40(forty) feet high found existing in the subject area and is spread over the plots as mentioned below-

Plot No.- 86, Area- 11.47 decimal (Approx 5000 sq.ft.)

Plot No.- 87, Area- 3.44 decimal (Approx 1500 sq.ft.).

This is to be noted that big water bodies exists in Plot No.- 81 and 87 which is locally known as "Captain Bheri and Nuner Bheri". The Plots No.s- 81,86 and 87 belongs to the "The Collector". The Plot No.- 86 does not exists in L.R. Database and information is available in R.S. Khatian only.

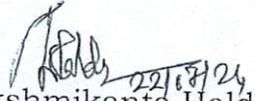
The area to the east of Eastern Metropolitan Bypass is within the jurisdiction of East Kolkata Wetlands.

Hence, there is violation of Section 4 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 as the the act of erection of hoarding without prior approval of the EKWMA is an illegal activity as per the East Kolkata Wetlands (Conservation and Management) Act,2006. So the Hoardings and/or structures of hoardings needs to be removed/dismantled and the subject land is to be restored to its original nature and character.

The Copies of the Plot index, and Sketch Map are annexed hereto and marked as Annexure- B.

Submitted by-


Tripti San, IFS
Chief Technical Officer,
EKWMA


Lakshmikanta Haldar,
Senior Scientist,
WBPCB


Saddam Navas, IAS
ADM and DL & LRO
Office of the District Magistrate,
South 24 Parganas





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Government of West Bengal

Office of the B.L. & L.R.O. Kolkata,
5, S.N. Banerjee Road, C.M.O. Building, Room No. 328,
3rd Floor, Kolkata - 700 013.

Memo: 2106 /BL&LRO/KOL/

Dated: 12.07.24

To
Additional District Magistrate
& D.L. & L.R.O.
South 24 Parganas
Alipore, Kolkata - 700027

Sub: - Matter of O.A 78/ 2024/ EZ at Hon'ble NGT; Matter of
Abhrajit Roy Chowdhury Vs State of W.B.

Sir,

Kind reference above, the matter is gone through in ROR & in field, along with all concerned officials. Facts are State here-under.

Subject area consists of two plots of

Mouza - Dhapa, JL - 02
Plots (RS & LR) - 86 & 87, Khatian - 1
Total area - 1.30 & 97.54 Acre respectively
Classification - KHAL & BEEL MACH CHAS

Advertisement hoardings are erected in parts of all these two plots in respective area. Iron structures consisting approximate 40 (forty) feet high are found existing in subject area & is spread over the plots as observed below,

plot 86 - 11.47 dec (Aprox 5000 sqft.)
plot 87 - 3.44 dec (Aprox 1500 sqft.)

It is notable that big water-bodies exist in plots 81, 87 which are locally known as "Captain Bheri" & "Nuner Bheri"

Plots 81, 86, 87 belongs to "The Collector" (plot-index enclosed)

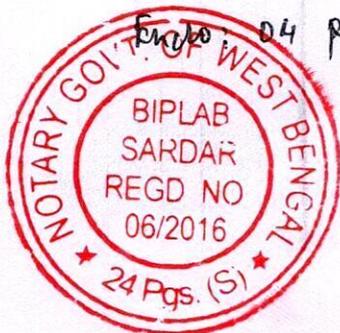
Plot 86 is not existing in LR Database & information is available in RS Khatian only.

This is for his kind perusal.

Yours faithfully,

Block Land and Land Reforms Officer
Kolkata, South 24-Parganas.

Block Land and Land Reforms Officer
Kolkata South 24-Parganas



22 JUL 2024

To
The B.L & L.R.O., KOL.
5, S.M Banerjee Road,
C.M.O. Building, 3rd floor,

Sub:- স্বাক্ষর সার্ভিস (B.L. NO:-2) LIR- 87, 81 ও 86 হরকাত
ভেদে বিবরণ,

স্বাক্ষর,
ভাঙ্গাবাড়ী নিম্নলিখিত অঞ্চলে, স্বাক্ষর সার্ভিস (B.L. NO:-2) LIR- 87, 81, ও 86
হরকাত ভেদে সার্ভিস করা, ভেদে উল্লিখিত ভাঙ্গাবাড়ী ও 86 ও 87 হরকাত
40' উচ্চের সার্ভিস হোর্ডিং ও/বা, LIR- 86 হরকাত অঞ্চলে 5000 sqft (1147 sq
ও 87 হরকাত অঞ্চলে 1500 sqft (344 sqft) অঞ্চলে সার্ভিস হোর্ডিং ও/বা
LIR- 81 হরকাত অঞ্চলে ও/বা LIR- 87 হরকাত অঞ্চলে ও/বা
এক ভাঙ্গাবাড়ী হরকাত ভেদে স্বাক্ষর E.M. BY-PASS সার্ভিস ও/বা E.M BY-
PASS-এর অধিকার সার্ভিস ও/বা LIR- 81, 86 ও 87 হরকাত ভেদে
স্বাক্ষর ও/বা

স্বাক্ষর সার্ভিস (B.L. NO:-2) LIR- 87, 81, ও 86 হরকাত
ভেদে বিবরণ

Arvind Shekhar
Revenue Inspector
Of B.L & L.R.O., Kolkata
South 24 Parganas



Signature
120724.

