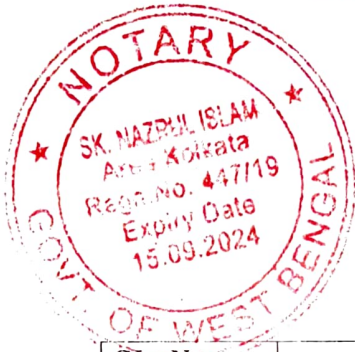


**BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
MEMORANDUM OF APPLICATION**

(Under section 18 read with section 14 and 15 of the National Green Tribunal Act 2010)

Original Application No. _____ of 2023



IN THE MATTER OF:
Ranjit Kumar Sapui

..... Applicant.

-Versus-

State of West Bengal & Ors.

.....Respondent.

INDEX

Sl. No.	PARTICULARS	ANNEXURE	PAGE
1.	Synopsis		1
2.	List of Dates		2
3.	Original Application		3-19
4.	The photocopy of the report in form of an affidavit filed on behalf of East Kolkata Management Authority	"R-1"	20-45
5.	Photocopy of certified copy of the Judgment 21 st November, 2017	"R-2"	46-56
6.	Photocopy of the Judgment dated 03/01/2019	"R-3"	57-60
7.	Photocopy of the complainant dated 2 nd May 2022	"R-4"	61-62
8.	Photocopy of representation dated 28/02/2023	"R-5"	63-65
9.	Color photographs are annexed	"R-6"	66-68
10.	Verification		18
11.	Affidavit		19
12.	Vakalatnama		69

Kolkata
Date : 08/12/2023

By the applicant through

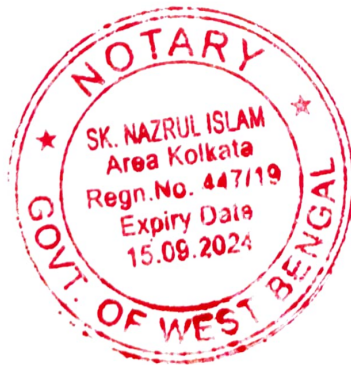
Advocate for the Applicant
High Court, Calcutta

2 1

SYNOPSIS

Being aggrieved by the order, one Madhusudhan Mondal, and Motilal Mondal, preferred and appeals, intra Court Mandamous appeal which was dismissed by Hon'ble justice Biswanath Samaddar and Hon'ble justice Arindam Mukherjee. After the order was passed by the Hon'ble Court was same was communicated to the authorities for compliance of the order for restoration of wetland. The petition noticed that the authorities have utilized certain heavy equipment (Bull Dozer and Excavator) for demolishing the construction which has been carried on by private respondents of earlier Writ petition being W.P.A. no. 8456 (W) of 2015. However, no steps were taken for restoration of the wetland

Hence this application.



3

**BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
MEMORANDUM OF APPLICATION**

(Under section 18 read with section 14 and 15 of the National Green Tribunal Act 2010)

Original Application No. _____ of 2023

IN THE MATTER OF:

Ranjit Kumar Sapui, son of Late Bishnupada Sapui, residing at 15, Dharmatala Road, police station- Kasba, Kolkata- 700 042.

E-mail-

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

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

E-mail- psecy.env-wb@gov.in



4

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

E-mail- ctoekwma@gmail.com

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

E-mail- dsfisheries@gmail.com

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

E-mail- dm-ali@nic.in

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

E-mail- 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

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

E-mail- blro-sonar@gmail.com



5

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

E-mail-

ps.pjadavpur@kolkatapolice.gov.in

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

E-mail- narendrapurps@gmail.com

11. Motilal Mondal, son of Lalmohan
Mondal of 7/1, Netaji Nagar, Green
Park, Kolkata- 700099.

Email- Not Known.

12. Madhusudan Mondal, son of
Lakshikanta Mondal of Garfa Mondal
Para, P.O- Haltu, P.S- Garfa, Kolkata-
700078.

.....Respondent.

To,

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

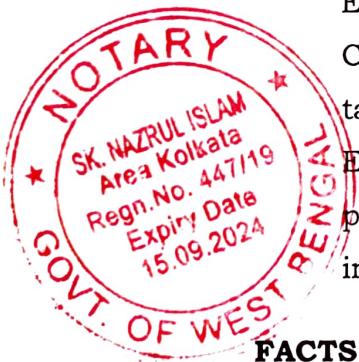
The Humble petition on behalf of
the petitioner above named

MOST RESPECTFULLY SHEWETH:

1. That your petitioner is a law abiding and peace loving citizen
of India and is residing at the address given in the cause herein



above and is an advocate by profession and is a public spirited person and present application is being filed under section 14 of the National Green Tribunal Act, 2010 seeking intervention of this Hon'ble Tribunal to direct the Respondents to take effective action 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. The applicant is invoking the principal of sustainable development and precautionary principal as envisaged under section 20 of the National Green Tribunal Act.2010. the applicant also raises the issue of non implementation of various environment of various environmental laws more particularly non implementation the Environment (Protection Act) 1986, the Air (Protection and Control of Pollution) Act 1981 in pursuant to the decisions taken at the United Nation Conference on the Human Environment held at Stockholm in June 1972 in which India participated to take appropriate steps for the protection and improvement of human environment. .



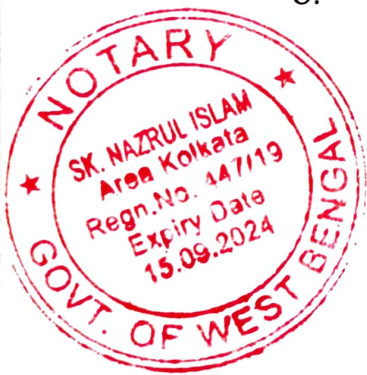
FACTS IN BRIEF:

1. That the Applicant namely Sri Ranjit Kumar Sapui who is the joint owner and in possession of certain plots of land at Mouza Kalikapur, J.L. No. 20, R.S. dag No. 375, Police Station-Narendrapur, and Mouza- Mukundapur, J.L No. 04, R.S. dag

7

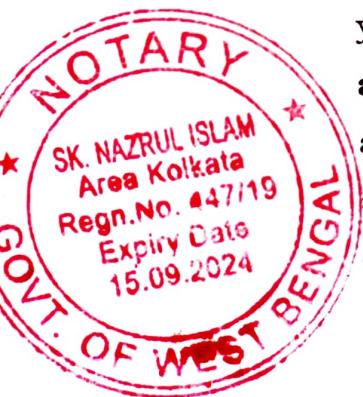
No. 25, 34, 35, 36, 41 and 80 under Police Station- Purva Jadavpur. The above mentioned plots are recorded as Beel, Tank, Fisheries, Bheri. The said plots are water bodies and wetlands in nature and are included in the list Ramsar sites and specified in schedule- I of the east Kolkata Wetland Conservation and Management Act, 2006.

2. That the aforesaid wetland is of great ecological significance. It acts and as a regulation of water regime source for underground water recharging mechanism for waste water treatment air quality purified and store of water for fire fighting. However, due to excessive encroachment upon land owing to urbanization and unplanned human settlement, vast areas of water bodies are being filled up contrary to the laws of nature resulting in upcoming ecological disaster which would impact hazardous impact on number of people living in Kolkata and surrounding districts, and environment at large.
3. That your petitioner states and submits that the east Kolkata Wetlands situated in the eastern fringe of the city of Kolkata and was declared as a Ramsar site on August 2002 in consonance of conversation of wetland held in Iran in 1971 to which India was a signatory. The said east Kolkata Wetland is an unique example of treatment of sewage water of the city of Kolkata for the purpose of pisciculture and fisheries.
4. That your petitioner states and submits that Kolkata is the only metropolitan city in the world where state government introduced developments controls to conserve wetlands which is used as treatment system for effluents. The Kolkata Municipal Corporation area generates roughly 600 million liters of sewage and waste water every day and more than 2,500 metric tons of



garbage. The waste water flow through underground sews to pumping station in the eastern fringe of the city and is then pumped into open channels. Thereafter, the sewage and waste water is drawn into the fisheries of the East Kolkata Wetland by the owner of the fisheries, then after a few days, the organic compounds of the sewage and waste water biodegrade. A network of channels is used to untreated sewage and to drain out the spent water (effluent). The two fold role played by fish is indeed crucial – they maintain a proper ecological balance of plankton population in pond by grazing on the excess plankton and also conduct the available nutrients in the waste water into readily consumable form (fish) for humans, using this process the fish is being reared at a remarkable level.

5. It is submitted that is in fact inexpensive method of treating untreated effluents and sewage of metropolitan city at Kolkata and East Kolkata Management Authority is empowered and authorized to restrain and prevent any unauthorized development project or unauthorized acts which acts as a catalyst to induce ecological hazards and pose a threat to biodiversity.
6. That your petitioner states that in the month of January, 2015 your petitioner noticed that **Respondent 11 and 12 with their men and agent** drained out water from water bodies by using pumps and started filling up the said water bodies depositing white sand and derbis from the construction site. The said person demarcated and divided the said land in several small plots and sold out to some buyers with a small assurance to construct a housing complex projects on the said plot of land within of lands enumerated under the East Kolkata Wetland

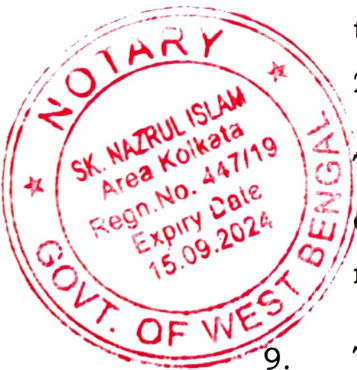


(Conservation and Management Act, 2006) and which was said to be approved by the appropriate authority.

7. That your petitioner state and submits that your petitioner made complaint before the prescribed authorities about the deliberate, illegal and/or unlawful activities of the person in filling up the water bodies and changing the nature and character of the water bodies and raised illegal and unauthorized constructions. However, the authorities concerned remained silent over the matter and did not take any action against these miscreants.
8. That your petitioner states and submits having no other alternatives, your petitioner moved an application under Article 226 of the constitution of India before the Hon'ble court against purported inaction of the state authorities registered as W.P.A. No. 8456 (W) of 2015. In pursuant to the direction, one Sri Sandipan Mukherjee, Chief Technical Officer, East Kolkata Wetland Management Authority submitted a report in form of an Affidavit and affirmed that the private respondents of the writ petition W.P.A. 8456 (W) 2015 have violated the provision of the East Kolkata Wetland, (Conservation and Management Act) 2006.

The photocopy of the report in form of an affidavit filed on behalf of East Kolkata Management Authority is annexed herewith and marked as Letter "R-1".

9. That Lastly on 21st November 2017 the matter was finally taken up for hearing and his lordship was pleased to pass an order directing the East Kolkata Management Authorities to Act in provision of Act 2006 and restore the wetland to its former shape.



A photocopy of *certified* copy of the Judgment 21st November, 2017 is annexed hereto and marked with letter "R-2".

10. That being aggrieved by the order, one Madhusudhan Mondal, and Motilal Mondal, preferred and appeals, intra Court Mandamous appeal which was dismissed by Hon'ble justice Biswanath Samaddar and Hon'ble justice Arindam Mukherjee.

A photocopy of the said Judgment dated 03/01/2019 is annexed hereto and marked as Annexure "R-3".

11. That after the order was passed by the Hon'ble Court was same was communicated to the authorities for compliance of the order for restoration of wetland. The petitioner noticed that the authorities have utilized certain heavy equipment (Bull Dozer and Excavator) for demolishing the construction which has been carried on by private respondents of earlier Writ petition being W.P.A. no. 8456 (W) of 2015. However, no steps were taken for restoration of the wetland.

12. That your petitioner states and submits that on 1st May, ^{Respondent 11 and 12 with} **some unknown person had stacked constructions materials over the said plots of land and** employing 100 numbers of person labors to start digging up soil and started constructing concrete fencing for constructing walls. The petitioner attempted to intervene them and impede the illegal work, however, the miscreants threatened the petitioner with dire consequences and said they have permission from high officials of the Government to carry on with unauthorized construction but declined to reveal any order of permission letter.

