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SL NO. 20

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

I. A. No. 59 of 2024/EZ

(Arising out of ORIGINAL APPLICATION NO. 38/2024/EZ)

In The Matter of:

Ranjit Sapui

....Applicant

VS

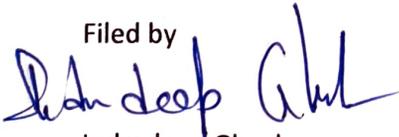
The State of West Bengal &amp; Ors.

.....Respondents

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Filed by



Indradeep Ghosh

Advocate

For The Applicant

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27 AUG 2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

I. A. No. of 2024/EZ

(Arising out of ORIGINAL APPLICATION NO. 38/2024/EZ)

In The Matter of:

An application Under Section 19(4)(a) read with Under Section 18 (1) of the National Green Tribunal Act, 2010 for addition of Prodhhan Kheadaha-II, Gram Panchayat having office at Village- Dargatala, P.O- Kheadaha, P.S- Narendrapur, Block-Sonarpur, District: South (24) Parganas, Pin: 700150, as a party respondent in connection with the instant original application;

AND

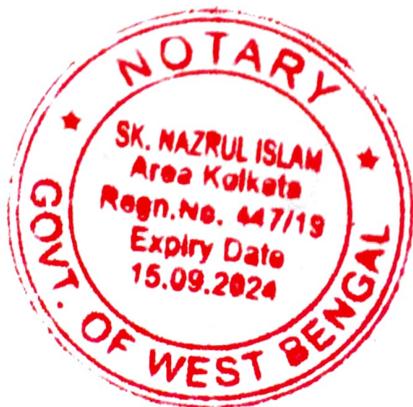
In The Matter of:

Ranjit Kumar Sapui, S/o Late Bishnupada Sapui, residing at 15, Dharmatala Road, police station- Kasba, Kolkata- 700 042.

E-mail : [ghoshindradeep506@gmail.com](mailto:ghoshindradeep506@gmail.com)

..... Applicant.

-Versus-





1. State of West Bengal, service through Chief secretary, Government of West Bengal being the Chairman, East Kolkata Wetland, Management Authority, Nabanna 325 Sarat Chatterjee Road, Police Station- Shibpur, Howrah- 711102.

E-mail: [cs-westbengal@nic.in](mailto:cs-westbengal@nic.in)

2. The State of West Bengal service through the Principal Secretary, Department of Environment, "Pranisampad Bhaban", 5<sup>th</sup> Floor, LB-2, Sector- 3, Bidhnnagar, Kolkata- 700106.

E-mail: [psecy.env-wb@gov.in](mailto:psecy.env-wb@gov.in)

3. The Chief Technical Officer, East Kolkata Wetland Management Authority, Government of West Bengal, Department of Environment, "Pranisampad Bhaban", 5<sup>th</sup> Floor, LB-2, Sector- 3, Bidhnnagar, Kolkata- 700106.

E-mail: [ctoekwma@gmail.com](mailto:ctoekwma@gmail.com)

4. The Director of Fisheries, Government of West Bengal, Meen Bhawan, Salt Lake, Kolkata- 700 091.

Email:- [dsfisheries@gmail.com](mailto:dsfisheries@gmail.com)





5. The District Magistrate and Collectorate,  
South 24 Parganas, Treasury Building Alipore,  
Kolkata- 700 027.

E-mail: [dm-ali@nic.in](mailto:dm-ali@nic.in)

6. The Superintendent of police, South 24  
Parganas, Alipore, Kolkata- 700 027.

E-mail: [baruipurpolice@gmail.com](mailto:baruipurpolice@gmail.com)

7. The Block Land and Land Reforms Officer,  
Kasba, Additional T.M. Block Kasba, Kolkata-  
700 107.

E-mail: [blro-kas@gmail.com](mailto:blro-kas@gmail.com)

8. The Block Land and Land Reforms Officer,  
Sonarpur, Baikunthapur, Kolkata- 700150.

E-mail: [blro-sonar@gmail.com](mailto:blro-sonar@gmail.com)

9. The Officer in Charge, Purva Jadavpur  
Police Station, Kolkata- 700099.

E-mail: [ps.pjadavpur@kolkatapolice.gov.in](mailto:ps.pjadavpur@kolkatapolice.gov.in)

10. The Officer-in-Charge, Narendrapur Police  
Station, Kolkata- 700103.

E-mail: [narendraps@gmail.com](mailto:narendraps@gmail.com)





11. Motilal Mondal, S/o Lal Mohan Mondal  
residing at 7/1, Netaji Nagar, Green Park,  
Kolkata: 700099. .

Email: Not Known.

