

S.L. No. 40/24.

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, FINANCE CENTRE,
3RD FLOOR, NEW TOWN, KOLKATA



I.A. No of 2024 / EZ
IN
Original Application No. 133 of
2023/EZ

And
I.A No. 30 of 2024/ EZ
And

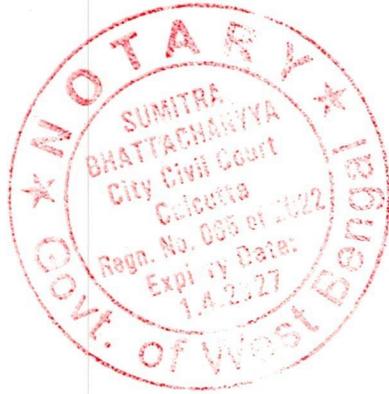
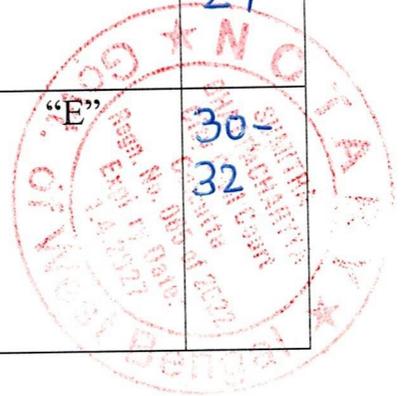
In the matter of :
Serajul Islam & Anr.
..... Applicants.
Versus
The State of West Bengal & Ors
..... Respondents

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26 JUL 2024

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List of dates

- Year 2022 : Illegal and unauthorized mining and stone quarrying began within the district of Birbhum.
- 16.02.2024 : The matter appeared before the Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata, which directed the respondent no. 2 and respondent no. 5 to take immediate steps to prevent illegal mining.
- 03.04.2024 : Next date of listing for the tribunal's directive.
- 02.06.2024 : Illegal dumping of waste materials and debris began at around 5:00 a.m. by John Hansda and Suresh Hansda.
- 10.06.2024 : Date of one of the written complaints against the Proposed Respondents.
- 20.06.2024 : Applicant no. 2 received a Notice to appear for a hearing on 26.06.2024.
- 26.06.2024 : Hearing attended by the applicants and their legal representative, where John Hansda admitted to using crushers illegally.



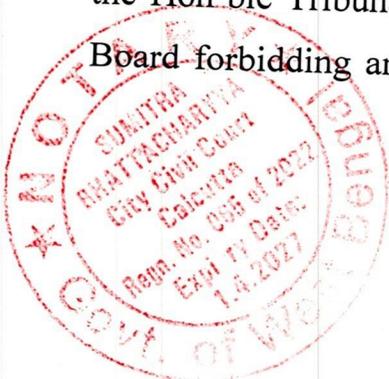
Synopsis

The applicants filed an original application Under Section 18(1) read with Section 14, 15 and 17 of the National Green Tribunal Act, 2010), being Original Application No. 133 of 2023/EZ against the Private Respondents in order to restrain the operation of illegal mining and stone quarrying activities within the district of Birbhum without any Environment Clearance, Mining Policy and other statutory permissions.

The applicants state that the instant matter appeared before the Hon'ble National Green Tribunal Eastern Zone Bench , Kolkata on 16.02.2024 where by the Hon' ble Tribunal gave direction to the respondent no. 2 , Additional Chief Secretary , Department of Environment, Govt. of West Bengal and the respondents no. 5 , District Magistrate, Birbhum , to take immediate steps to prevent illegal mining and file affidavit by the next date of listing on 03.04.2024.

That pursuant to the order dated 16.02.2024 passed by the Hon'ble National Green Tribunal Eastern Zone Bench Kolkata, a large Sign Board was installed at the quarry site with Notice inter alia stating that any extraction of stone from the quarry is illegal and persons found engaged in such illegal extraction will be prosecuted as per law .

The applicants state that it is most unfortunate that in spite of the Hon'ble Tribunal's restraining Order and the Notice on the Sign Board forbidding any activity , all of a sudden on 2.06.24 at around



5:00 a.m. one John Hansda s/o of late Charles Hansda and Suresh Hansda son of John Hansda ,both residing at Nalhati , Kathal Tola More, P.O. & P.S. - Nalhati , Dist - Birbhum , Pin - 731243, started illegally entering the said Plots with trucks loaded with waste materials and debris and using several crushers started dumping them in the said Plots , filling the entire atmosphere with dust for reason best known to themselves.

Your applicants state that the applicant no. 2 received a Notice dated 20.06.2024 being Memo no. 280(2)/JM to appear for Hearing on 26.06.2024 at 11:30 a.m at the Chamber of the Sub-Divisional Officer , Rampurhat Birbhum in the matter of illegally dumping the waste materials and debris which the Proposed Respondents and his associate had mined earlier illegally pertaining to the Plot nos. 707, 708, 712, 713, 714, 716, 670 & 677 at Mouza - Madna , J.L. no. 11 under the Nalhati P.S., Birbhum.

Your applicants state that the Proposed Respondents and their associates are continuing to illegally dump waste materials and debris in the said Plots using CRUSHERS without any Permits or Licence and further RESTRAINING THE APPLICANTS FROM TAKEN PICTURES OF THE SAID ILLEGAL DUMPING AS EVIDENCE USING MANPOWER against the applicants.



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, FINANCE CENTRE,
3RD FLOOR, NEW TOWN, KOLKATA

I.A. No. of 2024 / EZ

IN

Original Application No. 133 of
2023/EZ

And

I.A No. 30 of 2024/ EZ

And

In the matter of :

An application for addition of the
Additional respondents in the array of
respondents in the Original
Application No. 133 of 2023 /EZ
(Serajul Islam and Anr -Verses- The
state of West Bengal and Ors);

And

In the matter of:

1. Serajul Islam, son of Nurul
Islam, Of Natungram, Ward no. 12,
Nalhati, Dist - Birbhum, West Bengal,
Pin - 731 243.



2. Mamla Majhi, son of late Giden Majhi, of Vill - Balarampur, Singra), P.S. - Murarai, Dist - Birbhum, West Bengal , Pin - 731 222.

.....Original Applicants

- Versus-

1. The State of West Bengal, service through the Principal Secretary, Department of Environment, Prani Sampad Bhawan, 4th floor , Block - LB - II, Bidhannagar, Kolkata – 700106
Email : psecy.env-wb@gov.in

2. The Additional Chief Secretary, Department of Environment, Prani Sampad Bhawan, 4th floor, Block - LB - III, Bidhannagar, Kolkata – 700106
Email: acsenvwb@gmail.com

3. The Additional Chief Secretary, Department of Land and Land reforms, having office at Nabanna , 325, Sarak Chatterjee Road, Shibpor , Howrah - 711 102.

Email : seclr@wb.gov.in



4. Chief Environment Officer,
Department of Environment, Prani
Sampad Bhawan, 4th floor , Block -
LB - II , Salt lake City, Sector - III,
Bidhannagar, Kolkata - 700 106.
Email : environmentwb@gmail.com

5. District Magistrate, Birbhum,
Administrative Building, Suri Main
Road, Suri, Birbhum, West Bengal -
731 101, Email - dm-bir@nic.in

6. Superintendent of Police,
Birbhum, Suri, West Bengal - 731107
Email: spbirbhum@gmail.com

7. Inspector - in-Charge , Nalhati
Police Station, Birbhum, West Bengal
- 731 243,
Email : spbhmwbp@gmail.com

8. The West Bengal Pollution
Control, Service through the
Chairman, Paribesh Bhawan, Plot No



- 10A, Block - LA, Sector - III,
Bidhannagar, Kolkata - 700106,
Email: chrnmn.wbpcb-wb@bangla.gov.in.