13. That on 2nd May 2022, the petitioner tried to lodge complaint with jurisdictional police station. However, being refused to



register the complaint, the complaint was sent through registered speed post. Despite that no steps were taken by the concerned authority to restrain the illegal construction by drying up wetlands.

A photocopy of the complainant dated 2nd May 2022 is annexed hereto and marked with letter "R-4".

14. That your petitioner states that in violation and infringement of judgment and order of Hon'ble Court to stop, restrain the illegal work to pumping out and filling of wetland, several unknown person started construction work in full swing and as per the provision of the Act, it is the duty of the respondent authorities to take measure to restrain, stop, prevent unauthorized acts on wetland but in the instant case the respondent authorities despite having specific directions of Hon'ble Court to restore the wetlands to its original quality, character and nature are being lax about the issue at hand and neglected to take any initiative for the reasons best known to them.
15. That your petitioner submit that the Act also provide for the person responsible for such change in nature and character of the wetland to restore the land at his own expense to its original character a mode of use. The petitioner was threatened with dire consequences when he tried to restrain the unscrupulous land usurpers but he did not receive legal backing from the authorities as they did not take any legal steps to preserve the ecological system by impeding the process of wetland filling by pumping out natural water and restore the wetland to the original character and nature.
16. That your petitioner states that those miscreants already started making construction of boundary wall, erected tin



structure and are trying to establish that the land is in question are saleable in nature. But in this process the ecological system and the environment is being destroyed, affecting life of several people including petitioner. The petitioner states that the authorities are duty bound to take steps to restore water bodies to its original character as the water bodies are clarified as wetland of International Importance under the Ramsar Convention, as our India is one of the participant and signatory of the Ramsar Convention and International treaty for the conservation and the sustainable use of the wetland was held at Ramsar, Mazandarra Iran in the year 1971.

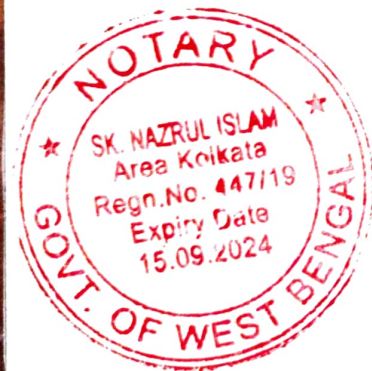
17. That petitioner also moves an application again under Article 226 of the Constitution against the violation of the order of Hon'ble Court by Respondent authorities to restrain unauthorized act on wetland and water bodies being W.P.A. No. 9774 of 2022. But due to certain defects the same was dismissed and withdrawn.

18. That again on 28th February, 2023, a representation was sent through speed post to the police officer in charge and the authorities soliciting and urging the authorities to appreciate the situation and take action and steps to stop the unauthorized acts on wetland but in vain.

A photocopy of representation dated 28th February, 2023 is annexed hereto marked with letter "R-5".

19. Your petitioner states that the inaction of the respondent authority is not taking any steps to preserve and protect the water bodies / wetlands are a glaring example of -lie grant misuse of power and executive highness.

Some Color Photographs showing the unauthorized construction over the wet land is annexed herewith and marked with the letter R-6.



20. That being highly aggrieved by and dissatisfied with the aforesaid inaction and / or non-action of the official respondent despite having statutory duty to preserve the environment, you applicant begs to move this application before this Hon'ble National Green Tribunal on the following amongst other :-

GROUNDS

That the instant application is being filed on the following grounds amongst other which the applicant may take up on his counsel may take up at the time of hearing.

A. Because the instant application is being filed under section 14 of the National Green Tribunal Act 2010 raising substantial questions relating to the environment where the community at large is affected and is likely to be affected by the adverse environmental consequences.

Section 2(m) of the act states as follows:

“(m)” substantial question relating to environment “shall include instance where:

- i) There is a direct violation of a specific statutory environmental obligation by a person by which
 - A) The community at large other than individual or group of individuals is affected or likely to be affected by the environment consequences.
 - B) The gravity of damage to the environment or property is substantial; or
 - C) The damage of public health is broadly measurable.



- ii) The environmental consequences related to a specific activity or a point source of pollution.

It is submitted that herein issue raised is that inaction of the Respondent authorities to mitigate the ecological hazards by not restraining the illegal filling up of water bodies by draining out the water and not restraining the wetlands to its original nature and form.

- B. Because the definition of the ward 'environment' as defined under section 2(a) of the environmental protection Act 1986, states as follows:

"Environment" includes water, air and land and the interrelationship which exist among and between water, air and land and human beings other living creature, plants, microorganism and property.

- C. Because the land involved in the instant Writ proceedings are water bodies and fall within the periphery of East Kolkata Wetlands and which is classified as wetlands of international significance under Ramsar Convention and International treaty to which our country India is also a signatory 2002.

- D. Because despite several representations made by the applicant to the respondent authorities, they did not take any steps in accordance with judgment and order passed by the Hon'ble High court at Calcutta to protect and preserve the wetlands and to restrain unauthorized filling of wetlands by pumping out water of water bodies.



- E. Because some of the unscrupulous persons tried to usurp the plot of land to raise illegal construction on it by unlawfully pumping out water and filling up water bodies with white sand and derbris and tried to change the nature and character of the wetlands, catalyzing ecological hazards.
- F. Because the respondent authorities ought to have taken steps in restoring the wetlands and character of the wetlands and illegal and unauthorized acts on wetlands is affecting the ecological system of environment to great extent.
- G. In the forgoing facts and circumstances unless Hon'ble Tribunal is graciously pleased to allow the present application upon directing the respondent authorities to restore the wetlands in previous nature and character as directed on earlier occasion by his Lordship the Hon'ble Justice DebangsuBasak in W.P. No. 8456(W) of 2015 and restrained the private respondents from further construction upon the wetlands.
- H. Because the record of the present case are lying within jurisdiction of this Hon'ble Tribunal.
- I. That your Applicant states that he has no other alternative efficacious remedy and remedy sought for herein is speedy and efficacious if granted by this Hon'ble Tribunal.



- J. Because this application is made bonafide and for the interest of justice.

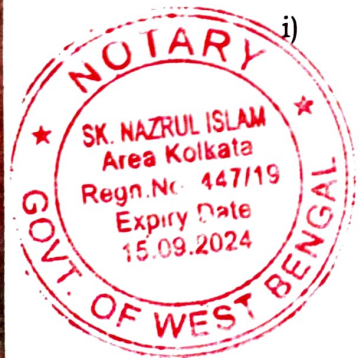
LIMITATION

That the present application is being filled within the period of limitation as given under section 14 of the National Green Tribunal Act 2010. It is submitted the applicant observed despite the wetlands being classified under Ramsar Site, which is under periphery of East Kolkata Wetland Management Authority, did not follow the provision of law or the agreement of Ramsar Convention to which India is a signatory and acted in violation of direction passed by Hon'ble High Court at Calcutta by not taking steps to restrain illegal action to pumping out water to fill water bodies to raise construction, so as to protect ecological system of environment. Therefore, there is a continuous cause of action in the present case.

PRAYER

In the light of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass following orders:

- i) Direct the Respondent authorities their men, agent, servant and associate, relating thereto to take immediate steps to stop and prevent the attempts being made for filling up the water body/wetland and raising construction there upon and to act inconsonance with the provision of East Kolkata Wetlands (conservation and Management) Act 2006.
- ii) Direct the Respondent authorities to take immediate steps to restore water body/ wetlands to its original nature and character.



- iii) Direct the respondent authorities to take immediate punitive action against the ~~Respondent No~~^{11 and 12} responsible for filling up the water body / wetlands in question.
- iv) Direct the respondent authorities to transmit and produce the records of the case before the Hon'ble Tribunal so that justice may be administered.
- v) Pass any other order as the Hon'ble tribunal may deem fit and proper in facts and circumstances of the case.

Applicant
By the applicant through



Advocate for Applicant
High Court, Calcutta
Bar Association, Room

No. 7, old Post office.

Place : Kolkata

Date : 08/12/2023



VERIFICATION

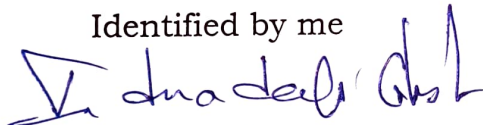
I, Ranjit Kumar Sapui, the abovenamed deponent do hereby verify on this 8th day of December, 2023 that the facts stated herein above are true and correct to my information and no part of its are false and nothing material has been cancelled therefrom.

Verified at Kolkata on the 8th day of December, 2023

Ranjit K. Sapui

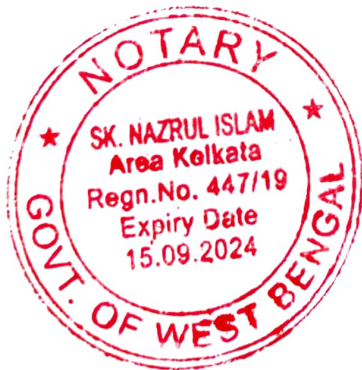
Deponent

Identified by me



Advocate

A/123/2017



82 No. 82

19 17



AFFIDAVIT

I, Sri Ranjit Kumar Sapui, son of late Bishnupada Sapui, aged about 67 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.

3. That the annexure annexed with the Application are true copies of their respective originals.

4. That the statements made in paragraph Nos. 1 to 19 are true to my knowledge as information derived from the petitioners and those made in paragraphs No. are the matters of record and rest are my respectful submissions before this Hon'ble Court.

Prepared in my office

Indradeep Ghosh
Advocate
A/1731/2017

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

[Signature]
Notary

Ranjit Kumar Sapui
DEPONENT

Identified by me

Indradeep Ghosh
Advocate
A/1731/2017

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

08 DEC 2023

20

Annexure - 'Q-1'

~~32~~

~~Annexure P~~

District : Kolkata

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

In the matter of:

W.P. No.8456 (W) of 2015;

-And-

In the matter of:

Ranjit Kumar Sanfui

.....Petitioner

-Versus-

The State of West Bengal & Ors.

.....Respondents

REPORT IN THE FORM OF AFFIDAVIT ON BEHALF OF THE
RESPONDENT NO.2

1, Sandipan Mukherjee, son of Late Subroto Mukhopadhyay,
"working as Chief Technical Officer, East Kolkata Wetlands
Management Authority (EKWMA), office at Prani Sampad
Bhawan, 5th Floor, Sector-III, Block- LB-2, Salt Lake, Kolkata-
700106, aged about 57 years, by religion- Hindu, do hereby
solemnly affirm and say as follows:

1. That I am the Respondent No.2 in the instant writ petition and well acquainted with the facts and circumstances of the present case and competent enough to affirm this affidavit.
2. I state that upon receiving the complaint and after due inspection of the site on 17.03.2015, the deponent lodged a complaint with Sonarpur Police Station on 18.03.2015. A second field inspection was also conducted by the EKWMA on 22.12.2016. On 15.12.2016 the deponent directed the Sonarpur Police Station to restrain the perpetrators.

Copies of the documents alongwith complaints are annexed herewith are marked with letter "R-1".

3. It is submitted that the deponent served letter dated 18.05.2017 to District Magistrate, South 24-Parganas and Superintendent of Police South 24-Parganas to take immediate steps to demolish the unauthorized constructions on the subject land and restore the water body as per the land use map.

Copies of the letter dated 18.052017 is annexed herewith and marked with letter "R-2".

4. That I humbly and respectfully submit that the Hon'ble Court may pass appropriate order on the basis of the report.

5. That the statements made in paragraph Nos.1, 2 and 3 are true to my information derived from the records and those made in paragraph No.4 is my respectful submissions before this Hon'ble Court.

Sd/-

Prepared in my office

Deponent is known to me

Sd/-

Sd/-

Advocate

Clerk to : Mr.

Advocate

Solemnly affirmed before me on
this 18th day of May, 2017.

All annexures are legible

Advocate

Commissioner

ANNEXURE "R-1"**Action Taken Report**

Complaint regarding illegal filling up of water bodies within East Kolkata wetland has been received from Shri Ranjit Kr. Sapui early in 2015. The personnel of East Kolkata Wetlands Management Authority (EKWMA) inspected the field and submitted inspection report on 17/03/2015. During the inspection it was found that some of the waterbodies in Mouza - Mukundapur and Kalikapur have been dried up and was being used for cultivation. Upon preliminary inquiry Motilal Mondal son of Lalmohan Mondal had come up as alleged violators.

