

S.L. No. 14/24

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH AT KOLKATA

O.A. No. 30 of 2023

In the matter of:-

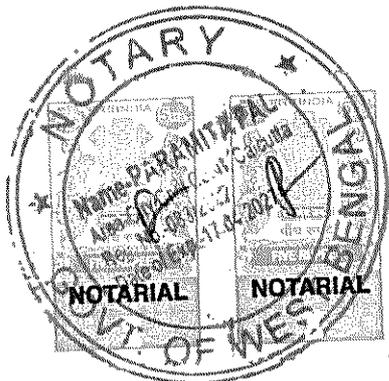
Subhas Dutta

.... Applicant

-Versus-

The State of West Bengal &
Others.

Respondents

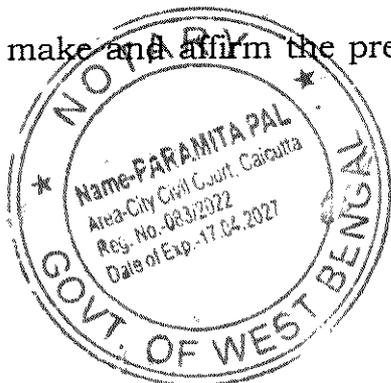


REJOINDER AFFIDAVIT ON BEHALF OF THE ADDED RESPONDENT

NO.11

I, Rathindra Nath Chaki, son of Narayan Chandra Chaki, residing at 1 No. Government Colony, Pirojpur, Post Office – Malda, Police Station – Englishbazar, District: Malda, Pin – 732101, do hereby solemnly affirm and say as follows:-

1. I am the added respondent no. 11 in the aforesaid original application and as such I am well acquainted with the facts and circumstances involved in the present case and I am competent to sign, make and affirm the present affidavit and I am competent to do so.



31 JUL 2024

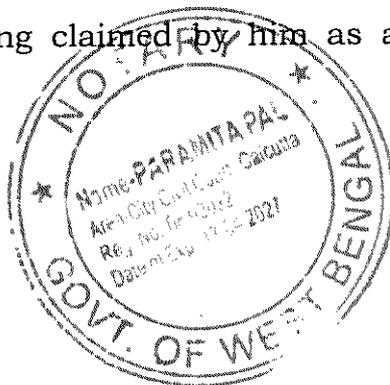
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2. I say that a copy of the purported Original Application (hereinafter referred to as the said "said application") as filed by the applicant herein was procured by me in the month of August, 2023, and thereafter vide order dated 21.05.2024, the impleadment application as filed by me was allowed by the Hon'ble Bench of this Tribunal, and that a direction was passed directing me to file a response to the original application and in obedience to such order, the instant affidavit is being filed.

3. I say that I have been advised to deal with such statements and/or contentions and/or allegations which are necessary for the proper adjudication of the present case and as such save and except what are the matter of record and save and except what would appear therefrom, I deny and dispute each and all statements and/or contentions and/or allegations made in the said application and I put the deponent to the strict proof thereof.

4. I say that upon perusal of the averments/contentions/statements / allegations contained and stated in the said application, it transpires that the said application is bereft of any cogent materials in support of the outlandish claim as made by the applicant herein. I say with utmost humility that the applicant did not bother to corroborate the data as relied by him with the land records of the area, which is being claimed by him as an area falling under the Chatra Beel.

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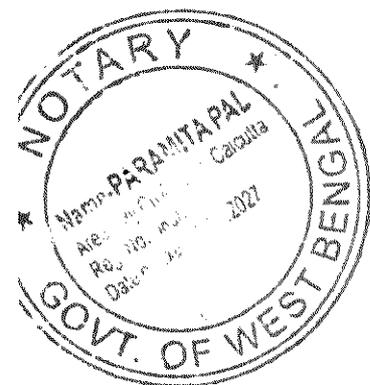


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5. At the very outset, I say that the deponent has made vague, baseless and irrelevant averments in the said application, which is contrary to the records that has been prepared by the governmental agencies, and as such the statements made therein are denied and disputed and may not be taken note and/or considered and/or relied upon by this Hon'ble Court.

6. That I have been advised to indicate the following facts for appropriate and proper adjudication of the said application.

- a. It is stated that an application was moved before the National Green Tribunal, Eastern Zone Bench, Kolkata being no. 30/2023 (Subhas Dutta Versus State of West Bengal and Ors), whereby and whereunder the plea of the applicant is centered changing characteristics of "Chatra Beel" due to several factors, i.e. construction and dumping of municipal sewage being few amongst them. Further, from the perusal of the averment as contained in the said application, it is reveals that a time line of the said beel has also being propounded in order to propagate the shrinking of the said Chatra Beel. It is stated that the said applicant in the process of substantiating his claim apropos the said Chatra Beel has relied upon a study being published in International Journal in Management & Social Science, Volume 09, issued in September, 2021. It is imperative to state that the said study has not been annexed to the original application.

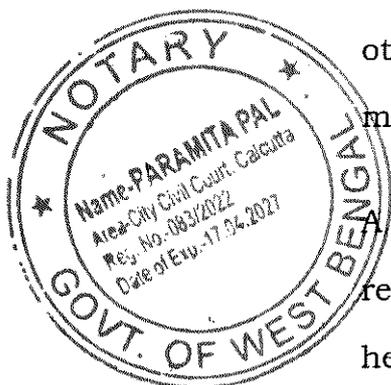


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b. It is stated that the father of the added respondent being a refugee from East Pakistan (now Bangladesh) was given a plot of land by the Refugee, Relief, Rehabilitation Department, Government of West Bengal, being situated in C.S Das No.615 Part, 634 Part, Pirojpur, English Bazar and that the same was executed by a registered document dated 22.07.1988, and that the said respondent along with his family has been residing at the said premises till date. It is stated that from the recent records pertaining to the said plot of land, the classification denoted to the said plot of land is "Bastu". It is stated that as on date, the ownership of the land has been vested on the added respondent no. 11 and his sisters being the legal heirs of their late father. It is stated that from the aforesaid fact, it is crystal clear that the said plot of land could not have been part of the any such 'beel' and as such the embargo in terms of the order dated 22.03.2023, on the entire mouzas of Phirozpur, is otherwise misconceived and is ought to be recalled and/or modified with.

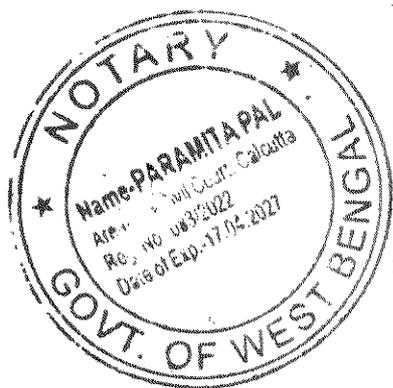
A copy of the document dated 22.07.1988 and the present records obtained from concerned department are annexed hereto and marked as Annexure "R-11/1" collectively.



c. It is stated that the applicant for betterment of their living conditions, the said respondent along with his sister had entered into a Development Agreement with a developer with

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the intention to develop the land as indicated in the foregoing paragraphs of this affidavit. It is stated that in the month of June, 2023, the deponent herein was made aware that the Additional District Magistrate, Malda vide a memo being no. 118/0 dated 20.04.2023, which was purportedly passed in compliance of the order dated 22.03.2023 passed by the Hon'ble Green Tribunal, Eastern Zone, in OA being no. 30/2023/EZ (Subhas Dutta Versus The State of West Bengal and Ors), has directed the District Registrar, Malda not to execute any deed as per the aforesaid order passed in the National Green Tribunal in respect of the 5 mouzas as situated in English Bazar PS. The said mouzas as mentioned in the memo dated 20.04.2023 are Uttar Ramchandrapur – J.L No. 71, Pirojpur – J.L No. 69, Abhirampur – J.L No. 91, Araji Dilalpur – J.L No. 70 and Uttar Jadupur – J.L No. 88. It is pertinent to state the applicant's land is situated in the Pirojpur Mouza.



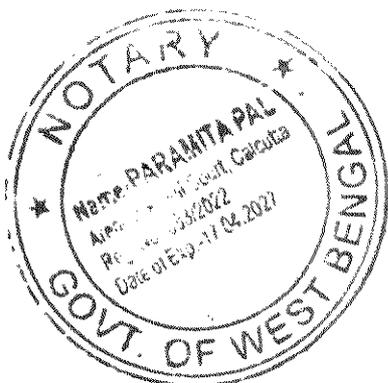
Further by another memo 119/1/(3) dated 20.04.2023, the said authority has also directed the Sub Divisional Officer, Sadar Malda, Sub-Divisional Land and Land Reforms Officer, Sadar, Malda and the Block Land and Land Reforms Officer, Malda not to entertain any proceedings related to the correction and conversion in purported compliance of the order passed by the said Hon'ble Tribunal in the aforesaid application. It is apposite to mention that the first memo has

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since been recalled in terms of the judgement as delivered by this Hon'ble High Court in WPA WPA No. 18398 of 2023 (Tushar Kanti Das vs The State of West Bengal & Ors.).

Copy of the memos dated 20.04.2023 is annexed hereto and marked as Annexure "R-11/2".

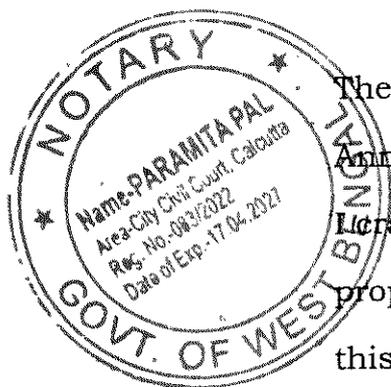
- d. It is stated that the added respondent in response to the data as reflected from the said application, has obtained a study as prepared by one Dr. Shyamal Kumar Kar, being published in International Journal of Research in Geography (IJRG), Volume – 4, Issue – 2, 2018, PP – 1-8. The said study reflects that as per survey as conducted by the Director of Fisheries Office, Malda, in the year 2009, the beel area is approximate 142 hectares in the monsoon months and is restricted to 65.00 hectares only in pre-monsoon period. The said statements directly contradict the averment as made in Paragraph 6 of the said application. The study as relied by the added respondent herein also traces the genesis of chatra beel, and that the same reveals that as per the record of Survey by Settlement Officer and Superintendent of Survey made in 1930-31, most of the present beel area as claimed by the applicant in his application was under agricultural low land and north eastern portion was under mango orchard. Major portion of that particular area was mainly used as only for paddy cultivation purpose during monsoon period. It is further stated that till 1970, Chatra Beel was not a wetland, people



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own the land for agricultural purpose, orchard, mango garden etc. In the post, Farakka Barrage period (1974 onward) due to construction of afflux embankment, NH34, embankment and railway line embankment natural drainage line have severely been obstructed leading to creation of this wetland. So, this is not a natural wetland.