9. The Member Secretary, West
Bengal Pollution Control Board,
Paribesh Bhawan, Plot No. 10A,
Block - LA, Sector - III Bidhannagar,
Kolkata - 700106,
Email : ms.wbpcb-wb@bangla.gov.in

10. Member Secretary, State level
Environment Impact Assessment
Authority, Prani Sampad Bhawan, 4th
floor, Block - LB - II , Salt Lake City,
Sector - III, Bidhannagar, Kolkata -
700106,
Email- environmentwb@gmail.com

11. Block Land and Land Reforms
Officer, Nalhati - I Birbhum, West
Bengal - 731243,
Email - blro.nalhati1@gmail.com .



12. Secretary, Ministry of Environmental, Forest and Climate Change, Indira, Paryavaran, Jorbagh Road, Aliganj, New Delhi – 110003, Email – secy-moef@nic.in.

(Removed by court's order dated 04.10.2023).

13. Bapi Sk, son of Sainul Islam residing at Vill & P.O. - Ekdala, P.S. - Rampurhat, Dist - Birbhum West Bengal, Pin - 731202.

14. Mustak Sk, son of late Hakim Sk residing at Nalhati, Mondal Para, P.O. & P.S. - Nalhati, Dist - Birbhum West Bengal, Pin - 731243

15. Paskal Hansda son of Benjamin Hansda , residing at Vill - Chilimpur, P.O. - Banior, P.S. - Nalhati, Dist - Birbhum, West Bengal, PIN- 731243.

16. Joseph Hansda, son of Matilal Hansda, of Vill - Laksnamara



@Laxmanmara, P.O.- Horioka , P.S. -
Nalhati, Dist - Birbhum , Pin -
731243.

17. Budishal Soren, son of
Ramjatan Soren, Vill - Chandannagar,
P.O. - Horioka, P.S. - Nalhati , Dist -
Birbhum, Pin - 731243.

..... Respondents/Respondents

And

In the matter of:

1. John Hansda son of late Charles
Hansda residing at Nalhati Kathal
Tola More, P.O. & P.S. - Nalhati, Dist
- Birbhum, Pin - 731243.
2. Suresh Hansda son of John
Hansda residing at Nalhati Kathal
Tola More, P.O. & P.S. - Nalhati ,
Dist - Birbhum , Pin - 731243.

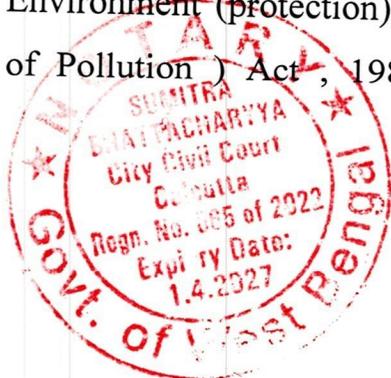
..... Proposed Added Respondents
/Respondents



The Humble Petition on behalf of the
Applicants above named

Most Respectfully sheweth :

1. The applicants filed an original application Under Section 18(1) read with Section 14, 15 and 17 of the National Green Tribunal Act, 2010), being Original Application No. 133 of 2023/EZ against the Private Respondents in order to restrain the operation of illegal mining and stone quarrying activities within the district of Birbhum without any Environment Clearance, Mining Policy and other statutory permissions.
2. The applicants state that the applicant No.1 is a social worker. The applicant no.2 is the legal and recorded owner at Mouza - Madna , J.L. No. 11 , plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, P.S.- Nalhati , within district - Birbhum.
3. Your applicants state that since the year 2022 illegal and unauthorized mining and stone quarrying were continuing at the above mentioned plots within the district of Birbhum without any licence and or permission or clearance from the concerned authorities causing environmental pollution and degradation and / or damage of the environment in violation of and/or against the provisions of Environment (protection) Act,1986, the Air (Prevention and Control of Pollution) Act , 1981, the Water (Prevention and Control of



pollution) Act, 1974 and other laws, rules and regulations relating to protection and preservation of environment .

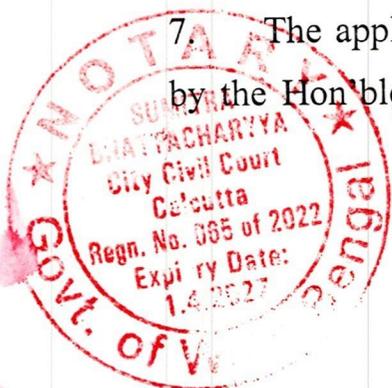
4. Your applicants state that they have consistently lodged written complaints with the concerned police authorities with regards to the same yet they took no appropriate steps to restrain the private respondents from the unauthorized and illegal mining.

5. The applicants state that such mining and stone quarrying is being a carried out in the entire Mouza - Madna , J.L. No. 11 , Nalhati unabated and without any restrain by the concerned police authorities right the under the eyes and with consent of higher state authorities .

6. The applicants state that the instant matter appeared before the Hon'ble National Green Tribunal Eastern Zone Bench , Kolkata on 16.02.2024 where by the Hon' ble Tribunal gave direction to the respondent no. 2 , Additional Chief Secretary , Department of Environment, Govt. of West Bengal and the respondents no. 5 , District Magistrate, Birbhum , to take immediate steps to prevent illegal mining and file affidavit by the next date of listing on 03.04.2024.

A copy of the said order dated 16.02.2024 is annexed herewith and marked as Annexure - A

7. The applicants state that in spite of the precise direction given by the Hon'ble Tribunal to the respondents no. 2, Additional Chief



Secretary , Department of Environment, Govt. of West Bengal and the respondents no. 5, District Magistrate, Birbhum , to take immediate steps to prevent illegal mining, the said respondents failed to comply with the order / decision and the illegal mining was continuing at a relentless pace.

8. That the applicants filed an application under section 26 & 28 of the National Green Tribunal Act for compliance of the Hon'ble Tribunals Order being I.A . No. 30 of 2024 /EZ .

9. That pursuant to the order dated 16.02.2024 passed by the Hon'ble National Green Tribunal Eastern Zone Bench Kolkata, a large Sign Board was installed at the quarry site with Notice inter alia stating that any extraction of stone from the quarry is illegal and persons found engaged in such illegal extraction will be prosecuted as per law .

A Photo Copy of the said Sign Board is annexed herewith and marked as Annexure - B

10. The applicants state that it is most unfortunate that in spite of the Hon'ble Tribunal's restraining Order and the Notice on the Sign Board forbidding any activity , all of a sudden on 2.06.24 at around 5:00 a.m. one John Hansda s/o of late Charles Hansda and Suresh Hansda son of John Hansda ,both residing at Nalhati , Kathal Tola More, P.O. & P.S. - Nalhati , Dist - Birbhum , Pin - 731243, started illegally entering the said Plots with trucks loaded with waste materials and debris and using several crushers started dumping them

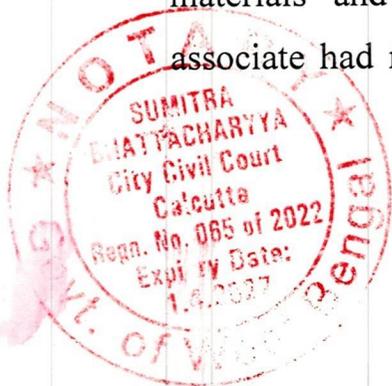
in the said Plots , filling the entire atmosphere with dust for reason best known to themselves.

11. Your applicants state that the dumping is the continuing till date . The entire Plots are been covered with mountainous piles of the said Waste materials and debris. It will cause the applicant no. 2 huge amount of money to remove the said debris from his land. Its an act of deliberate vindictiveness to harass the applicant and cause him huge financial loss for lodging complaints against the said John and Suresh Hansda to the concerned police authorities and in courts of law .

A copy of the said written complaints dated 10.06.2024 and 3.07.2024 are annexed herewith and marked as Annexure - C.

