

Before the National Green Tribunal, Eastern Zone Bench at Kolkata

Original Application No..01 /2024/EZ

IN THE MATTER OF:

Ankur Sharma

...Applicant

-versus-

The State of West Bengal & Ors.

...Respondents

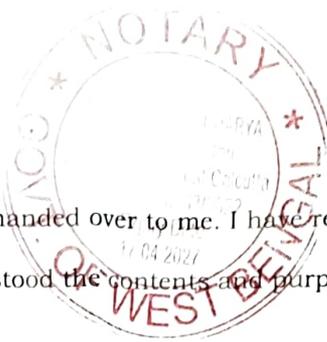


COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT NO. 23

I, JOYDEB MONDAL, son of Atul Mondal, by faith- Hindu, by profession- business, Residing at – 63, Ahallya Nagar, Mukundapur, P.O. Mukundapur, P.S. – Purba Jadabpur, District – South 24 Parganas, Kolkata – 700099, do hereby solemnly affirm and say as follows:-

1. That, I am the Respondent no. 23 herein and as such I am well acquainted and conversant with the facts and circumstances of this case and am competent to depose as to what is stated herein below.
2. That the copy of the Petition, purported to be affirmed by one Mr. Ankur Sharma (hereinafter referred to as the "Petition") has been served upon me

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and the same has been handed over to me. I have read a copy of the said Petition and have understood the contents and purport thereof.

3. I have been advised to deal with such of the allegations and/or contentions and/or statements made in the said Petition as are material for the disposal of the instant Petition.
4. At the outset, I state that the allegations and/or contentions and/or statements made in the Petitioner are totally baseless, misconceived, false, mala fide, calculated to harass and cause prejudice and aimed at attempting to arm-twist the Respondent no. 15 into meeting the unjust and unlawful claims and demands of the Petitioner. The Petition suffers from suppressio veri and suggestio falsi, and ought to be dismissed. Save and except what is admitted herein and/or which are matters of record, I deny and dispute each and every allegation and/or contention and/or statement made in the said Petitioner in seriatim, as if such allegation and/or contention and/or statement has been set out herein and traversed in toto.
5. Without prejudice to the aforesaid, the following is my paragraph-wise reply to the contentions and/or allegations and/or statements made in the Petition:
  - (a) Paragraphs 1 to 7 do not require a reply as the Respondent no. 23 is nowhere connected with allegations averred by the Petitioner herein except the statement mentioned in paragraph 2 that the Respondent nos. 12 to 25 are the private respondents who have been indulging in filling up the impugned wetlands. I dispute and deny

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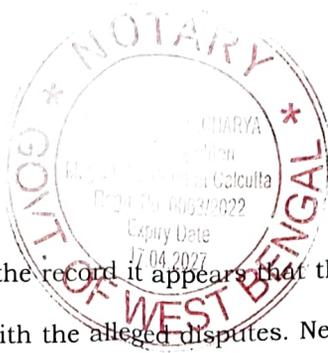
that respondent no. 23 has been indulging in filling up the impugned wetlands. The aforesaid statement is false and fabricated without any cogent documents in support his claim.

(b) Paragraphs 8 to 11 do not require a reply as the Respondent no. **23** is nowhere connected with allegations averred by the Petitioner herein. So far as Paragraph 12 is concerned, the Deed attached by the applicant herein, my name is mentioned as Attorney holder of the principal. Therefore, it cannot be said that I have sold out the land on my own rather I have acted upon as an agent as per the instruction of my master, the Principal. Therefore, inclusion of my name clearly contemplates the said application is filed with a motive to harass me and my business reputation.

(c) Paragraphs 13 to 30 do not require a reply as the Respondent no. **23** is nowhere connected with allegations averred by the Petitioner herein, save and except what is the matter of records, I dispute and deny that the Respondent no. 23 is a Land shark as claimed by the Applicant herein and also disputed the fact that I have filled up water bodies. Such allegations are only made up for just to earn money in the name of a court case as the Applicant failed to show a single shred of document in his favour and against the Respondent no. 23.

6. Without prejudice to the aforesaid, it is further submitted that that the alleged claim of the Applicant is based on several disputed questions of fact, and the disputes are of such a nature that requires discovery, inspection and detailed appreciation of evidence and records of the case,

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and from the face of the record it appears that the Respondent no. 13 is nowhere connected with the alleged disputes. Neither I have constructed any building nor did I fill up any water body on the alleged disputed land.

7. Hence, in light of the foregoing, it is humbly prayed that the Respondent no. 13 is nowhere connected with the allegations averred by the Applicant in his petition and therefore the Hon'ble Tribunal may pass appropriate orders in terms of the submission made herein above by the Respondent no. 23.
8. That the statements made in paragraphs 1 to 4 are true to my knowledge, those made in paragraphs 5 alongwith sub-paragraphs are based on information which I believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal.

Identified By me

  
Advocate

Joydeb Mondal

Deponent

Solemnly Affirmed and  
Declared before me U/S 139  
CPC, U/S 297 (C) CRPC Deponent  
Signature Identified by Advocate  
D. B. [Signature]  
Notary

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