On December, 2012, Sonarpur P.S. had been directed to restrain respondent No.10 i.e. Motilal Mondal from any further construction and also to submit a report to this office in this regard.

EKWMA lodged an FIR with Sonarpur P.S., South 24-Parganas District on 18.03.2015. Again on 22nd December, 2016 second field visit was conducted in area and some waterbodies have been completely dried up and plotted by plinths and permanent boundary walls.

However, fresh complaint again received on 24.4.2017 regarding illegal filling up of waterbodies in the same area. Field inspection revealed no improvement. Upon preliminary enquiry name of one Biswajit Biswas came as alleged violator. FIR was again lodged with Sonarpur Municipality on 21.04.2017 with Purba Jadavpur P.S. and also with Sonarpur P.S. on 21.03.2017 and 24.04.2017 respectively with a request to take accordant action.

Keeping in view the fact that illegal construction, conversion of waterbody and change of its mode of use has not been contained in the area, and in accordance with directive of Hon'ble High Court action has been initiated by EKWMA for demolition of the illegal construction and restoration of the waterbodies of the area. For this purpose, the District Magistrate, South 24-Parganas and Superintendent of Police, South 24-Parganas and Baruipur Police District have been requested to implement the work of demolition and restoration of the affected area in association with personnel of EKWMA.

24
- 36 -
Government of West Bengal

East Kolkata Wetlands Management Authority
Poura Bhavan (4th Floor), Block- FD-415A, Sector III,
Bidhannagar, Kolkata – 700106
Ph.: 91-33-23343003. Fax: 91-33-23346403

No: 011/FLD/EKWMA/15

Date : 17/03/15

Ref: Complaint letter from Shri Ranjit Kumar Sanfui, s/o-Late Bishnupada Sanfui of 15, Dharaiatala Road, P.S-Kasba, Kolkata-700042 regarding illegal filling up waterbody.

Sub: Field Inspection Report

With reference to the above mentioned complaint letter and subsequently instruction of the Chief Technical Officer (CTO), East Kolkata Wetlands Management Authority (EKWMA) a field inspection was conducted on 11/03/15 in the East Kolkata Wetlands area under P.S. - Sonarpur with the police assistance of PS - Sonarpur. During the said field inspection Mr. Sachin Chatterjee, Assistant Sub-Inspector of Police, P.S.- Sonarpur accompanied the field inspection team.

The following facts have been revealed:

1. A waterbody [which is comprised of part of R.S. Dag nos.80, 42, 41, 35, 9, 18 of Mouza – Mukundapur, J.L.-04 and part of R.S. Dag No-375 of Mouza Kalikapur, J.L.-20 has been dried up completely and subsequently being cultivated. In addition, inside the said waterbody a temporary tin made room has been made by filing up the said waterbody.
2. Adjacent to the aforesaid waterbody another waterbody which is comprised of part of R.S. Dag nos-36 and 37 of Mouza - Mukundapur, J.L. No-04, under PS-Sonarpur, Dist-South 24-Parganas has been illegally filled up.
3. According to the Schedules of the East Kolkata Wetlands (Conservation and Management) Act, 2006 the Mouza-Mukundapur, J.L. No.-04, PS-Sonarpur, Dist.-South 24-Parganas and, part of R.S. Dag no-375 of Mouza-Kalikapur, J.L. No-20 under PS-Purba Jadavpur is within the East Kolkata Wetlands area.
4. Upon preliminary enquiry the name of Shri Motilal Mondal, s/o-Lalmohan Mondal of 7/1, Netaji Nagar, Green Park, Kolkata 700099 has come up as alleged violator of the provision(s) of the aforesaid Act of 2006 for involving in the aforesaid illegal work.

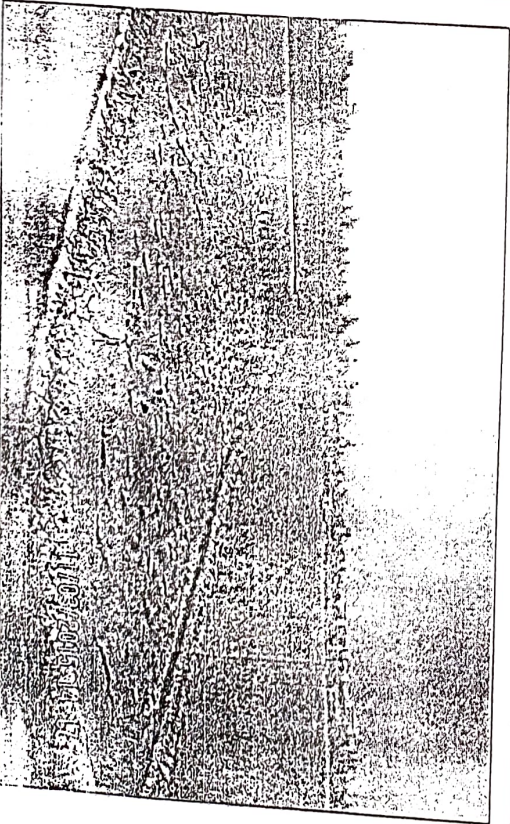
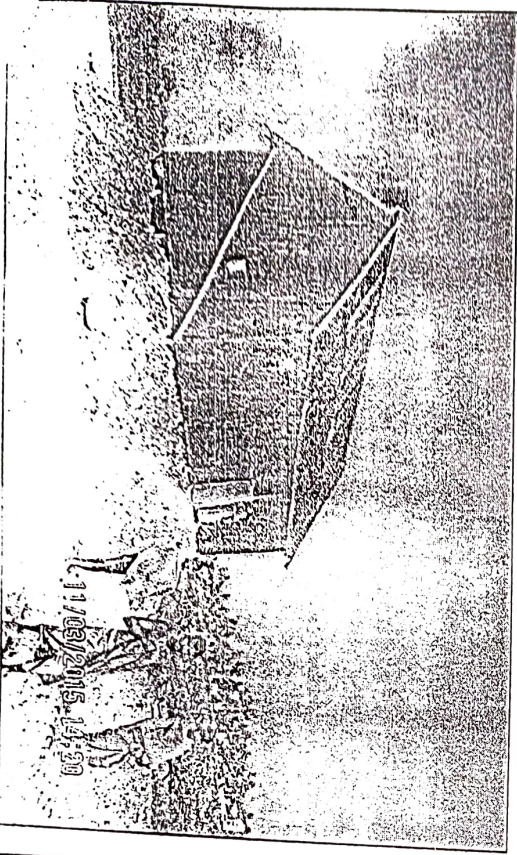
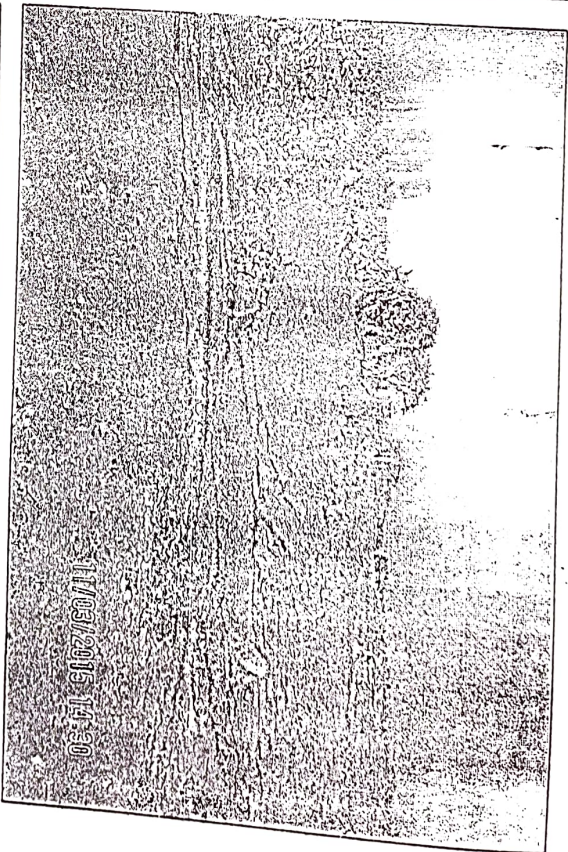
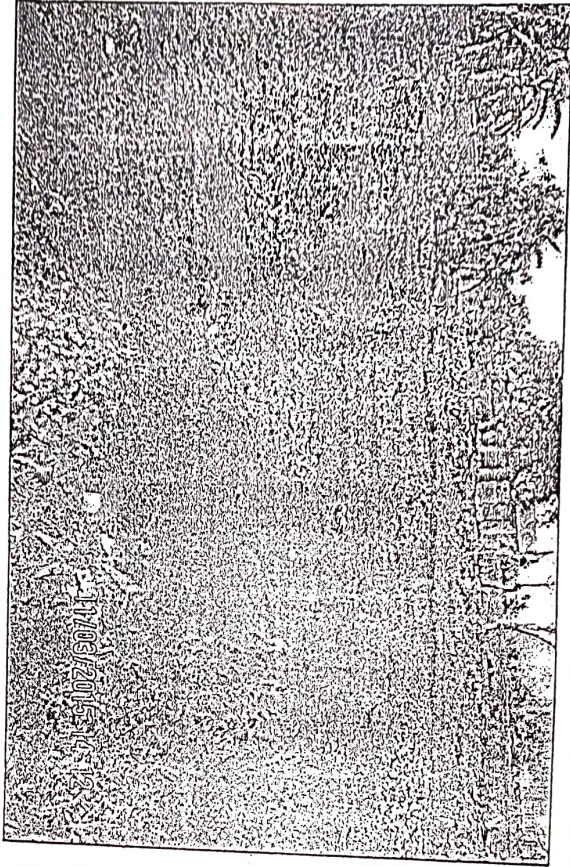
This report is submitted to the CTO, EKWMA for kind perusal.

Sd/-
Shyamal Das
Technical Assistant

Sd/-
Md. Rejaul Gain
Field Supervisor

Encl: Photographs of the site.

Photographs of part of RS Dag nos - 80,42,41,35,9,18,36,37 of Mouza-Mukundapur, JL no.-04 under PS-Sonarpur
(Reference field report no.- 011/FLD/EKWMA/15 dt.17/03/15)



Government of West Bengal Department of Environment
East Kolkata Wetlands Management Authority
Poura Bhavan, 4th Floor, Block FD-415/A, Sector-III,
Bldhannagar, Kolkata - 700106
Ph.: 91-33-2334 3003, Fax: 91-33-2334 6403

From: Jose T. Mathew, IFS
Chief Technical Officer

No: CTO/EN/061/108(3)7201 3-14(Pt-2)

Date: 18/03/2015

To

The Inspector-in-Charge,
P.S-Sonarpur
Dist.-South 24-Parganas

F.I.R.

On inspection by THE STAFF OF THE East Kolkata Wetlands Management Authority (EKWMA) on 11/03/2015 it was noticed that a waterbody lying in the part of R.S. Dag nos.-80, 42, 41, 35, 9, 18 of Mouza-Mukundapur, J.L.-04 has been drained out completely, partly filled up and the remaining land is being used for Rice cultivation which was not done in the waterbody previously. It is clear that the intention is to convert the character of the said waterbody by gradual filling so that permanent structure such as residential building would be coming up later. (Photograph attached)

It has also been noticed that another waterbody nearby in the R.S. Dag nos-36 and 37 of Mouza- Mukundapur, J.L. No-04, under PS-Sonarpur, Dist-South 24-Parganas has been illegally filled up.

It is to be informed that vast stretches of wetlands in the East Kolkata Wetlands area are being converted in the modus operandi mentioned above.

As per the Schedules of East Kolkata Wetlands (Conservation and Management) Act, 2006 the Mouza- Mukundapur, J.L. No.-04, PS - Sonarpur, Dist. - South 24-Parganas is within the East Kolkata Wetlands area and no land conversion is allowed and violation of the Act/Rules attracts penalties under Section 18 of the said Act.