Block Land and Land Reforms Office
Kolkata South 24 Parganas

22 JUL 2024

84-A
Translated in English

To,
The B.L. & L.R.O., Kol,
6, S.N. Banerjee Road,
C.M.O. Building, 3rd Floor,

Sub - Inspection Report of L/R plot No. 87, 81
and 86 of Dhapa Mouja, (J.L. No. - 2)

Sir,

As per your instructions, I went to inspect of the L/R plot No. 87, 81 and 86 of Dhapa Mouja, (J.L. No. - 2). During the investigation it is found that, in L/R Plot No. 86 and 87 there are some hoardings approx 40 feet height. Hoardings are at L/R Plot No. 86 measuring more or less 5000 sq.ft. (11.47 dec.) and in L/R Plot No. 87 measuring more or less 1500 sq.ft. (3.44 dec.). In L/R Plot No. 81 there is Captain Bheri and L/R Plot No. 87 there is Nuner Bheri. E.M. By Pass exists over the three Plots. There is some part of Plot No. 87, 81 and 86 on the western side of the EM By Pass.

This Report sent for your information.

Sd/- Aniruddha Pal
Revenue Inspector
O/o B.L. & L.R.O., Kolkata
South 24 Parganas

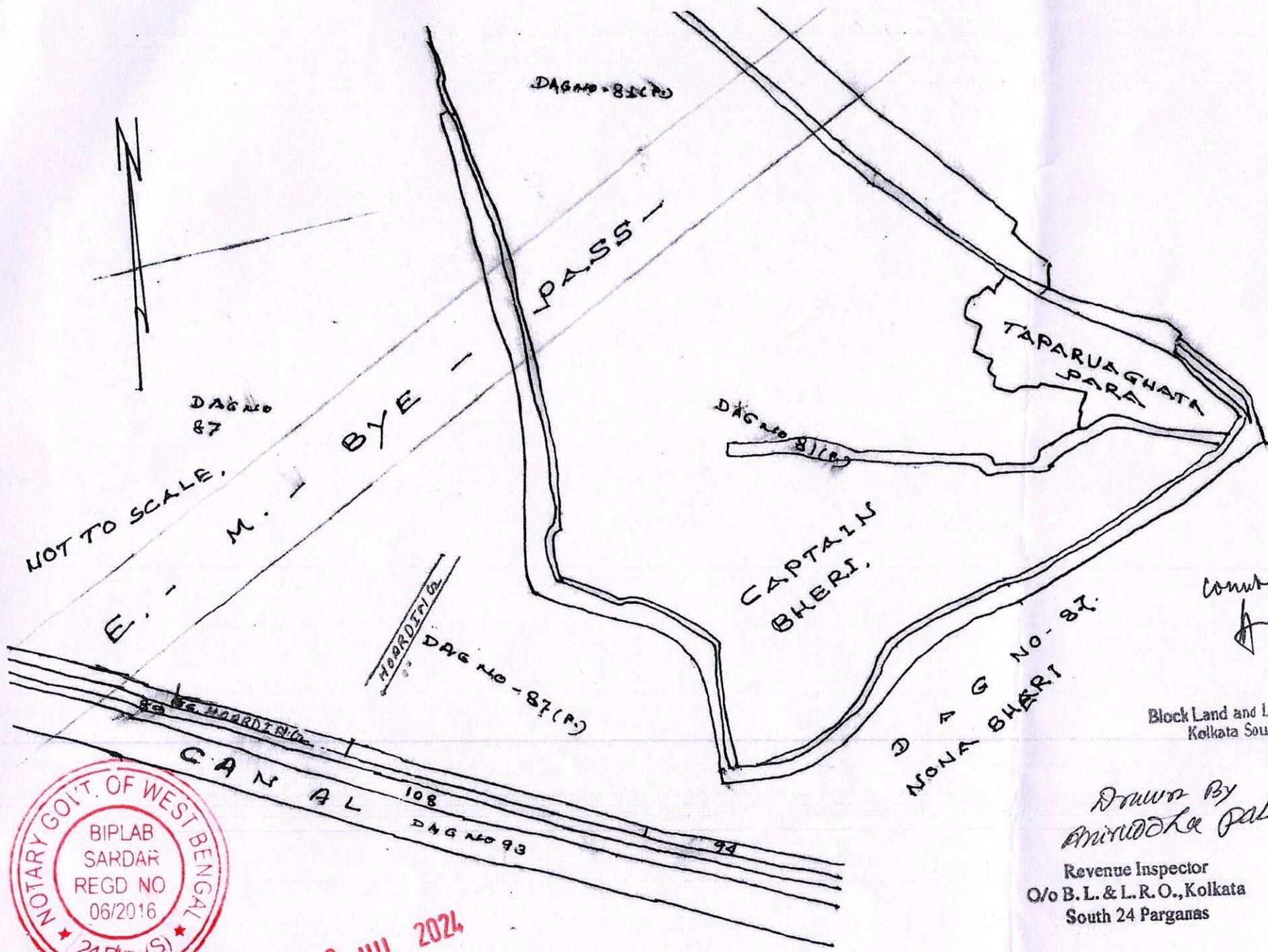
Countersigned

Sd/-
12.7.24
Block Land and Land Reforms Office
Kolkata, South 24 parganas



Authenticated
[Signature]
Block Land and Land Reforms Office
Kolkata South 24 Parganas

22 JUL 2024



Consistency
[Signature]
 R.F. 24

Block Land and Land Reforms (Kolkata South 24 Parganas)

Drawn By
[Signature]

Revenue Inspector
 O/o B.L. & L.R.O., Kolkata
 South 24 Parganas



22 JUL 2024

দাগ সূচী (খতিয়ানের বিবরণ সহ)

জেলা-	দক্ষিণ ২৪ পরগণা	মৌজা-খাপা	জে.এল.নং-	০০২	[১৬৩০০০২]	
দাগ নং	শ্রেণী	খতিয়াল নং	রায়তের বিবরণ	পরিমাণ	অংশ	অংশ পরিমাণ(এ)
৮৭	বিল মাছ চাষ			৯৭.৫৪০০		
(সাবেক দাগ:- ৮৭)		১	পশ্চিমবঙ্গ সরকার গফ্বে কালেক্টর সাং-নিজ		১.০০০০	৯৭.৫৪০০

মোট পরিমাণ(এ)- ৯৭.৫৪০০

[Handwritten Signature]
12.7.24.

পশ্চিমবঙ্গ সরকার

১২/০৭/২০২৪

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22 JUL 2024

Block Land কলকাতা Land Reforms Officer
Kolkata South 24-Parganas
সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিক করণ

86-A

Translated in English

Plot Index (with Khatian details)

