

Rajib Ray
Advocate

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 59/2024/EZ**

Md. Sheik Ansaruddin

..... Applicant

- Versus -

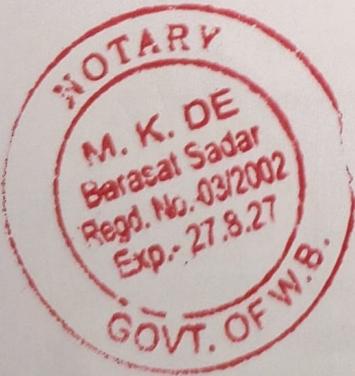
State of West Bengal & Ors.

...Respondents

**SUPPLEMENTARY AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 1,
DISTRICT MAGISTRATE, NORTH 24 PARGANAS.**

INDEX

SL	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		2-4
2.	Order dated 22.11.2023	A	5-6
3.	Miscellaneous proceeding	B	7-15



Filed by:

Rajib Ray
Mr. Rajib Ray,
Advocate,

Bar Association Room No. 13,
High Court, Calcutta
Mob-9830132729/7980422764
Email: rajib.ray23@gmail.com



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 59/2024/EZ

Md. Sheik Ansaruddin

..... Applicant

- Versus-

State of West Bengal & Ors.

...Respondents

BEFORE THE NOTARY PUBLIC
24 PARGANAS (NORTH)

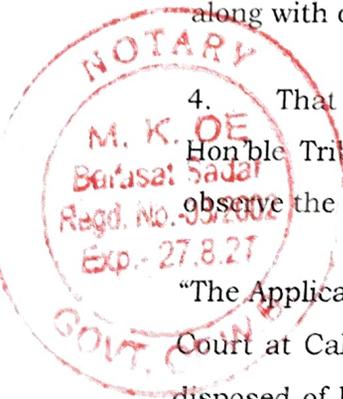
SUPPLEMENTARY AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 1,
DISTRICT MAGISTRATE, NORTH 24 PARGANAS.

3104
22 JUL 2024

I, Sri Sharad Kumar Dwivedi, son of Hriday Narayan Dwivedi, aged about 43 years, by faith-Hindu, by occupation- Government Service, now posted as District Magistrate, North 24 Parganas, District- North 24 Parganas, Pin-700124, do hereby solemnly verify and say as follows: -

1. That I am the District Magistrate, North 24 Parganas and herein, I have made myself acquainted with the facts and circumstances of this case and competent to affirm this affidavit.
2. That I have affirmed an affidavit on 10.05.2024 and filed in the instant matter pursuant to the solemn order passed by the Hon'ble Tribunal.
3. That in the said affidavit I have submitted the report of the Committee along with observations mentioned therein.
4. That the instant Original Application was taken up for hearing by the Hon'ble Tribunal on 13.05.2024 and after hearing His Lordship was pleased to observe the following in paragraph no. 7:

"The Applicant also states that his mother had also filed a writ petition in the High Court at Calcutta with regard to the same waterbody and that Writ Petition was disposed of by the Hon'ble High Court with a direction to the District Magistrate,



North 24 Parganas to decide her representation. That order of the Hon'ble High Court at Calcutta has not been placed before us. The affidavit dated 10.05.2024 filed by the District Magistrate, North 24 Parganas is also silent in this regard."

5. That it is respectfully submitted that a writ petition being WPA No. 16611 of 2023 in the matter of Hosne Ara Begum -Vs- the State of West Bengal and others was filed on self-same issue.

6. That by order dated 22.11.2023, the Hon'ble Justice Suvra Ghosh after hearing the parties was pleased to dispose of the said Writ Petition granting liberty to the petitioner to submit comprehensive representation before the 7th respondent i.e. District Magistrate, North 24 Parganas with direction upon the said respondent to deal with the representation in accordance with law after granting reasonable opportunity of hearing to all concerned including the petitioner and the Barasat Municipality.

Photocopy of the said order dated 22.11.2023 is annexed hereto and marked as annexure "A".

