

*Filed by
Sanjay Ghosh
Advocate*

**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA**

OA No.59/2024/EZ

(Earlier OA No.25/2024/PB)

Md. Sheik Ansaruddin

.....Applicant

Versus

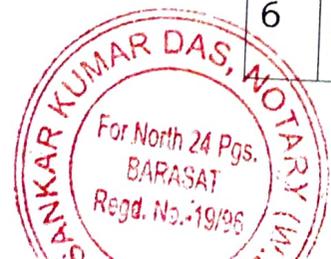
The State of West Bengal & Ors.

.....Respondents

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT No. 4,
EXECUTIVE OFFICER, BARASAT MUNICIPALITY,
24 PARGANAS NORTH.**

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Versus

**Before the Notary (WThe State of West Bengal & Ors.
Barasat, North 24 Pgs.**

.....Respondents

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT No. 4,
EXECUTIVE OFFICER, BARASAT MUNICIPALITY,
24 PARGANAS NORTH.**

I, Sri Gautam Sanyal, son of Late Bidhan Chandra Sanyal aged about 61 years, by faith - Hindu, by occupation - Government Service, residing at 141, Jonepur, Kanchrapara (M), District - North 24 Parganas, PIN - 743145, do hereby solemnly affirm and say as follows: -

1. I am working for gain being the Executive Officer of Barasat Municipality having office at Rishi Bankim Chandra



4700
Sl. No.
31 JUL 2024



Chatterjee Road, Barasat, Kolkata -700124, and I am competent to affirm and swear this affidavit pursuant to order dated 23.7.2024 passed by the Hon'ble Tribunal on behalf of the senior officer of the Barasat Municipality. I have made myself well conversant with the facts and circumstances of the instant case.

2. a. The Original Application was originally registered in New Delhi Bench of National Green Tribunal as O.A. No.25/2024, (Md. Sheik Ansaruddin Vs. State of West Bengal), on a letter petition received by the New Delhi Bench from the Applicant, a resident of Kazipara Main Road, P.O.-Kazipara, P.S.-Barasat, North 24 Parganas, West Bengal, alleging encroachment and illegal construction on a Pukur named Shanpukur (water body).

3 1 JUL 2024 2.b. The matter was entertained by the New Delhi Bench of National Green Tribunal on 16.02.2024 and has thereafter been transferred to the Eastern Zone Bench, Kolkata. The Original Application has now been re-

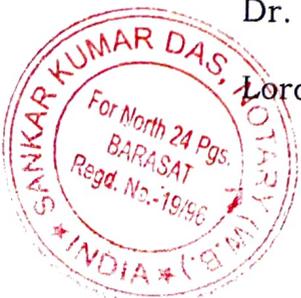


numbered as O.A. No.59/2024/EZ, (Md. Sheik Ansaruddin Vs. State of West Bengal).

- 2.c. It is revealed from the letter petition dated 31.07.2023 that illegal constructions being carried out of house buildings in L.R. Dag No.127 (Pukur Par) Shanpukur owned by the Barasat Municipality being Khatian No.1679 which is recorded as Pukur Paar which cannot be used for building constructions and there was no conversion document to show change of character of the land.

It was also alleged that unknown persons are also filling up the belt of the pond and all waste water (toilet waste) was being channelled/ drained out to the pond of L.R. Plot No.128(Pukurpar).

3. The said letter petition dated 31.7.2023 came up for hearing in the National green Tribunal Eastern Zone Kolkata Bench comprising Hon'ble Justice B.Amit Sthalekar , JM and Dr. Arun Kumar Verma, EM . Upon hearing the matter their Lordships were pleased to pass an order which is set out below:



“12. Considering the allegations made, we deem it appropriate to constitute a fact finding Committee comprising of the following Members:-

- (i) Senior Scientist, West Bengal Pollution Control Board;
- (ii) District Magistrate, North 24 Paraganas or his representative not below the rank of Additional District Magistrate; and
- (iii) Senior Officer from Barasat Municipality.

13. The Committee shall visit the site in question and submit its report on affidavit within four weeks.

14. The District Magistrate, North 24 Paraganas, shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.

15. The Office of the Tribunal shall provide copy of the Original Application along with complaint and its Annexures to the learned Counsel for the Respondents within 48 hours.

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16. List on 13.05.2024.”

A copy of the said order is annexed herewith and marked with Letter “A” collectively.

