

Manirul Sekh & Ors.
Advocate

Before the National Green Tribunal, Eastern Zone Bench, Kolkata
Original Application 116/2024/EZ

SL NO 572 23/08/2024

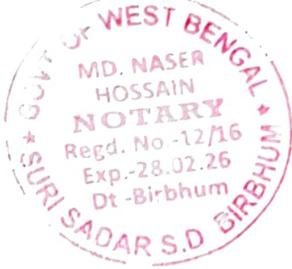
Manirul Sekh & Ors.

...Applicants

Versus

State of West Bengal and Ors.

...Respondents



**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 2, THE DISTRICT
MAGISTRATE AND COLLECTOR, BIRBHUM.**

INDEX

Sl. No.	PARTICULARS	Annexure No.	Page No.
1.	Affidavit		2 - 7
2.	Photocopy of the Committee Report filed in connection with OA 106/2024/EZ	A	8 - 9
3	Memo No. M&M/3691/DL&LRO(B)/2024 dated 19.08.2024 addressed to the Superintendent of Police, Birbhum, Memo No.48/RO(HC) dated 22.08.2024 issued by the Superintendent of Police, Birbhum along-with service return of notice to the respondent no.6 and the postal envelops together with the postal consignment track report.	B	10 - 16

Filed by:

Mr. Rajib Ray
Mr. Rajib Ray,
Advocate,

Bar Association Room No. 13,
High Court, Calcutta
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Email: rajib.ray23@gmail.com

Before the National Green Tribunal, Eastern Zone Bench, Kolkata
Original Application 116/2024/EZ

SL NO. 572 23/08/2024
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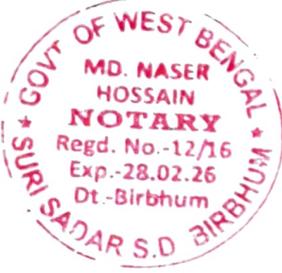
Manirul Sekh & Ors.

...Applicants

Versus

State of West Bengal and Ors.

...Respondents



**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 2, THE DISTRICT
 MAGISTRATE AND COLLECTOR, BIRBHUM.**

I, Shri. Bidhan Chandra Ray, Late Srish Chandra Ray, aged about 54 years, by faith Hindu working for gain as the District Magistrate and Collector, District- Birbhum, having my office at Post Office and Police Station: Suri, District Birbhum, West Bengal, PIN 731101, do hereby solemnly affirm and say as under :-

1. That I am working as the District Magistrate and Collector, Birbhum District having my office at Suri, Post Office and Police Station: Suri, District- Birbhum, West Bengal. I am the Respondent No.2 and I have made myself acquainted with the facts and circumstances of the case and as such I am competent to swear sign and affirm this affidavit.

2. That I have read the solemn Order dated 11.07.2024 passed by this Hon'ble Tribunal as well as a copy of the Letter Petition dated 18.04.2024 and understood the contents and purports thereof.

MD NASER HOSSAIN
 NOTARY 23/08/24
 SURI SADAR COURT BIRBHUM
 REGD.- 12 / 16
 EXP. DT.-28 02. 2026

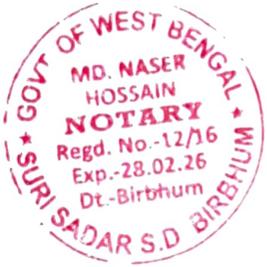
3. That this affidavit is being affirmed in pursuant to the solemn order passed by the Hon'ble Tribunal on 11.07.2024.
4. That, in the solemn Order dated 11.07.2024, this Hon'ble Tribunal was pleased to observe, *inter alia*, as follows:

- "3. The present Original Application is being taken up on a letter petition received in the office of the Tribunal from the Applicants on 18.04.2024. The Applicants are stated to be residents of Village-Munui situated on the bank of River Damodar at Mouza-Palshora, J.L. No.140.
4. It is alleged that one Anil Kumar S/o Rajeswar Singh was granted letter of intent of mining lease for sand at Plot No.367 and L.R. Plot No.562 over an area of land measuring about 11.10 acres, however, he appointed agent Provat Bauri and another agent Shyamal Bepari resident of Village-Suri, District-Birbhum who are engaged in excavating sand from the said plots through anti-social elements such as Dalim Mondal S/o Jalal Mondal and his sons using mechanical devices like JCB and other machineries.
5. It is also alleged that one Debasish Ghosh S/o Dijopado Ghosh resident of Amritpara, P.O.+P.S.-Sonamukhi, who is a member of Zilla Parishad of Bankura Zilla and one Chanchal Sarkar are behind the illegal sand mining racket.
6. Matter requires consideration.

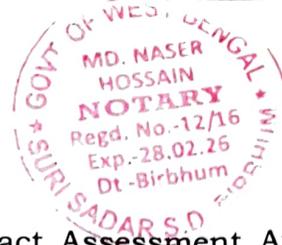
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18. Notice on Respondent Nos.5, 6 & 7 shall be served through the office of the District Magistrate, Patna and Birbhum respectively and affidavit of service shall be filed by the next date of listing."

5. That, on the above context, this Hon'ble Tribunal constituted a Committee comprising of (i) District Magistrate, Birbhum, West Bengal or his representative Officer not below the rank of Additional District Magistrate, (ii) Senior Scientist, West Bengal Pollution Control Board and



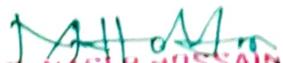
MD NASER HOSSAIN
NOTARY 23/08/24
SURI SADAR COURT BIRBHUM
REGD.- 12 / 16
EXP DT 28 02 2026

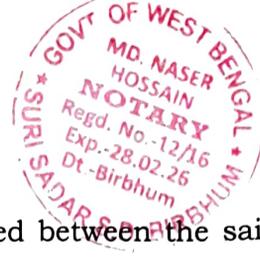


(iii) Senior Scientist, State Environment Impact Assessment Authority, West Bengal and directed the Committee to visit the site in question and submit its Factual and Action Taken Report with regard to the allegations made in the Letter Petition. It has been further directed that the West Bengal Pollution Control Board shall be the Nodal Body for all logistic purposes and shall file the Inspection Report of the Committee on affidavit. This Hon'ble Tribunal was further pleased to direct that the notice on the Respondent Nos. 6 and 7 viz. Shyamal Bepari and Dalim Mondal respectively be served through the office of the deponent and an affidavit of service is directed to be filed by the deponent by the next date of listing on 27.08.2024.

6. It is respectfully submitted that on perusal of the aforesaid Letter Petition dated 18.04.2024 as well as the solemn observations of this Hon'ble Court in the said Order dated 11.07.2024 thereto, it *prima facie* appears that the alleged site is situated at Plot Nos. 3367 and 562 over an area of 11. 10 acres in the river of Damodar in Mouza- Palshora, J.L. No.140 under the jurisdictional Block of Sonamukhi in the district of Bankura.

7. It is further respectfully submitted that the location of the alleged site pertains to the jurisdictional area of the District Magistrate, Bankura, which is corroborated from a Committee Report filed by the Committee constituted by this Hon'ble Tribunal in connection with another Original Application being OA 106/2024/EZ, wherein the location of the alleged site is mentioned as situated within the Block-Sonamukhi in the district of Bankura, over which the Letter of Intent dated 21.12.2016 was issued by the District Magistrate, Bankura to the


MD NASER HOSSAIN
NOTARY 23/08/24
SURI SADAR COURT BIRBHUM
REGD.- 12 / 16
EXP. DT.-28 02 2026



alleged Anil Kumar and the mining lease deed between the said alleged Anil Kumar and the District Magistrate, Bankura was executed thereof on 09.12.2020.