7. That in terms of the solemn order dated 22.11.2023 passed in WPA No. 16611 of 2023, a miscellaneous proceeding was initiated on the basis of the comprehensive representation of the petitioner, Hosne Ara Begum by giving opportunity of hearing to all interested parties and on 04.07.2024 the District Magistrate, North 24 Parganas, respondent no. 1 herein finally disposed of the said miscellaneous proceeding with following direction:

- 22 JUL 2024
- a) The Municipal Authority must apply to the competent authority for change of classification of plot no. 127 recorded as 'Pukur Par'. The Competent Authority (ADM, LR) will dispose of the conversion application within ten (10) days after getting the petition from the Municipal Authority. Before allowing such conversion, all construction work related with drain must be stopped violating such order action will be taken as per law.
- b) Directed the BL&LRO, Barasat to take legal action for unauthorized conversion. An action taken report must be submitted within 15 (fifteen) days after receiving the order.

Photocopy of the miscellaneous proceeding is annexed hereto and marked as annexure "B".



8. That the issue raised in the said Writ Petition being WPA No. 16611 of 2023 and in this instant original application are similar in nature and the fact of the proceeding initiated and disposed of in compliance of the order of the Hon'ble High Court is required to be placed before this Hon'ble Bench and hence this supplementary affidavit.

9. That it is submitted that these facts and materials are relevant and necessary for the purpose of adjudication of the present Original Application and under such circumstances answering respondent is filing this affidavit before this Hon'ble Tribunal as a supplement to the Affidavit dated 10.05.2024.

10. That the answering respondent submits that Your Lordship may be kind enough to grant leave to the answering respondent for filing the present supplementary affidavit for adjudication on the basis of above facts and materials annexed hereto as a part of the Affidavit dated 10.05.2024 for the ends of justice, equity and fair play.

11. That the statements made in paragraph 1 to 7 are based on information derived from the record which are usually kept and maintained by the answering respondent in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office

Advocate

Sharad Kumar Dwivedi

Deponent

Solemnly Affirmed Before Me
on. 22 Day 2024
Duty Identified by
Advocate. [Signature]

M. K. DE
Notary (W.B.)
Barasat, North 24 Pgs.
Regd. No.-03/2002

CHECKED BY 23 JUL 2024
NOTARY CLERK

NOTARY
M. K. DE
Barasat Sadar
Regd. No.-03/2002
Exp.-27.8.27
GOVT. OF W.B.

22 JUL 2024

Annexure - 'A'

16
22.11.2023
Ct No 10
b.das

WPA 16611 of 2023

Hosne Ara Begum

Vs.

The State of W.B. & Ors.

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee

...for the petitioner.

Mr. K. N. Nabi
Mr. Dipiyoti Chakraborty

...for the State.

Affidavit of service filed by the petitioner is taken on record.

None appears for the Barasat Municipality despite service.

Heard learned counsels for the parties.

The petitioner appears to be recorded owner of LR Dag No.132, JL No.78, LR Khatian No.773 and 2987/1 (Barasat Municipality).

The allegation of the petitioner is two-fold:- the Municipality is raising construction in the government land in dag nos.127 and 128 recorded as 'pukurpar' and 'pukur' respectively, adjoining the petitioner's land and in the process, has raised construction by encroaching upon a portion of the petitioner's land without acquiring the same by due process of law.

The petitioner seeks to submit a comprehensive representation ventilating her grievance before the concerned authority and prays for direction upon the

concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 7th respondent be directed to deal with the representation, in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 7th respondent within two weeks from date. The 7th respondent is directed to consider and dispose of the representation within a period of four weeks from the date of receipt thereof after granting reasonable opportunity of hearing to all concerned including the petitioner and the Barasat Municipality, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

Pending disposal of the representation, no further construction shall be made by the authority by encroaching upon the petitioner's land.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)

ORDER SHEET

[RULE 129 OF THE RECORDS MANUAL, 1971]

Order Sheet, dated from 01.12.2023 to

Misc_Case No. of 2024

District - North 24-Parganas

Nature of Case: Proceeding in compliance with the order passed by Hon'ble Justice Suvra Ghosh, High Court, Calcutta on 22.11.2023 in W.P.A. No. 16611 of 2023 in the matter of Hosne Ara Begum -Vs- State of West Bengal and others.