12. Madhusudan Mondal, S/o Lakshikanta  
Mondal residing at Garfa Mondal Para, P.O-  
Haltu, P.S- Garfa, Kolkata: 700078.

Email: Not known

13. West Bengal Pollution Control Board  
represented through its Member Secretary,  
having office at 10A, Block-LA, Sector-III, Salt  
Lake City, Kolkata: 700106.

Email: [net.wbpcb-wb@bangla.gov.in](mailto:net.wbpcb-wb@bangla.gov.in)

14. The Officer-in-Charge, Garfa Police Station  
having office at Garfa Deaf and Dumb School  
premises, Vivekananda Sarani, Doctor Bagan,  
Kolkata: 700078.

Email: [ps.garfa@kolkatapolice.gov.in](mailto:ps.garfa@kolkatapolice.gov.in)



.....Respondents



To,

The Hon'ble Chairperson and His Companion Member of the said Hon'ble Tribunal.



The Humble petition on behalf of the applicant  
as above named most respectfully

SHEWETH:

1. That the instant original application has been filed by the applicant and the same is pending for adjudication before this Hon'ble Tribunal.
2. That the instant original application relates to mitigate impacts of illegally drying up of water bodies and filling up of wetlands and also seeking intervention of the Hon'ble Tribunal as the Respondent Authorities neglected from taking any steps to restrain the arbitrary and illegal Acts of miscreants from pumping out water from wetland to raise construction on it and change the character of the said wetland. The said wetlands falls within periphery of East Kolkata Wetlands which are included in the list of Ramsar Site as specified in schedule 'A' of the east Kolkata Wetlands construction and Management Act 2006.
3. That vide Solemn Order dated 10.07.2024 it has been interalia observed by the Hon'ble Tribunal that *"the District Magistrate, South 24 Parganas shall file action taken report to show what action has been taken on the findings of the inspection report for restoration of the land to its original character as a waterbody. "*

After taking into consideration the Affidavit of the District Magistrate, South 24 Parganas dated 30.04.2024 which states that Hoglabon has grown extensively on the



plots in question and in some places 'Bill and the Khal have been completely filled with Hoglabon' as per the affidavit of the District Magistrate, South 24 Parganas. The Hon'ble Tribunal has been pleased to further observe as to what action has been taken for removing the vegetation which is otherwise destructive of the pond.

4. That in the process of restoration of the water body the Kheadaha-II, Gram Panchayat has a vital role in as much as the local municipal body it is required to take immediate measures for restoration of the water body and also for disposal of the filled up materials in the water body.
5. That as per section 25 and section 27 of the The West Bengal Panchayat Act, 1973, it has been stated that the Gram Panchayat are required to look after the public streets, waterways and prevent growth of water hyacinth in water body within its jurisdiction as per the provisions of Bengal Waterhyacinth Act, 1936. As per the aforesaid provisions it is the duty of the Panchayat to clean the waterbody in question and restore the same to its original position.

A copy of the relevant portion of West Bengal Panchayat Act, 1973 is annexed herewith and marked with the letter 'P-1'.

6. That after taking consideration the role of the gram Panchayat as per statutory norms the Pancahyet is a respondent whose role in quite vital in the instant case.





7. That it is most humbly submitted before this Hon'ble Tribunal that the Kheadaha-II, Gram Panchayat may be added as a party respondent for smooth adjudication of the instant original application.
8. That this application is made bonafide and unless this application is allowed by this Hon'ble Tribunal the applicant will suffer irreparable loss and injury.

Under the above circumstances it is most humbly prayed before Your Lordships may kindly be pleased to allow this application and permit the Kheadaha-II, Gram Panchayat to be added as a party respondent in connection with the instant original application and to pass such further Order/Orders as to this Hon'ble Tribunal may deem fit and proper for the ends of justice.