The aforesaid study also delves into the location of the said beel and it is stated that Chatra Beel, is located at the south western outskirts of Malda town. Administratively this wetland is under the ward no. 3 and 25 of English Bazar Municipality and also partly of Pirojpur Mouza (J.L No. 69); Arazi Dilalpur (J.L. No. 70); Abhirampur (J.L. No. 91); Gabgachi (J.L. No. 90) & Uttar Jadupur (J.L. No. 88) of English Bazar Block. It is relevant to refer to the memos dated 20.04.2023, wherein a blanket ban has been imposed on the aforesaid mouzas with exception of Gabgachi, which does not find any mention in the said memo.



The copy of the said study is annexed hereto and marked as Annexure "R-11/3".

I crave leave to refer to the mouza map of Pirojpur, wherein the property of the applicant is situated at the time of hearing of this application if necessary.

- e. It is of further importance that the going strictly the name of Chatra beel would cause hesitancy as there exists a waterbody

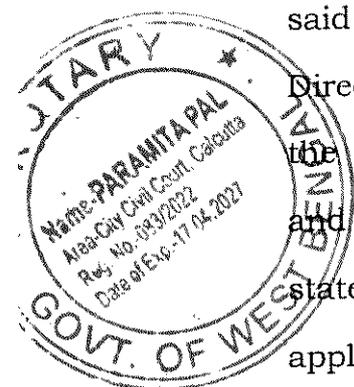
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by the name of Chatra beel in the Bangladesh and ironically the said waterbody is very close to the district of Malda as evident from the Google Maps. It is stated that added respondent being a person residing at malda , for more than half a century, clearly traces the location of the chatra beel to the Bangladesh.

Copy of the Google Maps showing existence of Chatra beel in Bangladesh is annexed hereto and marked as Annexure "R-11/4".

7. With reference to the contentions made in paragraph no. 1 to 3, of the said application, the same relates to the credentials of the applicant, and there is nothing to deny or dispute herein.

8. In regards to the statements made in paragraph 4 and 6 of the said application, I say that the same contradicts the reports of the Directorate of Fisheries, Malda as prepared in 2009, which states that the beel area is approximate 142 hectares in the monsoon months and is restricted to 65.00 hectares only in pre-monsoon period. It is stated that the map as downloaded and appended in the said application, does not depict the actual map of the city of Malda and/or the said beel. It is stated that there is no authenticity attached to the said map, and that the said map cannot be relied upon for consideration of the important ecological issues as raised by the applicant herein. I say that the applicant did not annexed the research



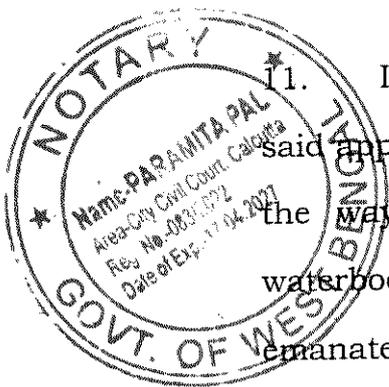
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paper so as to enable the respondents having a further clarity on the issues as espoused by the applicant herein.

Copy of the google maps showing areas of Malda is annexed hereto and marked as Annexure "R-11/5".

9. In regards to the statements made in paragraph 4 of the said application, I rely upon the study as appended in this affidavit being annexure R-11/3.

10. In regards to the statements made in paragraph 7 - 9 of the said application, I say that figures as mentioned in the aforesaid paragraphs have been exaggerated and that the same is without any corroborating evidence. The sole source of date as relied by the applicant is a research paper and satellite images, which is contrary to the empirical data as evident from the documents as appended in this rejoinder.



11. In regards to the statements made in paragraphs 10 -17 of the said application, it is stated that added respondents does not stand in the way of the applicant in his quest to preserve the instant waterbody, namely chatra beel. The concern of the respondents emanates from the fact that the data on which the said preservation and/or restoration takes place should be authentic and ought not to deprive any person who has no nexus with the said waterbody. It is apposite to refer to the status report as filed by the state government, which shows that the there is no demarcation of the boundary of the

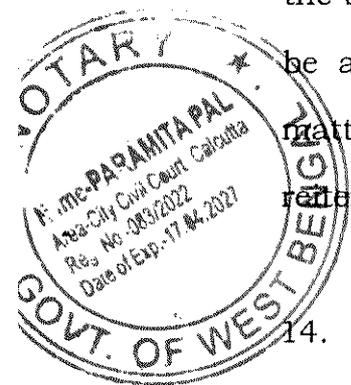
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chatra beel till date and that the report of the municipality demonstrate that even they are not aware of the exact demarcation of the area of called Chatra Beel, as the same does not have any existence in the official records, i.e. Mouza Maps.

12. In regards to the statements as made in paragraph 18-20 of the said application, I repeat and reiterate the statements as made by me in the earlier paragraphs of this rejoinder. I say that the photos as taken by the applicant cannot be considered in isolation and that the same has to be juxtaposed with the actual land records, for the purpose of coming into conclusion, as to whether any encroachment has taken place on the said water body. Further, to adjudge the said issue, there is no need to continue with the blanket ban as imposed vide memo dated 20.04.2024, regarding the question of the correction/ conversion of land and/or mutation.

13. That the statements made in paragraph 21 of the instant application are denied. In this context, I say that the grounds taken in the said application are baseless, devoid of any substance and cannot be accepted as a valid ground for appropriate adjudication of the matter in the instant application and in this context, I repeat and reiterate the statements in the aforesaid paragraphs of this rejoinder.

14. In regards to the statements made in paragraph 22, 23 of the said application, I say that the same being formal paragraphs, made in satisfaction of the requirements of drafting an original application, I accordingly refrain myself from making any comments thereto.



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15. The prayers made in the instant original application are denied and disputed by me. In this context I repeat and reiterate the statements made in aforesaid paragraphs of this Affidavit. I further say that the instant application is not maintainable in the eye of law as the entire application is based on some research paper and not on any empirical data and the prayers made in the said application are not germane to the issues involved, accordingly the same cannot be allowed due to the reasons as indicated above.

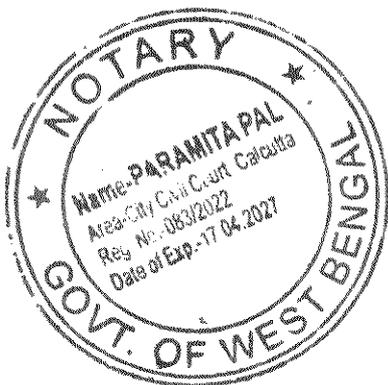
16. That the statement made in paragraphs are true to my knowledge and rest are my humble submissions before this Learned Tribunal.

✓
Rathindra Nath Chaki

DEPONENT

Identified by me,

Sanarat Dey Paul
Advocate



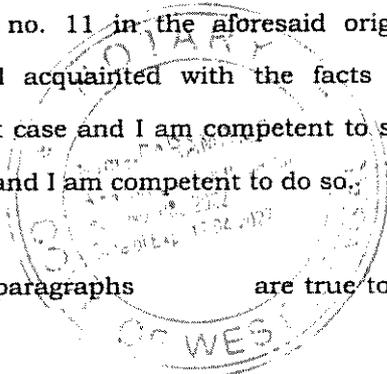
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VERIFICATION

I, Rathindra Nath Chaki, son of Narayan Chandra Chaki, residing at 1 No. Government Colony, Pirojpur, Post Office – Malda, Police Station – Englishbazar, District: Malda, Pin – 732101, do hereby solemnly affirm and say as follows:-

1. I am the added respondent no. 11 in the aforesaid original application and as such I am well acquainted with the facts and circumstances involved in the present case and I am competent to sign, make and affirm the present affidavit and I am competent to do so.

2. That the statements made in paragraphs are true to my knowledge and facts.

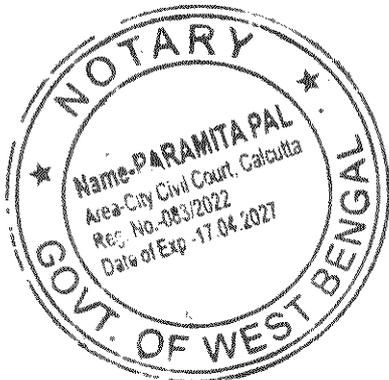


Rathindra Nath Chaki

DEPONENT

Identified by me,

Samrat Dey Paul
Advocate



I solemnly affirmed and declared
me on identification

Paramita Pal
PARAMITA PAL
City Civil Court
Kolkata
Reg No 083/2022

31 JUL 2024



Handwritten text and stamps at the top center, including the number 'I 6636' and '37'.

THIS INDENTURE made this 22nd day of July one thousand nine hundred and eighty eight BETWEEN the GOVERNOR OF THE STATE OF WEST BENGAL hereinafter referred to as the "DONOR" (which expression shall unless excluded by or repugnant to the context be deemed to include his successors in office) of ONE PART; AND SHREE Mangalam Chandra Chakraborty SON/WIFE/DAUGHTER of St. Magnolia Nandi Chakraborty Hindu residing at G.S. Colony No. 1, P.O. & Dist. Murshidabad hereinafter called the "DONEE" (which expression shall unless excluded by or repugnant to the context be deemed to include his/her heirs, executors, administrators, representatives and assigns) of OTHER PART.