Upon preliminary enquiry the name of Shri Motilal Mondal, s/o-Lalmohan Mondal of 7/1, Netaji Nagar, Green Park, Kolkata 700099 has come up as alleged violator of the provision(s) of the aforesaid Act of 2006 for involving in the aforesaid illegal work. You are requested to treat this complaint as F.I.R. and to investigate the matter to find out the actual violator(s) of the provisions of the aforesaid Act and take action accordingly.

Sincerely,

Sd/-

Chief Technical Officer, EKWMA

No: CTO/EN/061 (2)/108(3)/2013-14(Pt-2)

Copy to: (1) District Magistrate, South 24-Parganas

(2) Superintendent of Police. South 24-Parganas.

Sd/-

Chief Technical Officer, EKWMA

Encl: Photographs of the site

39

Government of West Bengal Department of Environment
 East Kolkata Wetlands Management Authority
 Poura Bhavan, 4th Floor, Block FD-415/A, Sector-III,
 Bidhannagar, Kolkata - 700106
 Ph.: 91-33-2334 3003, Fax: 91-33-2334 6403

No: 77/FLD/EKWMA/16

Date: 22/12/2016

Ref: Complaint letter from Shri Ranjit Kumar Sanful received on 20.10.2016 of Dharmatala Road, P.S. Kasba, Kolkata-42 regarding violation of EKW (C & M) Act, 2006.

Field Inspection Report

With reference to the above mentioned complaint letter dated 04.10.2016 received on instruction of the Chief Technical Officer (CTO), East Kolkata Wetlands Management Authority (EKWMA) a field inspection was conducted on 19.12.2016 in the East Kolkata Wetlands (EKW) with the police assistance P.S. Sonarpur.

During the field inspection Mr. Partha Sarathi Mandal, Assistant Sub-Inspector of Police, P.S. Sonarpur accompanied the field inspection team.

The above referred complaint contains illegal activities are going on at R.S. Dag no.375, Mouza- Kalikapur, J.L. No- 20, P.S. Purba Jadavpur and R.S. Dag Nos.25, 34, 35, 36, 41, 80 Mouza- Mukundapur J.L. No-04, PS-Sonarpur of South 24-Parganas by violating the East Kolkata Wetlands (Conservation and Management) Act, 2006.

The following facts have been revealed during the field inspection:

1. A water body comprises of parts of R.S. Dag nos.-80, 42, 41, 35, 9, 18 of Mouza- Mukundapur, JL-04 and part of R.S. Dag no-375 of Mouza Kalikapur, JL-20 has been dried incompletely and subsequently the said water body has been filled up and plotted by plinths and permanent boundary walls. In addition, inside the said water body construction works are underway illegally.
2. Adjacent to the aforesaid water body another water body which is comprised of part of R.S. Dag nos-36 and 37 of Mouza- Mukundapur, J.L. No-04, has been filled up.
3. At parts of R.S. Dag Nos.23 and 25 of Mouza- Mukundapur J.L. No-04, PS-Sonarpur of South 24-Parganas, boundary wall has been erected.
4. However, R.S. Dag no-34 of Mouza- Mukundapur lies on another water body where water is existing and fish cultivation is going on.
5. According to the Schedules of the East Kolkata Wetlands (Conservation and Management) Act, 2006 the Mouza-Mukundapur, J.L. No.04, P.S.-Sonarpur, Dist.- South 24-Parganas and part of R.S. Dag no-375 of Mouza-Kalikapur, J.L. No-20 under PS-Purba Jadavpur is within the East Kolkata Wetlands area.
6. Upon enquiry the names of Shri Motilal Mondal, s/o-Lalmohan Mondal of 7/1, Netaji Nagar, Green Park, Kolkata 700099 and Shri Biswajit Biswas, s/o- Probhas Biswas, A/41 Ganga Nagar, P.O-Mukundapur, PS-Purba Jadavpur, Kolkata 700099 have come up as alleged violators of the provision(s) of the aforesaid Act of 2006 for involving in the aforesaid illegal works.

This report is submitted to the CTO, EKWMA for kind perusal.

Sd/-
 K.S. Rahaman
 Technical Assistant

Sd/-
 Shyamal Das
 Technical Assistant

Enco: Photographs of the site

~~40~~ -

Government of West Bengal Department of Environment
East Kolkata Wetlands Management Authority
Poura Bhavan, 4th Floor, Block FD-415/A, Sector-III,
Bidhannagar, Kolkata - 700106
Ph.: 91-33-2334 3003, Fax: 91-33-2334 6403

No: 355-CTO/EN/390/2015-16

Date: 15/12/2016

From: Sandipan Mukherjee, IFS
Chief Technical Officer

To: The Inspector-in Charge,
Sonarpur-P.S.

Sub: W.P. 8456(W) of 2015

Ref: Ranjit Kumar Sapui -Vs - The State of West Bengal & Ors.

Sir,

Kindly find enclosed the order of High Court, Calcutta dated 21.11.2016 in the abovementioned matter, where there is a direction upon the East Kolkata Wetlands Management Authority (EKWMA) to take steps on the petitioners' complaint.

You are directed to restrain Respondent No.10 i.e. Motilal Mondal from doing any further construction on the said land.

An early action taken report is solicited from your end.

Yours faithfully,

Sd/-

(Sandipan Mukherjee)

Enc : as stated

- 4/ -

Government of West Bengal Department of Environment
East Kolkata Wetlands Management Authority
Poura Bhavan, 4th Floor, Block FD-415/A, Sector-III,
Bidhannagar, Kolkata - 700106
Ph.: 91-33-2334 3003, Fax: 91-33-2334 6403

No: 32/FLD/EKWMA/17

Date : 04/05/2017

- Ref: 1. Complaint through email, dated-24/04/2017 from Mr. N.C. Jana.
2. Email from Mr. Lew Young, Senior Regional Advisor for Asia-Oceania, Ramsar Secretariat, dated-26/04/2017.

Field Inspection Report

With reference to the above and subsequent instruction of the Chief Technical Officer (CTO), East Kolkata Wetlands Management Authority (EKWMA) a field inspection has been conducted on 03/05/2017 under PS. -Sonarpur, South 24 Parganas. During the said inspection Mr. Partha Sarathi Mondal, Assistant Sub-Inspector of Police, PS. - Sonarpur accompanied the field inspection team.

Following facts have been noticed/come up.

- A water body is comprised of R.S. Dag Nos.44, 80 (Part), 35 (Part) and 45 (Part) of Mouza-Mukundapur, JL-04, P.S.-Sonarpur, South 24-Parganas has been dried up completely and bricks made boundary wall has been erected around the said water/body, in addition, inside the said water body, the intention is to convert the character of the subject water body, so that permanent structure such as residential building would be coming up later. Photographs of the site are enclosed herewith for reference.
- According to the East Kolkata Wetlands (Conservation and Management) Act, 2006 the said Mouza-Mukundapur, JL-04, under P.S.-Sonarpur of South 24-Parganas is within the East Kolkata Wetlands (EKW). The aforesaid activities have been done and/or being underway by [violating the provision(s) of the said Act.
- Upon preliminary enquiry the name of Biswajit Biswas, A/41 Ganga Nagar, P.O-Mukundapur, PS-Purba Jadavpur, Kolkata-700099 has come up as the alleged violator(s) of the provisions of the said Act for undertaking the aforesaid illegal works.
- It is to be mentioned that adjacent to the subject water body another water body has already been grabbed the land shark. The office of the EKWMA lodged FIRs with the P.S. Sonarpur regarding the same and subsequently the P.S. Sonarpur registered Cases bearing numbers 448, dated 19/03/2015 and 737, dated-25/04/2017. With respect to the Case number 448, Charge-Sheet, vide no-2242, dated 10/12/2015 has already been submitted. Despite, lodging of FIRs illegal activities are going on unabatedly and the aforesaid boundary wall is comprised the subject two adjacent water bodies.

This report is submitted to the CTO, EKWMA for kind perusal.

Sd/-
Shyamal Das
Technical Assistant

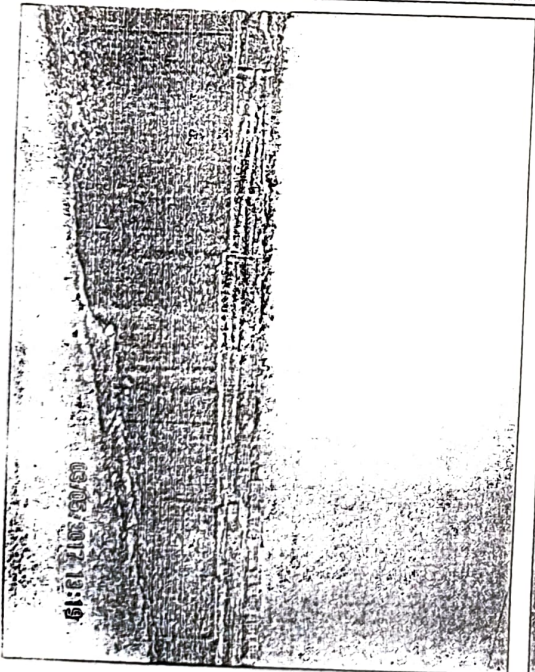
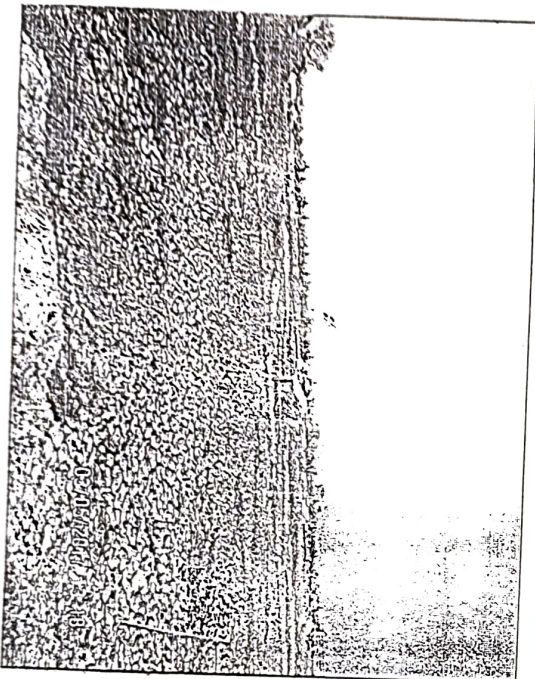
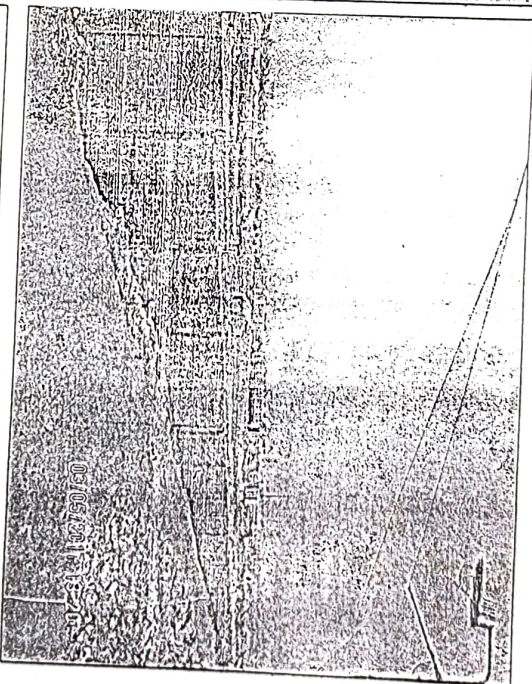
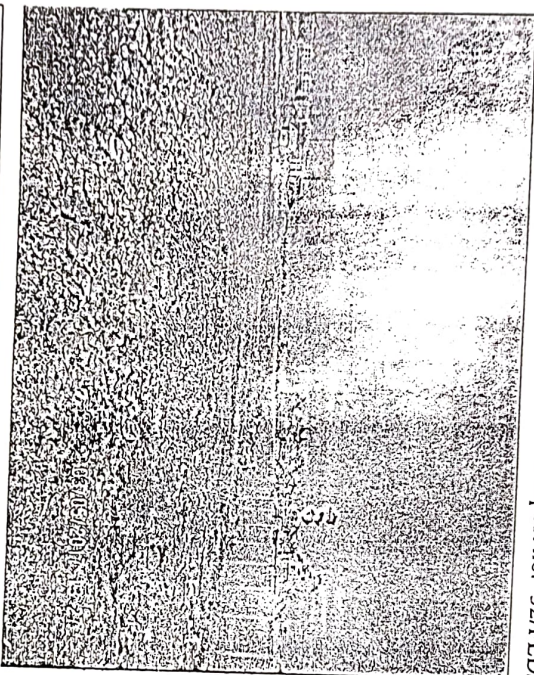
Sd/-
Probir Panja
Technical Assistant

Sd/-
K.S. Rahaman
Technical Assistant

Enco: Photographs of the site

~~42~~

Photographs of RS Dag no- 44, 80 (Part), 35 (Part), 45 (Part) of Mouza-Mukundapur JL no.-4, PS-Sonarapur, Dist. 24 Parganas (South)
(Reference field report no.- 32/FLD/EKWM/A/2017 dt. 04/05/2017)



- 42 -

Government of West Bengal East Kolkata
Wetlands Management Authority
Enacted under Hast Kolkata Wetlands (Conservation and Management) Act, 2006
Pranisampad Bhaban, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata- 700106

No: CTO/EN/080/108(6)/2013-14

Date: 21/03/2017

From: Shri Sandipan Mukherjee,
IFS Chief Technical Officer

To : The Officer-in-Charge,
PS-Purba Jadavpur,
Kolkata Police Commissionerate.

