

SL NO. 22

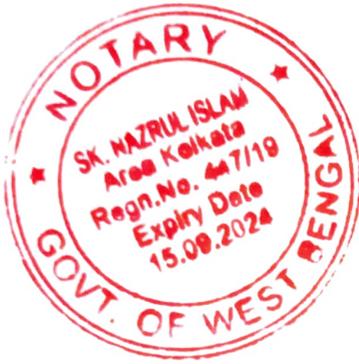


BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

M. A. No. 30 of 2023/EZ

In

ORIGINAL APPLICATION NO. 108/2021/EZ



In The Matter of:

Rasulpur Dana Welfare Society

... Applicant

Versus

West Bengal Pollution Control
Board & Ors.

... Respondents

AFFIDAVIT OF COMPLIANCE OF THE RESPONDENT NUMBER 03, THE
DISTRICT MAGISTRATE & COLLECTOR, PURBA BARDHAMAN.

INDEX

SL	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit-In-Opposition		1-6
2.	Photocopy of the letter dated 19.07.2024 written by the District Magistrate & Collector, Purba Bardhaman to the encroachers/ occupiers is annexed herewith	'R-1'	7-8
3.	Photocopy of the letter dated 19.07.2024 and 28.11.2022 written by the District Magistrate & Collector, Purba Bardhaman to the PWD is annexed herewith	'R-2'	9-
4.	Photocopies of the communication	'R-3'	

16 AUG 2024

	letters as received from the Learned Advocates' communicating the Orders of the High Court, Calcutta are collectively annexed herewith		10-22
5.	Copy of the email dated 14.08.2024 intimating that Review Applications have been filed with respect to the filing of the Review Applications and that the same are pending before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata is annexed herewith	'R-4'	23
6.	Photocopy of the letter dated 26.07.2024 vide memo No. 2397 received on 14.08.2024 written by the PWD to District Magistrate & Collector, Purba Bardhaman is annexed herewith	'R-5'	24

Filed by

Sibojyoti Chakrabarti

SIBOJYOTI CHAKRABARTI
Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534





3

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

M. A. No. 30 of 2023/EZ

In

ORIGINAL APPLICATION NO. 108/2021/EZ

In The Matter of:

Rasulpur Dana Welfare Society

... Applicant

Versus

West Bengal Pollution Control
Board & Ors.

... Respondents

AFFIDAVIT OF COMPLIANCE OF THE RESPONDENT NUMBER 03, THE
DISTRICT MAGISTRATE & COLLECTOR, PURBA BARDHAMAN.

I, Smt. K Radhika Aiyar, D/o Yegnanrayanan Kailasam, aged about 37 years, by occupation- service and presently posted as District Magistrate & Collector, district: Purba Bardhaman, having office address at New Collectorate Building, Court Compound, Kali Bazar, Purba Bardhaman, Pin-713101 , do hereby solemnly affirm and submit as follows:-

1. That I am the District Magistrate & Collector, district: Purba Bardhaman, being respondent number 03 above-named. I am

competent and duly authorized to swear and affirm this affidavit for and on behalf of myself.

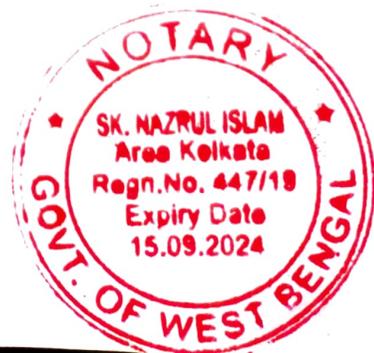
2. That this affidavit of compliance is being filed in compliance and obedience to the Solemn Order dated 04.07.2024, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That the encroachers/occupiers on the plot of land i.e. on plot numbers 463 and 25, J. L. No. 135, Mouza- Baidyadanga, under Memari-I, Block, Rasulpur, Purba Bardhaman have been issued notices by the District Magistrate & Collector dated 19.07.2024 to demolish the illegal construction and restore the land to its original classification within 30.07.2024.

Photocopy of the letter dated 19.07.2024 written by the District Magistrate & Collector; Purba Bardhaman to the encroachers/occupiers is annexed herewith and marked with the letter 'R-1'.