WHEREAS after the partition of India a large number of residents of former East Pakistan crossed over and came to the territory of the State of West Bengal from time to time due to force of circumstances beyond their control.

AND whereas the Government of West Bengal (hereinafter referred to as the "Government") offered all reasonable facilities to such persons (hereinafter referred to as "Refugees") for residence in West Bengal.

AND whereas a considerable number of such people were compelled by circumstances to use vacant lands in the urban areas for homestead purposes.

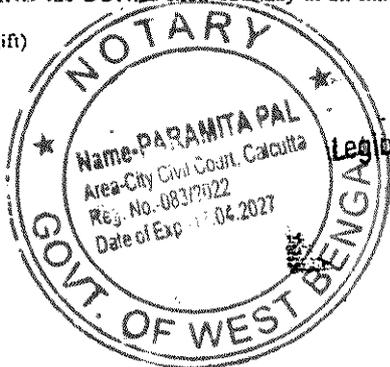
AND whereas the DONEE was one of such persons who had come to use and occupy a piece of land particularly described in the schedule hereunder.

AND whereas the DONEE being a refugee displaced from East Pakistan (now Bangladesh) approached the Government of West Bengal for a plot of land for his rehabilitation.

AND whereas the Government of West Bengal with the intent to rehabilitate the refugees from East Pakistan now Bangladesh acquired land in C.S. Dag No. 215 Part 6 Mouza P. V. ... Police Station ... in the District ... in the Urban area ... under the provisions of L.D.P. Act, 1948/L.A. Act I of 1894 including the plot now in occupation of the DONEE.

AND whereas it has been decided by the Government to make a gift of the said plot of land in favour of the DONEE so as to confer absolute right title and interest in the said land where he has been residing peaceably for a long time more fully described in the schedule hereunder written.

NOW THIS DEED WITNESSETH that in consideration of the premises hereinbefore mentioned and to provide relief to the DONEE in consideration of his/her destitute condition the DONOR doth hereby absolutely give grant and transfer unto the DONEE ALL THAT PIECE AND PARCEL OF LAND more fully described in the schedule hereunder written as homestead land OR HOWSOEVER otherwise the said land hereditaments and premises are or is at any time or times heretofore were situated butted bounded as hereinafter described TOGETHER WITH all ways, paths, passages, easements, privileges, appendages and appurtenances whatsoever with all easements thereto and therein TO HAVE AND TO HOLD THE SAID land hereditaments and premises hereby given granted and transferred unto and to the use of the DONEE forever AND the DONEE shall and may at all times hereafter peaceably and quietly possess and (Urban-acquired-gift)



Legible Cop, ...
Commissioner

- XI -

I 6636

THIS INDENTURE made this 22nd day of July one thousand nine hundred eighty eight BETWEEN the GOVERNOR OF THE STATE OF WEST BENGAL hereinafter referred to as the "DONOR" (which expression shall unless excluded by or repugnant to the context be deemed to include his successors in office) of ONE PART; AND SHREE Narayan Chandra Chaki son of Lt. Nagendra Nath Chaki of Hindu residing at.. Kaya Mullick Bag. Celery, Du Du Car-30 hereinafter called the "DONEE" (which expression shall unless excluded by or repugnant to the context be deemed to include his/her heirs, executors, administrators, representatives and assigns) of OTHER PART.

WHEREAS after the partition of India a large number of residents of former East Pakistan crossed over and came to the territory of the State of West Bengal from time to time due to force of circumstances beyond their control.

AND whereas the Government of West Bengal (hereinafter referred to as the "Government") offered all reasonable facilities to such persons (hereinafter referred to as "Refugees") for residence in West Bengal.

AND whereas a considerable number of such people were compelled by circumstances to use vacant lands in the urban areas for homestead purposes.

AND whereas the DONEE was one of such persons who had come to use and occupy a piece of land particularly described in the schedule hereunder.

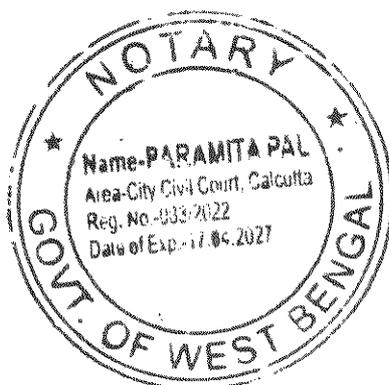
AND whereas the DONEE being a refugee displaced from East Pakistan (now Bangladesh), approached the Government of West Bengal for a plot of land for his rehabilitation.

AND whereas the Government of West Bengal with the intent to rehabilitate the refugees from East Pakistan now Bangladesh in C.S. Dag No. 615 Part, 634 part Pirojpur, in Police Station-English Bazar, in the District-Malda in the Urban area 615 under the provisions of L.D.P. Act, 1948/L.A. Act I of 1894 including the plot now in occupation of the DONEE.

AND whereas it has been decided by the Government to make a gift of the said plot of land in favour of the DONEE so as to confer absolute right title and interest in the said land where he has been residing peacefully for a long time more fully described in the schedule hereunder written.

NOW THIS DEED WITNESSETH that in consideration of the premises hereinbefore mentioned and to provide relief to the DONEE in consideration of his/her destitute condition the DONOR doth hereby absolutely give grant and transfer unto the DONEE ALL THAT PIECE AND PARCEL OF LAND more fully described in the schedule hereunder written as homestead land OR HOWSOEVER otherwise the said land hereditaments and premises are or is at any time or times heretofore were situated butted bounded as hereinafter described TOGETHER WITH all ways, paths, passages, easements, privileges, appendages and appurtenances whatsoever with all easements thereto and therein TO HAVE AND TO HOLD THE SAID land hereditaments and premises hereby given granted and transferred unto and to the use of the DONEE forever AND the DONEE shall and may at all times hereafter peaceably and quietly possess and

(Urban-acquired-gift)



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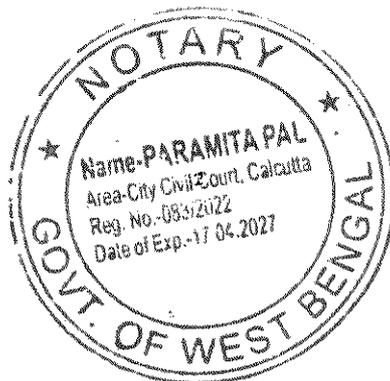
and the said land hereby given granted and transferred subject to the condition that the DONEE shall have the right hereinafter provided to alienate or transfer in any way the land comprised in the schedule hereunder written in any manner whatsoever within a period of 10 years from the date of these presents without obtaining prior written permission of the DONOR which shall not be obligatory on the part of the DONOR to give and which will be granted only in exceptional circumstances of hardship PROVIDED THAT THE DONEE shall be at liberty to mortgage charge or encumber the said land with the Life Insurance Corporation of India or any Nationalised or Scheduled Bank, Co-operative Bank or Government or any Statutory Body or Government Sponsored Financial Institution within this period of ten years for the purpose of construction of a residential building therein and for the purpose of better economic and physical improvement. AND THE DONOR and all persons lawfully and equitably claiming as aforesaid shall and will from time to time and at all times hereinafter at the request and costs of the DONEE do or execute or cause to be done and executed all such acts deeds and things whatsoever for further better and more perfectly assuring the said message land hereditaments and premises and every part thereof unto the DONEE in the manner aforesaid as shall or may be reasonably required.

SCHEDULE

ALL THAT PIECE OR PARCEL OF LAND measuring 6 (Six) Cottahs more or less of homestead land in E/P No. 37 in C.S. Plot No. 615 Part 684 in Khatian No. 780 of Mouza Pirajura J. L. No. 69 P. S. English Bazar in the district of Malda Sub-Registration Office Malda butted and bounded in the manner following.

- On the North Kamala Maitra
- On the East Mona Roy
- On the South Calcutta Road No. 94
- On the West Jasmini Nath Chaki

Legible Copy attached



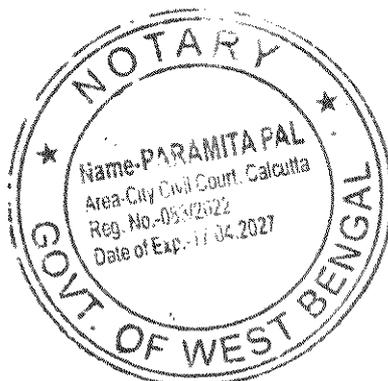


enjoy the said land hereby given granted and transferred subject to the condition that the DONEE shall have no right save as hereinafter provided to alienate or transfer in any way the land comprised in the schedule hereunder written in any manner whatsoever within a period of 10 (ten) years from the date of these presents without obtaining prior written permission of the DONOR which shall not be obligatory on the part of the DONOR to give and which will be granted only in exceptional circumstances of hardship PROVIDED THAT THE DONEE shall be at liberty to mortgage charge or encumber the said land with the Life Insurance Corporation of India or any Nationalised or Scheduled Bank, Co-operative Bank or Government or any Statutory Body or Government Sponsored Financial Institution within this period of ten years for the purpose of construction of a residential building therein and for the purpose of better economic and physical improvement. AND THE DONOR and all persons lawfully and equitably claiming as aforesaid shall and will from time to time and at all times hereinafter at the request and costs of the DONEE do or execute or cause to be done and executed all such acts deeds and things whatsoever for further better and more perfectly assuring the said messuage land hereditaments and premises and every part thereof unto the DONEE in the manner aforesaid as shall or may be reasonably required.

SCHEDULE

ALL THAT PIECE OR PARCEL OF LAND measuring 6 (six) cottahs more or less of homestead land in LP No.37 in C.S. Plot No. 615 part, 684 part in Khatian NO. 780 of Mouza-Pirojpur, J.L. No. 69 P.S. English Bazar in the district of Malda Sub-Registration Office Malda butted and bounded in the manner following:

On the North : Kamala Maitra
 On the East: Mira Roy
 On the South : Colony Road No. 94
 On the West : Jamini Nath Chaki



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IN WITNESS WHEREOF THE DONOR and THE DONEE have hereunto set and subscribed their respective hands the day, month and year first above written.