And For This Act of Kindness Your Applicant as in duty bound shall ever pray.

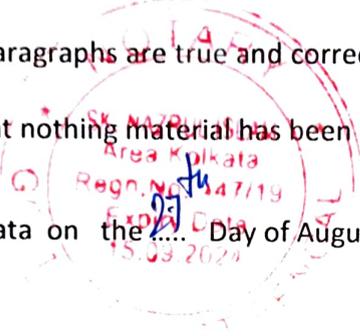




VERIFICATION:

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 and I believe that nothing material has been concealed there from.

Verified at Kolkata on the 27<sup>th</sup> Day of August, 2024.



Identified by me

*Dr. Deep Akh*  
Advocate

*Kanjit Sabui*  
Deponent





AFFIDAVIT

I, Ranjit Kumar Sapui, S/o Late Bishnupada Sapui, aged about 74 years, by faith Hindu, by occupation – Business, residing at 15, Dharmatala Road, police station- Kasba, Kolkata- 700 042, do hereby solemnly affirm and state as follows :-

1. That I am the applicant in the Original Application and well conversant with the fact and circumstance of the case and I am competent to sign and swear this affidavit
2. That I have read and Understood the contents of the accompanying application and say that the facts stated above are true and correct as per my personal knowledge and legal advice received by me are the best of my knowledge and belief.

Prepared in my office

*Indudeep Ahl*  
Advocate

*A/1781/2017*

*Ranjit Sapui*

DEPONENT

Identified by me

*Indudeep Ahl*  
Advocate

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

*SK*  
Notary

SK. Nazrul Islam  
Notary, Govt. of W.B.  
Regn. No. 447/19  
City Civil Court, Calcutta

27 AUG 2024

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HS

Amare - (P-1)

# West Bengal Act XLI of 1973

## THE WEST BENGAL PANCHAYAT ACT, 1973.

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[West Ben. Act  
508~~The West Bengal Panchayat Act, 1973~~  
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(Part I.—Gram Panchayat,—Chapter III.—Powers and duties of Gram Panchayat.—  
Section 25.)

9. (d) to remove any dirt, dung, nightsoil, manure or any obnoxious or offensive matter therefrom and to cleanse the land or building:

Provided that a person on whom a notice has been served as aforesaid may, within thirty days of receipt of such notice, appeal to the prescribed authority against the order contained therein whereupon the prescribed authority may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the *Gram Panchayat* concerned as may be prescribed, modify, set aside or confirm the order: Provided further that the prescribed authority shall, when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out.

(2) If the order contained in a notice served as aforesaid, has not been set aside by the prescribed authority and if the person upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a magistrate, to a fine which may extend to two hundred and fifty rupees.

25. (1) A *Gram Panchayat* shall have control over all public streets and waterways within its jurisdiction other than canals as defined in Ben. Act in section 3 of the Bengal Irrigation Act, 1876, not being private property of (K76. and not being under the control of the Central or State Government or any local authority and may do all things necessary for the maintenance and repair thereof, and may,—
- (a) construct new bridges and culverts;
  - (b) divert or close any such public street, bridge or culvert;
  - (c) widen, open, enlarge or otherwise improve any such public street, bridge or culvert and with minimum damage to the neighbouring fields, plant and preserve trees on the sides of such street;
  - (d) deepen or otherwise improve such waterways;
  - (e) with the sanction of the *Zilla Parishad* [or the *Mahakuma Parishad* or the Council, as the case may be,] and where there is a canal as defined in the Bengal Irrigation Act, 1876, with the sanction also of such officer as the State Government may prescribe, undertake irrigation projects.

The words within the square brackets were inserted by s. 6 of the West Bengal Panchayat (Amendment) Act, 1988 (West Ben. Act XX of 1988).

Power of  
*Gram Panchayat*  
over public  
streets, waterways and  
other  
matters.

*The West Bengal Panchayat Act, 1973.*  
(Part II.—Gram Panchayati.—Chapter III.—Powers and duties of  
Gram Panchayat.—Section 26.)