4. That the Public Works department, Government of West Bengal (PWD) has also been informed regarding demolition of the encroaching structures vide Memo No. 956(7)/CS letter dated 19.07.2024 issued by the District Magistrate & Collector, district: Purba Bardhaman and requested to provide an estimate of the same vide Memo No. 1125/CS dated, 28.11.2022.

Photocopy of the letter dated 19.07.2024 and 28.11.2022 written by the District Magistrate & Collector, Purba Bardhaman to the PWD is annexed herewith and marked collectively with the letter 'R-2'.

5. That subsequently among the 7 (seven) occupiers 4 (four) of them have moved writ petition before the Hon'ble High Court, Calcutta and the details of the writ petition number are stated below:
 - (i) WPA 18955/2024



- (ii) WPA 18956/2024
- (iii) WPA 18960/2024
- (iv) WPA 20192/2024

That in the Writ petition numbers the Hon'ble Court vide Solemn Orders dated 30.07.2024 has been pleased to stay the direction dated 19.07.2024 regarding demolition of the structures on plot numbers 463 and 25, J. L. No. 135, Mouza- Baidyadanga, under Memari-I, Block, Rasulpur, Purba Bardhaman issued by the District Magistrate & Collector, Purba Bardhaman.

That writ petition number WPA 20192/2024 is presently pending for adjudication before the Hon'ble High Court, Calcutta.

Photocopies of the communication letters as received from the Learned Advocates' communicating the Orders of the High Court, Calcutta are collectively annexed herewith and marked with the letter 'R-3'.

6. That in the meanwhile the occupiers namely Smt. Bani Chandra, Sri Monojit Ghosh and Sri Uttam Dasgupta have also moved a review application before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata as per liberty granted by the Hon'ble High Court, at Calcutta.

Copy of the email dated 14.08.2024 intimating that Review Applications have been filed with respect to the filing of the Review Applications and that the same are pending before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata is annexed herewith and marked with the letter 'R-4'.

7. That thereafter the PWD vide Memo No. 2397 letter dated 26.07.2024 received 14.08.2024 Informed the District Magistrate & Collector,



Purba Bardhaman regarding the estimate i.e the expenses for demolition of the structures which have encroached the water body in question and also informed that the said location where the demolition would take place is beyond the administrative jurisdiction of Burdwan Division, PWDtc.

Photocopy of the letter dated 26.07.2024 written by the PWD to District Magistrate & Collector, Purba Bardhaman is annexed herewith and marked with the letter 'R-5'.

8. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice and that the deponent has high regard to the Order/Orders as passed by this Hon'ble Tribunal.

Identified by me
Sibojyoti Chakrabarti
Advocate 16/0
State of West Bengal

[Signature]
Deponent

District Magistrate
Purba Bardhaman



VERIFICATION:

I, the deponent above named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information as derived from the office records and I believe that nothing material has been concealed there from.

Verified at Kolkata on the ^{16th}..... Day of August, 2024.

Identified by me
Sibojyoti Chakrabarti
Advocate 16/08/2024
State of West Bengal

[Signature]
Deponent

District Magistrate
Purba Bardhaman



6 Solemnly Affirmed and
Declared before me U/S 139
CPC, U/S 297 (C) CRPC

[Signature]
Notary
SK. HAZRUL ISLAM
Notary, Govt. of W.B.
Regn. No. 447/19
City Civil Court, Calcutta

16 AUG 2024



Government of West Bengal
Office of the District Magistrate, Purba Bardhaman.
Civil Suit Section
(civilsuitpurbabardhaman@gmail.com)

Memo No. 956 (7)/C.S

Date: 19/07/2024.

To

1. Shyamali Bairagyya, W/O Biplab Bairagyya
2. Biplab Bairagyya,
3. Sri Dibakar Ghosh, S/O Haradhan Ghosh,
4. Smt. Bani Chandra, W/O Sujit Chandra,
5. Sri Monojit Ghosh, S/O Parbati Ghosh,
6. Sri Uttam Dasgupta, S/O Dijendralal Dasgupta,
7. Gouranga Ghosh,

All are resident of Vill – Baidyadanga, P.O – Rasulpur, PS – Memari, District - Purba Bardhaman.