Signed and delivered for and on behalf of the Governor

Refugee, Relief and Rehabilitation Department
Government of West Bengal

[Signature]
Addl. District Magistrate,
Maldah

By the Collector
District

In the presence of:

[Signature]
Officer-in-charge
R. R. & R. Deptt

1st witness

Address

Occupation

[Signature]
R.R. & R. Officer
Maldah

2nd witness

Address

Occupation

[Signature]
Narayan Chandra Chatterjee
Signed by the DONEE

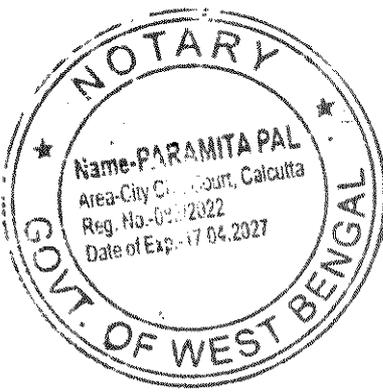
1st witness *Subarata Kumar Samadder* Occupation *Govt. Service*

Address *5/1 Sontosh Kumar Samadder, Marsdampara, Maldah*

2nd witness *Bibhi Kumar Gupta* Occupation *Govt. Service*

Address *2/1 St. Heronda Nalk Gupta, Rental Housing Estate, Mableshmati, Maldah*

Legible Copy attached
[Signature]



- 18 -

IN WITNESS WHEREOF THE DONOR and THE DONEE have hereunto set and subscribed their respective hands the day, month and year first above written.

Signed and delivered for and on behalf
of the Governor Refugee, Relief and
Rehabilitation Department Government
of West Bengal

By the Collector District

Sd/-

Addl. District Magistrate, Malda

In the presence of:

Sd/-

1st Witness

Officer in Charge BR & L Deptt.

Address:

Occupation :

2nd Witness

Sd/-

Rehabilitation Officer Malda

Address:

Sd/-

Narayan Chandra Nath
Signed by the Donee
Govt. Service

Occupation:

1st Witness

Susanta Kumar Samaddar, S/o

Santosh Kumar Samaddar

Address:

Makdumpur, Malda

2nd Witness

Sd/- Dipti Kumar Gupta S/o Lt.

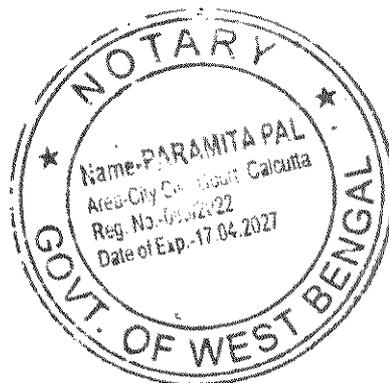
Harendra Nath Gupta

Govt. Service

Address

Rental Housing Estate, Makleshmati,

Malda



- 20 -

Aditya Ch Chaki

Executing by

Narayan Ch. Chaki

22.7.88

Executing & Identified by

Narayan Chandra Chaki

6790

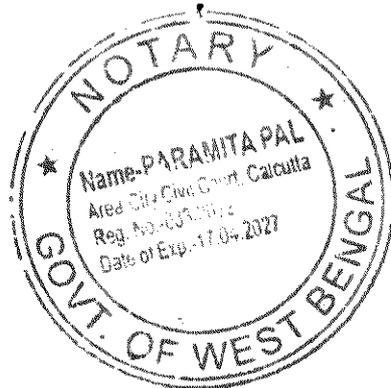
Narayan Chandra Chaki

Identified by

Subrata Kumar Samaddar

Makdumpur, Malda

22.7.88



- 21 -

District- Malda	Khatian No. 12468	[0912059]
Mouza- PIROJPUR Englishbazar	J.L. No. 069	P.S.

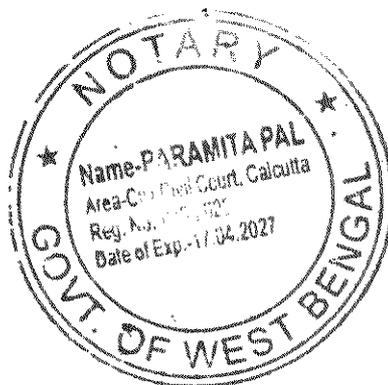
(1) Revenue - Rupees Date of creation - 31.07.2019
Of khatian.

(2) Area of Land (A) - 0.0257 (3) Total No. of - 1
Dag

	(4) Description of the occupier of the property	(5) Ownership	(6) Remarks
Name	Rathindra Nath Chaki	Rayait	
Father	Narayan Chandra Chaki		
Address	1 No Govt. Colony E.B Malda		

(7) Own occupied land of the owner

Dag No.	Land type	Remark	Total amount of plot	Ownership share in the Dag	Position of Land area of within the Dag	
					Acre	Hector
5056	Bastu		0.1025	0.2500	0.0257	
	Incoming Khatian No. 16					
	Incoming Khaitan No. 5695					
Total Dag No. 1 only						



- 22 -

District- Malda	Khatian No. 12469	[0912069]
Mouza- PIROJPUR Englishbazar	J.L. No. 069	P.S.

(1) Revenue - Rupees Date of creation - 31.07.2019
Of khatian.

(2) Area of Land (A) - 0.0256 (3) Total No. of - 1
Dag

	(4) Description of the occupier of the property	(5) Ownership	(6) Remarks
Name	Bani Sarkar	Rayait	
Father	Bhupendra Nath Sarkar		
Address	2 No Govt. Colony E.B Malda		

(7) Own occupied land of the owner

Dag No.	Land type	Remark	Total amount of plot	Ownership share in the Dag	Position of Land area of within the Dag	
					Acre	Hector
5056	Bastu		0.1025	0.2500	0.0256	
	Incoming Khatian No. 16					
	Incoming Khaitan No. 5695					
Total Dag No. 1 only						



- 23 -

District- Malda Khatian No. 12470 [0912069]

Mouza- PIROJPUR J.L. No. 069 P.S.
Englishbazar

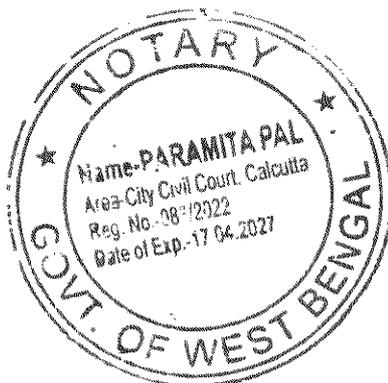
(1) Revenue - Rupees Date of creation - 31.07.2019
Of khatian.

(2) Area of Land (A) - 0.0256 (3) Total No. of - 1
Dag

	(4) Description of the occupier of the property	(5) Ownership	(6) Remarks
Name	Sipra Sarkar	Rayait	
Father	Ranjit Sarkar		
Address	Jalpaiguri		

(7) Own occupied land of the owner

Dag No.	Land type	Remark	Total amount of plot	Ownership share in the Dag	Position of Land area of within the Dag	
					Acre	Hector
5056	Bastu		0.1025	0.2500	0.0257	
	Incoming Khatian No. 16					
	Incoming Khaitan No. 5695					
Total Dag No. 1 only						



- 24 -

District- Malda Khatian No. 12471 [0912069]

Mouza- PIROJPUR J.L. No. 069 P.S.
Englishbazar

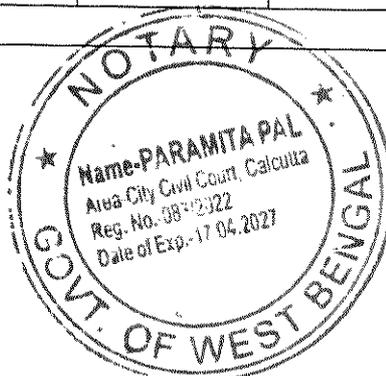
(1) Revenue - Rupees Date of creation - 31.07.2019
Of khatian.

(2) Area of Land (A) - 0.0256 (3) Total No. of - 1
Dag

	(4) Description of the occupier of the property	(5) Ownership	(6) Remarks
Name	Sulava Deb	Rayait	
Father	Kunal Deb		
Address	Kolkata		

(7) Own occupied land of the owner

Dag No.	Land type	Remark	Total amount of plot	Ownership share in the Dag	Position of Land area of within the Dag	
					Acre	Hector
5056	Bastu		0.1025	0.2500	0.0256	
	Incoming Khatian No. 16					
	Incoming Khaitan No. 5695					
Total Dag No. 1 only						



- 25 -

Banglar Bhumi

Land and Land Reforms and refuse relief and Rehabilitation Department Into.

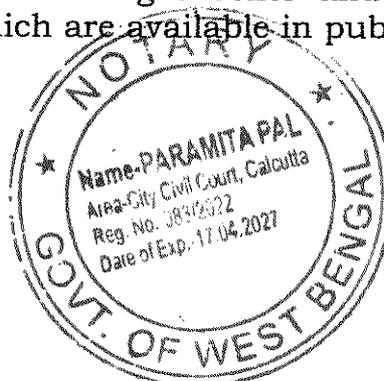
[09] MALDA
[12] ENGLISH BAZAR
[069] PIROJPUR

(Live data as on 04.08.2023 13:22:57)
(J.L. No. 069 P.S.- Englishbazar)

Plot No.	Classification	Total area of the plot (acre)	Plot Map
5056	Bastu	0.1025	Click here

Khatian No.	Owner name	Father/husband	Share	Share area (acre)	Remarks
12468	Rathindra Nath Chaki	Naryan Chandra Chaki	0.2500	0.0257	Nil
12469	Bani Sarkar	Bhupendra Nath Sarkar	0.2500	0.0256	Nil
12470	Sipra Sarkar	Ranjit Sarkar	0.2500	0.0256	Nil
12471	Sulata Deb	Kunal Deb	0.2500	0.0256	Nil

Declaration this is only for information purpose do not treat it as official documents it is not an official app. The source of these data is the official portal of land and land reforms and refuges relief and rehabilitation department (<https://bengalbhumi.gov.in>) which are available in public domains.