- and
- (f) trim hedges and branches of trees projecting on public streets;
- (g) set apart by public notice any public source of water supply for drinking or culinary purposes and likewise prohibit all bathing, washing or other acts likely to pollute the source so set apart.

(2) A *Gram Panchayat* may, by a notice in writing, require any person who has caused obstruction or encroachment on or damage to any public street or drain or other property under the control and management of the said *Gram Panchayat*, to remove such obstruction or encroachment or repair such damage, as the case may be, within the time to be specified in the notice.

(3) If the obstruction or encroachment is not removed or damage is not repaired within the time so specified the *Gram Panchayat* may cause such obstruction or encroachment to be removed or such damage to be repaired and the expenses of such removal or repair shall be recoverable from such person as a public demand.

(4) For the purpose of removal of obstruction or encroachment under sub-section (3), the *Gram Panchayat* may apply to the Sub-divisional Magistrate and the Sub-divisional Magistrate shall, on such application provide such help as may be necessary for the removal of such obstruction or encroachment.

Power of  
*Gram*  
*Panchayati*  
in respect of  
polluted  
water  
supply

26. (1) A *Gram Panchayat* may, by written notice, require the owner of, or the person having control over, a private water-course, spring, tank, well, or other place, the water of which is used for drinking or culinary purpose, after taking into consideration his financial position, to take all or any of the following steps within a reasonable period to be specified in such notice, namely—

- (a) to keep and maintain the same in good repair;
- (b) to clean the same, from time to time of silt, refuse or decaying vegetation;
- (c) to protect it from pollution; and
- (d) to prevent its use, if it has become so polluted as to be prejudicial to public health:

Provided that a person upon whom a notice as aforesaid has been served may, within thirty days from the date of receipt of the notice, appeal to the prescribed authority against the order contained in the notice whereupon the prescribed authority may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the *Gram Panchayat* concerned as may be prescribed, modify, set aside or confirm the order:

(Part II.—Gram Panchayat.—Chapter III.—Powers and duties of Gram Panchayat.—  
Section 27.)

Provided further that the prescribed authority shall, when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out.

(2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the person upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a magistrate, to a fine which may extend to two hundred and fifty rupees.

27. (1) Notwithstanding anything contained in the Bengal Water Hyacinth Act, 1936, a Gram Panchayat may, by written notice, require the owner or occupier of any land or premises, containing a tank or pond or similar deposit of water after taking into consideration his financial position, not to allow water-hyacinth or any other weed which may pollute water to grow thereon and to eradicate the same therefrom within such reasonable period as may be specified in the notice:

Power of  
Gram  
Panchayat  
to prevent  
growth of  
water-  
hyacinth or  
other weed  
which may  
pollute  
water.

Provided that a person on whom a notice as aforesaid has been served may, within thirty days from the date of receipt of the notice, appeal to the prescribed authority against the order contained in the notice whereupon the prescribed authority may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the Gram Panchayat concerned as may be prescribed, modify, set aside or confirm the order:

Provided further that the prescribed authority shall, when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out.

(2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the owner or occupier upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a magistrate, to a fine which may extend to two hundred and fifty rupees.



From Indradeep Ghosh ·  
ghoshindradeep506@gmail.com

To Ghanshyam Pandey ·  
ghanshyamlegal@gmail.com  
Sibojyoti Chakrabarti ·  
subho.advocate@gmail.com

Date Aug 27, 2024, 1:40 PM

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OA 38 of 2024/EZ  
Ranjit Sapui  
Vs  
State of West Bengal

Dear Sir,

Kindly find enclosed copies of IA Applications filed by the applicant namrly Ranjit Sapui for your kind perusal and necessary action.

The next date of the matter fixed on 29.08.2024.



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भारतीय डाक



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

I.A. No. of 2024/EZ

(Arising out of ORIGINAL APPLICATION  
NO. 38/2024/EZ)

In The Matter of:

Ranjit Kumar Sapui

... Applicant

Versus

The State of West Bengal & Ors.

... Respondents

**INTERLOCUTORY APPLICATION ON  
BEHALF OF THE APPLICANT**

Indradeep Ghosh

Advocate

For The Applicant

Email: 8961143400

(M):ghoshindradeep506@gmail.com