<p>3</p> <p>-----</p> <p>26.12.2023</p> <p>Dictated and corrected by me</p> <p><i>[Signature]</i></p> <p>District Magistrate North 24-Parganas</p>	<p>The case is taken up for hearing. Sk Assaruddin and Sk Ansaruddin, the two sons of Hosne Ara Begum filed hazira, Tapan Roy Burmon, Additional Executive Officer of Barasat Municipality filed hazira on behalf of Executive Officer and the Inspector-in-Charge of Barasat Police Station filed hazira.</p> <p>As I am busy otherwise the hearing is postponed today. Further hearing will be taken on 29.12.2023 at 3:30 P.M. in my chamber. All are informed accordingly.</p> <p><i>[Signature]</i></p> <p>District Magistrate North 24-Parganas</p>
<p>4</p> <p>-----</p> <p>29.12.2023</p>	<p>The case is taken up for hearing. Both the sons of Hosne Ara Begum, Sk Assaruddin and Sk Ansaruddin filed hazira. Assessment Inspector of Barasat Municipality filed hazira and Bholanath Roy, S.I. of Barasat Police Station filed hazira, B.L. & L.R.O., BST-I is also present and filed hazira.</p> <p>The sons of petitioner (Hosne Ara Begum) Sk Assaruddin and Sk Ansaruddin submits that:-</p> <p>a) They are the owner of LR Plot No. 132 of Mouza-Uttarhat, J.L. No. 78 under Barasat Municipality with area 2.5 decimal of land classified as 'Bansjhar'. The low land situated to the west of aforesaid land is being owned by Barasat Municipality in plot no. 127 and 128 of the same mouza classified as 'Pukurpar' and 'Pukur' on and from 01.05.2023 a work of filling the Pukurpar and it looked like that it is being done to do construction thereon. An attempt being made to encroach the land owned by them. The Municipal Authority being the Government</p>

ORDER SHEET
[RULE 129 OF THE RECORDS MANUAL, 1971]

Order Sheet, dated from 01.12.2023 to
Misc_Case No. of 2024

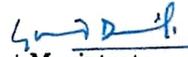
District - North 24-Parganas

Nature of Case: Proceeding in compliance with the order passed by Hon'ble Justice Suvra Ghosh, High Court, Calcutta on 22.11.2023 in W.P.A. No. 16611 of 2023 in the matter of Hosne Ara Begum -Vs- State of West Bengal and others.

Authority cannot acquire any land of the private party without initiating proper acquisition procedure.

Dumping of waste water over their land for not having proper drainage to pass out water which affects mango trees.

The BL & LRO, Barasat-I Block is directed to cause a physical enquiry with demarcation of the mentioned schedule of land on 05.01.2024 at 11:00 A.M. in presence of the petitioner and representative of Barasat Municipality. The S.I. of Barasat Police Station is directed to depute police personnel at the time of enquiry for maintaining law and order of that area. The enquiry report must reach this office by 10.05.2024.


District Magistrate
North 24-Parganas

Dictated and corrected by me


District Magistrate
North 24-Parganas

ORDER SHEET
[RULE 129 OF THE RECORDS MANUAL, 1971]

Order Sheet, dated from 01.12.2023 to

Misc_Case No. of 2024

District - North 24-Parganas

Nature of Case: Proceeding in compliance with the order passed by Hon'ble Justice Suvra Ghosh, High Court, Calcutta on 22.11.2023 in W.P.A. No. 16611 of 2023 in the matter of Hosne Ara Begum -Vs- State of West Bengal and others.

Authority cannot acquire any land of the private party without initiating proper acquisition procedure.

Dumping of waste water over their land for not having proper drainage to pass out water which affects mango trees.

The BL & LRO, Barasat-I Block is directed to cause a physical enquiry with demarcation of the mentioned schedule of land on 05.01.2024 at 11:00 A.M. in presence of the petitioner and representative of Barasat Municipality. The S.I. of Barasat Police Station is directed to depute police personnel at the time of enquiry for maintaining law and order of that area. The enquiry report must reach this office by 10.05.2024.

Dictated and corrected by me

[Signature]

District Magistrate
North 24-Parganas

[Signature]

District Magistrate
North 24-Parganas

5

09.01.2024

The enquiry report conducted on 05.01.2024 is submitted by the BL&LRO, Barasat-I reveals that petitioners plot i.e. 132(LR) of Mouza- Uttarhat, J.L. No. 78 under Barasat Police Station is demarcated but no mention of present status of field position of plot no. 127 and 128 of the same mouza. Hence again the BL&LRO, Barasat-I is directed to report the status of the subject plots with photograph as alleged in the WPA No. 16611 of 2023 and to submit the report by 23.02.2024.