- 26 - Annexure-R-11/2'



Government of West Bengal
Office of the District Magistrate & District Collector
Malda

Memo No. 118 /C

Dated- 20/04/2023

To
The District Registrar
Malda

Sub- Compliance of the order, dated 22.03.2023 passed by The Hon'ble National Green Tribunal, EZ, Kolkata in OA No. 30/2023/EZ in the matter of SubhasDattaVs The State of West Bengal & Ors.

In compliance with the order dated 22.03.2023 passed by the National Green Tribunal, EZ Kolkata in OA No. 30/2023/EZ in the matter of 'Subhas Dutta -Vs- the State of West Bengal he is hereby requested not to execute any deed, as per order and known as 'Chatra Beef', related to the following mouzas under English Bazar PS. :

1. Uttar Ramchandrapur, J.L. 71
 2. Pirozpur, J.L. 69
 3. Abhirampur, J.L. 91
 4. ArajiDitalpur, J.L. 70 &
 5. Uttar Jadupur, J.L. 88
- until further direction.

Copy of the order as mentioned above is attached herewith for your ready reference.

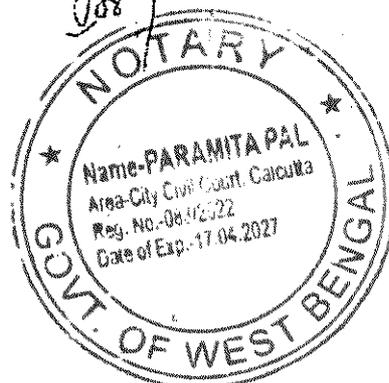
[Signature]
20/04/2023
Additional District Magistrate,
Malda
Dated- 20/04/2023

Memo No. 118/1(1) /C

Copy (along with enclosure) forwarded for kind information to the Inspector General of Registration, Kolkata

[Signature]
20/04/2023
Additional District Magistrate,
Malda

13
4
R. N. Chaki
11/11/2023



- 27 -


 Government of West Bengal
 Office of the District Magistrate & District Collector
 Malda

Memo No. 119/1(3) /C

Dated- 20/04/2023

To

1. The Sub-divisional Officer
Sadar, Malda
2. The Sub-divisional Land & Land Reforms Officer
Sadar, Malda
3. The Block Land & Land Reforms Officer
English bazaar, malda

Sub- Compliance of the order, dated 22.03.2023 passed by The Hon'ble National Green Tribunal, EZ, Kolkata in OA No. 30/2023/EZ in the matter of SubhasDattaVs The State of West Bengal & Ors.

In compliance with the order dated 22.03.2023 passed by the National Green Tribunal, EZ Kolkata in OA No. 30/2023/EZ in the matter of Subhas Dutta -Vs- the State of west Bengal he is hereby requested not to initiate or entertain any proceeding related to record correction and conversion, as per order and known as 'ChitraBeel', in connection and with the following mouzas under English Bazar PS :-

1. Uttar Ramchandrapur, J.L. 71
2. Pirozpur, J.L. 69
3. Abhirampur, J.L. 91
4. Arajidilalpur, J.L. 70 &
5. Uttar Jadupur, J.L. 88

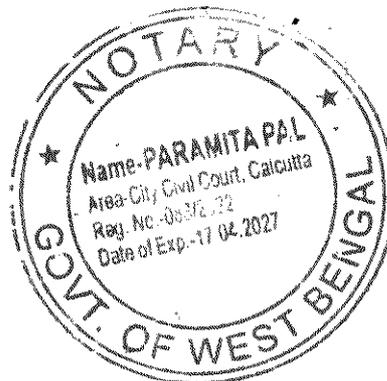
until further direction.

Copy of the order as mentioned above is attached herewith for your ready reference.

Encl: As stated.




 20/04/2023
 Additional District Magistrate,
 Malda





State of Wetland Transformation and Ecological Concerns – A Case Study of Chatra Wetland, English Bazar, West Bengal

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Assistant Teacher, Nayansukh L.N.S.M High School, Jafarganj, Murshidabad, West Bengal, India

*Corresponding Author: Dr. Shyamal Kumar Kar, Assistant Teacher, Nayansukh L.N.S.M High School, Jafarganj, Murshidabad, West Bengal, India Email: shyamalkarjha@gmail.com

Abstract: Chatra Beel, one of the largest wetland with more than 100 ha water cover area, is located at the south western outskirts of English Bazar town of Malda District, West Bengal. It acts as the kidney of English bazar urban area with its multifarious usabilities both from ecological and economic perspectives. Till 1970 Chatra Wetland was not a wetland, people own the land for agricultural purpose, orchard, mango garden etc. In the post Farakka barrage period (1974 on ward) due to construction of afflux embankment, NH34, embankment and railway line embankment natural drainage line have severely being obstructed leading to creation of this wetland. So, this is not a natural wetland. But for the last three (3) decades or more this area remained as a wetland and the physico-hydrological and ecological characteristics, have been generated as part of natural processes. Now after years of retention of wetland characteristics the area is now undergoing reclamation process for human occupation, essentially built up area, as spill over of English Bazar urban area. This definitely puts a question up from ecological perspective but at the same time there are strong reasons and explanations in support of this conversion since originally this region was not a wetland at all. Owing to the impact, the entire situation places a very interesting case. Therefore it will be attempted through this work to identify the nature and degree of consequences of human intervention leading to resultant effects on the natural ecological system of Chatra wetland.

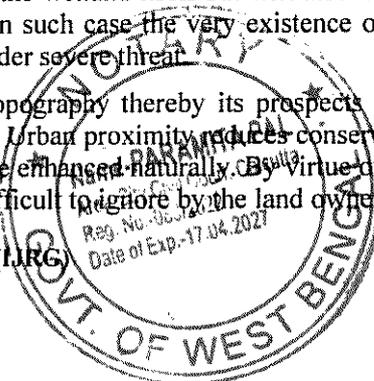
Keywords: Wetland (Beel), Economic Prospects, Perspective Planning, Synchronization of ecology and economy.

1. INTRODUCTION

Every wetland possesses certain commonalities as well as uniqueness on its own. Wetlands play an integral role in the ecology and hydrology of an area; on the other hand, wetlands can have social or economic values too. Wetlands are capable of providing many additional services and benefits provided by wetlands that are often less tangible. Water quality improvement, flood protection can all be supported by wetlands depending on their type and location. Wetlands are nature's water purifiers. Wetlands have important filtering capabilities for intercepting surface water runoff. That is why Wetlands are often described as biological supermarkets" and "kidneys of the landscape" (Mitsch & Gosselink 1993) (11). Wetlands are of inestimable value for the supply of goods and services to society (; Mitsch and Gosselink, 2000) (9), yet they are threatened globally (Maltby, 1991; Ramsar Convention Bureau, 1997) (12). Ahamed, S.I., Tiwana, A.S. (2005) (1) in their article *Disappearing Wetlands: A Threats to Biodiversity* published in Geographical Review of India argued that wetland is geo environmentally precious but our indifference over looking and desperate tapping for profit making wetland areas have been gradually devastatingly losing their existence.

In ecological concerns a wetland is an integral part of the ecosystem in a region. The entire regional physical set-up is intertwined with that of the properties of the wetland. Any exogenetic change injected in the wetland will not only endanger the wetland itself but will also inflict deadly physico-environmental consequences in the long run. In such case the very existence of regional ecosystem which also includes human existence will be under severe threat.

On the other, Wetlands belong to flat plain topography thereby its prospects of other human uses (non-aquatic in nature) may be of several folds. Urban proximity reduces conservation possibilities of wetlands. Pressing demand for built-up areas are enhanced naturally. By virtue of urban proximity the price of land becomes high. The attraction is difficult to ignore by the land owners in the proximity of



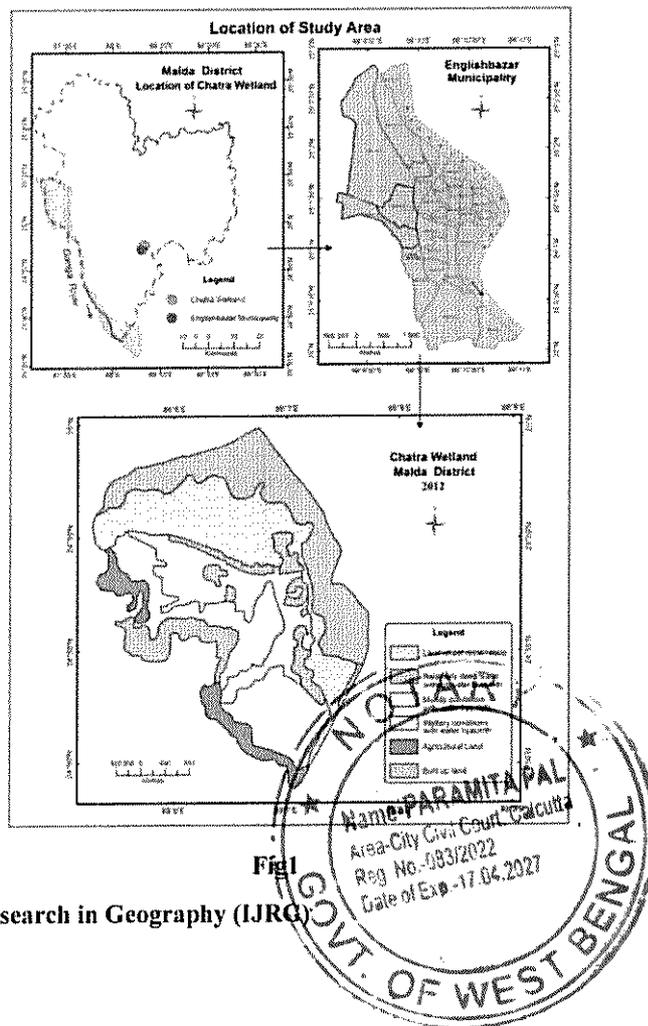
State of Wetland Transformation and Ecological Concerns – A Case Study of Chatra Wetland, English Bazar, West Bengal

wetlands. The permanent water bodies (a wetland) usually do not call for conservation initially and littoral areas are obvious choices. When this area is filled up (by built up units) intrusion in the water body through land fill becomes obvious too. Ever-increasing unit price of land in urban areas and moreover, the gradual non availability of physical space within the urban limit the growing urban population has to spill over outwards. The very vacant character of wetland area therefore, may become, if not compulsively an obvious choice.