4. It is stated that the Deponent herein deputed Assistant Engineer and Sub Assistant Engineer of Barasat Municipality who visited the site along with ADM(LR) 24 Parganas North and Environmental Engineer WBPCB on 22.4.2024. On inspection the observation of the Committee are as follows:

- i) The water body under discussion is located at plot number 128 , JL number 78 and Mouza- Uttarhat. The embankment of the water body, located at plot number 127 ,JL number 78 and Mouza Uttarhat, has been cemented by Barasat Municipality. The Barasat Municipality is the recorded owner of the water body and its adjacent land on the east and north side the classification of the land is ‘Pukurpar’. The municipality had allotted the land to several Economically Weaker Section / Minority families for rehabilitation purpose .Thereafter, houses were built under Prime Minister

31 JUL 2024



Aawas Yojana (HFA) housing for all scheme on the east and north side of the water body without leaving any space in between the houses and the water body.

- ii) The domestic wastewater drains of this houses were also connected directly to the water body due to absence of any municipal sewage drain in that portion of land. Considerable amount of green algae growth from the water body was observed to have been removed and kept on the side of the water body besides the adjacent road.
- iii) The municipality has proposed a plan to construct municipal sewage drain in the area under discussion. The proposal has been already approved and tender has also been issued. The Executive Officer Barasat municipality also inform that as soon as the municipal sewage drain is constructed and the house connections provided, the drains directed towards the water body will be permanently sealed and necessary steps will be taken to restore the condition of the water body.

The copy of the said report dated 22.04.2024 is annexed herewith and marked with Letter "B".

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5. That the Additional Secretary to the Government of West Bengal vide letter dated 19.1.2023 being Memo No. 100/UDMA-13014(99)/130/2023-BDG-MA issued an order with approval of the Principal Secretary in acceptance of Tender for restoration/ Rejuvenation of the said water body commonly known as Shanpukur in Ward No.1 of Barasat Municipality.

A copy of the said memo is annexed herewith and marked with Letter "C".

6. That the work order for restoration/Rejuvenation of the Water body Shanpukur under ward no.1 of Barasat Municipality has already been issued vide memo no. 629-BM/WD-07/2023-24 dated 25.01.2024 by the Chairman, on behalf of the Board of Councillors, Barasat Municipality to start the work and complete the same within the stipulated time frame.

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A copy of the said memo is annexed herewith and marked with Letter "D".



7. That, although the work for rejuvenation of the area of water body started by the agency 'Rajcon' an order dated

04.07.2024 was passed by the DM North 24 Parganas in connection with WPA 16611 of 2023 at High Court Calcutta restraining any construction work without conversion of classification of the said land. And consequently this deponent made an application requesting for conversion of classification of the municipal land being Plot No. 127 at Mouza Uttarhat, J.L. No. 78, Khatian no-1679 recorded as Pukur Par.

A copy of the said application is annexed herewith and marked with Letter "E"

8. That it is pertinent to mention here that the municipality had allotted the land to several Economically Weaker Section / Minority families for rehabilitation purpose. Thereafter, houses were built by the occupiers under Prime Minister Aawas Yojana (HFA) housing for all scheme on the Pukurpar i.e. east and north side of the water body without leaving any space in between the houses and the water body.

9. In view of the aforesaid facts and circumstances, it is most respectfully prayed that the Hon'ble Tribunal may be



pleased to pass any further order or orders as the Hon'ble Tribunal may deem fit and necessary for the interest of justice.

I state that the statements made in paragraph no.1 to 8 are my information derived from the official records which I verily believe to be true.

Prepared in my office

Sankar Das

Advocate

Gautam Sanyal

DEPONENT



Notary Affirmed to this
Day of *July* 20 *24*
Identified by *S. Sanyal* Advocate

S. K. DAS
Notary (W.B)
Barasat, North 24 Pgs
Regn No. 19/96

31 JUL 2024

CHECKED BY

M
NOTARY CLERK

31 JUL 2024

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

Original Application No.59/2024/EZ
(Earlier O.A. No.25/2024/PB)

Md. Sheik Ansaruddin

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 01.04.2024

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

ORDER

1. This Original Application was originally registered in New Delhi Bench of National Green Tribunal as O.A. No.25/2024, (*Md. Sheik Ansaruddin Vs. State of West Bengal*), on a letter petition received by the New Delhi Bench from the Applicant, a resident of Kazipura Main Road, P.O.-Kazipura, P.S.-Barasat, North 24 Parganas, West Bengal, alleging encroachment and illegal construction on a Pukur (water body).
2. The matter was entertained by the New Delhi Bench of National Green Tribunal on 16.02.2024 and has thereafter been transferred to the Eastern Zone Bench, Kolkata. The Original Application has now been re-numbered as O.A. No.59/2024/EZ, *Md. Sheik Ansaruddin Vs. State of West Bengal*.