ORDER

Whereas the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, by an order dated 01.08.2022 passed in Original Application No. 108/2021/EZ in the matter of Rasulpur Dana Welfare Society Ors. Vs. West Bengal Pollution Control Board & Ors., has been pleased to direct the undersigned respondent No. 3 being the District Magistrate, Purba Bardhaman " to take all steps for removal of encroachments from Plot No. 463 and Plot No. 25, JL No. 135 Mouza Baidyadanga under Memari - I Block, Rasulpur, Purba Bardhaman within one month and restore the area of 0.61 acres of the Plot No. 463 and area 0.44 acres of the Plot No. 25, JL No. 135 under Memari - I Block, Rasulpur, Purba Bardhaman to its original form as water body and take steps for removal of water hyacinths and file Affidavit of compliance within three months by 31st October 2022 ."

AND

Whereas you have failed to comply with the Notice of BL & LRO Memari - I, vide his Memo No. 1152 dated 30.08.2022 and of the undersigned vide this office Memo(s) No. 906/C.S to 912/C.S. dated 16.09.2022 directing you to remove or demolish your unauthorized construction from Plot No. 463 and restore it to its actual classification.

Therefore, you are hereby strictly directed to remove or demolish your illegal construction and restore it to its actual classification from your own end, within 30.07.2024 positively.

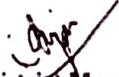
In case of failure from your end, the Executive Engineer – II, Burdwan Division, P.W.Dte is directed to demolish the unauthorized construction after following due procedure by 07.08.2024 and file the compliance report to this end. The cost of such demolition and restoration shall be recovered by PWDte. from the incumbent as per Law.

Hence, you are hereby directed to vacate the premises of the said unauthorized building(s) prior to the process of demolition to be commenced from this end (in case of failure on your part) and to remove your personal belongings, if any, lying in the said unauthorized building thereof, failing which you shall be solely liable to and shall not have any claim to the loss and damage of your belongings by the said process of demolition of the said building and restoration of the said water body.

The Superintendent of Police, Purba Bardhaman is requested to maintain the law and order over the suit plots in question and render every assistance to the Executive Engineer – II, Burdwan Division, P.W.Dte. while executing the solemn order.

The Sub-Divisional Officer, Burdwan Sadar (South) is hereby directed to monitor the entire procedure and ensure the compliance of the solemn order.

A website copy of the solemn order dated 01.08.2022 passed by the Hon'ble NGT is attached herewith for your ready reference.


District Magistrate
Purba Bardhaman.

Memo No. 956 (7)/1(4)/C.S.

Date: 19.07.2024

Copy forwarded for information and taking necessary action to :

1. The Superintendent of Police, Purba Bardhaman.
2. The Sub-Divisional Officer, Sadar (South) Purba Bardhaman.
3. The Executive Engineer – II, Burdwan Division, P.W.Dte.
4. The Block Development Officer, Memeri-I Development Block, Purba Bardhaman, with a direction to serve the order copy upon the incumbents and file compliance report to this end
5. Office copy.


District Magistrate
Purba Bardhaman.



Government of West Bengal
Office of the District Magistrate, Purba Bardhaman.
Civil Suit Section
(civilsuitpurbabardhaman@gmail.com)

Memo No :- 1125 /C.S

Dated. 28 /11/2022

To
The Executive Engineer - II,
PWD Burdwan Division,
Purba Bardhaman.

Subj. :- in connection with OA-108/2021/EZ.

Enclosed, please find herewith copy of order dated 01/08/2022 passed by the Hon'ble National Green Tribunal Eastern Zone Bench Kolkata in connection with OA-108/2021/EZ arising in the matter of Rasulpur Dana Welfare Society & Ors. -Vs- The West Bengal Pollution Control Board & Ors. which will speak for itself.

It is to be mentioned here that, the Hon'ble NGT has been pleased to direct the undersigned, respondent No. 3 being the District Magistrate, Purba Bardhaman, "to take all steps for removal of encroachments from Plot No- 463 and Plot No- 25, J.L. No- 135, Mouza- Baidya danga, under Memari-I Block, Rasulpur, Purba Bardhaman and restore the area of 0.61 acres of the Plot 463 and area 0.44 acres of the Plot No-25, J.L No- 135, under Memari -I Block, Rasulpur, Purba Bardhaman, to its original form as water body...."

