

BEFORE THE NATIONAL GREEN TRIBUNAL
(EASTERN ZONE BENCH, KOLKATA)

Original Application No. 135/2023/EZ

Mousri Jana

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. 135/2023/EZ

Mousri Jana

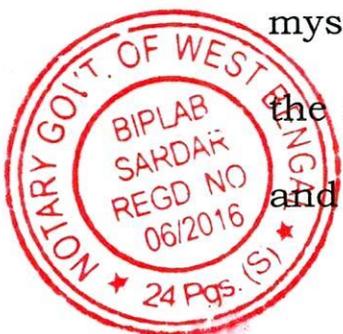
Versus

The State of West Bengal & Ors.

COMPLIANCE REPORT IN THE FORM OF AFFIDAVIT OF 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:

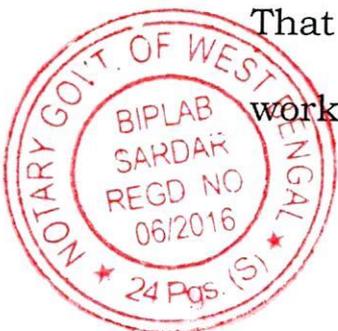
1. That I am working for gain as the District Magistrate,
South 24-Parganas, Alipore, Kolkata- 700027. I have made
myself well acquainted with the facts and circumstances of
the case. I am affirming this report in the form of affidavit
and I am duly authorized to do so.



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2. That this affidavit is being solemnly affirmed and filed in view of the Order dated 10.05.2024 passed by this Hon'ble Tribunal, whereby the Hon'ble Tribunal has been pleased to direct the District Magistrate, (South 24 Parganas) to file the compliance report with photographs to show that the plots in question have been restored to their original form as water body.
3. That the partial compliance report have been submitted by the Sub-Divisional Officer, Canning vide memo No. 1464/SDO/CNG dated 18.07.2024 which inter-alia states that the said plots are inaccessible for any kind of dismantling work where JCB or / and other restoration related machineries can be used due to narrow path way leading to the plots. Therefore, no other option is left and the work has to be done manually. There is no available space nearby for dumping the excavated soil / remnants as the said plots are bound by unfilled water body on two sides with a vacant private Raiyati plot on another side.

That there is a delay in dismantling and restoration related works as the work is executed by the manual labourers



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and also due to intermitten spells of monsoonal torrential rain.

Out of six nos. (6)of plots which are fully or partially filled up, that are to be restored to their original nature and character, two (2) nos. of plots have been completely restored and one (1) no. of plot have been restored partially thereby amounting to almost 50% restoration work being completed.

In the light of the above circumstances, the BDO, Canning – 1 and BL&LRO, Canning – 1, have requested for at least three (3) months time for completion of the entire restoration related process.

That the aggrieved parties have filed a writ petition being WPA 18252 of 2024 (Uttam Das & Ors. –VS- The State of West Bengal) which shall appear before the Division Bench of Hon'ble Chief Justice, T.S. Sivagnanam & Hon'ble Justice Hiranmay Bhattacharya as communicated by the Ld. Advocate of the aggrieved parties. The Ld. Advocate has also requested "not to take any coercive action against the petitioners in compliance of the direction of the Hon'ble



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National Green Tribunal (EZ), till disposal of the writ petition before the Hon'ble High Court at Calcutta.

The copy of the compliance report is annexed herewith and marked as Annexure – R/1.

4. That as per the report two (2) nos. of plots have been completely restored that is RS Plot No. 3678 corresponding to LR Plot No. 4578 and RS Plot No. 3675 corresponding to LR Plot No. 4575 and one (1) no. of plot have been restored partially thereby amounting to almost 50% restoration work being completed.

That RS plot No. 3672 corresponding to LR plot No. 4572, RS plot No. 3665 corresponding to LR plot No. 4565, RS plot No. 3666 corresponding to LR plot No. 4566 and RS plot No. 3646 corresponding to LR plot No. 4546 are still left for dismantling and restoration.

The photographs of dismantling and restoration are annexed herewith and marked as “Annexure – R/2”.

5. That the undersigned prays for more three (3) months time for completion of the entire restoration related process and



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submission of the compliance report for the kind perusal of the Hon'ble Tribunal.

6. That the affidavit is true and correct to the best of my knowledge and belief, which I derive from the office record including facts & figures.


DEPONENT
District Magistrate,
South 24-Parganas.



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SL. No. 8814 VERIFICATION

I, Sumit Gupta, District Magistrate, South 24 Parganas, do hereby verify that the contents of the compliance report 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 day of July, 2024.