Sub: First Information Report (FIR).

Sir,

The office of the East Kolkata Wetlands Management Authority (EKWMA) has noticed that part of a water body which lies on part of R.S. Dag Number 375, Mouza-Kalikapur, J.L. No-20 under PS- Purba Jadavpur, South 24-Parganas has been filled up by violating the provision(s) of the East Kolkata Wetlands (Conservation and Management) Act, 2006. In addition, on the said water body construction works are underway illegally.

According to the Schedules of the aforesaid Act the part on which the subject land is situated of R.S. Dag Number 375; Mouza-Kalikapur, J.L. No.20 under P.S. Purba Jadavpur, South 24-Parganas is within the East Kolkata Wetlands. Such an illegal activity attracts penalties under Section 18 of the said Act.

Upon preliminary enquiry the names of Motilal Mondal, s/o-Lalmohan Mondal of 7/1, Netaji Nagar, Green Park, Kolkata 700099 and Biswajit Biswas, s/o- Probhas Biswas, A/41 Ganga Nagar, P.O-Mukundapur, PS- Purba Jadavpur, Kolkata 700099 have come up as alleged violators of the aforesaid Act for involving in the aforesaid illegal works.

Therefore, you are requested to treat this complaint as FIR and to investigate the matter to find out the actual violator(s) of the provision (s) of the aforesaid Act and take action accordingly.

Sincerely,

Sd/-

Chief Technical Officer, EKWMA

No: CTO/EN/020(2)/108(6)/2013-14

Date: 21/03/2017

Copy to: (1) District Magistrate, South 24-Parganas
(2) Deputy Commissioner of Police, South Sub-urban Division, Kolkata
Police.

Sd/-

Chief Technical Officer, EKWMA

Enclosed: Photographs of the site.

32



Government of West Bengal East Kolkata
Wetlands Management Authority
Enacted under East Kolkata Wetlands (Conservation and Management) Act, 2006
Pranilsampad Bhaban, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata- 700106

No: CTO/EN/079/108(3)/2015-16 (Part-4)

Date: 21/03/2017

From: Shri Sandipan Mukherjee,
IFS Chief Technical Officer

To : The Officer-in-Charge,
PS-Purba Jadavpur,
Kolkata Police Commissionerate.

Sub: First Information Report (FIR).

Sir,

The office of the East Kolkata Wetlands Management Authority (EKWMA) has noticed that a boundary wall has been erected by violating the provision(s) of the East Kolkata Wetlands (Conservation and Management) Act, 2006 on parts of Dag Nos.23 and 25 of Mouza- Mukundapur, J.L. No-04 under PS-Sonarpur of South 24-Parganas.

According to the Schedules of the aforesaid Act, the Mouza- Mukundapur, J.L. No-04 under PS-Sonarpur of South 24-Parganas is within the East Kolkata Wetlands. Such an illegal activity attracts penalties under Section 18 of the said Act.

Upon preliminary enquiry the names of Motilal Mondal, s/o-Lalmohan Mondal of 7/1, Netaji Nagar, Green Park, Kolkata 700099 and Biswajit Biswas, s/o- Probhas Biswas, A/41 Ganga Nagar, P.O-Mukundapur, PS- Purba Jadavpur, Kolkata 700099 have come up as alleged violators of the aforesaid Act for involving in the aforesaid illegal works.

Therefore, you are requested to treat this complaint as FIR and to investigate the matter to find out the actual violator(s) of the provision (s) of the aforesaid Act and take action accordingly.

Sincerely,

Sd/-

Chief Technical Officer, EKWMA

No: CTO/EN/079/108(3)/2015-16 (Part-4)

Date: 21/03/2017

Copy to: (1) District Magistrate, South 24-Parganas
(2) Superintendent of Police, Baruipur Police District.

Sd/-

Chief Technical Officer, EKWMA

Enclosed: Photographs of the site.

33

-45-

Government of West Bengal Department of Environment
East Kolkata Wetlands Management Authority
Poura Bhavan, 4th Floor, Block FD-415/A, Sector-III,
Bidhannagar, Kolkata - 700106
Ph.: 91-33-2334 3003, Fax: 91-33-2334 6403

No: 355-CTO/EN/390/2015-16

Date: 15/12/2016

From: Sandipan Mukherjee, IFS
Chief Technical Officer

To: The Inspector-in Charge,
Sonarpur-P.S.

Sub: W.P. 8456 (W) of 2015

Ref: Ranjit Kumar Sapui -Vs - The State of West Bengal &Ors.

Sir,

Kindly find enclosed the order of High Court, Calcutta dated 21.11.2016 in the abovementioned matter, where there is a direction upon the East Kolkata Wetlands Management Authority (EKWMA) to take steps on the petitioners' complaint.

You are directed to restrain Respondent No.10 i.e. Motilal Mondal from doing any further construction on the said land.

An early action taken report is solicited from your end.

Yours faithfully,

Sd/-

(Sandipan Mukherjee)

Enc: as stated

34

46

15

Government of West Bengal .
Office of the Dy. Commissioner of Police, Kolkata
South Suburban Division (Jadavpur Divn.)
255/2127, D.P.S. Road. Kolkata-700033

Memo No.SSD/I/098/HA

Dated : 07.04.17

The Chief Technical Officer,
East Kolkata Wetlands Management Authority,
Pranisampad Bhavan, 5th Floor,
LB-2, Sector-III,
Kolkata – 700106

Sub : First information report in connection with the filled up
part of water body, lies on R.S. Dag Number-375,
Mouza – Kalikapur, J.L. No.22 under Purba Jadavpur P.S.

Ref: Memo No.CTO/EN/080(2)/108(6)/2013-14 dated 21.3.17

Enclosed herewith the report dated 4.4.17 in original submitted by the
Officer-in -Charge, Purba Jadavpur P.S. on the memo under reference, for necessary
action please.

Sd/- 6/4/17
Dy. Commissioner of Police
South Suburban Division
Jadavpur Division
Kolkata

= 47

D.C., S.S.D.

Re-the attached petition issued by the Chief Technical Officer EKWMA dated 02.03.17 and Suit No.1129 dated 24.3.2017

Sir,

With reference to the above this is to submit that the petition was submitted by the Chief Technical Officer of East Kolkata Wetlands Management Authority regarding unauthorized construction over the part of a water body situated at R.S. Dag No.375, Mouza-Kalikapur, J.L. No.20 under South 24-Parganas. Accordingly enquiry in to the matter has been started in light of the alleged fact of the petition.

During enquiry going through the petition and also observed the attached documents and photos submitted by the petitioner but the P.O under the Kalikapur Mouza could not be properly identified.

Then had been to the alleged water body i.e. "Beel Machchash Bheri" being supervised by O/C, Purba Jadavpur P.S and it is found that there is no stag of water and some constructional sites scattered over there among which some are surrounded by brick boundary wall and some with tin sheet. As per the attached photograph found that the said constructional sites are situated, over the said Bheri which is completely under the jurisdiction of Sonarpur P.S, W.B.P.

It is further mentioned that the Plot having R.S Dag No.375 of Kalikapur Mouza is a vast area spread out over the jurisdiction of Purba Jadavpur P.S. and Sonarpur PS. The part of the Plot having R.S Dag No.375 of Kalikapur Mouza situated under the PS Purba Jadavpur P.S is completely a residential colony area and the rest part of the said plot having R.S Dag No.375 of Kalikapur Mouza is situated under the jurisdiction of Sonarpur P.S which is vacant low land and as per the attached photograph. The mentioned constructional sites are situated under that part of Bheri which also under the jurisdiction of Sonarpur P.S, South 24-Pgs.

36

~~48~~

(Page No.2)

Subsequently the local people were examined and they stated that a part of the said plot having R.S Plot No.375, Kalikapur Mauza is under the jurisdiction of Purba Jadavpur P.S and rest of the part is under the jurisdiction of Sonarpur P.S where different constructional works is going on and covered with brick wall and tin shed.

In this regard the Block Land and Land Reforms Officer, ATM at Kasba, South 24 Pgs submitted a report that R.S Plot No.375 of Mouza Kalikapur, J.L No.20 is part vested plot and the classification of the above mentioned R.S plot is Beel Mach Chash". The copy of the report is enclosed here with.

In this regard it is further mentioned that one Mr. Ranjit Kumar Sanpui & Others have filled a W.P vide W.P No.8456 (W) of 2015 before the Hon'ble Calcutta High Court over the same fact and the said matter is still pending.

However, close vigil is being maintained in adjacent to the bordering area of this PS jurisdiction and the observation of the EKWM Authority is strictly being maintained, if any.

Hence, it is submitted before your Honour that the attached petition may kindly be forwarded to Sonarpur P.S, South 24 Pgs., W.B.P on the basis of point of jurisdiction, if approved.

Dated: 04.04.2017.

Submitted,
Sd/- Kazi Rabiul Islam
(K. R. Islam)
S.I. of Purba Jadavpur P.S
SSD/Kolkata

37



Government of West Bengal East Kolkata
Wetlands Management Authority
Enacted under East Kolkata Wetlands (Conservation and Management) Act, 2006
Pranisampad Bhaban, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata- 700106

No: CTO/EN/ /108(6)/2013-14

Date: 21/03/2017

From: Shri Sandipan Mukherjee,
IFS Chief Technical Officer

To : The Officer-in-Charge,
PS-Purba Jadavpur,
Kolkata Police Commissionerate.

Sub: First Information Report (FIR).

Sir,

The office of the East Kolkata Wetlands Management Authority (EKWMA) has noticed that part of a water body which lies on part of R.S. Dag Number 375, Mouza-Kalikapur, J.L. No-20 under PS- Purba Jadavpur, South 24-Parganas has been filled up by violating the provision(s) of the East Kolkata Wetlands (Conservation and Management) Act, 2006. In addition, on the said water body construction works are underway illegally.

According to the Schedules of the aforesaid Act the part on which the subject land is situated of R.S. Dag Number 375, Mouza-Kalikapur, J.L. No.20 under P.S. Purba Jadavpur, South 24-Parganas is within the East Kolkata Wetlands. Such an illegal activity attracts penalties under Section 18 of the said Act.

Upon preliminary enquiry the names of Motilal Mondal, s/o-Lalmohan Mondal of 7/1, Netaji Nagar, Green Park, Kolkata 700099 and Biswajit Biswas, s/o- Probhas Biswas, A/41 Ganga Nagar, P.O-Mukundapur, PS- Purba Jadavpur, Kolkata 700099 have come up as alleged violators of the aforesaid Act for involving in the aforesaid illegal works.

Therefore, you are requested to treat this complaint as FIR and to investigate the matter to find out the actual violator(s) of the provision (s) of the aforesaid Act and take action accordingly.