12. Your applicants state that in spite of consistently lodging complaints against the above mention Proposed Respondents being actively involved in the said dumping activities , the concerned police authorities did not take any preventive measures against the said Proposed Respondents and also did not register and FIR against them for reasons best known to themselves.

13. Your applicants state that the applicant no. 2 received a Notice dated 20.06.2024 being Memo no. 280(2)/JM to appear for Hearing on 26.06.2024 at 11:30 a.m at the Chamber of the Sub-Divisional Officer , Rampurhat Birbhum in the matter of illegally dumping the waste materials and debris which the Proposed Respondents and his associate had mined earlier illegally pertaining to the Plot nos. 707,



708, 712, 713, 714, 716, 670 & 677 at Mouza - Madna , J.L. no. 11 under the Nalhati P.S., Birbhum.

A copy of the said Notice dated 20.06.2024 of the attached herewith and marked as Annexure - D.

14. Your applicants attended the said hearing on 26.06.2024 with their legal representative, Ms. Nasreen Islam . It is a fact that during the said hearing John Hansda admitted that he was using the CRUSHERS illegally without any Permits or Licence in the presence of the Sub- Divisional Officer and member of the BL & LRO, their Legal Representative and them .

15. Your applicants state that it is most unfortunate that in spite of the above mentioned proceedings initiated by the concerned authorities, the said Proposed Respondents threatened the applicants dire consequences life and property stating that the will continue to dump waste materials and debris in the said Plots and no court of law can stop them and even Supreme Court wont be able to do anything to him.

16. Your applicants state that the Proposed Respondents and their associates are continuing to illegally dump waste materials and debris in the said Plots using CRUSHERS without any Permits or Licence and further RESTRAINING THE APPLICANTS FROM TAKEN PICTURES OF THE SAID ILLEGAL DUMPING AS EVIDENCE USING MANPOWER against the applicants.



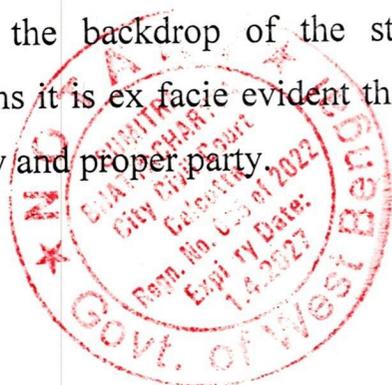
Copy of Photographs of the said illegal dumping of waste materials and debris which is continuing every single day at the said Plot are annexed herewith and marked as Annexure - E

17. In view of the statements made in fore going paragraphs , your Applicants state and submit that considering the nature of the allegation appearing from the edifice of the instant Original Application relating to the illegal dumping of waste materials and debris activities , the impleadment of the proposed respondents in the array of respondents in the instant Original Application is necessary and expedient for the purpose of complete and effective adjudication of the dispute involved in this Original Application .

18. Under the above circumstances, and in order to avoid multiplicity of proceedings on the self same subject matter, unless the Proposed Respondents are allowed to be added as Respondents in the array of the Respondents in the instant Original Application, the same would frustrate the complete and effective adjudication of the dispute involved in this Application .

19. The Applicants submit that for the sake of public justice the Proposed Respondents are required to be added as parties / Respondents in the Original Application to insure same decisions and Orders on the same issues.

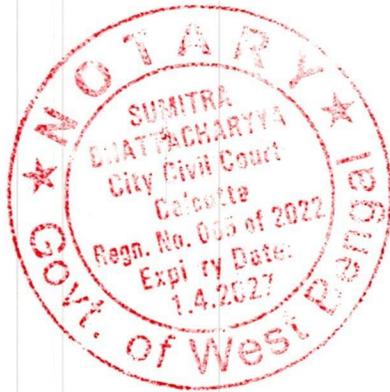
20. In the backdrop of the statements made in the aforesaid paragraphs it is ex facie evident that the Proposed Respondents are a necessary and proper party.



21. The applicants state that unless the orders as states herein below are passed, the applicants will suffer irreparable loss and injury and the same would Violate the principles of natural Justice .

22. This application is made bona fide and for the ends of Justice.

Under the aforesaid circumstances Your applicants most humbly pray that Your lordships may be graciously pleased to allow to this instant application impleading the Proposed Respondents in the array of Respondents in the Original Application No. 133 of 2023 /EZ (Serajul Islam and Anr - Versus- The state of West Bengal and Ors); and/ or pass such other order or orders as Your Lordships may deem fit and proper.



And for this act of kindness, the Applicants as in duty bound shall ever pray.

Sarajul Islam.

Signature of the applicant no.1 on behalf of himself and also for applicant no.2

Nasreen Islam

Signature of the Learned Advocate on Record.

VERIFICATION

I, Serajul Islam , son of Nurul Islam, aged about 25 years, by faith - Muslim , by occupation - Social worker , residing at Vill - Natungram, Ward No.12, Nalhati , P.O & P.S - Nalhati, Dist - Birbhum, West Bengal - 731243, do hereby verify on behalf of myself i.e the applicant no. 1 as well as being the authorized by the applicant no. 2 herein that the statements made in paragraph nos.1 to 5 are true to my knowledge , the statements made in paragraph nos. 6 to 9 are information as derived from the records of the case and the rest are my humble submission before the Hon'ble Tribunal and I have signed this verification on this 11th day of July, 2024 the High Court at Calcutta.

Date: 26.07.24

Place: Kolkata

Serajul Islam
Deponent

Identified by me

Masnoon Islam
Advocate



AFFIDAVIT

I, Serajul Islam , son of Nurul Islam, aged about 25 years, by faith - Muslim , by occupation - Social worker , residing at Vill - Natungram, Ward No.12, Nalhati M, P.O & P.S - Nalhati, Dist - Birbhum, West Bengal - 731243, do hereby solemnly affirm and state as follows :-

1. I am the applicant no. 1 of this instant application and duly authorized by the applicant No 2 to affirm this affidavit on behalf of him and myself. I am well acquainted and fully conversant with the fact of circumstances of the case and as such I am competent to affirm the instant affidavit .

2. That the statements made in paragraph nos. 1 to 5 are true to my knowledge , the statements made in paragraph nos. 6 to 9 are information as derived from the records of the case and the rest are my humble submission before the Hon'ble Tribunal and I have signed this verification on this 11th day of July 2024 in the High Court at Calcutta.

Prepared in my office

Identified by me

Nurul Islam

Advocate

WB/1725/02

Serajul Islam
The deponent is known to me,

Solemnly Affirmed 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



26 JUL 2024

Item No.03

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.133/2023/EZ

Serajul Islam & Anr.

Applicant(s)

Versus

The State of West Bengal & Ors.

Respondent(s)

Date of hearing: 16.02.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Ms. Nasreen Islam, Advocate

For Respondent(s): Mr. Sudip Kuamr Dutta, Advocate for R-1 to 7 & 11
(in Virtual Mode),
Mr. Sibojyoti Chakraborty, Advocate for R-8&9
(in Virtual Mode),
Mr. Dipanjan Ghosh, Advocate for R-10 (in Virtual Mode),
Mr. Supratick Syamal, Advocate and
Ms. Samosreedebi Dutta, Advocate for R-16&17
(in Virtual Mode)



ORDER

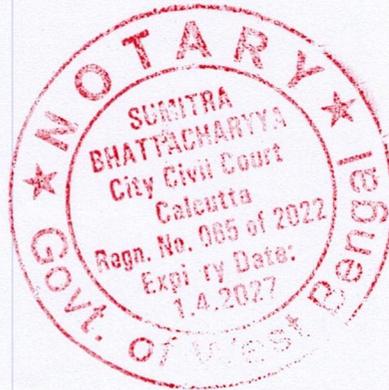
1. Counter-affidavits have not been filed by Respondent Nos.13, 14 & 15.
2. Mr. Mostafijur Rahaman, learned Counsel for Respondent Nos.13, 14 & 15, is not present today even though the link was also sent to the learned Counsel.
3. Committee Report on affidavit dated 15.02.2024 has been by Respondent No.8, West Bengal Pollution Control Board; the same is taken on record.
4. In this affidavit, in paragraph-6 (e), there is categorically averment that there is evidence of illegal extraction beyond the plots cited in the Original Application and the District Administration may fix responsibility, ascertain the quantum of rock extracted illegally, and estimate the amount of revenue loss.