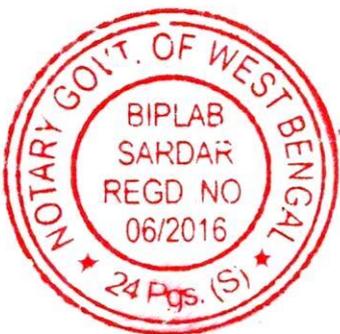


Sumit Gupta
DEPONENT
District Magistrate,
South 24-Parganas.

Identified by me

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

For the State of West Bengal



Solemnly Affirmed & Declared
before me on Identification

Biplab Sardar
BIPLAB SARDAR,
NOTARY
Regd. No 06/2016
Govt Of W Bengal

22 JUL 2024

OFFICE OF
THE SUB-DIVISIONAL OFFICER
CANNING
SOUTH 24 PARGANAS



P.O: Canning
P.S: Canning
Dist: South 24 Parganas
PIN: 743 329, West Bengal
Phone: (03218) 255-340 (O)
e-mail: sdocan@gmail.com

Memo No: 1464/SDO/CNG

Date: 18/07/2024

To
The Addl. District Magistrate (LR),
South 24 Parganas

- Ref: 1) Memo No. 14/2890/NGT/R/2023, dt: 16/07/2024 of the ADM (LR), South 24 Parganas
2) Memo No. 127/Con/DM, dt: 02/05/2024 of the District Magistrate, South 24 Parganas
3) Memo No. 377/BL-Can-I/2024, dt: 06/05/2024 of the BL&LRO, Canning-I, South 24 Parganas
4) Memo No. 788/SDO/CNG, dt: 06/05/2024 of this office
5) Memo No. 386/BL-Can-I/2024, dt: 09/05/2024 of the BL&LRO, Canning-I, South 24 Parganas
6) Memo No. 814/SDO/CNG, dt: 09/05/2024 of this office
7) Memo No. 840/SDO/CNG, dt: 14/05/2024 of this office
8) Memo No. 1215/BDO/CNG-I, dt: 22/05/2024 of the BDO, Canning-I, South 24 Parganas
9) Memo No. 932/SDO/CNG, dt: 14/05/2024 of this office
10) Memo No. 1450(2)/SDO/CNG, dt: 16/07/2024 of this office
11) Memo No. 1585/BDO/CNG-I, dt: 18/07/2024 of the BDO, Canning-I, South 24 Parganas

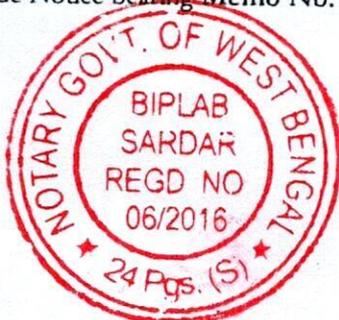
Sub: Compliance report i.c.w. OA 135/2023/EZ (Mousri Jana v/s The State of West Bengal & Ors.)

Sir,

As you are aware, in compliance with the solemn order passed by the Hon'ble National Green Tribunal, Eastern Zone Branch, dated 05/01/2024 and 21/03/2024 (ref: Case no. O.A. 135/2023/EZ - Mousri Jana v/s The State of West Bengal & Ors.) and consequent order passed by the District Magistrate bearing Memo No. 127/Con/DM, dated 02/05/2024, the BL&LRO, Canning-I was directed by the undersigned to complete the process of demarcation of R.S. Dag No. 3675, 3672, 3664, 3665, 3666, 3680, 3660, 3650, 3654, 3646 and 3678 (J.L. No. 75 under Mouza - Matla).

The BL&LRO, Canning-I submitted the concerned report after completion of the said demarcation process to the undersigned vide Memo No. 377/BL-Can-I/2024, dt: 06/05/2024 with all relevant details, including nature of the plot and details of recorded owners and existing possession-holder(s).

The concerned Raiyats and existing possession-holders so mentioned above who had allegedly filled up the waterbodies were then directed to remove the aforementioned unauthorized constructions, and also, to restore the respective plots to their original condition/nature and character within 07 (seven) days, that is, by 13/05/2024 vide Notice bearing Memo No. 788/SDO/CNG, dt: 06/05/2024, failing which, the undersigned would initiate



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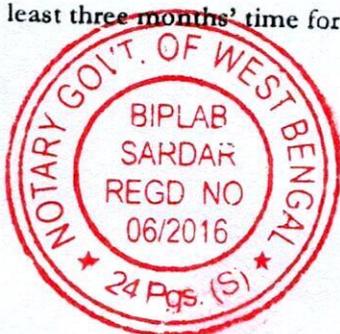
the process of dismantling/demolition of the unauthorized constructions to restore the respective plots to their original nature and character. The BL&LRO, Canning-I served this Notice to the concerned Raiyats/possession-holders with the help of BDO, Canning-I, and he had also submitted the service return(s) to the undersigned vide Memo No. 386/BL-Can-I/2024, dt: 09/05/2024. Despite this, the concerned Raiyats/existing possession-holders (Sl. No. 01 – 06 in the aforesaid Notice served vide Memo No. 814/SDO/CNG, dt: 09/05/2024) did not remove their respective unauthorized constructions.