Sincerely,

Sd/-

Chief Technical Officer, EKWMA

No: CTO/EN/080(2)/108(6)/2013-14

Date: 21/03/2017

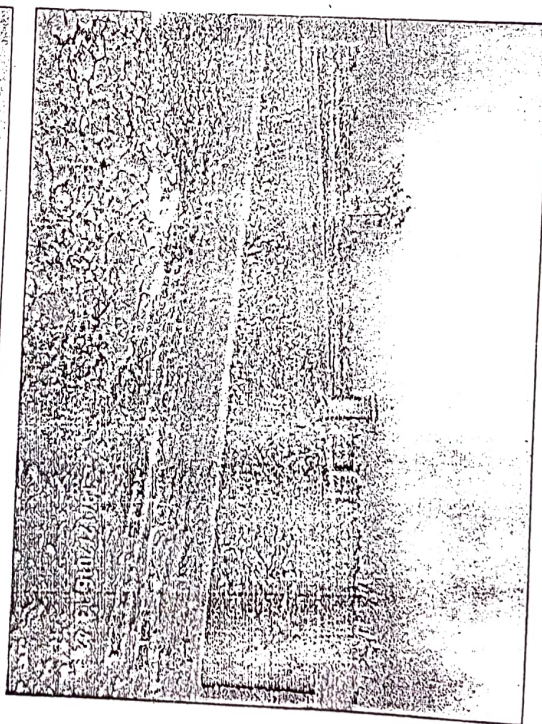
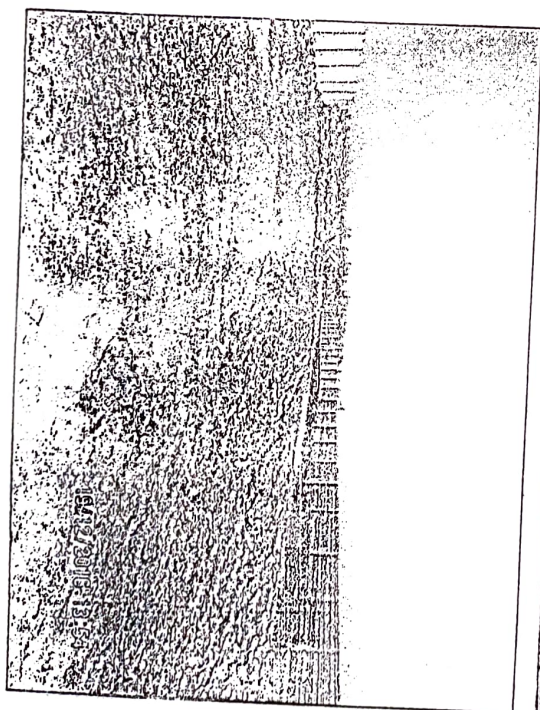
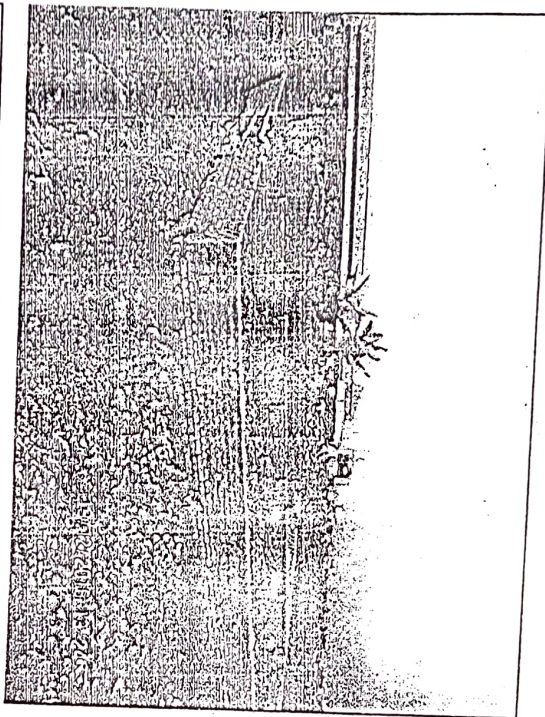
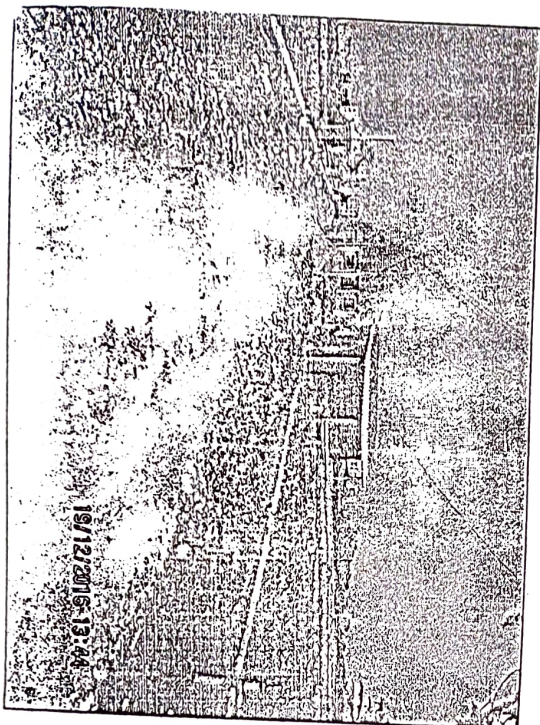
Copy to: (1) District Magistrate, South 24-Parganas
(2) Deputy Commissioner of Police, South Sub-urban Division, Kolkata
Police.

Sd/-

Chief Technical Officer, EKWMA

Enclosed: Photographs of the site.

~~50~~



39

57

20

Government of West Bengal East Kolkata
Wetlands Management Authority
Enacted under Hast Kolkata Wetlands (Conservation and Management) Act, 2006
Pranisampad Bhaban, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata- 700106

No: CTO/EN/146/108(3)/2015-16 (Part-4)

Date: 24/04/2017

From: Shri Sandipan Mukherjee,
IFS Chief Technical Officer

To : The Inspector-in-Charge,
P.S.- Sonarpur,
Baruipur Police District.
PS-Purba Jadavpur,

Sub: First Information Report (FIR).

This is to inform you that the office of the East Kolkata Wetlands Management Authority (EKWMA) has noticed part of a water body, which lies on part of R.S. Dag Number 375, Mouza-Kalikapur, J.L. No-20 of South 24-Parganas has been filled up by violating the provision(s) of the East Kolkata Wetlands (Conservation and Management) Act, 2006. In addition, on the said water body construction works are underway illegally. Such an illegal activity attracts penalties under Section 18 of the said Act.

Upon preliminary enquiry the names of Motilal Mondal, s/o-Lalmohan Mondal of 7/1, Netaji Nagar, Green Park, Kolkata 700099 and Biswajit Biswas, s/o- Probhas Biswas, A/41 Ganga Nagar, P.O-Mukundapur, PS- Purba Jadavpur, Kolkata 700099 have come up as alleged violators of the aforesaid Act for involving in the aforesaid illegal works.

According to the Schedules of the aforesaid Act the part on which the subject land is situated of R.S. Dag Number 375, Mouza-Kalikapur, J.L. No.20 of South 24-Parganas is under P.S. Purba Jadavpur and within the East Kolkata Wetlands. This office lodged a complaint as FIR with-the P.S. Purba Jadavpur. However, the Deputy Commissioner of Police, S.S.D.(Jadavpur Division) has stated through the letter vide memo no-SSD/I-1098/HA, dated-07/04/2017, enclosed herewith, that the subject plot in question of R.S. Dag Number 375, Mouza-Kalikapur, J.L. No.20 of South 24-Parganas is under the jurisdiction of P.S. Sonarpur.

Therefore, you are requested to treat this complaint as FIR and to investigate the matter to find out the actual violator(s) of the provision (s) of the aforesaid Act and take action accordingly.

Sincerely,
Sd/-

Chief Technical Officer, EKWMA

No: CTO/EN/146(3)/108(3)/2015-16 (Part-4)

Date: 24/04/2017

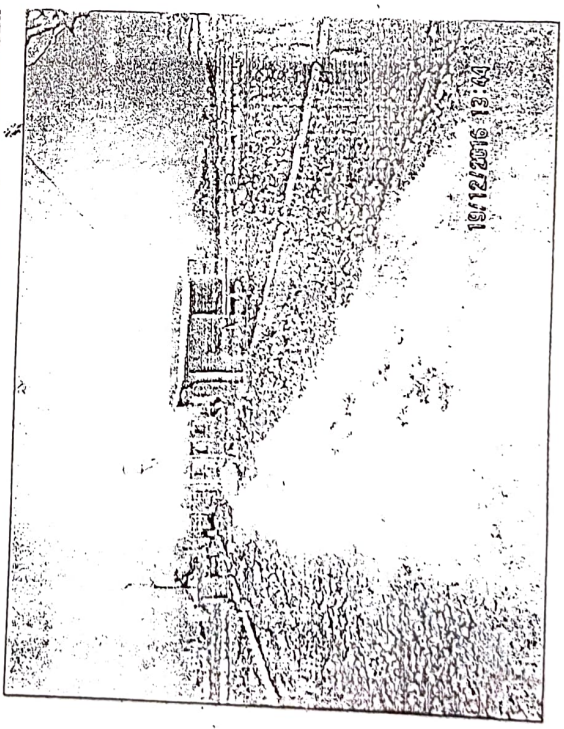
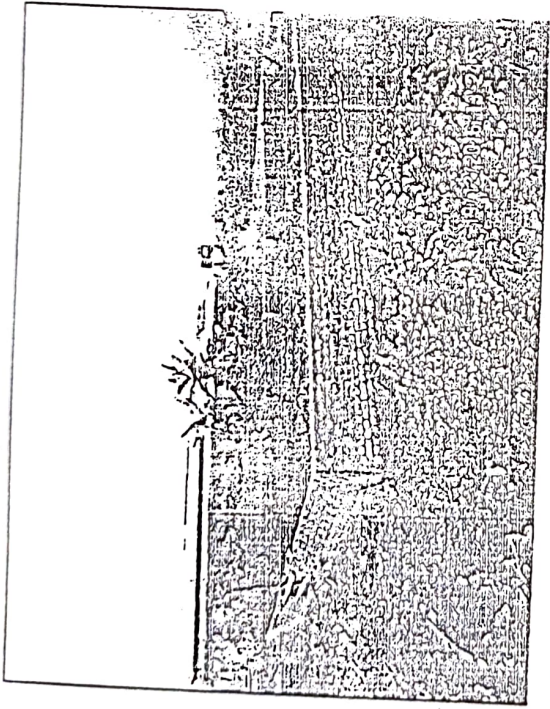
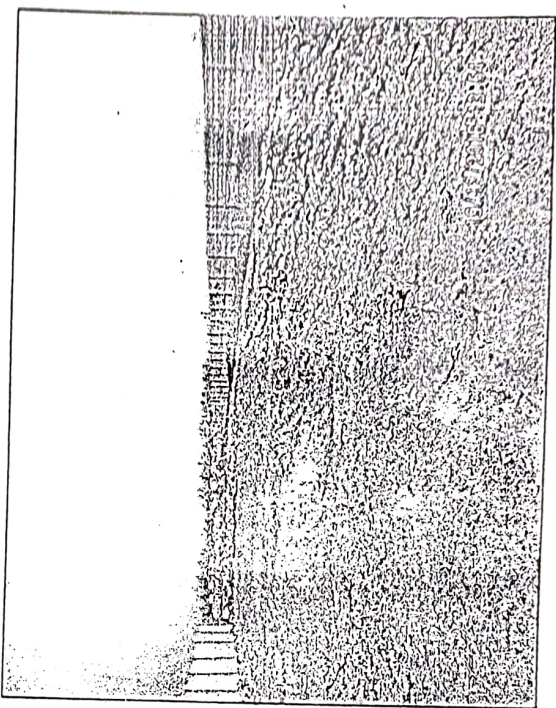
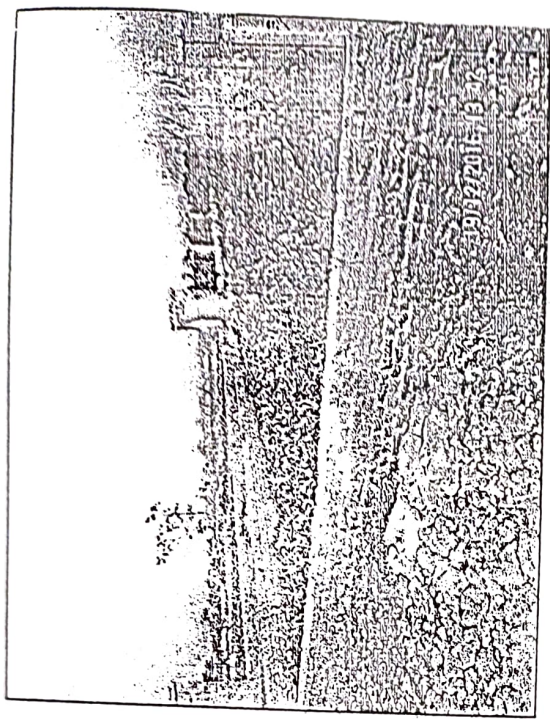
Copy to: (1) District Magistrate, South 24-Parganas
(2) Superintendent of Police, Baruipur Police District
(3) Deputy Commissioner of Police, S.S.D. (Jadavpur Division),
Kolkata Police.

