

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 151/2022/EZ

Filed by  
Rajib Ray  
Advocate

In The Matter of:

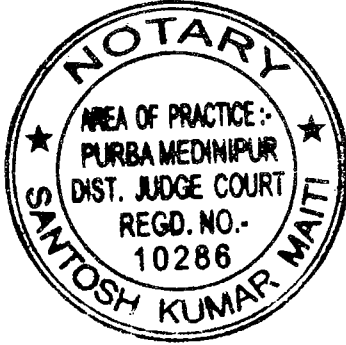
Subhas Datta

... Applicant.

Versus

The State of West Bengal & Ors.

... Respondents




**AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 07, DISTRICT  
MAGISTRATE, PURBA MEDINIPUR.**

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1.	Affidavit		

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Govt. of India

Filed by:  
  
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 151/2022/EZ

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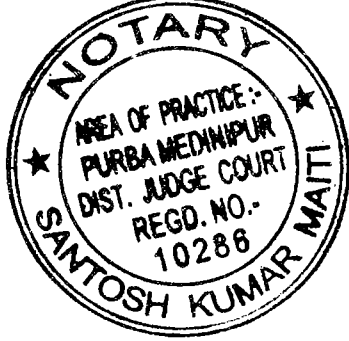
Subhas Datta

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... Respondents



**AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 07, DISTRICT  
MAGISTRATE, PURBA MEDINIPUR.**

I, Sri Purnendu Kumar Maji, son of Sri Mihir Kumar Maji , aged about 54 years, by faith: Hindu, by occupation- Government Service, now posted as District Magistrate and District Collector, Purba Medinipur, at Ganapatnagar, P.O.-Uttar Sonamui, P.S.- Tamluk, District: Purba Medinipur, Pin No. 721648, do hereby solemnly verify and say as follows:-

1. I am the District Magistrate, Purba Medinipur, the Respondent No. 7 herein. I have made myself acquainted with the facts and circumstances of this case and competent to affirm this affidavit.
2. That I have read a copy of the application purported to have affirmed by Sri Subhas Datta, the applicant herein (hereinafter mentioned as the "said application") and on perusal of the same, I have understood the purports and contents thereof. I have been advised to deal with and/or traverse only those allegations of the said application which are material for proper adjudication of the case, which I hereby do, save and except what are specifically admitted herein all the statements made in paragraphs of the said applications are denied and as if they have been traversed in seriatim.
3. That this affidavit is being affirmed in pursuant to the solemn order dated 21.11.2022 passed by the Hon'ble Tribunal, whereby the Hon'ble

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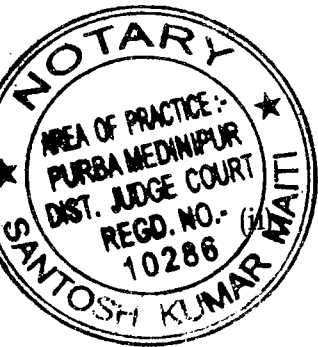
Tribunal was pleased to direct all the respondents to file counter affidavit within four weeks.

4. That before dealing with the statements and allegations contained in various paragraphs as well as sub-paragraphs of the said application, I submit the following matter in brief before this Hon'ble Tribunal which is germane for the purpose of this adjudication of this matter :-

- (i) That the development of Digha is being undertaken in accordance with the Land Use and Development Control Plan (LUDCP) framed as per the provisions of the West Bengal Town and Country (Planning and Development) Act, 1979 for planned and scientific development and beautification of Digha.

That for the preparation of 'Long Term Master Plan' for sustainable development of Digha and other important coastal belts under the Digha Shankarpur Development Authority planning area, the Government has engaged Indian Institute of Technology, Kharagpur, as an expert consultant. A District Level Committee has also been constituted for supervision and monitoring of progress of the preparation of Digha Master Plan.

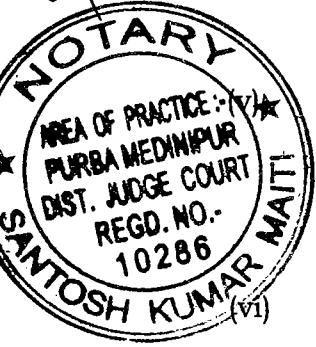
- (iii) That all structures are made temporary basis or semi-permanent in nature. Except the lavatory block, there is no concrete structures and all structures are made of wood, bamboo, corrugated sheets, fibre, PVC material, ceramic tiles, glass, container etc. The major development works have commenced since 2010 by the Institute of Environment Studies and Wetland Management (IESWM) after obtaining permission from the Department of Environment, Government of West Bengal and funding by the World Bank. This work was supervised by I-WIN. All such activities have been done to enhance the tourism.
- (iv) That except the lavatory block, there is no concrete structures. The photographs, being Annexure "P/3" to the Original Application, is a pathway made of ceramic tiles and paver blocks. The photographs, being Annexure "P/4" to the Original Application, are stalls for promotion of local handicraft and an office room surrounding a toilet block. The upper portions of the said structures are built of corrugated sheets, PVC materials and wood. The photographs, being Annexure "P/5", "P/6" and "P/7" to the Original Application, are all temporary structures made of container, wood, corrugated