Following this, the BDO, Canning-I was directed to comply with the Order of the NGT, Eastern Zone Branch, Kolkata dated 10/05/2024 with regard to the process of dismantling/demolition of the unauthorized constructions and also restore the respective plots to their original nature and character, and the BL&LRO, Canning-I was directed to assist him in identification of the said plots and also to arrange for logistic support, while IC, Canning P.S. was directed to arrange for adequate police personnel on each of the days during dismantling/demolition of the unauthorised constructions vide Memo No. 840/SDO/CNG, dt: 14/05/2024.

Consequently, acting upon the direction of the undersigned, the BDO, Canning-I along with BL&LRO, Canning-I started the process of restoration of the concerned plots. Both the aforesaid officers have submitted a joint Action Taken Report to the undersigned vide Memo No. 1215/BDO/CNG-I, dt: 22/05/2024 (enclosed herewith for your kind perusal) where they have stated that the said plots are inaccessible for any kind of dismantling work where JCB or/and other restoration-related machineries can be used due to the narrow pathway leading to the plots. Therefore, they were left with no other option but to do the work manually. They have further stated that there's an old pucca residential house that was built almost 15 years back. Furthermore, there's no available site or space nearby for dumping the excavated soil/remnants as the said plots are bound by unfilled waterbody on two sides with a vacant private Raiyati plot on another side.

In pursuance of another letter from your end vide Memo No. 14/2890/NGT/R/2023, dt: 16/07/2024 seeking compliance report on the matter, the same was sought by the undersigned from the BDO, Canning-I and BL&LRO, Canning vide Memo No. 1450(2)/SDO/CNG, dt: 16/07/2024. The BDO, Canning-I and BL&LRO, Canning-I have sent a joint report duly signed by them vide Memo No. 1585/BDO/CNG-I, dt: 18/07/2024, citing the same reasons as stated in their previous letter (bearing Memo No. 1215/BDO/CNG-I, dt: 22/05/2024) pertaining to causes for delay in the said dismantling and restoration-related work. Moreover, they have also stated that there is further delay in the work executed by the manual labourers because of the intermitten spells of monsoonal torrential rain. Out of the six (06 nos.) plots which are fully or partially filled up, that are to be restored to their original nature and character, two (02 nos.) plots have been restored completely, and one (01 no.) plot has been restored partially, thereby amounting to almost 50 % restoration work being completed.

In light of the above circumstances, the BDO, Canning-I and BL&LRO, Canning-I have requested for at least three months' time for completion of the entire restoration-related process.

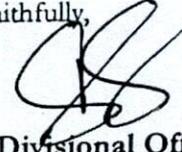


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Moreover, this is to bring to your notice that the aggrieved parties filed a writ petition against the concerned NGT order at the Calcutta High Court vide WPA No. 18252 of 2024 (Uttam Das & Ors. v/s The State of West Bengal), which shall appear before the Division Bench of Hon'ble Chief Justice, T.S. Sivagnanam and Hon'ble Justice Hiranmay Bhattacharya on 22/07/2024 or soon thereafter, as communicated by the Ld. Advocate Masud Karim (enclosed herewith). The Ld. Advocate has also requested to "not take any coercive action against the petitioners in compliance of the direction of the Ld. NGT, Eastern Zone, till disposal of the above writ application". Therefore, your instruction is solicited on whether the BDO, Canning-I and BL&LRO, Canning-I shall continue with their restoration-related work or not.

This is for favour of your kind information and perusal.

Yours faithfully,



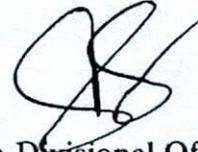
Sub-Divisional Officer
Canning, South 24 Parganas

Memo No: 1464/1(6)/SDO/CNG

Date: 18/07/2024

Copy forwarded for kind information to:

1. The District Magistrate & District Collector, South 24 Parganas
2. The SDPO, Canning, Baruipur P.D.
3. The SDL&LRO, Canning, South 24 Parganas
4. The BDO, Canning-I, South 24 Parganas
5. The BL&LRO, Canning-I, South 24 Parganas
6. The I.C., Canning P.S., Baruipur P.D.