This office has come to know from the report of DL & LRO Memari - I that, there are some pucca constructions, pucca residential houses, Panchayet Pucca Road which comes under the above mentioned plot Nos. which are liable to be demolished and restore to its original form i.e. water body to comply the solemn order as passed by the Hon'ble NGT.

In this regard you are requested to furnish a comprehensive plan of action for the demolition of the illegal construction mentioning the procedure of execution and requirement of proposed man power and machineries along with estimated cost for such demolition.

Enclosure: - As stated above.

District Magistrate
Purba Bardhaman

Partha Sarkar

(M.A, L.L.B), Advocate

High Court, Calcutta

C/o - Sandip Ghosh, Advocate,

High Court, Calcutta

8, Old Post Office Street. 1st Floor

Kolkata - 700001

Annexure - R-3

10

Residence-cum-Chamber :

Vill-Baidyadanga, P.O-Rasulpur,

P.S-Memari, Dist-East Burdwan,

Pin-713151,

Mob-9733447591, 7908493404

Email: psadv17@gmail.com

Ref No. : _____

Date : 07.08.2024

2543
08.08.24 CA

To

1. The District Magistrate, Purba Bardhaman, Kachhari Road, Kalibazar, District- Purba Bardhaman, Pin-713101.
2. The Sub-Divisional Officer, Bardhaman (South), Office at 2nd Floor, New Administrative Building, Court Compound, Opposite Zila Parishad, District- Purba Bardhaman, Pin-713101.
3. The Executive Engineer-II, Burdwan Division, P.W.D., Court Compound, Purba Bardhaman, Pin-713101.
4. The Superintendent of Police, Badamtala, P.O. + District- Purba Bardhaman, Pin-713101.
5. Rasulpur Dana Welfare Society through its President, Having its registered Office at Village- Baidyadanga, P.O.- Rasulpur, District- Purba Burdwan, Pin-713151.

Ran
08/08/24
S.D.O.
Bardhaman
Sadar (South)

Re : W.P.A. No. 20192 of 2024
Samaresh Ghosh & Anr.

.... Petitioners.

- Vs -

The State of West Bengal & Ors.

.....Respondents.

Sir/s,

Enclosed please find herewith a copy of the application under Article 226 of the Constitution of India with its all annexures, which shall come up in the list before the Hon'ble Justice Aniruddha Roy as "New Motion" on 19.08.2024 or so soon thereafter as per convenience of the Hon'ble Court.

Pleased acknowledge the same and act accordingly.

Thanking you.

Enclo : As stated above.

Yours faithfully,

Partha Sarkar

(PARTHA SARKAR)

Advocate

7354
26.07.24

Riya Ghosh

Advocate
High Court, Calcutta



11

Residence & Chamber:

15, Bhairab Dutta Lane,
Salkia, Howrah-711106,
Mobile No.9051862898.

Email Id: riya67912@gmail.com

2035
26/7/24

To,

Date :- 25.07.2024

1. The District Magistrate, Purba Burdwan,
Kasari Road, Kalibazar,

District - Purba Burdwan, PIN: 713 101.

2. The Additional District Magistrate (LR) & District Land &
Land Reforms Officer, Purba Burdwan Rajbari,

District - Purba Burdwan, PIN: 712 104.

3. The Block Land & Land Reforms Officer, Memari-I,
Purba Burdwan, PIN: 713 146.

Re :- W.P.A. No. 18356 of 2024

Sri Uttam Dasgupta

-Versus-

The State of West Bengal and Ors.

Sir(s),

This is to inform you that the above referred Writ Application has been filed before The Hon'ble High Court challenging the order dated 01.08.2022 and 04.07.2024 passed by the National Green Tribunal, Eastern Zone Bench and Order dated 19.07.2024 passed by Respondent No. 2.

This is to further inform you that the above referred matter was mentioned before Her Ladyship the Hon'ble Justice Shampa Sarkar on 25.07.2024. After hearing the urgency involved in the matter, Her Ladyship was pleased to direct that the above referred matter shall appear on 29.07.2024.

In view of the above you are requested not to take any coercive steps in pursuance to the orders impugned till disposal of the above referred Writ Application

Kindly, treat it urgent.