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sheets, PVC material, glass, ACB and structural beams etc. and, as such, are easily removable. The photographs, being Annexure "P/8" to the Original Application, is a temporary structure made up of corrugated sheets, glass, ACB. There is no concrete roof, and at the foundation, a brick wall measuring about two and a half feet is present.



That all construction within the Dheusagar Amusement Park are semi-permanent in nature and on the landward side of the existing embankment following the regulation of permissible activities under the CRZ Notification 2019

That all the beautification works at Digha have been done by maintaining all natural elements such as sand dunes and trees. A substantial number of trees, both occurring naturally as well as planted, have been damaged by the series of cyclonic storms, namely Phani, Amphan, Yaas, among others, in the recent past. Pursuant thereto, about 400 coconut trees and over 2000 Jhau trees have been planted within the park premises.

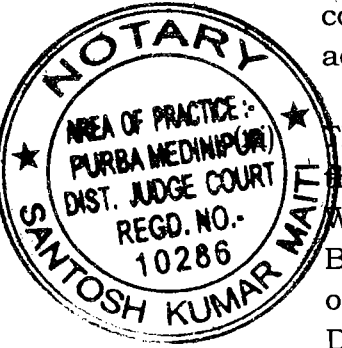
- (vii) That in the last few years, afforestation programme is being carried on by the DSDA as well as the Department of Forest, Government of West Bengal. Though the cyclone Yaas made landfall in the coastal areas of Digha, damage to property was negligible in comparison to the severity of the cyclone as all temporary structures on the beach-front were removed. Afforestation programmes are carried on every year. Over the span of last ten years, more than 1 lakh Jhau and Akashmani trees have been planted.
- (viii) That the three storied building being constructed near the Jagannath Temple is a part of a theme park based on Satyajit Roy being constructed to facilitate tourism. The said three storied building is a tourist amenity centre, comprising of a lavatory block on the ground floor, a tourist amenity centre and an archive on Satyajit Ray on the first and second floors. The one-storied small building being constructed on the same stretch is a food court run by Self Help Groups, constructed in order to cater to the tourists.
- (ix) That Solid Waste Management Rules, 2016 are adhered to by the concerned Authority. At present, solid waste is being dumped on the Western side of Dhewsagar, an area belonging to DSDA. Under the supervision of the State Urban Development Authority (SUDA),

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construction of solid waste management unit and collection of segregated waste at source has been planned to be undertaken. At present, Digha is a plastic carry bag and thermocol free zone

(x) That as per guidelines under Solid Waste Management Rules, 2016, the concerned authority has taken various steps in order to stop the use of single use plastic and thermocol throughout the coastal area of Digha by regular campaigning through public address system, holding rallies etc.



That the Digha Sewerage Treatment Plant (STP) was constructed by the Public Health Engineering Department (PHE), Government of West Bengal with the financial support rendered by the World Bank. The STP is maintained by the PHE Department. The policy of Ground Water Extraction is also maintained by the PHE Department.

5. That the answering respondent denies all the allegations and/or statements contained in the said application save and except what are expressly admitted herein. Now I deal with the said application paragraph wise herein below.

6. That with regard to the statements made in paragraphs nos. 01 to 03 of the said application, I do not want to make any comment and nothing is admitted which are not borne on record.

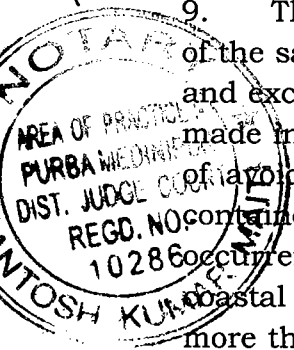
7. That with regard to statements made in the paragraph nos. 04 of the said application, I deny and dispute the statements made therein save and except what are matter of records. I repeat and reiterate the statements made in paragraph no. 4 (i) and (ii) hereinabove. As such, for the purpose of avoiding any further repetition I crave leave to refer to my statement contained in the previous paragraphs hereinabove. I deny that the unplanned and unscientific development works being undertaken there may lead to total collapse of the town. I further no appropriate development plan and programme is there and various authorities are simply indulging cosmetic and ornamental operation.