[Signature]

District Magistrate
North 24-Parganas

6

23.02.2024

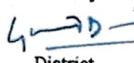
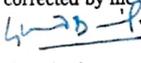
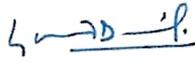
Case report taken up today. The BL&LRO, Barasat-I submitted enquiry report with photographs

- 11 -

ORDER SHEET
[RULE 129 OF THE RECORDS MANUAL, 1971]

Order Sheet, dated from 01.12.2023 to
Misc_Case No. of 2024
District - North 24-Parganas

Nature of Case: Proceeding in compliance with the order passed by Hon'ble Justice
Suvra Ghosh, High Court, Calcutta on 22.11.2023 in W.P.A. No.
16611 of 2023 in the matter of Hosne Ara Begum -Vs- State of West
Bengal and others.

<p>Dictated and corrected by me  District Magistrate North 24-Parganas</p> <p style="text-align: center;">7</p> <p>----- 11.06.2024</p> <p>Dictated and corrected by me  District Magistrate North 24-Parganas</p> <p style="text-align: center;">8</p> <p>----- 21.06.2024</p>	<p>today from which it appears that LR plot no. 127 of mouza- Uttarhat, J.L. No. 56 under P.S.- Barasat is classified as Pukurpar (RoR) is converted and constructed pucca structures. Thereon no prior approval obtained from competent authority. The report is made a part of the proceedings. Hence the Chairman of Barasat Municipality is requested to submit status report of the said plots.</p> <p style="text-align: right;"> District Magistrate North 24-Parganas</p> <p>The case record is put up today. The enquiry report from Barasat Municipality is adduced and made a part of the proceedings from which it transpires that the plot (Pukurpar) is converted and some building constructed over that plot. Hence a fresh hearing date fixed on 21.06.2024 at 4:00 P.M. Dealing Assistant is directed to inform the interested parties and the Barasat Municipality accordingly.</p> <p style="text-align: right;"> District Magistrate North 24-Parganas</p> <p>The case record is taken up today. Sk. Ansaruddin S/o- the petitioner filed hazira. The representative of Barasat Municipality attended today. The son of the petitioner divulged that for construction of building in the Pukurpar hampered his outlets of the drain resulting of water logging in his plots. He wants to clean all garbage staged in the vicinity of his plots.</p> <p>The Municipal Authority assured to clean all sewage water and garbage as early as possible.</p>
---	---

ORDER SHEET
[RULE 129 OF THE RECORDS MANUAL, 1971]

Order Sheet, dated from 01.12.2023 to

Misc_Case No. of 2024

District - North 24-Parganas

Nature of Case: Proceeding in compliance with the order passed by Hon'ble Justice Suvra Ghosh, High Court, Calcutta on 22.11.2023 in W.P.A. No. 16611 of 2023 in the matter of Hosne Ara Begum -Vs- State of West Bengal and others.

Hence, it is directed to clear all the blockage exists in the drains by 02.07.2024 and a compliance report must be given in the next hearing date i.e. on 04.07.2024 at 4:00 P.M. The Dealing Assistant is directed to inform all accordingly.

Dictated and corrected by me

[Signature]

District
Magistrate
North 24-
Parganas

[Signature]

District Magistrate
North 24-Parganas

ORDER SHEET
[RULE 129 OF THE RECORDS MANUAL, 1971]

Order Sheet, dated from 01.12.2023 to
Misc_Case No. of 2024

District - North 24-Parganas

Nature of Case: Proceeding in compliance with the order passed by Hon'ble Justice
Suvra Ghosh, High Court, Calcutta on 22.11.2023 in W.P.A. No.
16611 of 2023 in the matter of Hosne Ara Begum -Vs- State of West
Bengal and others.