5. In paragraph-6 (f) of the affidavit, it is stated that while unlawful quarrying activities in the area have left the surroundings derelict to a significant extent, the dereliction caused by the quarrying activities can be mitigated to a significant extent but cannot be reversed through human intervention, as such necessary reclamation may be undertaken at the earliest.
6. In view of the averments in the affidavit of the Officer on Special Duty (OSD), West Bengal Pollution Control Board, we direct the Respondent No.2, Additional Chief Secretary, Department of Environment, Govt. of West Bengal and Respondent No.5, District Magistrate, Birbhum, to take immediate steps to prevent illegal mining and file affidavit.
7. Let the affidavit be filed by the next date of listing.
8. **List on 03.04.2024.**

.....
B. Amit Sthalekar, JM

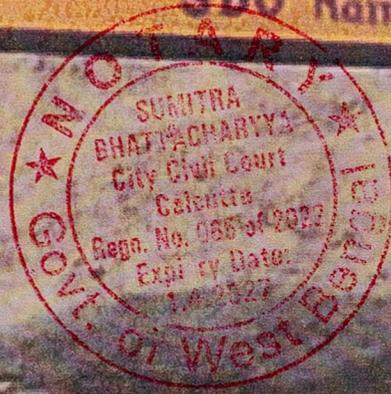
.....
Dr. Arun Kumar Verma, EM

February 16, 2024,
Original Application No.133/2023/EZ
MN



সহায়ন্য NGT-এর আদেশ অনুসারে এলাকা বাগীর
 সমস্ত খাদান মানিকদের জানানো যাইতেছে যে,
 মদনা যোজার (JL-II) যাহার দাগ নং- 707,
 708, 712, 713, 714, 715, 716, 670, 677, এই
 দাগ গুলো ছাড়াও পার্শ্ববর্তী এলাকার দাগ
 গুলো থেকে কোন রকমে বেআইনি ভাবে
 পাথর উত্তলন করিলে আইনানুগ ব্যবস্থা
 গ্রহন করা হইবে।

আদেশ অনুসারে-
 SDO Rampurhat



From:

Mamla Majhi ,
S/o Giden Majhi,
Vill – Balarampur (Singara) ,P.S- Murarai ,dist- Birbhum
PIN-731222
Mob No – 8967765999

Dated: 10.06.2024

To,

1. Srimati Mamta Banerjee,
The Hon'ble Chief Minister of West Bengal,
Programme Implementation & Grievance Cell,
Upanna, 325, Sarat Chatterjee Road, Shibpur, Howrah, West Bengal PIN- 711102.
E-mail : - cm-wb@nic.in

2. The Superintendent of Police, Birbhum, Suri, West Bengal, PIN: 731107.
Email - spbirbhum@gmail.com.

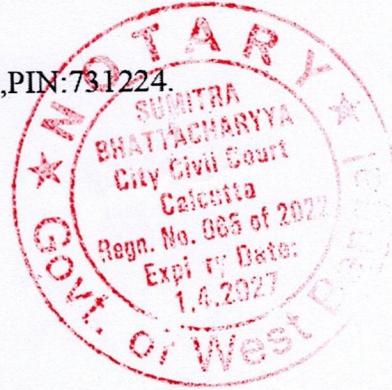
3. The S.D.O , Rampurhat, Birbhum,, West Bengal, PIN: 731224.
Email - sdmrph@gmail.com.

4. The Officer-in-Charge,
Nalhati Police Station,
Birbhum,
West Bengal, PIN-731243.
Email- spbhmbwp@gmail.com.

4. The West Bengal Pollution Control Board, service through the Chairman, Paribesh Bhawan, Plot No. 10A, Block -LA, Sector-III, Bidhannagar, Kolkata, PIN-700106.
Email - chrnm.wbpcb-wb@bangla.gov.in.

5. District Magistrate,
Birbhum, Administrative Building, Suri Main Road, Suri, Birbhum, West Bengal, PIN- 731 101. Email- dm-bir@nic.in.

6. Block Land and Land Reforms Officer, Nalhati -I, Birbhum, West Bengal, PIN- 731243.
Email- blro.nalhati1@gmail.com.



7. MLA, Rajendra Prasad Singh, Nalhati Assembly (293)
Nalhati, Ward No- 03, Birbhum, Pin-731220
Email- rajendraprasadsinghnalhati@gmail.com

Sub: Complaint against John Hansda s/o Charles Hansda residing at Nalhati Katalata More, P.O & P.S – Nalhati, Dist-Birbhum, Pin: 731 343 for illegally dumping the stone chips and debris which he and his associates had mined earlier illegally at Plot No.707,708,712,713,714,715,716,670,677 in khatian No.88,1070,1074,1076,1205, 1316,322,346,807,813,814,815,1206,1214,12346,J.L.No.11,Mouza-Madna,P.S-Nalhati, district -Birbhum by and with reference to earlier complaint dated 14/10/2023, 12/12/2023, 17/12/2023, 26/01/2024, - and with reference to email dated 9.06.2024.

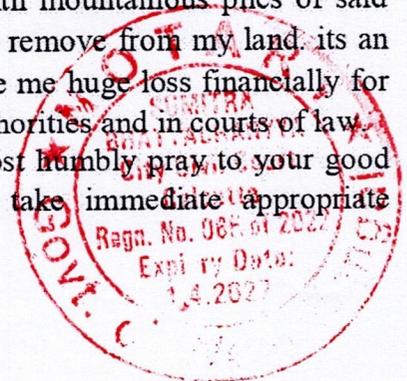
Ref: Order passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in O.A.No.133 of 2023/EZ dated 16.02.2024.

Sir(s),

I am the recorded owner of the above mentioned plots and as such I would most humbly like to bring to your notice that illegal mining and stone quarrying activities was being carried out at the aforementioned location by the above named person and his other associates mentioned in the complaints lodged earlier with you.

That pursuant to the order passed by the Hon'ble National Green Tribunal Eastern Zone Bench Kolkata in O.A. No.133 of 2023 /EZ dated 16.02.2024 ,a large Sign board was installed at the quarry site with notice inter alia stating that any extraction of stone from the quarry is illegal and persons found engaged in such illegal extraction will be prosecuted as per law.

It is most unfortunate and peculiar that in spite of the Hon'ble tribunal's order and the notice on the Sign board forbidding any activity all of a sudden on 2.06.2024 at around 5 a.m the said John Hansda and his associates started entering the said plots with trucks loaded with stone chips and started dumping them in the said plots ,filling the entire atmosphere with dust for reasons best known to themselves .the dumping is continuing till date. The entire plots are been covered with mountainous piles of said stone chips and debris which will cost me huge amount to remove from my land. its an act of deliberate vindictiveness and to harass me and cause me huge loss financially for lodging complaints against him to the concerned police authorities and in courts of law. Under such misfortunate circumstances I once again most humbly pray to your good selves to understand the gravity of the situation and take immediate appropriate



measures to refrain the above named person and his associates from damaging the environment and endangering the health and lives of the people of the surrounding neighborhood.

Copy of the order dated 16.02.2024 passed by the Hon'ble tribunal and photographs of the said dumping activities are annexed herewith.

I further pray to your gracious self to take immediate restraining measures to stop the entry of vehicles in the said premises.