3. The allegation in the letter petition dated 31.07.2023 is that illegal constructions are being carried out of house buildings in L.R. Dag No.127 (Pukur Par) owned by the Barasat Municipality being



used for building constructions and there is with no conversion document to show change of character of the land.

4. It is also alleged that unknown persons are also filling up the belt of the pond and all waste water (toilet waste) is being channeled/drained out to the pond of L.R. Plot No.128 (Pukur/Pond).

5. It is further alleged that the water body is highly polluted in view of the aforesaid activities around the pond and local residents are unable to use the said pond for any purpose even pisciculture has been stopped.

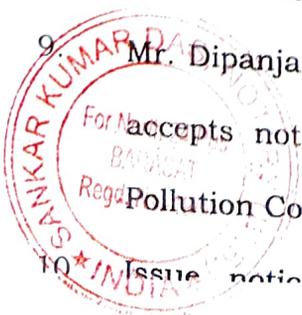
6. The respondents have not been impleaded in the present case. The following are therefore directed to be arrayed as respondents.

- (1) District Magistrate, North 24 Parganas;
- (2) Superintendent of Police, North 24 Paraganas;
- (3) West Bengal Pollution Control Board through its Member Secretary; and
- (4) Barasat Municipality through its Municipal Commissioner.

7. Issue notice to the Applicant as well as the Respondents of the said case, returnable within four weeks.

8. Mr. Rajib Ray, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1 and 2, State Respondents, State of West Bengal.

9. Mr. Dipanjan Ghosh, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.3, West Bengal Pollution Control Board.



11. All the Respondents shall file their counter-affidavit within four weeks.
12. Considering the allegations made, we deem it appropriate to constitute a fact finding Committee comprising of the following Members:-
 - (i) Senior Scientist, West Bengal Pollution Control Board;
 - (ii) District Magistrate, North 24 Paraganas or his representative not below the rank of Additional District Magistrate; and
 - (iii) Senior Officer from Barasat Municipality.
13. The Committee shall visit the site in question and submit its report on affidavit within four weeks.
14. The District Magistrate, North 24 Paraganas, shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.
15. The Office of the Tribunal shall provide copy of the Original Application along with complaint and its Annexures to the learned Counsel for the Respondents within 48 hours.
16. **List on 13.05.2024.**

.....
B. Amit Sthalekar, JM

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



April 01, 2024,
Original Application No.59/2024/EZ
(Earlier O.A. No.25/2024/PB)
MN

Report in the matter of Original Application No. 59/2024/EZ (Earlier O.A. No. 25/2024/PB) vide Hon'ble NGT order (Eastern Zone Bench, Kolkata) dated 01.04.2024

The Hon'ble National Green Tribunal, Eastern Zone Bench constituted a committee, comprising Senior Scientist, West Bengal Pollution Control Board (WBPCB), District Magistrate, North 24 Parganas or his representative not below the rank of Additional District Magistrate and Senior Officer from Barasat Municipality. The District Magistrate, North 24 Parganas was to act as the nodal office for all logistic purposes and filing the Report of the Committee on affidavit.

Pursuant to the order of the Hon'ble NGT, the Committee comprising of the following members was constituted as per nominations received from the participating departments/offices:

1. Additional District Magistrate and District Land & Land Revenue Officer, North 24 Parganas
2. Environmental Engineer & In-charge, Barrackpore Regional Office, WBPCB
3. Executive Officer, Barasat Municipality

Accordingly, the members of the committee visited the area on 22.04.2024 at 14:30 hrs

The observations of the constituted Committee are as follows:

1. The waterbody under discussion is located at plot no. 128, JL no. 78 and mouza- Uttarhat. The embankment of the waterbody, located at plot no. 127, JL no. 78 and mouza- Uttarhat, has been cemented by Barasat Municipality. Barasat Municipality is the recorded owner of the waterbody and its adjacent land on the east and north side. The classification of this land is 'pukurpar'. The municipality had allotted the land to several EWS/Minority families for rehabilitation purpose. Thereafter houses were built under PMAY (HFA) scheme on the east and north side of the waterbody without leaving any space in between the houses and the waterbody.
2. The domestic wastewater drains of these houses were also connected directly to the waterbody due to absence of any municipal sewage drain in that portion of land. (photo of the drain openings attached). Considerable amount of green algae growth from the waterbody was observed to have been removed and kept on the side of the waterbody beside the adjacent road. (photo attached).