Yours' Sincerely,

Riya Ghosh
Advocate

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2. P. ad
26.07.24
ADM & DL & LRO
Purba Bardhaman



Received but
Contents are not Verified
Recording Clerk
BL & LRO Memari - I
Purba Bardhaman

7355
26.07.24

12

Riya Ghosh

Advocate
High Court, Calcutta



Residence & Chamber :

15, Bhairab Dutta Lane,
Salkia, Howrah-711106,
Mobile No.9051862898.
Email Id: riya67912@gmail.com

To,

Date :- 25.07.2024

1. The District Magistrate, Purba Burdwan,
Kasari Road, Kalibazar,
District - Purba Burdwan, PIN: 713 101.
2. The Additional District Magistrate (LR) & District Land &
Land Reforms Officer, Purba Burdwan Rajbari,
District - Purba Burdwan, PIN: 712 104.
3. The Block Land & Land Reforms Officer, Memari-I,
Purba Burdwan, PIN: 713 146.

Re :- W.P.A. No. 18960 of 2024
Sri Manojit Ghosh
-Versus-
The State of West Bengal and Ors.

Sir(s),

This is to inform you that the above referred Writ Application has been filed before The Hon'ble High Court challenging the order dated 01.08.2022 and 04.07.2024 passed by the National Green Tribunal, Eastern Zone Bench and Order dated 19.07.2024 passed by Respondent No. 2.

This is to further inform you that the above referred matter was mentioned before Her Ladyship the Hon'ble Justice Shampa Sarkar on 25.07.2024. After hearing the urgency involved in the matter, Her Ladyship was pleased to direct that the above referred matter shall appear on 29.07.2024.

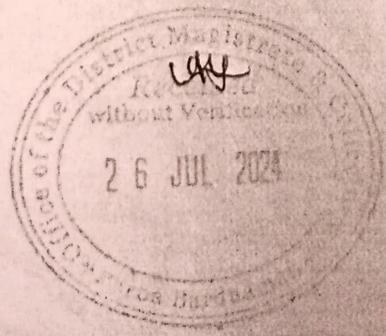
In view of the above you are requested not to take any coercive steps in pursuance to the orders impugned till disposal of the above referred Writ Application

Kindly, treat it urgent.

Yours' Sincerely,

Riya Ghosh
Advocate

2033
26/7/24
Contains all not Verified
Receiving Clerk
BL & LRO Memari - I
Purba Bardhaman



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But Contents are not Verified
26-07-24
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But Contents are not Verified

7356
26.07.24

13

Riya Ghosh

Advocate

High Court, Calcutta



Residence & Chamber :

15, Bhairab Dutta Lane,

Salkia, Howrah-711106,

Mobile No.9051862898.

Email Id: riya67912@gmail.com

To,

Date :- 25.07.2024

1. The District Magistrate, Purba Burdwan,
Kasari Road, Kalibazar,
District - Purba Burdwan, PIN: 713 101.
2. The Additional District Magistrate (LR) & District Land &
Land Reforms Officer, Purba Burdwan Rajbari,
District - Purba Burdwan, PIN: 712 104.
3. The Block Land & Land Reforms Officer, Memari-I,
Purba Burdwan, PIN: 713 146.

Re :- W.P.A. No. 18955 of 2024

Smt. Banee Chanda

-Versus-

The State of West Bengal and Ors.

Sir(s),

This is to inform you that the above referred Writ Application has been filed before The Hon'ble High Court challenging the order dated 01.08.2022 and 04.07.2024 passed by the National Green Tribunal, Eastern Zone Bench and Order dated 19.07.2024 passed by Respondent No. 2.

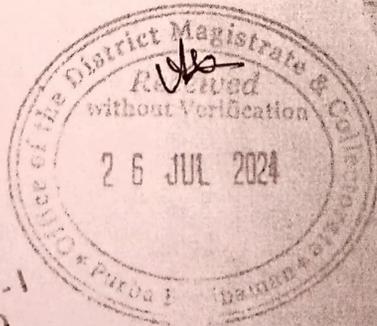
This is to further inform you that the above referred matter was mentioned before Her Ladyship the Hon'ble Justice Shampa Sarkar on 25.07.2024. After hearing the urgency involved in the matter, Her Ladyship was pleased to direct that the above referred matter shall appear on 29.07.2024.