Sub-Divisional Officer
Canning, South 24 Parganas



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GOVERNMENT OF WEST BENGAL
OFFICE OF THE BLOCK DEVELOPMENT OFFICER
CANNING-I DEV. BLOCK, SOUTH 24 PARGANAS
☎ PH NO : 033-255205 | email: bdocngl2014@gmail.com

Memo No: 1585/BDO/CNG-I

Date: 18/07/2024

To
The Sub-Divisional Officer
Canning Sub-Division
S24 Parganas

Sub: Regarding compliance report of the Order of SDO, Canning, S24 Parganas
Ref: Memo No. 840/1(9)/SDO/CNG Dated 14.05.2024 and Memo No-1450(2)/SDO/CNG
Dated -16/07/2024

Respected Sir,

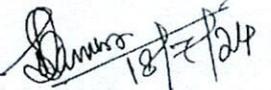
In pursuant to the direction as communicated vide memo no. 840/1(9)/SDO/CNG Dated 14.05.2024 and following the order of Hon'ble NGT (Eastern Zone) in OA no. 135 /2023/EZ (Mousri Jana vs the State of West Bengal and ors.), we the undersigned officers proceeded to comply with the solemn order.

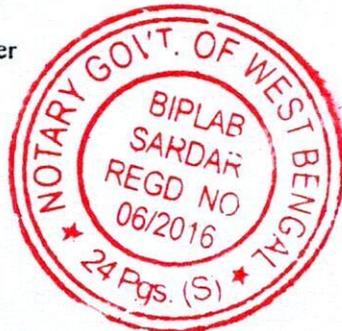
Presently out of 06 plots which will be restored as per the Order of Hon'ble NGT (Eastern Zone) we have restored 02 plots completely and 01 plot partially i.e. almost 50% of the total restoration work has been completed till date.

During the execution of the aforementioned restoration work, we are facing several difficulties as we have already informed you in our earlier communication also that the said plots are totally inaccessible by JCB & other restoration related machineries due to narrow entrance/approach pathway and the depth of the filling soil is very high which is to be removed from the filled up water bodies. Moreover, there is no available site nearby for dumping the excavated soil as the plot is bound by unfilled water body on two sides and by solid vacant private Raiyati land. Presently we are digging out the soil manually by engaging labourers. Therefore, as manual labourers have been engaged to restore the said plots, the process of restoration will take more time. Moreover, it may also be taken into consideration that there are intermittent spells of torrential rain because of the onset of monsoon season, which is further delaying the restoration process.

Hence, we pray for at least three months more to complete the above said process.

Yours faithfully


Block Land & Land Reforms Officer
Canning-I Development Block
South 24 Parganas




Block Development Officer
Canning-I Development Block
South 24 Parganas

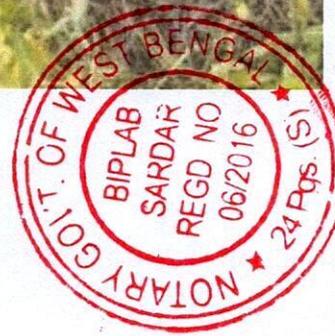
22 JUL 2024

Annexure-R/2



NOTARY GOVT. OF WEST BENGAL
 BIPLAB
 SARDAR
 REGD NO
 06/2016
 24 Pgs. (S)

22 JUL 2024





NOTARY GOVT. OF WEST BENGAL
 BIPLAB
 SARDAR
 REGD NO
 06/2016
 54 Pgs. (S)

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22 JUL 2024



NOTARY GOVT. OF WEST BENGAL
 BIPLAB SANDAK
 REGD NO 06/2016
<https://web.whatsapp.com>

22 JUL 2024



NOTARY GOVT. OF WEST BENGAL
 BIPLAB
 SARDAR
 REGD NO
 06/2019
<https://web.whatsapp.com>
 24 Pgs. (5)

22 JUL 2024



NOTARY GOVT. OF WEST BENGAL
 BIPLAB
 SARDAR
 REGD NO
 06/2018
 Pgs. (5)

<https://web.whatsapp.com>

22 JUL 2024



NOTARY GOVT. OF WEST BENGAL
BIPLAB SARDAR
REGD NO 06/2016
24 PGS (S)

<https://web.whatsapp.com>

22 JUL 2024



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NOTARY GOVT OF WEST BENGAL
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 1/1

22 III, 2024



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SARDAR
REGD NO
06/2016
24 Pgs. (S)



DISTRICT:-SOUTH 24 PARGANAS
Before the National Green Tribunal,
(Eastern Zone Bench, Kolkata)
Original Application No. 135/2023/EZ

MOUSRI JANA

-Versus-

The State of West Bengal & Ors.

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



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

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