9	Case record is taken up for hearing.
----- 04.07.2024	<p>Sk. Absaruddin and Sk. Ansaruddin both sons of petitioner Hosne Ara Begum filed hazira. Sri Sapath Bhanja, Officer-in-Charge, Mafizul Ali, Surveyor, Indraneel Bhattacharya, Assistant Engineer of Barasat Municipality filed hazira.</p> <p>The representative of Barasat Municipality submitted the action taken report as directed yesterday i.e. on 21.06.2024 which made a part of the proceeding from which it transpires that the concern section of the said municipality had taken steps to remove the stagnant water and garbage heaped in the vicinity of the petitioner land. A project initiated and sanctioned to this municipality for rejuvenation of Shan Pukur in which the development of road construction of new drain is also included in the scheme to flow out the waste water to municipal drain of that area. But the concerned municipality had not obtained the necessary approval for change of classification from the competent authority.</p> <p>Ansaruddin emphatically states that the idea is very good but requested that during construction of drain the layout plan must not passing through his rayati land i.e. plot 132 (LR) of mouza- Uttarhat under Barasat Police Station.</p> <p>After hearing all sides and considering adduced documents in the records, the finding of the factual matrix and legal issues are recorded hereunder for deciding the matter in accordance with law:-</p> <p>1) The subject land involved in the matter is of the LR plots 132, 126 and 127 of Uttarhat mouza under Barasat Municipality where garbage and sewage water accumulated in the petitioner land</p>

Dictated and corrected by me


District
Magistrate
North 24-
Parganas

ORDER SHEET
[RULE 129 OF THE RECORDS MANUAL, 1971]

Order Sheet, dated from 01.12.2023 to
Misc_Case No. of 2024

District - North 24-Parganas

Nature of Case: Proceeding in compliance with the order passed by Hon'ble Justice Suvra Ghosh, High Court, Calcutta on 22.11.2023 in W.P.A. No. 16611 of 2023 in the matter of Hosne Ara Begum -Vs- State of West Bengal and others.

i.e. 132 of the said mouza.

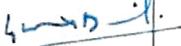
- 2) From the field enquiry report submitted by the concerned BL & LRO, Barasat conducted in presence of the petitioner and municipal authority transpires that there is no encroachment of petitioners land as demarcated by the officials.
- 3) The Municipal Authority had initiated project for construction of pucca drain in that area so that no water logging takes place in that area.

In view of above findings it is ordered that:-

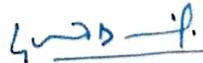
- a) The municipal authority must apply to the competent authority for change of classification of plot no. (127) recorded as 'Pukur Par'. The Competent Authority (ADM,LR) will dispose of the conversion application within ten (10) days after getting the petition from the Municipal Authority. Before allowing such conversion, all construction work related with drain must be stopped violating such order action will be taken as per law.
- b) The BL&LRO, Barasat is directed to take legal action for unauthorized conversion. An action taken report must be submitted within 15 (fifteen) days after receiving the order.

The case is thus dispose of the order of Hon'ble High Court dated 01.12.2023. Certified copies of this order must be communicated to the parties free of cost.

Dictated and
corrected by me



District
Magistrate
North 24-
Parganas



District Magistrate
North 24-Parganas

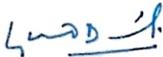
West Bengal Form No. 270

ORDER SHEET
[RULE 129 OF THE RECORDS MANUAL, 1971]

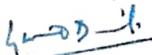
Order Sheet, dated from 01.12.2023 to
Misc_Case No. of 2024

District - North 24-Parganas

Nature of Case: Proceeding in compliance with the order passed by Hon'ble Justice
Suvra Ghosh, High Court, Calcutta on 22.11.2023 in W.P.A. No.
16611 of 2023 in the matter of Hosne Ara Begum -Vs- State of West
Bengal and others.

<p>10 19.07.2024</p>	<p>While preparing a supplementary affidavit to be filed to the Hon'ble National Green Tribunal, Eastern Bench, Kolkata in the self-same issue it has been observed that an inadvertent typographical error crept in the last para of this instant proceeding as regards to the date of Hon'ble High Court, Calcutta. The date should be read as 22.11.2023 in place of 01.12.2023 this portion of proceeding be further communicated to the petitioner and other interested parties.</p> <p style="text-align: right;"> District Magistrate North 24-Parganas</p>	
--------------------------	---	--

Dictated and corrected by me


District
Magistrate
North 24-
Parganas

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL

EASTERN ZONE BENCH,
KOLKATA

O. A. NO. 59/2024/EZ

In the matter of:

Md. Sheik Ansaruddin

.... Applicant

-Vs-

State of West Bengal & Ors.

... Respondents.

Supplementary Affidavit on behalf
of the respondent no. 1, District
Magistrate, North 24 parganas.

RAJIB RAY

Advocate

Bar Association Room No. 13,
High Court, Calcutta

Mob-9830132729/7980422764

Chamber: 28, Fakir Chand Mitra
Street, Kolkata- 700009.

Email: rajib.ray23@gmail.com