In view of the above you are requested not to take any coercive steps in pursuance to the orders impugned till disposal of the above referred Writ Application

Kindly, treat it urgent.

Yours' Sincerely,

Riya Ghosh
Advocate



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N. Pal
26.07.24

ADM & DL & LRO
Purba Bardhaman



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डाक सेवा-जोन सेवा

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* Indicates a required field.

* Consignment Number

RW717311615IN

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location
Rasulpur SO	26/07/2024 10:33:26	713151	108.56	Registered Letter	Rasulpur SO

Event Details For : RW717311615IN

Current Status : Item Delivered [To: rasulpur d. w. society (Addressee)]

Date	Time	Office	Event
27/07/2024	16:19:46	Rasulpur SO (Beat Number:1)	Item Delivered [To: rasulpur d. w. society (Addressee)]
27/07/2024	09:56:55	Rasulpur SO	Out for Delivery
27/07/2024	09:31:36	Rasulpur SO	Item Received
26/07/2024	16:06:34	Rasulpur SO	Item Bagged
26/07/2024	10:33:26	Rasulpur SO	Item Booked

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डाक सेवा-जगत् सेवा



India Post
Dak Seva Jan Seva



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Track Consignment

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* Consignment Number

RW717311598IN

Track More

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location
Rasulpur SO	26/07/2024 10:33:26	713151	120.36	Registered Letter	Rasulpur SO

Event Details For : RW717311598IN

Current Status : Item Delivered [To: r. s. (Addressee)]

Date	Time	Office	Event
27/07/2024	16:19:01	Rasulpur SO (Beat Number:1)	Item Delivered [To: r. s. (Addressee)]
27/07/2024	09:56:55	Rasulpur SO	Out for Delivery
27/07/2024	09:31:36	Rasulpur SO	Item Received
26/07/2024	16:06:34	Rasulpur SO	Item Bagged
26/07/2024	10:33:26	Rasulpur SO	Item Booked

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डाक सेवा-जगत सेवा



India Post
Dak Seva-Jagat Seva



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Track Consignment

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* Indicates a required field.

* Consignment Number

RW717311607IN

[Track More](#)

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location
Rasulpur SO	26/07/2024 10:33:26	713151	108.56	Registered Letter	Rasulpur SO

Event Details For : RW717311607IN

Current Status : Item Delivered [To: Dana w. sosaity (Addressee)]

Date	Time	Office	Event
27/07/2024	16:18:44	Rasulpur SO (Beat Number:1)	Item Delivered [To: Dana w. sosaity (Addressee)]
27/07/2024	09:56:55	Rasulpur SO	Out for Delivery
27/07/2024	09:31:36	Rasulpur SO	Item Received
26/07/2024	16:06:34	Rasulpur SO	Item Bagged
26/07/2024	10:33:26	Rasulpur SO	Item Booked

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17

7 Answer - R - 3

Item No.245
30.07.2024
Court. No. 9
GB

W.P.A. 18960 of 2024

Sri Manojit Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Saptansu Basu
Mr. Ayan Banerjee,
Ms. Riya Ghosh

... for the Petitioner.

Mr. Somnath Ganguli,
Ms. Kalpita Paul

... for the State.

1. Affidavit-of-service filed in Court today, is taken on record.
2. None appears on behalf of the respondent no.5.
3. The notice that the matter will be mentioned for being taken up today, out of turn, has also been served upon the respondent no.5.
4. However, as this Court is not inclined to pass any mandatory directions by setting aside the order of the learned Green Tribunal, the writ petition is entertained in his absence. The petitioner is being directed to approach the learned Green Tribunal by filing appropriate applications.
5. The only contention of the petitioner which is taken note of is that the petitioner was not made a party to the proceeding before the learned Green Tribunal and the order was passed for removal of the structure of the petitioner, without hearing the petitioner.
6. Mr. Basu, learned senior advocate for the petitioner contends that the order was passed by the learned

Green Tribunal without considering that the petition filed by the respondent No.5, was barred by limitation and also barred by the principles of non-joinder of parties. Such issue will also be raised before the learned Green Tribunal.