Photocopy of the relevant part of the Report of the Committee constituted by this Hon'ble Tribunal in connection with OA 106/2024/EZ is annexed herewith and marked as annexure 'A'.

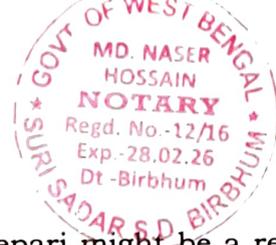
8. In the aforesaid circumstances, particularly in view of the location of the alleged site falling beyond the jurisdictional area of the answering respondent, it is most humbly submitted that the name of the District Magistrate, Birbhum is required to be replaced by the District Magistrate, Bankura in the array of the Respondent No.2 as well as in the Committee constituted by this Hon'ble Tribunal in the present matter, because the records and/or documents pertaining to the Letter of Intent or mining lease granted thereto on the alleged site, are lying with the office of the District Magistrate, Bankura.

9. It is most humbly prayed that this Hon'ble Tribunal may graciously be pleased to pass order/order(s)/direction/direction(s) by suitably modifying and/or varying the order dated 11.07.2024 passed in the present matter to the aforesaid extent.

10. It is respectfully submitted that after receipt of copies of the notice dated 22.07.2024 issued to the Respondent Nos. 6 and 7 by the Learned Deputy Registrar of this Hon'ble Tribunal, steps were taken to serve on the said respondents in their given address of Village- Suri, District- Birbhum, but the said respondents could not be located in their given address. However, it came to the knowledge through local information

MD NASER HOSSAIN
NOTARY
SURI SADAR COURT BIRBHUM
REGD.- 12 / 16
EXP. DT.-28.02.2026

MD NASER HOSSAIN
NOTARY
SURI SADAR COURT BIRBHUM
REGD.- 12 / 16
EXP. DT.-28.02.2026



that the respondent no.6 namely Shyamal Bepari might be a resident of Sainthia, District- Birbhum.

11. That, the deponent requested the Superintendent of Police, Birbhum, by a letter dated 18.08.2024, to take steps for causing service of the Notice to the said respondent nos.6 and 7. Further steps were also taken by the deponent to cause service of the notice to the said respondents through registered post.

12. That, the Superintendent of Police, Birbhum, by his letter dated 22.08.2024, informed the deponent that the respondent no.6 namely Shyamal Bepari is presently residing at Village- Pukurpara, GP- Kundala under the PS- Mayureswar, District- Birbhum and he was not available in his said residence and as such, the notice was received by his father on behalf of the said respondent no.6. Thus, the notice upon the respondent no.6 has been served. The Superintendent of Police, Birbhum further informed the deponent that notice to the respondent no.7 namely Dalim Mondal could not be served because no person could give any information regarding the said respondent no.7.

13. That, the Postal Department also returned the copies of the notice, which were also attempted to be served through registered post upon the said respondent nos.6 and 7, with the inscription of "Insufficient Address".

Photocopies of the aforesaid letter being Memo No. M&M/3691/DL&LRO(B)/2024 dated 19.08.2024 addressed to the Superintendent of Police, Birbhum for taking steps to cause service of notice, the aforesaid letter being Memo No.48/RO(HC) dated 22.08.2024


MD NASER HOSSAIN
NOTARY
SUBJI SADAR COURT BIRBHUM
REGD. - 12 / 16
EXP. DT. 28.02.2026

issued by the Superintendent of Police, Birbhum along-with service return of notice to the respondent no.6 and the postal envelopes together with the postal consignment track report, are collectively annexed herewith and marked as annexure 'B'.

14. It is therefore prayed that the Hon'ble Tribunal may pass necessary order or further orders as it deems fit and proper in the interest of justice.