And for this act of kindness I shall be ever grateful.

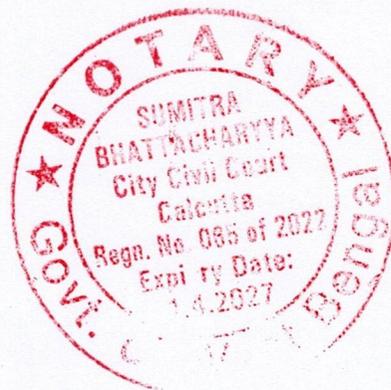
Thanking you,

Yours faithfully



Drafted, Read over and explained by
Ms. Nasreen Islam
Advocate,
High Court, Calcutta

LTI of Mamla Majhi
By the pen of Serajul Islam *Serajul Islam*



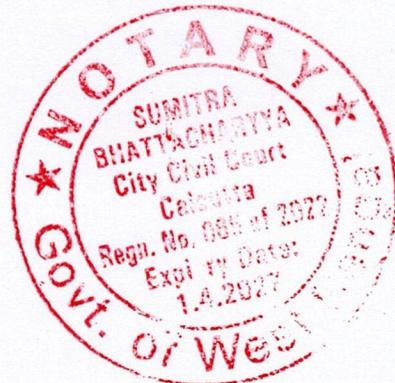
From:

Mamla Majhi,
S/o Giden Mahji,
Vill – Balarampur (Singara) ,
P.S- Murarai,dist- Birbhum,
PIN: 731 222

Dated:03.07.24

To,

1. Srimati Mamta Banerjee,
The Hon'ble Chief Minister of West Bengal,
Programme Implementation & Grievance Cell,
Upanna, 325, Sarat Chatterjee Road , Shibpur, Howrah, West Bengal Pin – 711102,
Email :- cm-wb@nic.in
2. The Superintendent of Police , Birbhum , Suri , West Bengal , Pin – 731101,
Email – spbirbhum@gmail.com.
3. The S.D.O., Rampurhat , Birbhum, West Bengal, Pin- 731224.
Email – sdmrph@gmail.com.
4. The Inspector -in – Charge,
Nalhati Police Station,
Birbhum,
West Bengal,
Pin – 731243,
Email – spdhmwbp@gmail.com
5. The West Bengal Pollution Control Board , service through the Chairman, Paribesh Bhawan , Plot
No –10A , Block – LA , Sector –III, Bidhannagar , Kolkata, Pin –700106.
Email – chrnmn.wbpcb-wb@bangla.gov.in.
6. District Magistrate ,
Birbhum, Administrative Building , Suri , Main Road, Suri, Birbhum, West Bengal, Pin –731101,
Email – dm-bir@nic.in
7. Block Land and Land Reforms Officer, Nalhati -I , Birbhum, West Bengal, Pin – 731243.
Email – blro.nalhati1@gmail.com.
8. MLA, Rahendra Prasad Singh , Nalhati Assembly (293) Nalhati , Ward No – 03, Birbhum, Pin –
731220, Email – rajendraprasadsinghnalhati@gmail.com.



Ref: Written Complaint dated 10.06.24 & Notice dated 20.06.24 being Memo no. 280(2)/JMby The Sub Divisional Officer, Rampurhat , Birbhum in the matter of illegally dumping the waste materials and debris which John Hansda and his associates had mined earlier illegally pertaining to the plot no. 707,708,712,713,714,716,670 & 677 at Mouza -Madna ,J.L.no.11 under the Nalhati P.S., Birbhum.

Respected Madam/Sir(s),

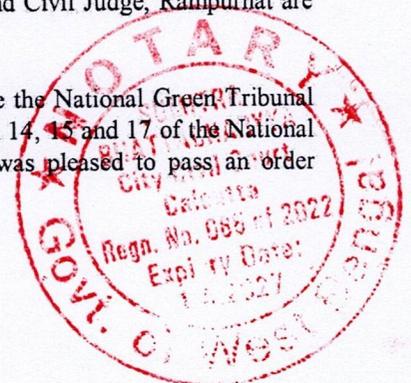
1. I am the recorded owner of the plot nos .707,708,712,713,714,715,716,670,677 in khatian No.88,1070,1074,1076,1205,1316,322,346,807,813,814,815,1206,1214,12346,J.L.No.11,Mouza-Madna,P.S-Nalhati, District -Birbhum.
2. I would like to further state that I am a senior citizen of India and suffering from various ailments and poor health so I am unable to proceed with the said matter alone thus I requested Mr. Serajul Islam ,son of Nurul Islam residing at Natungram Ward no -12,Nalhati,Dist- Birbhum, West Bengal, Pin- 731 243 to assist me in the court proceedings and out of good will he agreed to assist me .I would further like to bring to your notice that the said John Hansda and his associates are threatening Serajul Islam with dire consequences of life for assisting me and we are living in perpetual fear of irreparable damage and loss to our lives and property.
3. I would like to bring to your notice that Since the year 2022 rampant , unscientific and life threatening illegal mining and stone quarrying activities were being carried out at the aforementioned location by 1.Sainul Islam @ Bapi Sk S/o Md Hanif @ Robi, 2.Mustak Sk S/o late Hakim Sk,3. Sujit Hansda @ Paskel S/o Benjamin Hansda, 4.Joseph Hansda s/o Matilal Hansda, 5.Budishal Soren s/o Ramjatan Soren, 6. John Hansda s/o Charles Hansda, 7. Suresh Hansda S/o Johan Hansda, and their associates. The unit operations like drilling, blasting using heavy explosives,excavation, loading, transportation ,crushing and size separation are being carried out compromising all safety aspects. CRUSHERS are being employed without any Permits or licence from the appropriate authorities. I lodged several complaints against the above-mentioned persons to the concerned Police authorities but they took no restraining measures to stop the illegal mining and quarrying activities.

Copy of the said written complaints are annexed herewith for your kind perusal and marked as Annexure A.

4. I further filed several Criminal and Civil applications before the appropriate Courts of law within the jurisdiction of Birbhum but In spite of several restraining orders passed by the Id courts giving directions to the Concerned Police authorities to maintain status quo and not to change the nature and character of the above mentioned plots,but the police authorities took no restraining measures against the above mentioned persons to stop the illegal mining and quarrying activities.

Copy of the said orders passed by the Ld Executive Magistrate and Civil Judge, Rampurhat are annexed herewith and marked as Annexure B.

5. Under the above circumstances I had to file an application before the National Green Tribunal Eastern Zone Bench Kolkata under sections 18(1) read with section 14, 15 and 17, of the National Green Tribunal Act,2010.On 16.02.2024 the Hon'ble Tribunal was pleased to pass an order



giving directions to the Additional Chief Secretary, Department of Environment, Govt of West Bengal and District Magistrate to take immediate steps to prevent illegal mining.

Copy of order dated 16.02.2024 passed by the Hon'ble National Green Tribunal Eastern Zone Bench Kolkata is annexed herewith and marked as Annexure C.

6. That pursuant to the order passed by the Hon'ble National Green Tribunal Eastern Zone Bench Kolkata in O.A. No.133 of 2023/EZ dated 16.02.2024 ,a large Sign board was installed at the quarry site with notice inter alia stating that any extraction of waste materials and debris from the quarry is illegal and persons found engaged in such illegal extraction will be prosecuted as per law.