8. That with regard to statements made in the paragraph nos. 05 to 09 of the said application, I deny and dispute the statements made therein save and except what are matter of records. I repeat and reiterate the statements made in paragraph no. 4 (iii) to (v) hereinabove. As such, for the purpose of avoiding any further repetition I crave leave to refer to my statement contained in the previous paragraphs hereinabove. I state that Jatranalah

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beach front beautification has been renamed as DHEU SAGAR & further developed for the sake of promoting tourism. I further state that Dheu Sagar amusement park has been developed as a major tourist destination in Digha by DSDA to promote tourism following the regulation of permissible activities in CRZ II zone mentioned in para 5.2 of the CRZ notification 2019.

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9. That with regard to statements made in the paragraph nos. 10 and 11 of the said application, I deny and dispute the statements made therein save and except what are matter of records. I repeat and reiterate the statements made in paragraph no. 4 (vi) and (vii) hereinabove. As such, for the purpose of avoiding any further repetition I crave leave to refer to my statement contained in the previous paragraphs hereinabove. I state that due to occurrence of series of severe cyclone during last few years, greenery of coastal belt has badly damaged. I further state that during last few years, more than 3(three) lakhs seedlings of casuarinas, Akashmani etc have been planted by authorities. I further state that pick hour of high tide was coincided with the time of landfall of cyclone Yaas that rose the sea level a few meter above the normal sea level. Intensity of the waves was so high that it uprooted the boulders over the guard wall from the seabed.

10. That with regard to statements made in the paragraph nos. 12 and 13 of the said application, I deny and dispute the statements made therein save and except what are matter of records. I repeat and reiterate the statements made in paragraph no. 4 (viii) hereinabove. As such, for the purpose of avoiding any further repetition I crave leave to refer to my statement contained in the previous paragraphs hereinabove. I state that the building has been planned to make of bricks, concrete and glass to strengthen the structure otherwise, it will not last for long due to heavy wind pressure. Further storms like phoni, Amphan, Yaas have uprooted many trees from the area. I further state that the answering respondent had tried to restore the dunes by constructing guard wall and cover the dunes with earth and green grass. I further state that the answering respondent also has planned to plant Casuarinas and other trees suitable for saline water in this zone and for beautification of the area. I further state that it has been planned to construct with bricks and concrete for sake of prevent from wind pressure. I further state that the small building is being constructed on same stretch as a food court run by Self Help Group to cater to the tourist.

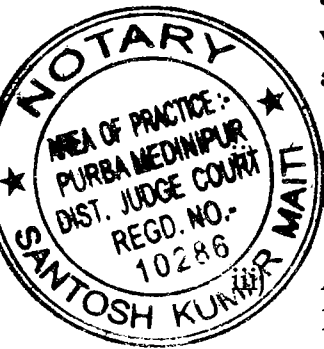
11. That with regard to statements made in the paragraph nos. 14 of the said application, I deny and dispute the statements made therein save and except what are matter of records. I repeat and reiterate the statements made in paragraph no. 4 (ix), (x) hereinabove. As such, for the purpose of avoiding any further repetition I crave leave to refer to my statement

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contained in the previous paragraphs hereinabove. I state that the following measures have been taken by the authority:-

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- i) For the collection of waste in accordance with SWM rule, 2016, a micro plan as well as has been framed by an expert agency BITAN, engaged by SUDA. As per this micro plan awareness programme throughout Digha among the DSDA team and Front line workers, floating vendors, permanent shop owner, hotel and restaurant staff, working stay bulk waste generator, market committee, aggregator, govt./private Institution, school, bus operator, tour cab association, Toto, Auto. Van association, amusement park, Civic volunteers and coastal guards have been organized by the authority with the assistance of BITAN.



Collection of Solid Waste from source is going on through segregation method.

As per guideline under SWM Rule 2016 the answering respondent has taken different steps in order to stop the use of single use plastic, thermocol at entire Digha coastal area by regular campaigning through public address system, pestering, Flexing, shop to shop visit, hotel to hotel visit, door to door visit, rally with tableau participating different section of the society.

- iv) Different coloured waste Bins earmarked for nature of different waste has been placed throughout Digha.

12. That with regard to statements made in the paragraph nos. 15 to 18 of the said application, I deny and dispute the statements made therein save and except what are matter of records. I repeat and reiterate the statements made in paragraph no. 4 hereinabove. As such, for the purpose of avoiding any further repetition I crave leave to refer to my statement contained in the previous paragraphs hereinabove. I state that an area of about 25 acres in mouza Bhagibrahmapur was handed over to the West Bengal Housing Infrastructure Development Corporation (W.BHLDCO) for construction of Jagannath Dham Sanskriti Kendra and the entire work from planning to execution is being done by WBHIDCO.