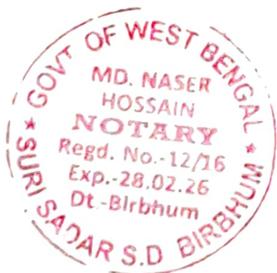
15. The statements made in paragraph 1,2,3,4,5,6,7,8,10,11,12,13 are based on information derived from the record which are usually kept and maintained by the answering respondents in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office


Advocate



Deponent



solemnly affirmed on
day of 23/08/2024
by deponent Bidhan Chandra Ray
Identified by
SK. Alauddin Advocate


MD NASER HOSSAIN
NOTARY
SURI SADAR COURT BIRBHUM
REGD.- 12 / 16
EXP. DT.-28.02.2026
23/08/24

Identified
by me
SK. Alauddin
Advocate.
Ee. MB-1528/1983

Annexure - A

8

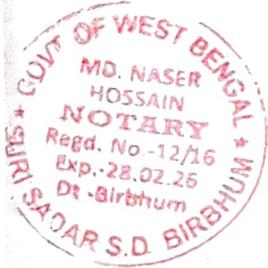
Report of the Committee Constituted by Hon'ble National Green Tribunal (Eastern Zone Bench), Kolkata by the order passed on 29.05.2024 in connection to OA No 106/2024/EZ

Name & Address of the unit:	Sand mining site at plot no 367, Mouza- Palshora, JL No 140, PS- Sonamukhi, District- Bankura over an area of 11.10 acres on the river bed of Damodar.
Name of the committee members	<ol style="list-style-type: none"> 1. Dr. Vivek Dattatraya Bhasme, IAS, District Land and Land Reforms Officer, Bankura. 2. Mr Arup Kumar Dey, Environmental Engineer & In- Charge, Durgapur Regional Office, West Bengal Pollution Board 3. Dr. Rajarshi Chakraborty, Environment Officer, Environment Department <p>Copies of nomination letter are attached as Annexure-1, Annexure-2 and Annexure-3</p>
Date of site visit:	24/06/2024
Time of Visit:	01:30 pm-04:00 pm
Person met during inspection:	None from Project Proponent/ Lessee side was present at the project site at the time of the field inspection.
Nature of the area	River bank
Reference of inspection	Order passed by Hon'ble National Green Tribunal (Eastern Zone Bench) on 29.05.2024 in connection to OA No 106/2024/EZ

About the Unit:

- Letter of Intent was issued to Mr Anil Kumar by the office of the District Magistrate, Bankura on 21/12/2016 (Annexure-4).
- Mr Anil Kumar has been granted Environmental Clearance (EC) by the District Environment Impact Assessment Authority (DEIAA) on 08/03/2017 (Annexure 5).
- Lease agreement between Mr Anil Kumar and District Magistrate, Bankura was executed on 09/12/2020 and registered on 16/12/2020. Copy of the lease deed is attached as (Annexure 6).
- The geographical boundary points of the project site (as per EC granted) are as follows-

SI No	Boundary Point	Latitude	Longitude
1	A	23°19'29.18"N	87°31'22.95"E
2	B	23°19'27.69"N	87°31'27.02"E
3	C	23°19'17.09"N	87°31'20.21"E
4	D	23°19'19.10"N	87°31'16.53"E



[Signature]
25/06/24

[Signature]
25/6/24

[Signature]
25.6.24

Observation:

1. During field visit, no boundary pillars demarcating the lease area was found.
2. There was no mining activity at the time of the visit at the project site or in the vicinity of the project site (Figure 1).
3. No machinery for extraction of sand was found at the project site at the time of the visit.
4. No CCTV was found to be installed in the sand mining area.
5. No Display Board mentioning the name of the sand block, lease area and the lease holder's name was found visible at the site.
6. The total quantity of sand which could be extracted as per the Environmental Clearance from DEIAA is 1,13,100 cum/year or 39,94,127 cft/year. The total permission for extraction of sand issued by the office of DL&LRO is as follows –

SI No	Period	Extracted quantity of sand (cft)
1	25/12/2020 to 24/12/2021	50,000
2	25/12/2021 to 24/12/2022	21,35,000
3	25/12/2022 to 24/12/2023	22,00,000
4	25/12/2023 to 24/06/2024	32,00,000

The active permit details obtained from the portal of the WBMDTCL is attached as Annexure-7.