3. The municipality has proposed a plan to construct municipal sewage drain in the area under discussion. The proposal has been already approved and tender has also been issued (as stated by the Executive Officer). The Executive Officer, Barasat Municipality, also informed that as soon as the municipal sewage drain is constructed and house connections provided, the drains directed towards the waterbody will be permanently sealed and necessary steps will be taken to restore the condition of the waterbody.

ADM (LR), 24 Pgs (N)

Additional District Magistrate
District Land & Land Reforms Officer
North 24 Parganas, Barasat

R. Satta

Environmental Engineer,
Barrackpore Regional Office,
WBPCB

Indraneel Bhattacharya

~~Assistant Engineer~~
~~Executive Officer,~~

Barasat Municipality
Assistant Engineer
Barasat Municipality

Dr. Deleip Kumar Sana

Sub-Assistant Engineer
Barasat Municipality



Government of West Bengal
Department of Urban Development & Municipal Affairs

"Nagarayan"

DF- 8 Sector- I Bidhannagar Kolkata -700064

No. 100/UDMA-13014(99)/130/2023-BDG-MA

Dated: 19.01.2023

From : Additional Secretary,
to the Govt. of West Bengal

To : Chairman,
Barasat Municipality

Sub: Acceptance of tender rate for 02 nos. of works of rejuvenation at ward no. 30 and ward no. 01 within Barasat Municipality

Sir

In reference to the above mentioned subject regarding acceptance of tender rate, I am directed to inform you that the rate offered by the lowest bidder (L1) as stated below may be accepted by the TIA in terms of F.D. Memo No. 2320-F.Y) dt 07.06.2022 with the recommendation of Departmental Tender Committee in its 77th Meeting held on 28.12.2023 subject to observance of all other rules, regulations & procedures:

Item No.	Name of the work	Name of the L1 bidder	Cost offered by L1 bidder (Rs. in lakh)	Remarks
03 (77th Meeting)	Rejuvenation of Lalengaga Pukur in Ward No. 30 of Barasat Municipality	RAJCON	72.499	L1 bidder rate quoted @ 0.15% below estimated cost out of single qualified bidder in 2nd call)
04 (77th Meeting)	Rejuvenation of Shan Pukur in Ward No. 01 of Barasat Municipality	RAJCON	46.173	L1 bidder rate quoted @ 0.18% below estimated cost out of single qualified bidder in 2nd call)

This Order is issued with approval of the Principal Secretary in concurrence with the F.A. of this Department.

Yours Sincerely,

Additional Secretary
to the Govt. of West Bengal

Dated: 19.01.2023

No. 100/1(4)/UDMA-13014(99)/130/2023-BDG-MA
Copy forwarded for information and necessary action to

- 1 Chief Engineer, MED
- 2 Financial Advisor, Department of JD&MA
- 3 P.S. to Principal Secretary, Department of UD&MA
- 4 Sr. I.A. to Principal Secretary, Department of UD&MA



Additional Secretary
to the Govt. of West Bengal

OFFICE OF THE MUNICIPAL COUNCILLORS OF BARASAT
RISHI BANKIM CHANDRA CHATTERJEE STREET
BARASAT, KOLKATA - 700 124.

Phone : 2552- 3211
2562- 3535
Fax: 2562- 6900
Email : - barasatmunicipality05@gmail.com
Web site:- www.barasatmunicipality.org



Memo No.: 629 -BM/WD-07/2023-24 Date: 25/01/2024
Fund - " 15 th FC tied grant"
(Water Management) Sl. No.-2.

From: Sri Asani Mukhopadhyay,
Chairman, Barasat Municipality.
To: Rajcon
Prop/Part-Rajarsi Baisya & Avijit Baisya
Patuli Baisya Para, Patulia Police Station,
Kolkata-700119.

Ref: Tender Id.- 2023_MAD_523272_2
Sub: Work order for Rejuvenation of Shan Pukur under ward no-1 of Barasat Municipality.

With reference to the tender vide NIT No. 41-BM/WD-05/NIEt-9 of 2022-23/2023-2024, Dated 29/04/2023 (2ndCall) for the above noted work, the undersigned, on behalf of the Board of Councillors, Barasat Municipality is pleased to inform that his quoted rate is "0.180%" (Zero point one eight zero percent) less than the Amount put to tender as per departmental estimate of 4625694.00 (Rupees fourty six lakhs twenty five thousand six hundred ninety four) only inclusive of all charges :Total Value of the work thus comes to Rs. 4617367.750(Rupees fourty six lakhs seventeen thousand three Hundred sixty seven point seven five zero) only.