7. The merits of the order passed, are not gone into. The petitioner is at liberty to approach the concerned forum with her grievances.
8. Till August 16, 2024 and until further orders of the learned Green Tribunal, the notice of demolition issued by the District Magistrate, Purba Bardhaman shall remain stayed.
9. However, there will be no order as to costs.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

Item No.244
30.07.2024
Court. No. 9
GB

W.P.A. 18956 of 2024

Sri Uttam Dasgupta
Vs.
The State of West Bengal & Ors.

Mr. Ayan Banerjee,
Ms. Riya Ghosh

... for the Petitioner.

Sk. Md. Galib,
Ms. Suvasree Ghose

... for the State.

1. Affidavit-of-service filed in Court today, is taken on record.
2. None appears on behalf of the respondent no.5.
3. The notice that the matter will be mentioned for being taken up today, out of turn, has also been served upon the respondent no.5.
4. However, as this Court is not inclined to pass any mandatory directions by setting aside the order of the learned Green Tribunal, the writ petition is entertained in his absence. The petitioner is being directed to approach the learned Green Tribunal by filing appropriate applications.
5. The only contention of the petitioner which is taken note of is that the petitioner was not made a party to the proceeding before the learned Green Tribunal and the order was passed for removal of the structure of the petitioner, without hearing the petitioner.
6. Mr. Banerjee, learned advocate for the petitioner contends that the order was passed by the learned

Green Tribunal without considering that the said petition filed by the respondent No.5, was barred by limitation and also barred by the principles of non-joinder of parties. Such issue will also be raised before the learned Green Tribunal.

7. The merits of the order passed, are not gone into. The petitioner is at liberty to approach the concerned forum with her grievances.
8. Till August 16, 2024 and until further orders of the learned Green Tribunal, the notice of demolition issued by the District Magistrate, Purba Bardhaman shall remain stayed.
9. However, there will be no order as to costs.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

Item No.243
30.07.2024
Court. No. 9
GB

W.P.A. 18955 of 2024

Smt. Bane Chanda
Vs.
The State of West Bengal & Ors.

Mr. Ayan Banerjee,
Ms. Riya Ghosh

...for the Petitioner.

Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal

... for the State.

1. Affidavit-of-service filed in Court today, is taken on record.
2. None appears on behalf of the respondent no.5.
3. The notice that the matter will be mentioned for being taken up today, out of turn, has also been served upon the respondent no.5.
4. However, as this Court is not inclined to pass any mandatory directions by setting aside the order of the learned Green Tribunal, the writ petition is entertained in her absence. The petitioner is being directed to approach the learned Green Tribunal by filing appropriate applications.
5. The only contention of the petitioner which is taken note of is that the petitioner was not made a party to the proceeding before the learned Green Tribunal and the order was passed for removal of the structure of the petitioner, without hearing the petitioner.
6. Mr. Banerjee, learned advocate for the petitioner contends that the order was passed by the learned

Green Tribunal without considering that the said petition filed by the respondent No.5, was barred by limitation and also barred by the principles of non-joinder of parties. Such issue will also be raised before the learned Green Tribunal.

7. The merits of the order passed, are not gone into. The petitioner is at liberty to approach the concerned forum with her grievances.
8. Till August 16, 2024 and until further orders of the learned Green Tribunal, the notice of demolition issued by the District Magistrate, Purba Bardhaman shall remain stayed.
9. However, there will be no order as to costs.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)



23

"Answer R-4"

Letter of Filing of Review Applications before the Hon'ble National Green Tribunal

2 messages

RIYA GHOSH <riya67912@gmail.com>

Wed, 14 Aug, 2024 at 8:53 am

To: dm-burd@nic.in, bdo.memari1@nic.in, dlropurbabardhaman@gmail.com <dlropurbabardhaman@gmail.com>, admprbdn.gnl-wb@gov.in

To,

Date :- 14.08.2024

1. The District Magistrate, Purba Bardhaman
Pin- 713101.
2. The Block Land and Land Reforms Officer,
Memari -I, District- Purba Bardhaman,
Pin- 713146.
3. District Land and Land Reforms Officer,
Rajbari, District- Purba Bardhaman,
Pin- 713101.

Re :- Filing No. 1902134003062024

Smt. Banee Chanda

-Versus-

West Bengal Pollution Control Board & Ors.

AND

Filing No. 1902134003072024

Sri Uttam Dasgupta

-Versus-

West Bengal Pollution Control Board & Ors.