Sd/-

Chief Technical Officer, EKWMA

Enclosed: 1. Photographs of the site.
2. Letter, vide memo no-SSD/I-1098/HA dated-07/04/2017

~~22~~ -



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~~22~~

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Environment Department
Government of West Bengal
Pranisampad Bhaban, 5th Floor
LB-2, Sector-III, Salt Lake,
Kolkata – 700106
Phone: 2335-2742, Fax : 2335-0271
E-mail: psecy.env.wb@gmail.com

Arnab Roy, IAS
Principal Secretary

No.165-CTO/EN/390/2015-16

Dated 18/05/2017

To

1. The District Magistrate, South 24-Parganas
2. The Superintendent of Police, South 24-Parganas
3. The Superintendent of Police Baruipur Police District

SUB. : Order of Hon'ble High Court in the matter of order of restoration of wetlands at Mukundapur and Kalikapur under P.S. Sonarpur

Ref.: W.P. No.8456 (W) of 2015 in the matter of Ranjit Kr. Sapui -vs- State of West Bengal & Ors.

Sir,

This is to inform you that the above noted writ petition had been filed by Shri Ranjit Kr. Sapui against illegal filling up of wetlands under the banner of 'Prothoma Garden' Project (Schedule of land which is enclosed herewith) seeking direction from the Hon'ble High Court on the respondent authorities to immediately take urgent steps to restore the waterbodies to its original character and also to protect the same and order to stop and prevent any unauthorised use of the East Kolkata Wetlands.

In the Hon'ble High Court at Calcutta, the matter came up for hearing on 18/05/2017. The Hon'ble Court directed the respondents to restore the waterbodies immediately and to submit the report by tomorrow morning i.e. 19/05/2017. The said waterbodies have been inspected by the officers of the East Kolkata Wetlands Management Authority earlier during 2015 and again in 2017. FIRs have been lodged in the Police Stations in 2015 and again in 2017. However according to the inspection report dated 04/05/2017, it is seen that the said waterbodies have been dried up completely and boundary walls have been erected around the said waterbodies. In addition, inside the said waterbodies temporary structures have been made and entire waterbodies have been plotted by plinths. It is clear that the intention is to convert the character of the subject waterbodies, so that the permanent structure such as residential building would be coming up later. It may be mentioned that the area in question falls within the East Kolkata Wetlands. Conversion of wetland for non wetland purpose and any change in mode of use of land within the East Kolkata Wetlands, without permission from East Kolkata Wetlands Management Authority is illegal.

In the light of the order of High Court this area is to be restored in its original status i.e., waterbody. In view of this you are requested to take immediate steps to take up the matter to start demolition and restoration work and submit the report to this office. The office of East Kolkata Wetlands Management Authority will assist your office in identification of the land. The contact persons of East Kolkata Wetlands Management Authority Shri Anirudha Paul, Scientific Officer (no. 9038707344) and Shri Rejaul Gain, Field Supervisor (no. 9433561074). In the light of the order of the Hon'ble High Court this may be treated as extremely urgent and implement immediately.

Yours faithfully,

Sd/-

(Arnab Roy)

42

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No.165-CTO/EN/390/2015-16

Dated 18/05/2017

Copy forwarded to:

1. The Director General of Police, West Bengal
2. Officer on Special Duty to Hon'ble Minister-in-Charge, Environment Department.

Sd/-
(Arnab Roy)

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Land Schedule:

R.S. Dag no-375, Mouza- Kalikapur, J.L. No-20, District-South 24-Parganas.

R.S. Dag numbers-80, 42, 41, 35, 9, 18, 36, 37, 44, 45, 23, 25 of Mouza-
Mukundapur, J.L. No-04 under PS-Sonarapur, District-South 24-Parganas.

Action Taken Report

Complaint regarding illegal filling up of waterbodies within East Kolkata wetland has been received from Shri Ranjit Kr. Sapui early in 2015. The personnel of East Kolkata Wetlands Management Authority (EKWMA) inspected the field and submitted inspection report on 17/03/2015. During the inspection it was found that some of the waterbodies in Mouza - Mukundapur and Kalikapur have been dried up and was being used for cultivation. Upon preliminary inquiry Motilal Mondal son of Lalmohan Mondal had come up as alleged violators.

On December; 2012, Sonarpur P.S. had been directed to restrain respondent No.10 i.e. Motilal Mondal from any further construction and also to submit a report to this office in this regard.

EKWMA lodged an FIR with Sonarpur P.S., South 24-Parganas District on 18.03.2015. Again on 22nd December, 2016 second field visit was conducted in area and some waterbodies have been completely dried up and plotted by plinths and permanent boundary walls.

However, fresh complaint again received on 24.4.2017 regarding illegal filling up of waterbodies in the same area. Field inspection revealed no improvement. Upon preliminary enquiry name of one Biswajit Biswas came as alleged violator. FIR was again lodged with Sonarpur Municipality on 21.04.2017 with Purba Jadavpur F.S. and also with Sonarpur P.S. on 21.03.2017 and 24.04.2017 respectively with a request to take accordant action.

Keeping in view the fact that illegal construction, conversion of waterbody and change of its mode of use has not been contained in the area, and in accordance with directive of Hon'ble High Court action has been initiated by EKWMA for demolition of the illegal construction and restoration of the waterbodies of the area. For this purpose, the District Magistrate, South 24-Parganas and Superintendent of Police, South 24-Parganas and Baruipur Police District have been requested to implement the work of demolition and restoration of the affected area in association with personnel of EKWMA.

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57

District: Kolakta

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

In the matter of:
W.P. No.8456 (W) of 2015;

-And-

In the matter of:
Ranjit Kumar Sanfui
..... Petitioner

-Versus-

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

REPORT IN THE FORM OF
AFFIDAVIT ON BEHALF OF THE
RESPONDENT NO.2

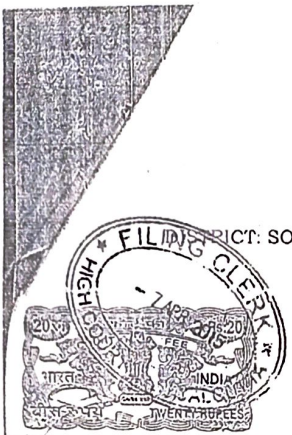
MR. SUBRATA GUHA BISWAS
Advocate
Bar Association Room No.16
High Court, Calcutta
Chamber : 138, Sarat Bose Road,
Kolkata-700029
(M): 9831486619

Printed at the Office of the Registrar, High Court, Kolkata

Annexure - (P-2) 46

Annexure - "P-2"

Through
Madhusrima Sarkar
Advocate



DISTRICT SOUTH 24 PARGANAS
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.No. 8456 (W) of 2015

In the matter of:

An application under Article 226 of the
Constitution of India;

And

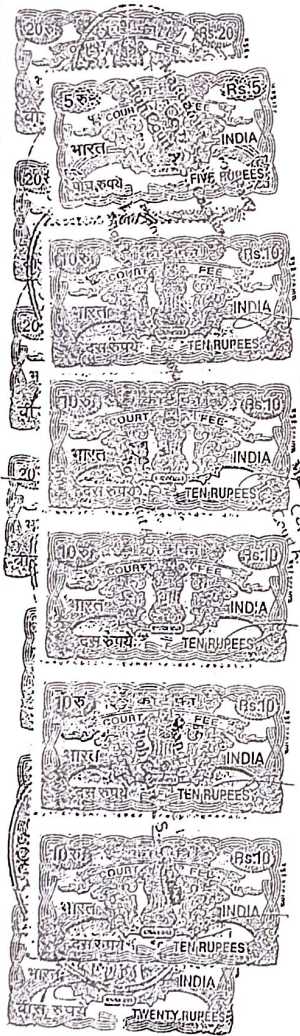
In the matter of:

A Writ in the nature of Mandamus and /or
in the nature of Prohibition and or in the
nature of Certiorari and /or any other
appropriate writ or writs, order or orders,
direction or directions.

And

In the matter of:

The East Kolkata Wetlands (Conservation
and Management) Act, 2006.



16/12/15
Madhusrima Sarkar
Advocate
S. No. 12/15
S. No. 12/15
S. No. 12/15
S. No. 12/15
S. No. 12/15

[Signature]
02/12/15

And

In the matter of:

The East Kolkata Wetlands (Conservation
and Management) Rules 2006.


And

In the matter of:

Illegal and arbitrary acts and action on the
part of the respondent authorities is not
taking any steps for preventing the illegal
filling up of the water bodies/fisheries.

And

In the matter of:

 Ranjit Kumar Sanfui,

S/o, Late Bishnupada Sanfui

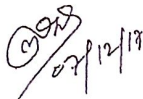
15, Dharmatala Road, P.S.Kasba

Kolkata 700 042.

.....Petitioner

VERSUS

1. The State of West Bengal, service
through the Chief Secretary (Chairman),
East Kolkata Wetlands Management


07/12/17



Authority, Government of West Bengal,
Department of Environment, Nabanna,
325, Sarat Chatterjee Street, P.S. Shibpur
Howrah-711012.

2. The Chief Technical Officer, East
Kolkata Wetlands Management Authority,
Government of West Bengal, Department
of Environment FD-415/A, Sector-(iii),
Poura Bhavan, 4th floor, Bidhannagar,
Kolkata-700106.