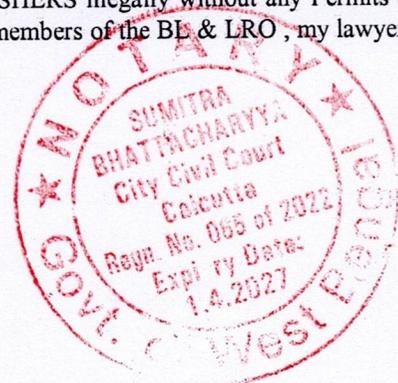
A Photocopy of the Sign board is annexed herewith and marked as Annexure D

7. It is most unfortunate and peculiar that in spite of the Hon'ble tribunal's order and the Notice on the Sign board forbidding any activity ,all of a sudden on 2.06.2024 at around 5 a.m. the said John Hansda, Suresh Hansda both residing at Kathal Tola More, P.O. & P.S- Nalhati, Dist- Birbhum, and their associates started entering the said plots with trucks loaded with waste materials and debris and using several crushers without any permit started dumping them in the said plots ,filling the entire atmosphere with dust for reasons best known to themselves .the dumping is continuing till date. The entire plots are been covered withmountainous piles of said waste materials and debris which will cost me huge amount to remove from my land. its an act of deliberate vindictiveness and to harass me and cause me huge loss financially for lodging complaints against him o the concerned police authorities and in courts of law.
8. I would like to most humbly submit that in spite of me consistently lodging complaints against the above-mentioned persons actively involved in the illegal mining and quarrying activities ,the concerned police authorities took no preventive measures against them and also they did not register an FIR against them for reasons best known to themselves.
9. That on 21.06.2024 I received a Notice dated 20.06.2024 from the Office of The Sub-Divisional Officer , Rampurhat , Birbhum being Memo no.280(2)/JM to appearfor hearing on 26.06.2024 at 11.30 a.m at the chamber of the Sub divisional Officer , Rampurhat, Birbhum in the matter of illegally dumping the waste materials and debris which he and associates had mined earlier illegally pertaining the plot no 707,708.712,713,714,716,670 &677 at Mouza -Madna ,J.L.no.11 under the Nalhati P.S., Birbhum by the O.Ps.

Copy of the said Notice dated 20.06.24 is attached herewith marked as annexure E.

10. I attended the said hearing with my legal representative, Ms. Nasreen Islam and Serajul Islam and submitted photographs of the said dumping in the presence of The Sub-Divisional Officer and members of the BL & LRO department and the opposite party, John Hansda.

It's a fact that on 26.06.24 during the said Hearing in the Chamber of the Sub Divisional Officer, the said John Hansda admitted that he is using the CRUSHERS illegally without any Permits or licensein the presence of the Sub divisional Officer and members of the BL & LRO , my lawyer , Serajul Islam and myself.



11. Its most unfortunate that in spite of the above mentioned proceedings initiated by the concerned authorities, on 29.06.24, said John Hansda & Suresh Hansda and their men threatened me with dire consequences of life and property stating that he will continue to dump waste materials and debris in my plot and no Court of law can stop him. He defiantly stated that I can go to Supreme Court with my complaint against him but the Hon'ble Supreme Court won't be able to do anything to him. He and his men are continuing to illegally dump waste materials and debris into my said plots using CRUSHERS and further RESTRAINING ME FROM TAKING PICTURES OF THE SAID ILLEGAL DUMPING AS EVIDENCE OF THE SAME USING MAN POWER against Serajul Islam and myself.
12. Under such misfortunate circumstances I once again most humbly pray to your good self to understand the gravity of the situation and take immediate appropriate measures to refrain the above named person and his associates from damaging the environment and endangering the health and lives of the people of the surrounding neighborhoods

The photographs of the illegal dumping of waste materials and debris which is continuing every single day in the said plots are annexed herewith for your kind perusal and marked annexure-F.

L.T.I of Mamla Majhi by the

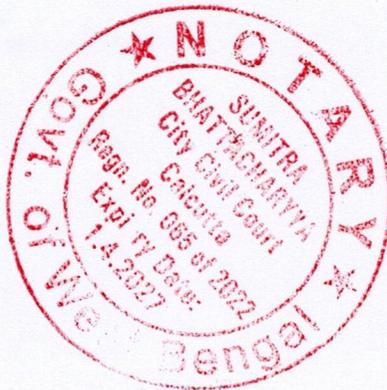
Pen of Sirajul Islam.



Serajul Islam

Prepared In my Office and
Drafted, Read over and explained by
Ms. Nasreen Islam
Advocate,

Enrol no. WB/1725/02
Bar. Association Room no.4
High Court, Calcutta.





GOVERNMENT OF WEST BENGAL
OFFICE OF THE SUB-DIVISIONAL OFFICER

RAMPURHAT * BIRBHUM

E-mail ID : - sdmrph@gmail.com

(J.M SECTION)

NOTICE

Memo No:- 280 (2)/JM

Dated: 20/06/2024

To,

Petitioners

Mamla Majhi,

S/O Giden Majhi,

Vill. Balarampur (Singara),

PS. Murarai, Dist. Birbhum.

Respondents

John Hasda

S/O Charles Hasda

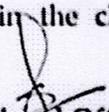
at Village- Kathaltala More, Nalhati,

PO. & PS. Rampurhat, Dist Birbhum.

Sub:- Call for hearing in the matter of illegally dumping the stone chips and debris which he and his associates had mined earlier illegally pertaining the plot no. 707, 708, 712, 713, 714, 715, 716, 670 & 677, at Mouza- Madna, J.L. no. 11 under the Nalhati P.S, Birbhum by the O.Ps.

In reference to the above subject matter, the date has been fixed for hearing on 26/06/2024 at 11:30 am at the chamber of the undersigned.

You are directed to remain present with all relevant documents in the chamber of the undersigned for hearing