AND

Filing No. 1902134003082024

Sri Manojit Ghosh

-Versus-

West Bengal Pollution Control Board & Ors.

My Clients :- 1) Smt. Banee Chanda

2) Sri Uttam Dasgupta

3) Sri Manojit Ghosh

Sir(s),

This is to inform you that as per directions of the Hon'ble High Court, the review applications have been filed by my clients above named before the Hon'ble National Green Tribunal.

In view of the above, you are requested not to take any coercive steps against my clients regarding the issue till disposal of the above-mentioned review applications.

Kindly, treat it urgent.

Yours' Sincerely,

RIYA GHOSH

Advocate

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Wed, 14 Aug, 2024 at 8:54 am

To: riya67912@gmail.com

SDO(S)/ofe C.Suit
পশ্চিমবঙ্গ সরকার
District Magistrate's Office
Purba Bardhaman

24

"Answer-R-5"



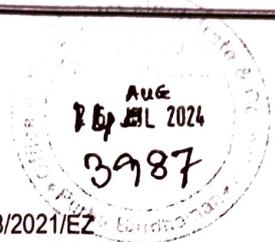
Phone & Fax : (0342) 2662497
Email : eepwdburdwandivision@gmail.com

GOVERNMENT OF WEST BENGAL
OFFICE OF THE EXECUTIVE ENGINEER,
BURDWAN DIVISION, PURBA BARDHAMAN
Pin Code No.-713101

Memo No.2397

Date: 26.07.2024

To
The District Magistrate
Purba Bardhaman



Sub : In connection with OA-108/2021/EZ
Ref : Memo No. 1125/CS dtd 28.11.2022 & 956(7)/C.S dtd 19.07.2024 (copy enclosed)

Respected Madam,

Persuant to your Memos referred above, this is my humble submission before your goodself that a detailed enquiry was done by this office in order to comply the solemn order as passed by the Hon'ble NGT in connection with the OA-108/2021/EZ and a detailed estimate for demolition of all the 7 nos. permanent structures have been framed amounting to Rs. 12,34,326/- (excluding GST, Cess etc) and submitted to your good office long back vide T/O Memo No. 179 dtd 16.01.2023 (copy enclosed) for favour of your kind consideration. It is pertinent to mention here that due to non availability of specific sanctioned drawings of the structures and based on physical verification externally at the site, the exact estimate could not be ascertained but it is felt that the above Estimated Cost for demolition may vary within (+/-) 10% of the assessed Amount as submitted above.

Meanwhile an Order has recently been received from your end vide Memo no. 956(7)/C.S dtd 19.07.2024 where you have directed the undersigned to demolish the unauthorized construction by 07.08.2024 following due procedure. But in this context I need to mention here that the said location where the demolition would take place is beyond the administrative jurisdiction of Burdwan Division, PWDte. It is under the purview of Purba Bardhaman Zilla Parishad and as such it is my sincere submission that the responsibility of demolition may kindly be vested upon the Purba Bardhaman Zilla Parishad.

Any further directions from your end which is under the purview of this Burdwan Division, PWD in compliance of the order passed by the Hon'ble National Green Tribunal, Eastern Zone Bench Kolkata related with the OA-108/2021/EZ shall be sincerely followed.

Thanking you

Yours faithfully

Encl. As stated

Executive Engineer-II
Burdwan Division, P.W.Dte.

Memo No.2397 /1(3)

Date: 26.07.2024

Copy forwarded to :

- i) The Superintending Engineer, Western Circle-I, PWDte. for his kind information please .
- ii) The Sub Divisional Officer (Sadar) South for his information please.
- iii) The Assistant Engineer, Burdwan East Sub Division, P.W.Dte. for his information please.

Executive Engineer-II
Burdwan Division, P.W.Dte.

BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH,
KOLKATA

M. A. No. 30 of 2023/EZ

In

ORIGINAL APPLICATION NO.
108/2021/EZ



In The Matter of:

Rasulpur Dana Welfare Society

... Applicant

Versus

West Bengal Pollution Control
Board & Ors.

... Respondents

AFFIDAVIT OF COMPLIANCE OF
THE RESPONDENT NUMBER 03,
THE DISTRICT MAGISTRATE &
COLLECTOR, PURBA
BARDHAMAN.

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534.