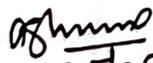
7. Traces of mining outside the leasehold area in the form of excavation were found but it could not be ascertained who did it as no one was present at the site.

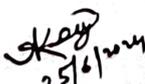
Remarks:

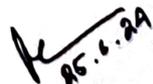
1. The Ministry vide OM F. No. IA3-22/11/2023-IA.III (E-208230) dated 28.04.2023, in compliance of order dated 07.12.2022 passed by Hon'ble NGT (Principal Bench) in OA 142 of 2022 had provided a window period of one year for reappraisal of all Environmental Clearances (ECs) issued by DEIAAs from 15.01.2016 to 13.09.2018 by SEAC/SEIAA and grant of fresh ECs by SEIAAs. Subsequently, the Ministry vide OM dated 15.03.24 extended the time period for reappraisal of ECs by DEIAAs by further period of 6 months till 27.10.2024.

In view of the above, the Project Proponent/ Lessee is required to obtain fresh EC from SEIAA within 27.10.2024 and subsequently Consent from WBPCB.

2. Absence of boundary pillar may create difficulty for the Project Proponent/ Lessee as well as monitoring agencies to keep mining activity restricted to lease hold area. Therefore, the Project Proponent/ Lessee may be instructed to erect boundary pillars immediately and coordinates of the boundary pillars are to be certified by land department. The Project Proponent/ Lessee should restrict extraction of sand within the lease hold area as bounded by the certified boundary pillars.


25/06/24
(Dr. Vivek Dattatraya Bhaame)
District Land and Land Reforms
Officer, Bankura


25/6/24
(Arup Kumar Dey)
Environmental Engineer & In-
Charge, Durgapur Regional Office,
WBPCB


25.6.24
(Dr. Rajarshi Chakraborty)
Environment Officer,
Environment Department

-0/c



Government of West Bengal
Office of the District Magistrate
Birbhum

Email :: dm-bir@nic.in

Memo No. M&M/ 3691

/DL&LRO(B)/2024

Date: 19/08/2024

To

The Superintendent of Police
Birbhum.

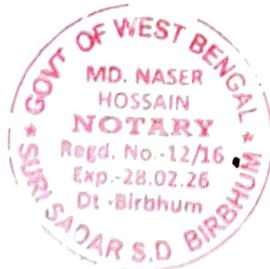
Sub: Service of Notice for compliance of the direction dated 11.07.2024 passed by the Hon'ble NGT in Original Application No.116/2024/EZ in the matter of Manirul Sekh & Ors. Vs. State of West Bengal & Ors.

Please find enclosed two sets of Notice dated 22nd July, 2024 under the seal and signature of the Learned Deputy Registrar, Hon'ble NGT, Eastern Zone Bench, Kolkata in connection with Original Application No.116/2024/EZ along-with the solemn Order dated 11.07.2024 passed by the Hon'ble NGT in the said matter.

You are requested to take steps for causing service of the Notice dated 22nd July, 2024 along-with the Order dated 11.07.2024 passed by the Hon'ble NGT, upon the Respondent No. 6 and 7, whose particulars are furnished below, through the concerned Police Station or any other mode, as may be convenient for you. The Service Acknowledgment/Service Return may please be forwarded to the Office of the ADM and DL&LRO, Birbhum at the earliest, preferably within 22nd August, 2024.

Respondent Number	Name of the Respondent	Address as given in the Notice	Probable present address as per local information
Respondent No.6	Shyamal Bepari	Village- Suri, District- Birbhum	Sainthia, District- Birbhum.
Respondent No.7	Dalim Mondal S/O- Jalal Mondal	Village-Suri, District- Birbhum	Not available

Encls: As stated.