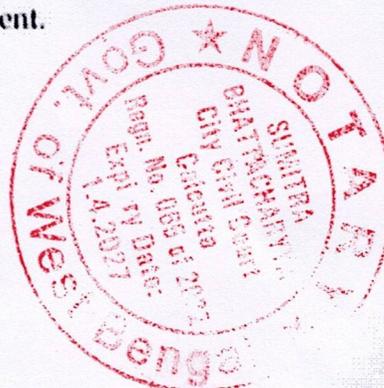

Sub-Divisional Officer
Rampurhat, Birbhum

Memo no. 280(2)/1/JM

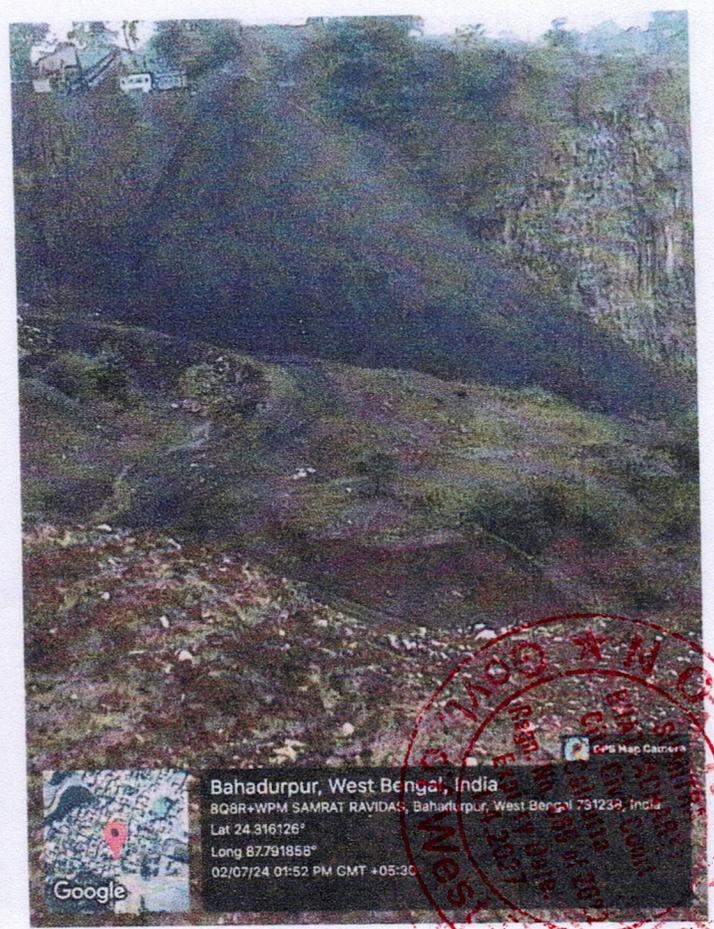
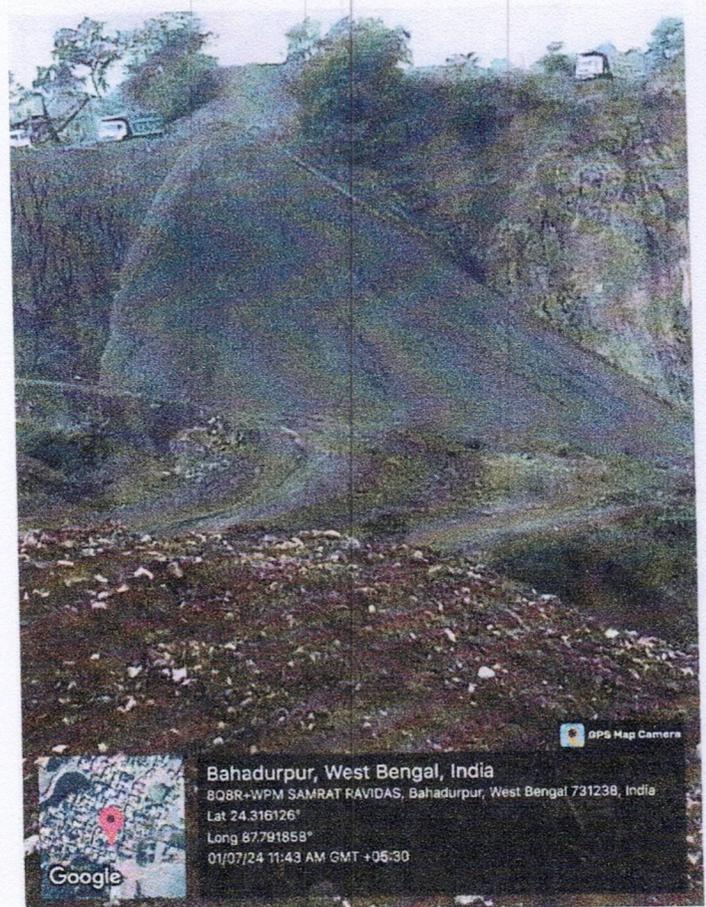
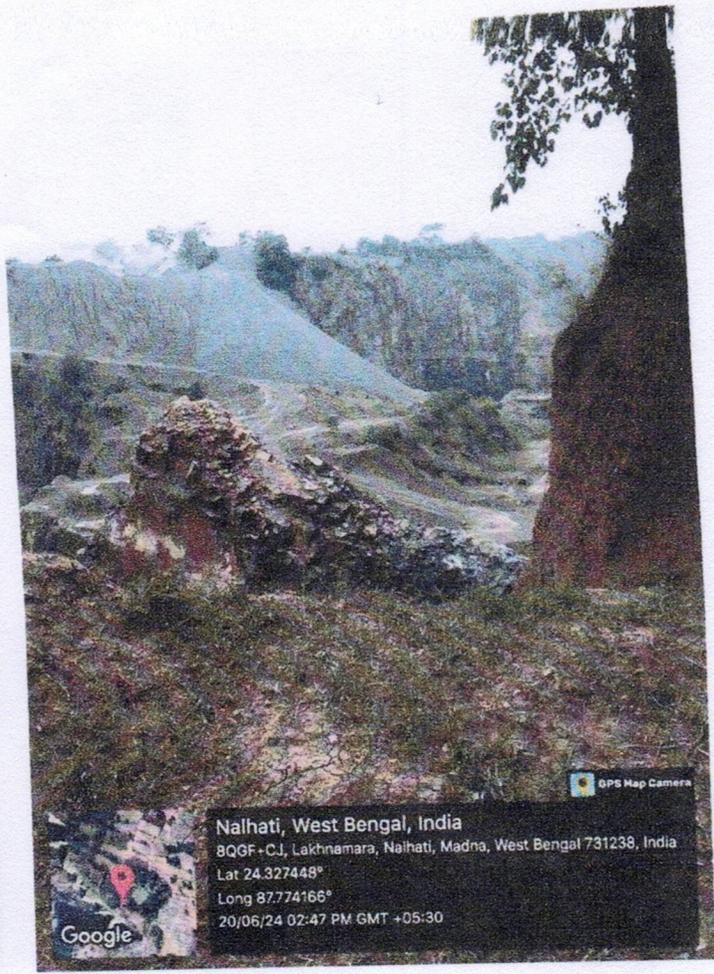
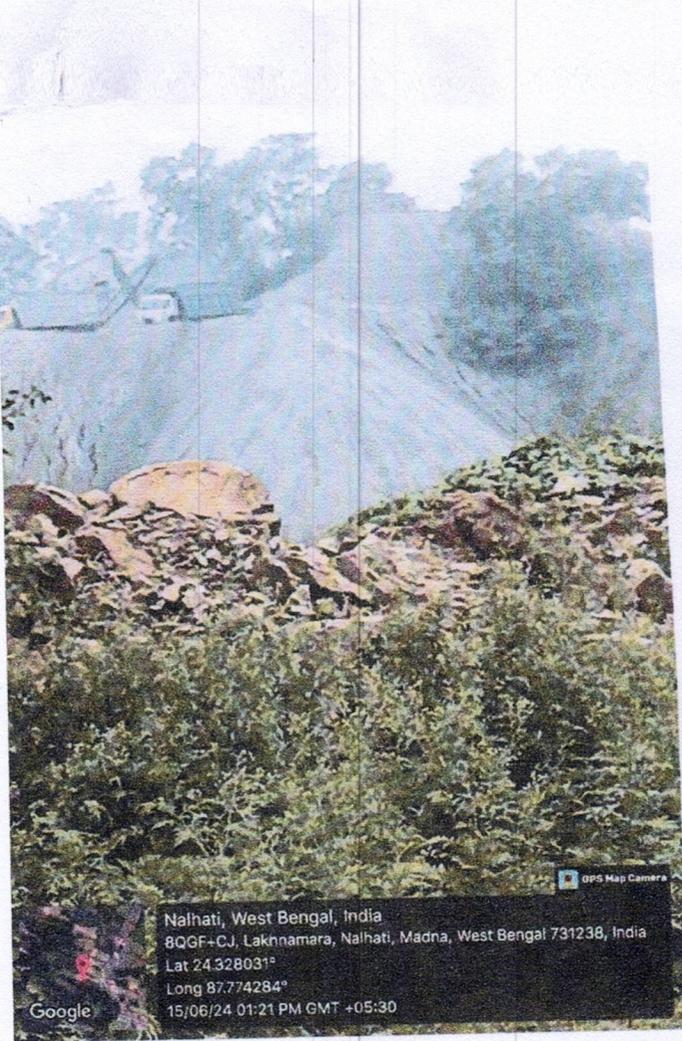
Dated 20/06/2024

Copy forwarded to:

The BL&LRO, Nalhati-I Block with request to take necessary steps for servicing of the above notices and to submit service return and also requested to attend the said hearing along with field enquiry report and relevant document.