District – South 24 Parganas		Mouza – Dhapa		J.L. No.- 002		[1630002]	
Dag No.	Classification	Khatian No.	Raiyat	Area	Share	Share in land(A)	
87	Beel for fishing			97.5400			
(Previous Plot- 87)		1	Ld. Collector on its behalf West Bengal Government of self		1.0000	97.5400	

Total Area(A) – 97.5400



Authenticated

[Signature]
Block Land and Land Reforms Officer
Kolkata South 24 Parganas

Government of West Bengal

Kolkata

12/07/2024

Block Land and Land Reforms Office

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দাগ সূচী (খতিয়ানের বিবরণ সহ)

জেলা-	দক্ষিণ ২৪ পরগণা	মৌজা-ধাপা	জে.এল.নং-	০০২	[১৬৩০০০২]	
দাগ নং	শ্রেণী	খতিয়ান নং	নামতের বিবরণ	পরিমাণ	অংশ	অংশ পরিমাণ(এ)
৮১	বিল মাছ চাষ			৫০.২৫০০		
(সাবেক দাগ:- ৮১)		১	পশ্চিমবঙ্গ সরকার পক্ষে কালেক্টর সং-নিজ		১.০০০০	৫০.২৫০০

মোট পরিমাণ(এ)- ৫০.২৫০০



[Signature]

12.07.24.

Block Land and Land Reforms Officer
Kolkata কলকাতা 24 Parganas

পশ্চিমবঙ্গ সরকার

১২/০৭/২০২৪

সমস্ত ভূমি ও ভূমি সংস্কার আধিকারিক করণ

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87-A

Translated in English

Plot Index (with Khatian details)

District - South 24 Parganas		Mouza - Dhapa		J.L. No.- 002		[1630002]
Dag No.	Classification	Khatian No.	Raiyat	Area	Share	Share in land(A)
81	Beel for fishing			50.2500		
(Previous Plot- 81)		1	Ld. Collector on its behalf West Bengal Government of self		1.0000	50.2500
Total Area(A) - 50.2500						



Authenticated

[Signature]
16/07/2024
Block Land and Land Reforms Officer
Kolkata South 24 Parganas

Government of West Bengal

Kolkata

12/07/2024

Block Land and land Reforms Office

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22 JUL 2024

DISTRICT:-SOUTH 24 PARGANAS
Before the National Green Tribunal,
(Eastern Zone Bench, Kolkata)
Original Application No. 78/2024/EZ
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REPORT IN THE FORM OF AFFIDAVIT SUBMITTED BY THE
DISTRICT MAGISTRATE, SOUTH 24 PARGANAS DISTRICT,
GOVERNMENT OF WEST BENGAL



Rajib Ray
Advocate
For The State of West Bengal
Email: rajib.ray23@gmail.com
M-9830132729