13. That with regard to statements made in the paragraph nos. 19, 20 and 21 of the said application, I deny and dispute the statements made therein save and except what are matter of records. I repeat and reiterate the statements made in paragraph no. 4 (xi) hereinabove. As such, for the purpose of avoiding any further repetition I crave leave to refer to my

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statement contained in the previous paragraphs hereinabove. I state that the Digha Sewerage Treatment Plant was constructed by the Public Health Engineering Department (PHE), Government of West Bengal and the project is running properly but due to addition of extended planning area along with good number of Hotels, the total system need to be modified/upgraded thoroughly. The PHE Department has redesigned the plan and in this respect DSDA has approved financial sanction amounting to Rs.2,34,82,071.00 in favour of PHE on urgent basis.

14. That with regard to statements made in the paragraph no.22 of the said application, I deny and dispute the statements made therein save and except what are matter of records. I repeat and reiterate the statements made in paragraph no. 4 hereinabove. I state that policy for Ground water extractions is maintained by the Public Health Engineering Department (PHE), Government of West Bengal and the answering respondent is taking necessary measures for the promotion of rain water harvesting policy among the hotels.

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DIST. JUDGE COURT  
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That with regard to statements made in the paragraph nos.23 and 24 the said application, I deny and dispute the statements made therein save and except what is matter of records. I repeat and reiterate the statements made in paragraph no. 4 hereinabove. As such, for the purpose of avoiding any further repetition I crave leave to refer to my statement contained in the previous paragraphs hereinabove. I state that the concerned authority had been taken steps previously to restrict the use of single use plastic and thermocal at Digha. I further state that in the year 2016 Digha became plastic and thermocal free town by havoc checking and seizing the items. I further state that the answering respondent has taken several rapid programmes under guidance of the SUDA, such as rally for prohibiting the use of plastic, checking, sizing etc. shop to shop and miking, posturing to aware the people. Now Digha become a plastic and thermocol free zone. I further state that the answering respondent has taken initiative for massive afforesting programme in many areas at Digha. I further state that the Forest Department has also taken initiatives for massive plantation. Department is protecting the existing forest area. Afforesting programme occurs on every year.

16. That with regard to statements made in the paragraph nos. 25 of the said appeal, I deny and dispute the statements made therein save and except what are matters of records. I repeat and reiterate the statements made in paragraph no. 4 herein above. I state that the contents of the paragraphs under reply have been replied specifically in the paragraphs

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herein before and the same are not repeated herein for the sake of brevity. I submit that the Grounds mentioned therein are misconceived, baseless and denied and not at all good, sound and legal and no interference can be called for relying upon such illegal, invalid and unsustainable grounds. I however, reserve my right to deal with the said Grounds properly at the time of hearing of this application.

17. That in reply to averment related to limitation and needs no comment from this answering respondent. It is also submitted that the Hon'ble Tribunal may pass the necessary order/orders on the issue of limitation as the Hon'ble Tribunal may deem fit and proper.

18. In view of the above facts indicated herein above, it is respectfully submitted that this answering respondent shall abide by any order or direction, passed by this Hon'ble Tribunal.


The statements made in paragraph 1 to 16 are based on information derived from the record which are usually kept and maintained by the answering respondent in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office

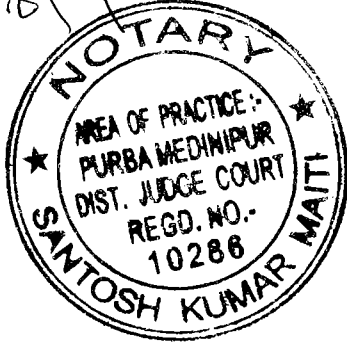
  
Advocate

  
**Deponent**

DEPONENT IS IDENTIFIED AND HAS  
SIGNED THIS AFFIDAVIT ON OATH  
BEFORE ME ON THIS 8/2/2023

  
SANTOSH KUMAR MAITI, NOTARY  
Appointed by Govt. of India, Under the  
Notaries Act 1952 (Act No.-53 of 1952)  
For the District of Purba Medinipur Judges' Court  
Tamt-4, Purba Medinipur, W. B.

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BEFORE THE HON'BLE  
NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
O. A. NO. 151/2022/EZ

In The Matter of:

Subhas Datta ... Applicant

Versus

The State of West Bengal & Ors.  
... Respondents

**Affidavit on behalf of the  
respondent no. 07, Distract  
Magistrate, Purba Medinipur**

RAJIB RAY

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