19/08/24
District Magistrate
Birbhum.

Received


11

Government of West Bengal
Office of the Superintendent of Police
Birbhum

Memo No. 48 /RO (HC)

Dated : 22 /08/2024.

To
The District Magistrate,
Birbhum.

Sub.:- Service of Notice for compliance of the direction of order dated 11.07.2024 passed by the Hon'ble NGT in Original Application 116/2024/EZ in the matter of Manirul Sekh & Ors-Vs-State of West Bengal & Ors.

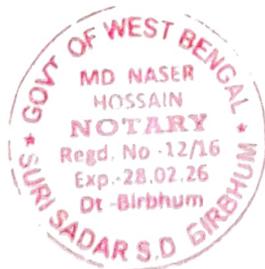
Ref.:- Your office Memo No. M&M 369/DL & LRO (B)/2024 dated 19.08.2024.

With reference to the above, this is to note that IC, Suri PS has been directed to serve the notices upon Respondent No. 06. Shyamal Bepari & Respondent No. 07. Dalim Mondal of Village - Suri, District - Birbhum, S/o Jalal Mondal of Birbhum District. But no person could give any information regarding Respondent No. 7 i.e. Dalim Mondal and as such notice could not be served upon him.

As far as Respondent No. 6 i.e. Shyamal Bepari is concerned this is to inform that he presently resides at Pukurpara, GP- Kundala under PS-Mayureswar, District- Birbhum. Accordingly, he has been directed to serve the notice and OC Mayureswar PS has endorsed the same to ASI Pralay Shankar Datta to serve the notice. Subsequently, he had been to the residence of Respondent No. 6 i.e. Shyamal Bepari and as he was not available in his house, his father received the notice on behalf of him on 21.08.2024 and the matter has been diarised vide Mayureswar PS GDE No. 990 dated 21.08.2024. (Copy of Service Return is enclosed herewith for ready reference).

This is for your information and necessary action.

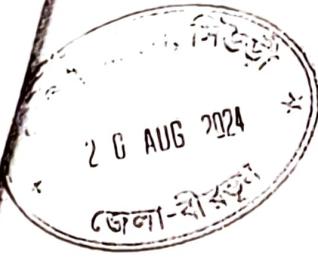

Superintendent of Police
Birbhum
Supt. of Police
BIRBHUM



12

2802/misc

20/8/2024



Government of West Bengal
Office of the District Magistrate
Birbhum



Email :: dm-bir@nic.in

Date: 19/08/2024

Memo No. M&M/ 3691

/DL&LRO(B)/2024

To
The Superintendent of Police
Birbhum.

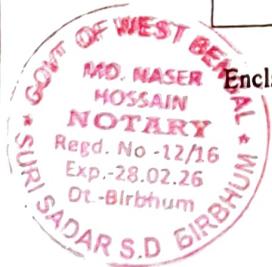
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Respondent No.7	Dalim Mondal S/O- Jalal Mondal	Village-Suri, District- Birbhum	Not available

Encls: As stated.



Handwritten signature and date 19/08/24

Handwritten text: S. K. SARKAR, BIRBHUM

Handwritten notes in Bengali: মোক্‌ বৈপারি, নগর (সুরি) জা, মোক্‌ লাল মন্ডল, ডালিম মন্ডল

Handwritten signature and date 19/08/24
District Magistrate
Birbhum.

// Typed copy //

12A



**Government of West Bengal
Office of the District Magistrate
Birbhum**

Email :: dm-bir@nic.in

Memo No. M&M/369 /DL&LRO(B)/2024

Date: 19 / 08 /2024

To
The Superintendent of Police
Birbhum.

Sub: Service of Notice for compliance of the direction dated 11.07.2024 passed by the Hon'ble NGT in Original Application No.116/2024/EZ in the matter of Manirul Sekh & Ors. Vs. State of West Bengal & Ors.