Chatra wetland has its multifarious usabilities both from ecological and economic point of view. Chatra wetland is called as the 'lung' of Malda town and performs some useful functions in the maintenance of overall balance of nature of this district (Chattaraj & Chattaraj, 2008) (3). But the wetland is now under the threats of extinction. Within last 15 years, wetland scenario has changed a lot. More than 50% of this has been captured by urban settlement (Kar, S.K., and Pal, S. 2012) (4). So, questions may be raised about the ongoing process of conversion of it through urban encroachment.

2. STUDY AREA

English bazaar town is the district head quarter and only municipal town of Malda district in West Bengal. Chatra wetland, one of the vast artificial wetland, is located at the south western outskirts of Malda town. Administratively this wetland is under the ward no. 3 and 25 of English Bazar Municipality and also partly of Pirojpur Mouza (J.L. No. 69); Arazi Dilalpur (J.L. No. 70); Abhirampur (J.L. No. 91); Gabgachi (J.L. No. 90) & Uttar Jadupur (J.L. No. 88) of English Bazar Block. The beel is situated at an altitude of 29 meters above mean sea level. A survey was conducted by the 'Director of Fisheries Office' Malda District (2009) the beel area is approximate 142 hectares in monsoon months and is restricted to 65.00 hectares only in pre-monsoon period. But the water spreaded area of this unique wetland is changed during heavy rains year. There is no directly drainage linkage with any river system to this beel. The wetland was connected with two small drains which are located along the longitude 24 59'50"N & 88 8'E and 25 00'18" N & 88 07' 34"E in ward no.3 of the English Bazar municipality. Intrusion of municipal waste water through these two drains & also surface discharge water are permanent source of water intake of this wetland.



3. OBJECTIVES

The major objective is to explore the state of wetland transformation and associated ecological concerns. It is also tried to focus whether this transformation is ecologically justified.

4. MATERIALS AND METHODS

Most of the primary data have been collected through empirical field survey, perception studies of the wetland dwellers and environment concerned people. On the other hand, secondary data related to wetland pattern and distribution, spatial data about time series change of Chatra wetland area, were obtained from Cadastral map of different mouzas 1931, Toposheet of the Survey of India 1968-69 and satellite imageries, 2010 from net (www.wikimapia.com). The Methodology for the entire work has been kept as simple and transparent as possible, both statistically and cartographically. Coefficient of determination (R^2) has been used to show the trend of ground water condition of English Bazar town.

5. RESULTS AND ANALYSIS

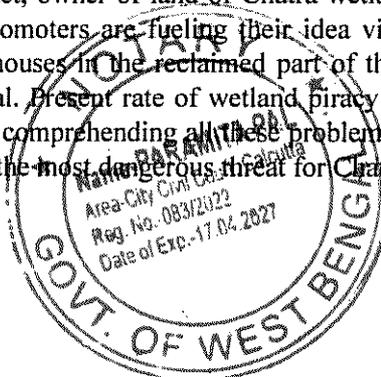
5.1. Genesis of Chatra Wetland

As per record of Survey by Settlement Officer and Superintendent of Survey made in 1930-31, most of the present wetland area was under agricultural low land and north eastern portion was under mango orchard. Major portion of that particular area was mainly used as only for paddy cultivation purpose during monsoon period. But this low land track had played a very significant role for allowing flood water to pass through and also excessive rain water to Bhatia Beel and protected the town English Bazar and adjacent area. So far as its genesis is concerned, this wetland was come up in 1971 when raised railway line embankment, without adequate through water passage system, was constructed. Its catchment area is not totally closed because from western part one drainage channel is entering into the wetland carrying sizeable quantity of water from surrounding regions. But its outlet point is very narrow and quite elevated from the normal bed level of the wetland. Moreover, the extended outlet course which joins this wetland with River Mahananda, has also critically undergone into massive fragmentation and transformation. This condition is also resisting the general flow pattern of this wetland. Thus in general there is very little scope to total draining out of the existing water of the wetland. During 1998 almost the entire Rarh and Barind region of West Bengal was seriously affected by torrential rain and consequent flood. As a result huge amount of water got stagnated within the wetland. It caused spatial extension of the wetland area and rise of average water level on the wetland. But now, Irrigation department has planned to make a new course connecting Chatra wetland and Mahananda River to drain out the wetland and reclaim the entire land for habitation and other economic usages.

5.2. Wetland Transformation

There is no other suitable town other than Malda in Malda district therefore pressure of floating population is very high in this town. In this condition demand for land is sky rocketing. There is no suitable provision of urban growth in the eastern side of the existing town due to River Mahananda. Similarly, people are more attracted to stay nearer to the market, railway station etc naturally. So, the growth of the town is not very remarkable in the southern portion. Given this situation wetland conversion process has got enough momentum.

The fact is that people have lost their agricultural land but when they get it back, they are ready to sell it to the promoters or those people who individually are willing to buy them for built up purpose. The interim event of wetland formation between previous agricultural land and built up land, the valuation of land is multiplied several times. Owing to the impact, owner of land of Chatra wetland is highly inclined to convert the wetland into built up land. Promoters are fueling their idea vigorously for obvious reasons. As a result, people have built their houses in the reclaimed part of the beel since 2002 with clear administrative documents and approval. Present rate of wetland piracy indicates its short longevity. Finally, it can be said that there is that comprehending all these problems, short term money oriented profit making mind set of the people is the most dangerous threat for Chatra wetland.



State of Wetland Transformation and Ecological Concerns – A Case Study of Chatra Wetland, English Bazar, West Bengal

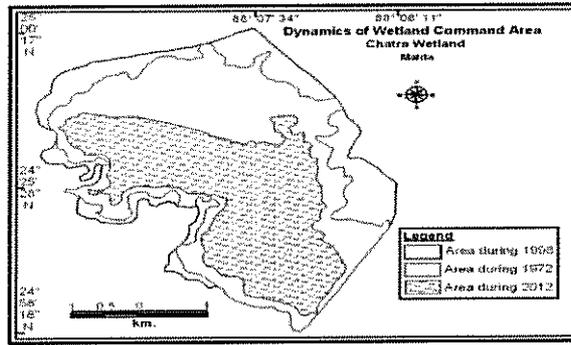


Fig2

(Source: Prepared by the researcher on the basis of Satellite Imagery, Cadastral Map & Field Survey)

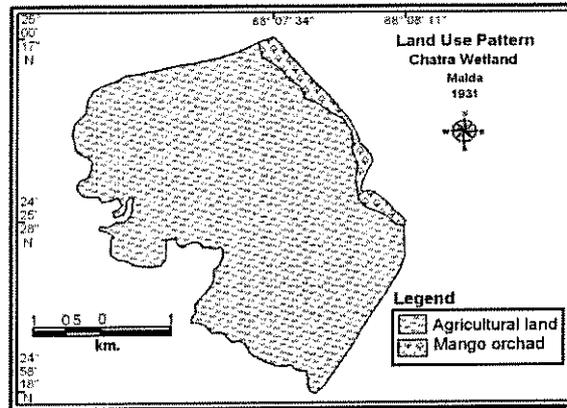


Fig3

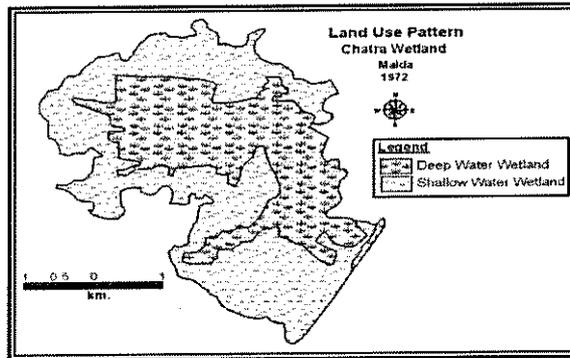


Fig4

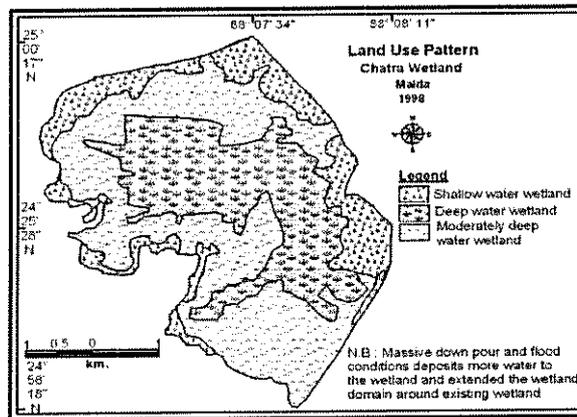
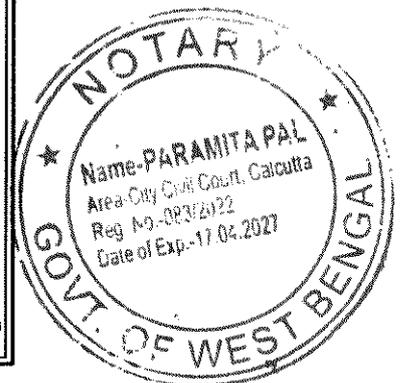


Fig5



State of Wetland Transformation and Ecological Concerns – A Case Study of Chatra Wetland, English Bazar, West Bengal

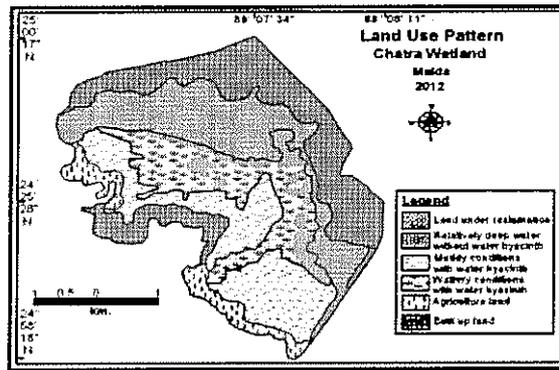


Fig6

(Source: Prepared by the researcher on the basis of Satellite Imagery, Cadastral Map & Field Survey)

5.3. Ecological Concerns

Wetland can produce good economic remuneration and ecological feedback. Chatra wetland can be used for municipal waste management of Malda town, it can help to recharge ground water, can produce huge quantity of fresh fish, crab, and different hydrophytes, subside municipal carbon and other pollutants etc. It should also be mentioned that at present the situation of internal drainage of Malda town is highly vulnerable. So, slightly more monsoon rain in any year may bring urban water stagnation. If wetland is conserved, it could accommodate a substantial volume of water and abate the urban flood possibility. This wetland could be used following the strategies adopted for East Calcutta Wetland.