Sub-Divisional Officer
Rampurhat, Birbhum



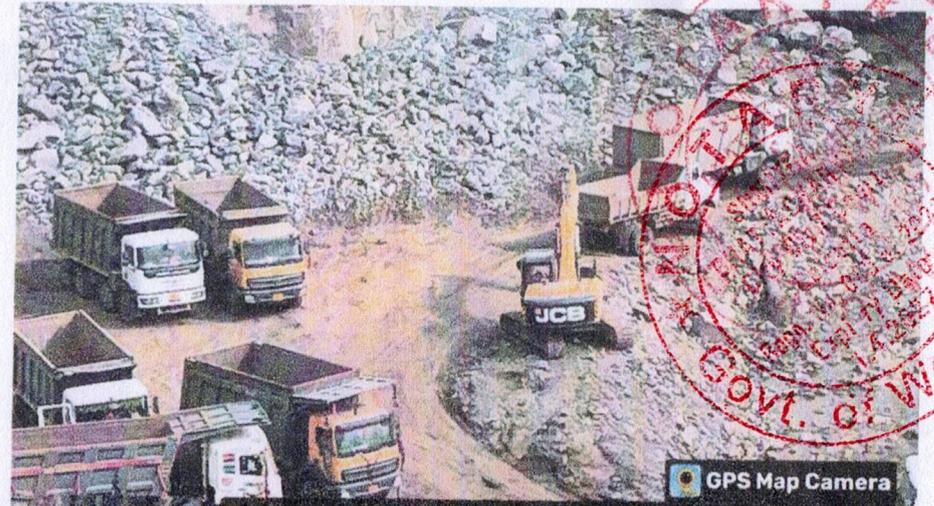
Red circular stamp: West Bengal State Forest Department, Bahadurpur, West Bengal. The stamp contains text in Hindi and English, including 'Forest Department', 'Bahadurpur', and 'West Bengal'.



GPS Map Camera



Nalhati, West Bengal, India
8QGF+CJ, Lakhnamara, Nalhati, Madna, West Bengal 731238, India
Lat 24.326121°
Long 87.77678°
10/07/24 07:49 AM GMT +05:30



GPS Map Camera



Nalhati, West Bengal, India
8QGF+CJ, Lakhnamara, Nalhati, Madna, West Bengal 731238, India
Lat 24.326128°
Long 87.776779°
10/07/24 07:49 AM GMT +05:30

-30-31-



GPS Map Camera



Nalhati, West Bengal, India
8QGF+CJ, Lakhnamara, Nalhati, Madna, West Bengal 731238, India
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Long 87.774388°
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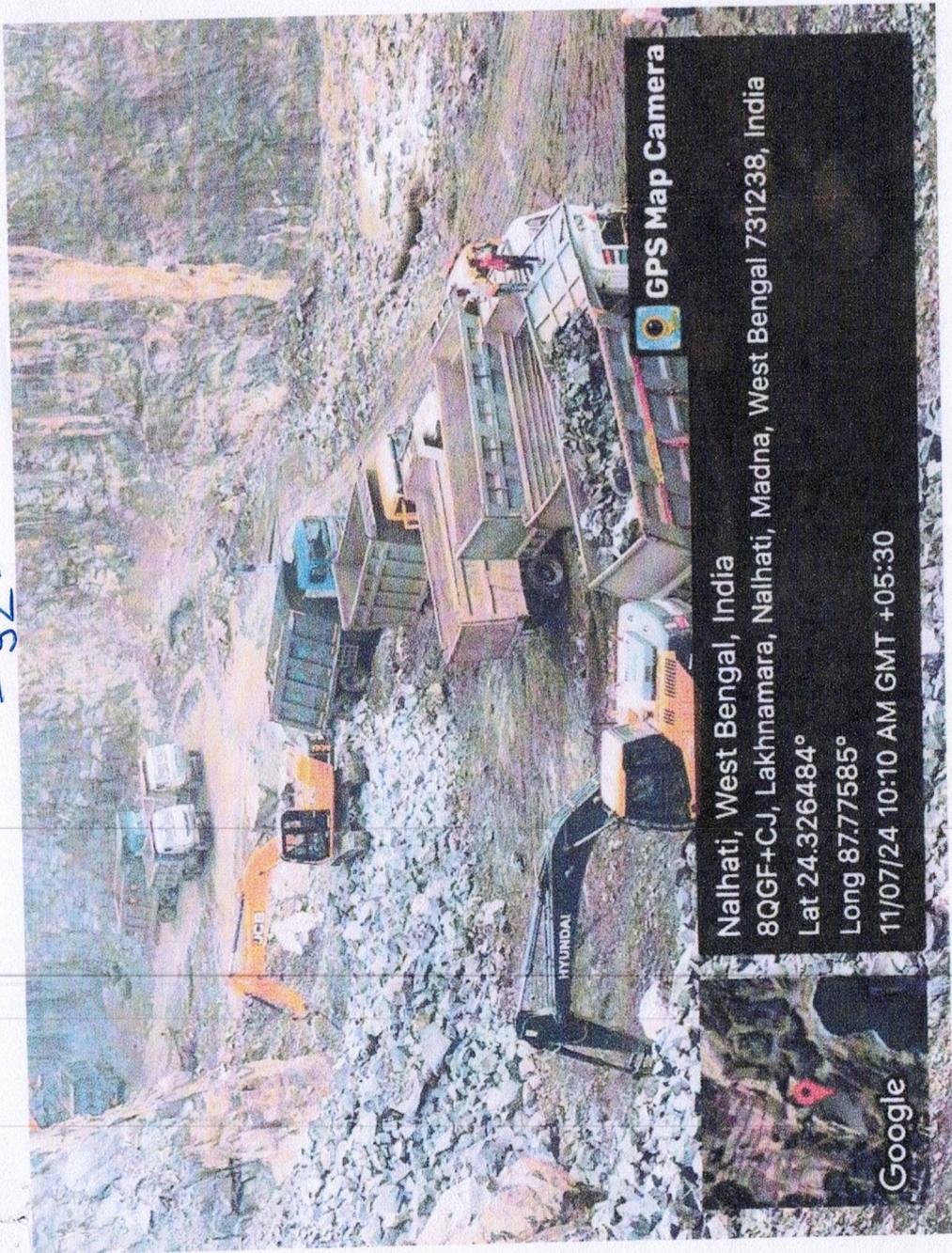


GPS Map Camera



Madna, West Bengal, India
Unnamed Road, Madna, West Bengal 731238, India
Lat 24.327019°
Long 87.777691°
08/07/24 01:53 PM GMT +05:30

-32-



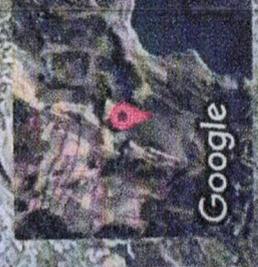
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 GPS Map Camera

Nalhati, West Bengal, India
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 Long 87.775848°
 11/07/24 10:11 AM GMT +05:30



Stamp: **ARY * LE BUD**
 Stamp: **MOG**
 Stamp: **City East Bengal**
 Stamp: **11/07/24**
 Stamp: **10:11 AM**
 Stamp: **GMT +05:30**

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, FINANCE CENTRE,
3RD FLOOR, NEW TOWN, KOLKATA

I.A. No..... of 2024 / EZ

IN

Original Application No. 133 of
2023/EZ

And

I.A No. 30 of 2024/ EZ

And

In the matter of :

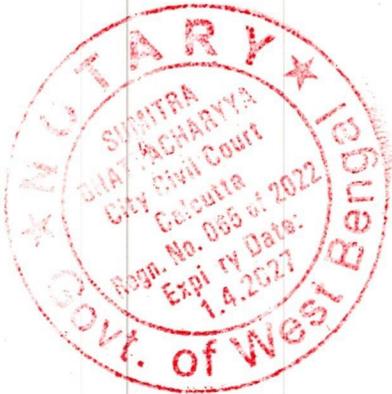
Serajul Islam & Anr.

..... Applicants.

Versus

The State of West Bengal & Ors

..... Respondents



ADDITION OF PARTY

Nasreen Islam,
Advocate
High Court, Calcutta
Bar Association Room No.4
Kolkata-700 001.
Mobile No.87775 75987.
Id :nasreenislam27@gmail.com