The 2.00 % EMD deposited by you at the time of tendering will be a part of security deposit & the balance security money @ 8.00 % will be deducted from the progressive bill. This security money (10%) will be released after successful completion of job (as per Govt. of West Bengal order bearing Memo NO. 5784-PW.L&A 2M-175 2017, dated 12/09/2017 (clause 17).

The agency is directed to execute a formal agreement immediately within 7 (seven) days with The West Bengal form no. - 2911 (ii) valued Rs. 5/- only, along with signed tender documents at the cost as mention in the NIEt, available from this Municipal office.

He is also requested to contact with the concerned Sub- Assistant Engineer, Barasat Municipality and to take up the work immediately (within seven days),

Please start the work immediately and complete the same within the stipulated period of time 270(two hundred seventy) days.

Failure to comply the instruction laid down in the order may cause to take steps against you as per rule.

Chairman
Barasat Municipality.

Chairman

Barasat Municipality

Memo No.: -BM/WD-07/2023-24 Date: _____

Copy forwarded for Information & necessary action to :-

- 1) The Joint Secretary, Urban Development & Municipal Affairs department, Govt. of West Bengal, Nagarayan Bhawan, Kolkata- 700064.
- 2) District Magistrate, North 24 Parganas, Barasat..
- 3) The Sub Divisional Office, Barasat, North 24 Parganas, ,
- 4) ,Executive Engineer, M.E. Dpt. North 24pgs, 7, K.B. Bose Road, Barasat.
- 5) The Vice- Chairman, Barasat Municipality,
- 6) The Executive Officer, Barasat Municipality,
- 7) Finance Officer, Barasat Municipality

Chairman
Barasat Municipality

Chairman

Barasat Municipality



OFFICE OF THE MUNICIPAL COUNCILLORS OF BARASAT

RISHI BANKIM CHANDRA CHATTERJEE ROAD

BARASAT MUNICIPALITY - 700 124.



Phone : 2552-3211

2562-3535

Fax No : 2562-6900

Email : barasat_05@yahoo.com

info@barasatmunicipality.org

Website : www.barasatmunicipality.org

Date : 18/07/2024

Memo No. 694 - BM / 55 / 2024 - 2025

To : The ADM (LR),
Govt of West Bengal,
Office of the District Magistrate,
Dist- North 24 Parganas,
Barasat, Kolkata-700124

Sub: Application for conversion of classification of municipal land of Plot No- 127 at Mouza- Uttarhat, J.L No- 78, Khatian No- 1679 recorded as Pukur Par.
Ref: - proceedings in compliance of Hon'ble Court Order vide W.P.A No- 16611 of 2023.

Sir,

Reference to the above mentioned subject I do hereby request you to kindly arrange for conversion of land character of municipal land Dag No - 127 at Mouza- Uttarhat, J.L No- 78, Khatian No - 1679 in Ward No- 01 under Barasat Municipality as per the order of District Magistrate. North 24 Parganas dated 04/07/2024 arising out in W.P.A No- 16611 of 2023 in the matter of Hosne Ara Begum vs State of West Bengal and others.

It also passes a direction from the end of the District Magistrate that without conversion of classification work no construction will be allowed.

Hence, you are requested to kindly arrange for the conversion of classification of said land at the earliest as priority basis.

Your co-operation in this regard will be highly appreciated.

Yours faithfully

[Signature]
Executive Officer
Barasat Municipality
Executive Officer
Barasat Municipality

Memo No. 694(1) - BM/1/ Law Cell / 2024 - 2025

Date. 18/07/2024

Copy forwarded for kind information and necessary action to

The District Magistrate. North 24 Parganas in reference to Office Memo No- 1221(3)/XL/Law dated 09/07/2024.



[Signature]
Executive Officer
Barasat Municipality
Executive Officer
Barasat Municipality

**BEFORE THE NATIONAL GREEN
TRIBUNAL, EASTERN ZONE
BENCH, KOLKATA
OA No.59/2024/EZ
(Earlier OA No.25/2024/PB)**

Md. Sheik Ansaruddin

.....Applicant

Versus

The State of West Bengal & Ors.

.....Respondents

**COUNTER AFFIDAVIT ON
BEHALF OF RESPONDENT No. 4,
EXECUTIVE OFFICER, BARASAT
MUNICIPALITY, 24 PARGANAS
NORTH.**

MR. SANKAR GHOSH

Advocate

High Court, Calcutta

Raja Chamber

Room No. 18, Mezzanine Floor,

4, Kiran Shankar Roy Road,

Kolkata - 700001

Mobile: 9433020708

Email: ngtadvocate@gmail.com