Any water body possesses biotic entities which are very much part of the ecological character associated with the water body. Since human activities and intervention associated with the beel are obviously of a different nature and degree, the understanding of the ecological status of this water body need identification of biotic diversities other than man. In the following paragraph the aquatic, semi-aquatic and related biotic entities associated with the beel are discussed.

Table1. Biotic Entities of Chatra Wetland

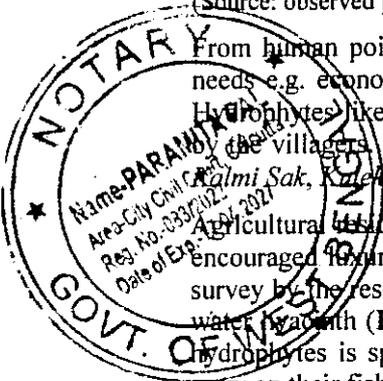
Name of the Flora	Scientific Name	Name of the Fauna	Scientific Name
Water hyacinth	Eichhornia crassiper	Rui	Lebeo rohita
Kulekhara	Hygrophilla	Tengra	Mystus cavasius
Thankuni	Centella Asiatic	Punti	Burbus phutunio
Hingcha	Enydra fluctuans	Magur	Clarius batrachus
Ghima	Polycarpon postratum	Singhi	Heteropneustes
Susni sak	Marsilea minuta	Boal	Wallagonia attu
Kalmi sak	Ipomoea aquatic	Chang	Ophicephalus gachua

(Source: observed primary information)

From human point of view, these common hydrophytes play vital role to support the local people needs e.g. economically (salable product) as well as food value purpose (individual consumptive). Hydrophytes like kulakhara, thankuni, hingcha, gima, kalmi sak are also used for medicinal purpose by the villagers. During the field survey, it has noticed that some people sell *Susuni sak*, *Gima sak*, *Kalmi Sak*, *Kulekhara* and earn individually Rs. 3500/- in an average per month from local market.

Agricultural residues from the agricultural field of the western portion, liquid urban waste etc. have encouraged luxuriant growth of water hyacinth. It is called eutropication. According to the empirical survey by the researcher, most of the wetland command area is under the grip of unwanted growth of water hyacinth (Fig 7). Some portion where the depth of water is more than 1.5m., density of these hydrophytes is sparse. Fishermen often clear some portion of wetland providing netting cage and carry on their fish spawning and rearing, catching etc.

It is found that water depth status in different parts of the wetlands is variable In Chatra wetland, depth of water in core areas is more than 2.5 meter and this portion is quite safe from human intervention. But the area under shallow depth is threatened due to dumping of garbage. This process



State of Wetland Transformation and Ecological Concerns – A Case Study of Chatra Wetland, English Bazar, West Bengal

is the usual one of wetland reclamation. But as a result ecological hotspot of the wetland and economic returns from it has steadily been declining over the time scale.

Wetland is called ground water recharge machine. As per the definition of wetland, ground water table remains very near to surface or above surface in case of live wetlands. Steady lowering of water table paralyses the water stagnation ability of the wetland. Ground water crisis is one of the principal problems of entire India. In spite of having large number of wetland and rivers, this area is not also free from ground water crisis. In case of Chatra wetland, ground water level is steadily lowering down over time ($R^2 = 0.730$) (Fig 7). Time may come when due to this cause wetland may become fretful. In this condition, the importance of wetland can be felt.

Table2. Ground Water Level Condition of English-Bazer Town

Year	GWL	Year	GWL	Year	GWL
2006	6.45	2008	7.27	2010	7.8
2007	7.7	2009	8.13	2011	8.53

(Source: SWID, Malda)

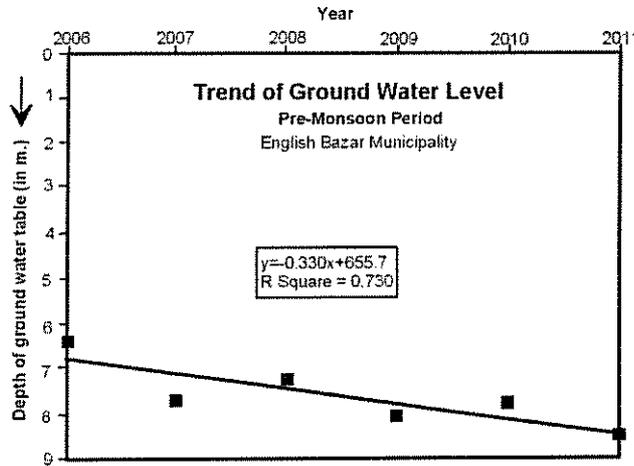


Fig7

5.4. Economic Feasibility of the Wetland

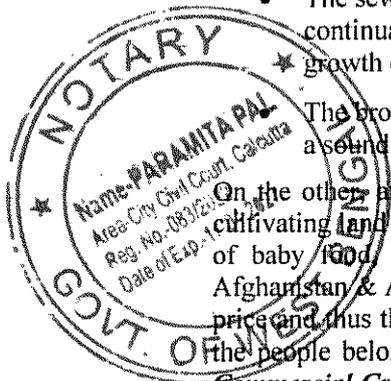
Pisciculture is one of the important aspects of any wetland. This has also been practiced in this Chatra Wetland. But, there is no legal and scheduled possessioner applicable for the fish production of this wetland. The fishing has been controlled from the last ten years by few men, not by any government organization or attempt. Therefore, no authentic calculation of profit or loss is entitled. Yet the primary survey has reported a profit of Rs 2.5 lakh per annum. In some cases, people belonging to the wetland vicinity stealing local oysters/mollusta/barnacles (locally known as 'googli'), tortoises and fishes (table1) for their personal consumption.

Some associated problems for pisciculture of this wetland are

- The sewage of two drains which are located in ward no.3 of the English Bazar municipality is continually filling the Beel, decreases the water quality day by day. As a result, the normal growth of fishes is affected and faced perils.

The brooding problem of ownership is also prevailed. Hence the fish cultivation here is not in a sound state that must have to be.

On the other hand, at present a little portion of this wetland being separated by embankment is used as cultivating land for producing Gurgle-nut (makhna) during last few years. This is used for preparation of baby food sweets, snacks curry etc. It has great demand in European countries, Pakistan, Afghanistan & Arabian countries etc. By virtue of its dietary properties Makhna is sold at a very high price and thus the future prospect of Makhna cultivation has got very high economic potentiality for the people belonging to the wetland zones. Though Makhna is becoming important 'International Commercial Crop', it has some drawbacks for natural aquatic ecosystem. Because this crop is grown



- 34 -

State of Wetland Transformation and Ecological Concerns – A Case Study of Chatra Wetland, English Bazar, West Bengal

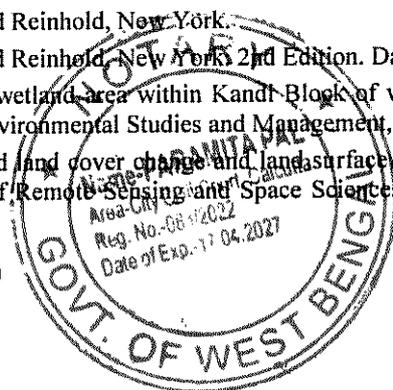
only under such ecological condition which has a considerable threat to wetland's natural ecosystem. Plantation of makhna involves the water body to be completely cleared of all weeds etc then insecticides and pesticides are applied to sterilize the water so that insects and fishes cannot eat up the shoots once they come out after germination of seeds. The thick growth of leaves cover water surface all the way. It does not allow sunlight to reach to the surface of water, which is necessary for growth and survival of algae and other weeds. That is why; no fish and other aquatic lives can survive where Makhna has been introduced. So, the element of caution from ecological perspective should be pre-conditional for such a venture.

6. CONCLUSION

As the Chatra beel is located at the fringe area of English Bazar Municipality, it is bearing the brunt of unchecked urban sprawl though land filling. This is clearly seen in the primary survey and also through comparison of the previous maps with that of the latest one. The people belonging to littoral zones of this wetland seem to be more interested in 'exploiting' the beel land rather than its water content, not to maintain about the ecological components. There are some of the issues that haunt one's mind. Will the beel Chatra survive in future? Will the present anthropogenic onslaught on the system of the beel lead to serious negative consequences? At the same time this beel is no doubt an important item of on which economy of a sizeable population of English Bazar Town leans upon directly or indirectly. The utilitarian aspect from human stand point cannot be ignored too. So it is quite natural that people will try to utilize the beel more and more, thus troding upon the danger zone of 'exploitation'. But from ground water, drainage disposal and ecological perspective piracy of wetland will lead to a great long term hydro-ecological irreversible loss. In order to bridge the gap between ecological set-up and economic prospect for the long term benefit for the people belonging to the vicinity of beel a carefully prepared perspective plain is an immediate necessity. Therefore the author proposes that the municipal authority should immediately take possession of whatever vacant space is left of this beel, stop any further encroachment, landscape it into a park with shrubbery, flowering trees, amusement inputs (childrens' park) and partly de-silting / re-excavating it to give back the water body character. This will indeed provide a breathing space for the urbanites. For implementation of such programme the municipal authority may go for P.P.P. (Public Private Partnership) long term lease or similar administrative approach.