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Respondent No.7	Dalim Mondal S/O- Jalal Mondal	Village-Suri, District- Birbhum	Not available

Encls: As stated.

Sd/

19/08/24

**District Magistrate
Birbhum.**

O/C legal cell
Sd/-
Superintendent of Police
Birbhum

Sd/- illegible
I, being father ,received the notice
on behalf of Shyamal Bepari.





Sign In

Register

13



FA

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हिन्दी



भारतीय डाक
डाक सेवा का नया चेहरा



India Post
Dak Sewa Ka Naya Chehra



You are here Home>> Track Consignment

Track Consignment

[Quick help](#)

* Indicates a required field.

* Consignment Number

RW772692821IN

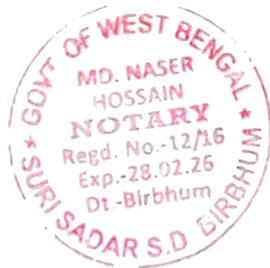
[Track More](#)

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location
Suri HO	20/08/2024 14:40:40	731101	25.96	Registered Letter	Suri HO

Event Details For : RW772692821IN

Current Status : Item Returned Insufficient Address

Date	Time	Office	Event
21/08/2024	10:39:41	Suri HO	Item Returned Insufficient Address
21/08/2024	10:27:00	Suri HO	Item Returned Insufficient Address
21/08/2024	08:37:52	Suri HO	Item Received
20/08/2024	18:05:53	Suri HO	Item Bagged
20/08/2024	14:40:40	Suri HO	Item Booked



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14



हिन्दी

भारतीय डाक
डाक सेवा-जन सेवाIndia Post
Dak Seva Jan Seva

You are here Home>> Track Consignment

Track Consignment

Quick help

* Indicates a required field.

* Consignment Number

RW772692835IN

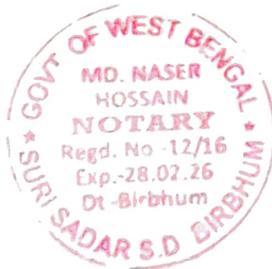
Track More

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location
Suri HO	20/08/2024 14:40:40	731101	25.96	Registered Letter	Suri HO

Event Details For : RW772692835IN

Current Status : Item Returned Insufficient Address

Date	Time	Office	Event
21/08/2024	10:39:41	Suri HO	Item Returned Insufficient Address
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Home
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Forms
Recruitments
Holidays
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Registered Post

TO,

SHYAMAL BEPARI
VILLAGE- SURI
DISTRICT- BIRBHUM
PIN- 731101

I/A
RTS

Despatcher

Despatcher
DL & LPO
Birbhum, Suri



47

- 1. Refused
- 2. Not known
- 3. Left in care
- 4. Left
- 5. Insufficient
- 6. Undelivered
- 7. Deceased
- 8. Direction
- 9. Indefinite
- 10. Post No.

Signature of Postman



21/8/24

21/08/24

21/8/24-
P-9

21/8/24

21/08/24
P-3

21/08/24

21/8/24

21/08/24
P-1

21/08/24

GOVT OF WEST BENGAL
 MD. NASER HOSSAIN
 NOTARY
 Regd. No - 12/16
 Exp - 28.02.26
 Dt - Birbhum
 SURI SADAR S.D. BIRBHUM

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O. A. NO. 116/2024/EZ

Manirul Sekh & Ors.

...Applicants

Versus

State of West Bengal and Ors.

...Respondents

Affidavit on behalf of the respondent
No. 2, the District Magistrate and
Collector, Birbhum.

RAJIB RAY

Advocate

Bar Association Room No. 13,

High Court, Calcutta

Mob-9830132729/7980422764

Chamber: 28, Fakir Chand Mitra

Street, Kolkata- 700009.

Email: rajib.ray23@gmail.com