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- 38 -

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- 36 - Annexure 'R-11/4'



Nature View
Food & Cafe
17/5/2022

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31° 24' 50.00" N 88° 12' 00.00" E

Show Imagery

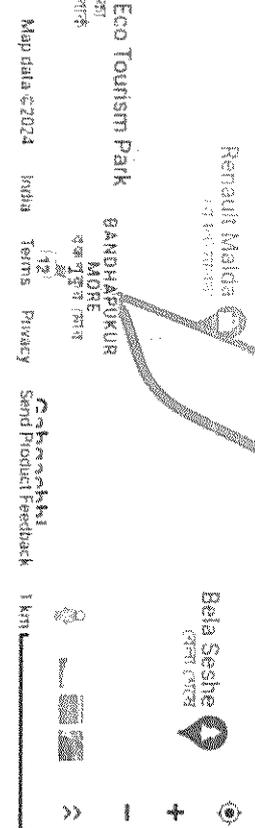
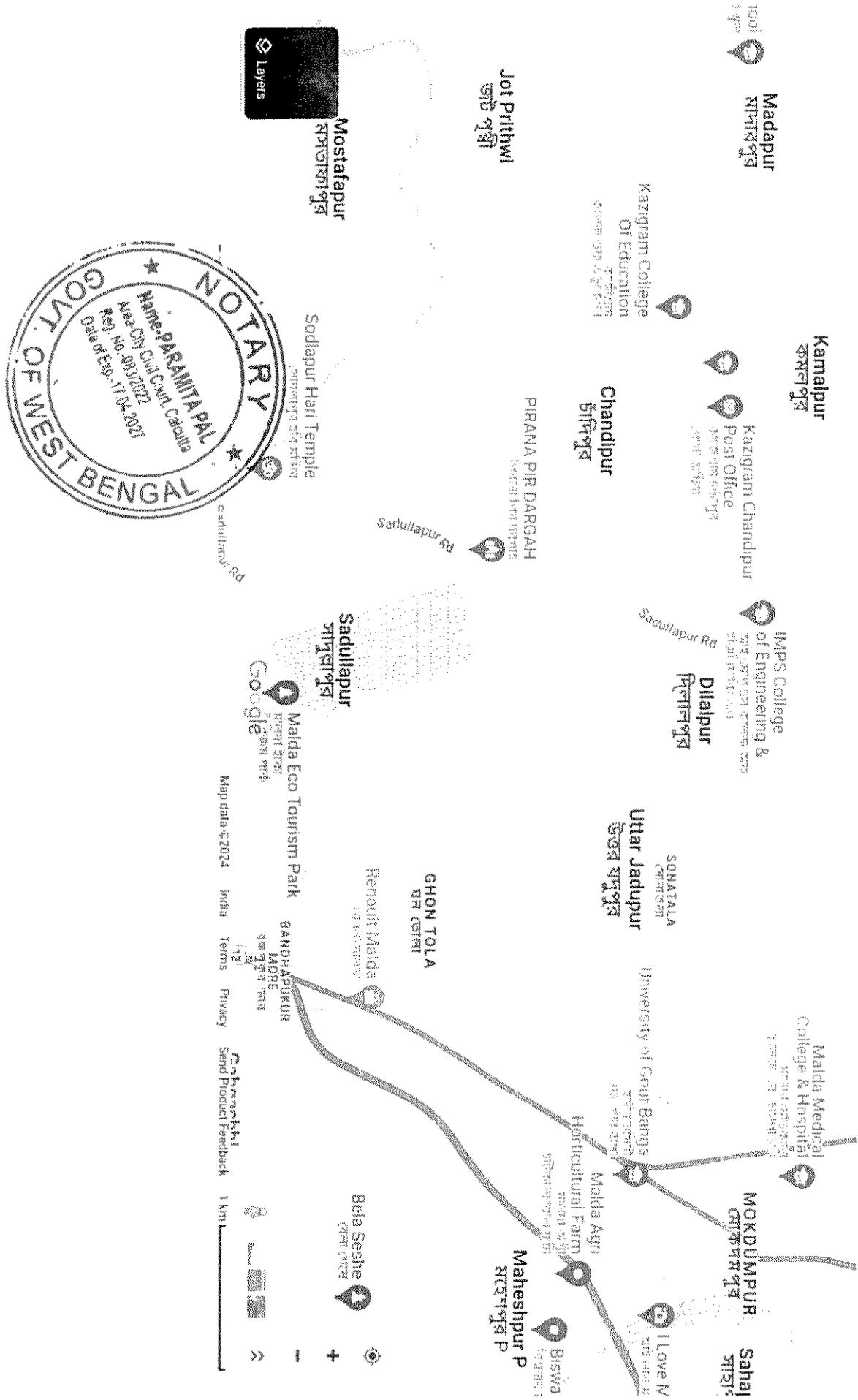


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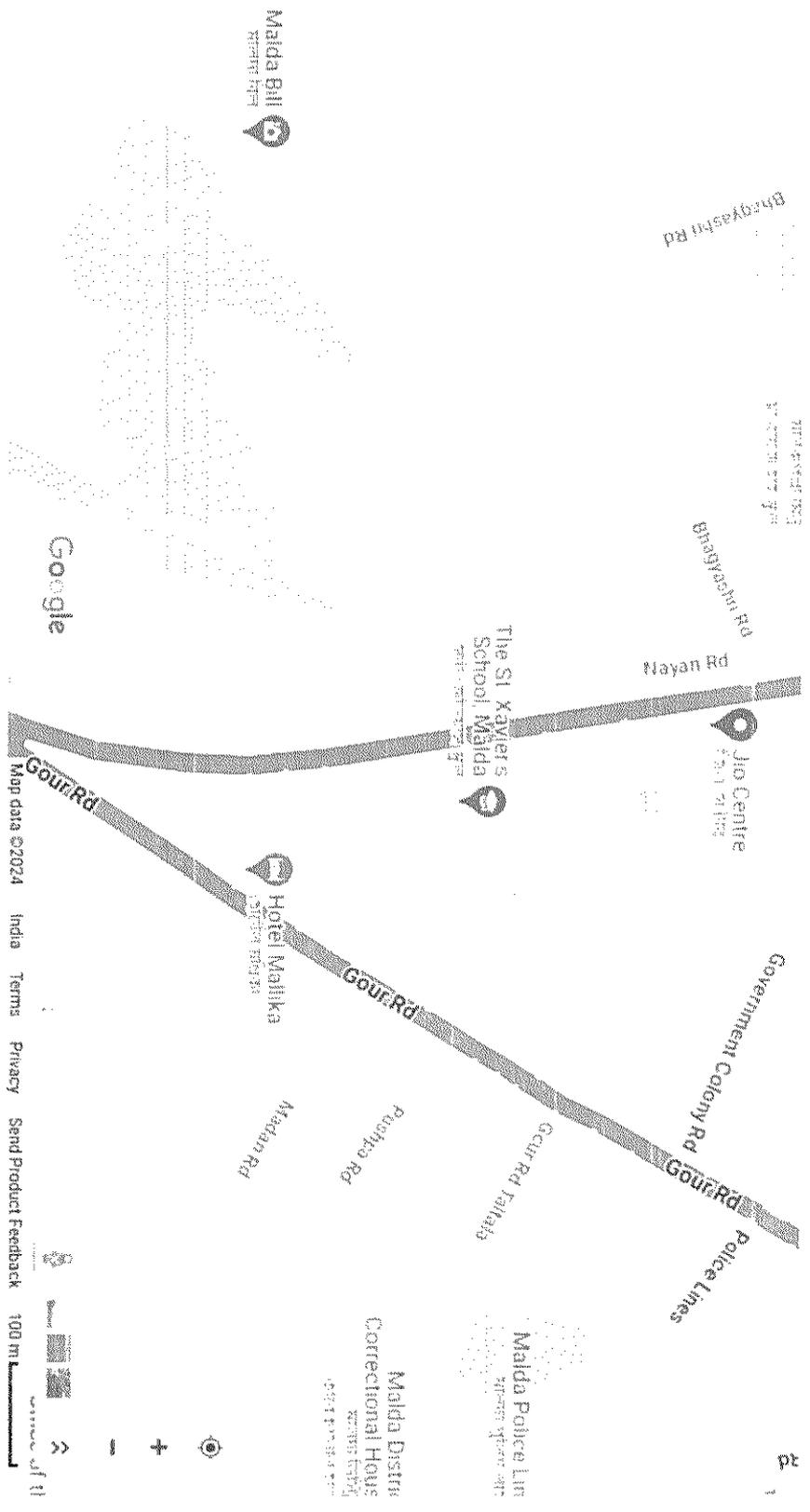


- 38 -

Annexure - R-1/5



- 3A -



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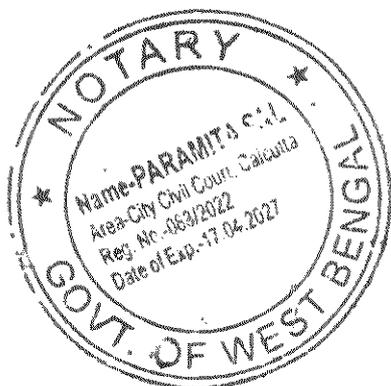
.... Applicant

-Versus-

The State of West Bengal & Ors.

.... Respondents

REJOINDER AFFIDAVIT ON BEHALF OF
THE ADDED RESPONDENT NO.11



31 JUL 2024

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F/1386 of 2014