3. The Director of Fisheries
Government of West Bengal.

Meen Bhaban, Salt Lake, Kolkata-700091

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

5. The Superintendent of Police, South 24
Parganas, Alipore, Kolkata-700 027.

02/12/17



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

7. The Block Land and Land Reforms Officer, Sonarpur Baikhanthapur Kolkata-700 150.

8. The Officer-in-Charge, Purba Jadavpur Police Station, Kolkata-700 099.

9. The Officer-in-Charge, Sonarpur Police Station. Kolkata 700 152.

10. Motilal Mondal, son of Lalmohan

Leave granted to add respondent NO 11 by His Lordship The Hon'ble Justice Debangsu Basak vide order dated 06/07/2017

Mondal, of 7/1, Netaji Nagar, Green Park, Kolkata 700099 ~~residing at Garfa Mondal~~

~~Madhusima Sarkar 28/07/2017 Advocate ~~at Garfa Mondal, PS, Garfa, Kolkata-700~~~~

11. Madhusudan Mondal son of Lakshikanta Mondal residing at Garfa Mondal Para, Post Office - Haltu, Police Station - Garfa Kolkata - 700078 Party Respondent

.....Respondents

Tn

02/12/17

Al. 10

Noting by Office or Advocate	Serial No	Date	Office notes, reports, Orders or proceedings with signature
			<p>The fact that, the land in question comprises of wetland is not disputed between the parties. Learned senior advocate appearing for the respondent no.11 raises the question of maintainability of the writ petition and the grant of relief in the writ petition. He submits referring to the various provisions of the East Kolkata Wetlands (Conversation and Management) Act, 2006 that, all the rigors of the provisions of such Act of 2006 being applicable to the land in question and without questioning the applicability of such Act to the land in question, there is a designated expert body to look into the issue of preservation, protection and conservation. The petitioner did not approach such designated body. Such designated body is empowered under Section 11 of the Act of 2006 to restore the land to its original nature and character. The process of restoration is laid down in the Act of 2006. The expert body will have to employ such process for the purpose of restoration, if required. He submits that, the nature and character of the land has changed naturally. The surrounding area of the land has changed its character. In the present context, the land in question cannot be considered to be a wetland any further in view of the change of the nature of the surrounding area. Moreover, his client did not do anything to change the nature and character of the land. He submits that, the writ petition is essentially one, which tries to settle</p>

27/11/19

Sl. No

Noting by Office or Advocate	Serial No	Date	Office notes, reports, Orders or proceedings with signature
			<p>civil disputes between the private parties. He submits that, the writ petitioner is a party to a suit for partition in which the writ petitioner had obtained orders of injunction. The writ petitioner has also claimed violation of such order of injunction. The petitioner had obtained an order of appointment of receiver over the suit property. It is in such factual context that, the writ petitioner had approached the Writ Court without making his client as party respondent to the petition and had obtained orders from the Court. He submits that, the orders of the Civil Court are subsisting since 2006. He refers to the averments made in the writ petition, particularly, to paragraphs 6 to 8 thereof and submits that, the case of the writ petitioner has to be understood on the strength of the pleadings of the writ petition. He submits on instructions that, the respondent No. 11 is ready and willing to suffer an order of injunction in terms of prayer (a) of the writ petition. Any other action taken by the State authorities would be beyond the permissible limit of the Act of 2006. He submits that, there is a distinction between a wetland and a water body. He relies upon the definitions of the two words and submits that, the State cannot make a wetland a water body as sought to be done by employing men and machine.</p> <p>He submits that, the right of the respondent no.11 with regard to an immovable property is a constitutional right /</p>

Handwritten signature and date: 02/12/18

M. 10

Noting by Office of Advocate	Serial No	Date	Office notes, reports, Orders or proceedings with signature
			<p>and is recognised to be so. He relies upon (2007) 6 SCC 81 (Bharat Petroleum Corporation Ltd. v. Maddula Ratnavalli & Ors.) and (2007) 8 SCC 705 (Chairman, Indore Vikas Pradhikaran v. Pure Industrial Coke & Chemicals Ltd. & Ors.) in support of his contentions.</p> <p>Learned advocate General appearing for the State authorities submits that, the Act of 2006 empowers the authority to restore a wetland to its former shape. In the present case, by virtue of the orders passed by the Court, the authorities have undertaken the process of restoration of the water body. He submits that, the funds are inadequate for the purpose of meeting all the expenses of restoration. As and when further funds are made available, the process of restoration will continue. He draws the attention of the Court to the fact that, there is a building in the water body, which is required to be removed.</p> <p>I have considered the rival contentions of the parties and the materials made available on record.</p> <p>As noted above, the complaint is of conversion of a wetland. The land in question has been described as wetland and a water body interchangeable in the orders passed by the Court from time to time. However, the fact that, the land in question is governed under the provisions of the East Kolkata Wetlands (Conversion</p>

02/12/19

M. 10

District Judge or Advocate	Serial No	Date	Office notes, reports, Orders or proceedings with signature
			<p>and Management) Act, 2006 is admitted amongst the parties. It is pointed out that, the wetland comprised in the writ petition lies in the jurisdiction of two police stations. The State has undertaken the work of restoration in one of the police stations while it has not done so in respect of the other.</p> <p>The writ petitioner is a party to a suit for partition. There are subsisting orders of injunction restraining the parties from changing the nature and character of the property concerned. As a Writ Court, I am not concerned with the orders passed by the Civil Court, in the facts of the present case. The orders of the Civil Court does not relate to conservation work required under the Act of 2006. The State in its wisdom has found that, the land in question is a wetland and requires restoration. It was asked to do so. It has proceeded to do so. There are subsisting orders of this Court directing the State to restore the land as a water body. Learned advocate General submits on instructions that, the State will continue the process of restoration subject to adequate funds being made available.</p> <p>The contention of the respondent no.11 that, the writ petition is essentially one to settle the civil disputes between the private parties, in the facts of the presence case is not accepted. /</p>

Handwritten signature and date: 08/12/19

M. 10

Noting by Office or Advocate	Serial No	Date	Office notes, reports, Orders or proceedings with signature
			<p>Although, the petitioner is a party to the Civil Suit as noted above, the Civil Suit is one for partition and has nothing to do with the process of conversation of a land covered under the Act of 2006. The scope and ambit of the writ petition is protection, preservation and conservation of a wetland recognised to be so under the Act of 2006 by exercising power therein. In view of the above, it cannot be said that, the writ petition is not maintainable. However, it is clarified that, none of the observations made in this order will be construed to prejudice any of the rights and contentions of any of the parties in the pending suit.</p> <p>The contentions of the respondent no.11 that, the State should not restore the water body and that, the expert body designated under the Act of 2006 should look into the same is concerned, I am afraid, I am not in a position to accept the same. The State is obliged to implement the provisions of the Act of 2006. In the present case, the attention of the State was drawn to the situation prevailing in the land concerned. The State in its wisdom has proceeded to restore and conserve the land in question under the Act of 2006.</p> <p>Change of nature and character of a wetland can happen either by way of natural causes or for manmade reasons. In either of the two scenarios, the Act of 2006 empowers the authorities to take corrective measures. /</p>

Handwritten signature and date: 02/12/17

M. 10

No. of the Order	Serial	Date	Office notes, reports, Orders or proceedings with signature
			<p>Right to property is recognised as a constitutional right. Such view is expressed in Pure Industrial Coke & Chemicals Ltd. & Ors. (supra) as well as Maddula Ratnavalli & Ors. (supra). In the present case, the right of the petitioner to the land per se is not being dealt with by the authorities. The property in question is sought to be conserved under the Act of 2006. The right of the private parties inter se amongst themselves with regard to the property in question will be decided in the pending suit or any other litigation that, the parties may litigate before an appropriate forum.</p> <p>In such circumstances, <u>W.P. No.8456 (W) of 2015</u> is disposed of by directing the authorities to act in terms of the Act of 2006 and restore the wetland to its former shape. In view of such direction being given, no further order need be passed in the application of the petitioner being CAN No.4034 of 2017. In view of the direction given herein and the disposal of the writ petition, no further relief can be granted to the respondent no.11 in CAN No.7824 of 2017. The same is dismissed.</p> <p>Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.</p> <p style="text-align: right;">Sd/- D. Basak J. (Debangsu Basak, J.)</p>

①/27/12/17

~~23-~~ANNEXURE "~~43~~"

Annexure "R-3"

1

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Present:
The Hon'ble Acting Chief Justice Biswanath Somadder
and
The Hon'ble Justice Arindam Mukherjee

MAT 2058 of 2017
with
CAN 11730 of 2017
Madhusudan Mondal
Vs.
The State of West Bengal & Ors.

with
MAT 2059 of 2017
with
CAN 11732 of 2017
Motilal Mondal
Vs.
The State of West Bengal & Ors.

For the appellant/applicant : Mr. Dipayan Kundu
in MAT 2058 of 2017

For the State in MAT 2058 of 2017 : Mr. Subrata Guha Biswas, led by
Mr. Pantu Deb Roy

For the respondent no.10/
writ petitioner : Mr. Supratick Shyamal,
Mr. Madhurima Sarkar

Heard on : 03.01.2019

Judgment on : 03.01.2019

Biswanath Somadder, ACJ. :

By consent of the parties, both the appeals are treated as on day's list
and taken up for consideration along with the respective applications for stay.

Annexure.....^A.....
to in Paragraph.....^{4.2}.....
Foregoing Petition affirmed
by.....
On this.....day of.....

Commissioner of Affidavit
High Court, Appellate Side
Calcutta

Both the appeals arise out of a judgment and order dated 21st November, 2017, passed by a learned Single Judge in W. P. 8456 (W) of 2015 together with CAN 4034 of 2017 and CAN 7824 of 2017 (Ranjit Kumar Sapui vs. The State of West Bengal & Ors.).

By the impugned judgment and order, the learned Single Judge has proceeded to dispose of the writ petition with a direction upon the concerned authorities to act in terms of the provisions contained under East Kolkata Wetlands (Conservation and Management) Act, 2006 and restore the wetland to its former shape.

Both the appeals have been preferred by the private respondents in the writ proceeding, namely, Motilal Mondal and Madhusudan Mondal, being the private respondent nos.10 and 11, respectively.

It is contended on behalf of Madhusudan Mondal (being the private respondent no.11 in the writ proceeding) that the issue is essentially related to a private dispute between the respondent/writ petitioner on one hand and the private respondents on the other. As such, the learned Single Judge ought not to have given a direction upon the concerned authorities to act in terms of the statutory provisions as contained under East Kolkata Wetlands (Conservation and Management) Act, 2006.

Upon perusing the impugned judgment and order as well as the papers before us, we notice that the learned Single Judge - while proceeding to dispose of the writ petition - has taken note of the pendency of a civil proceeding. The learned Single Judge has clarified that none of the observations made in the

order impugned would be construed to prejudice any of the rights and contentions of any of the parties to the pending suit. The learned Single Judge has further observed in the impugned order to the effect that the rights of the private parties *inter se* amongst themselves with regard to the property-in-question will be decided in the pending suit or any other litigation that the parties may litigate before an appropriate forum.

In the backdrop of the above observations made by the learned Single Judge, we do not find any palpable infirmity of reasoning or perversity in respect of the directions given by the learned Single Judge upon the concerned authorities to act in terms of the statutory provisions as contained under East Kolkata Wetlands (Conservation and Management) Act, 2006 for the purpose of restoring the wetland to its former shape. If a writ Court directs an authority to act in accordance with any statutory provision, surely it cannot be construed as an order which requires any interference in an Intra-Court Mandamus Appeal where scope of interference is extremely limited. That apart and in any event, the observations made by the learned Single Judge in the impugned judgment and order clearly and squarely protect and preserve the rights of the parties in respect of the pending civil proceeding and also in respect of future litigation, if any.

For reasons stated above, we are not inclined to interfere with the impugned judgment and order.

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Both the appeals along with the respective applications for stay are liable to be dismissed and stand accordingly dismissed.

(Biswanath Somadder, ACJ.)

I agree.

(Arindam Mukherjee, J.)

PP.

GAUTAM SAPUI

(Advocate)

High Court, Calcutta
Alipore Judges' Court
Bar Association, Room No.11

RESIDENCE & CHAMBER

15, Bosepukur Dharmatala Road,
Kolkata - 700042.

Phone: 8777741107

Email : gautamsapui2404@gmail.com

To

Date: 02/05/2022.

The Police Officer -in- Charge

Sonarpur Police Station

Kolkata- 700 150,

My Client: Ranjit Kumar Sapui son of Late Bishnupada Sapui, residing at- 15 Dharmatala Road, Kolkata- 700042,

Sub: Illegal acts of filling up of the water bodies and making concrete structure at Kalikapur and Mukundapur Kolkata within the periphery of East Kolkata Wetlands in violation of the orders passed by the Hon'ble High Court Calcutta.

That I on behalf of my client above named, do hereby informed you that the plot of land at Mouza- Kalikapur. J.L. No. 20, R.S. Dag No. 375 and Mouza- Mukundapur, J.L. No.4, R.S.Dag'No. 25, 35, 36, 41, 80 are recorded as Beel, Tank Fisheries and Bheri. The said plots are water bodies and are included in the schedule of the East-Kolkata Wetlands (Conservation and Management Act 2006).

That Sri Motilal Mondal, son of Lalmohan Mondal, of 7/1, Netaji Nagar, Green Park Kolkata- 700 099 and Sri Madhusudhan Mondal, son of Lakshi Kanta Mondal, of Garfa Mondal Para, P.O. Haltu, P.S. Garfa, Kolkata- 700 .078 and Bishu Biswas are the persons who along with his associates and accomplice are making mischief by violating the provisions of law. The aforesaid plots of land are involved in a series of litigations amongst the co-owners as well as other parties. The said title suit being T.S. No. 121 of 1962. The said title suit is pending for adjudication before the Ld. 2nd Court, Civil Judge (Sr. Divn) Alipore. In the said suit the Ld. Court had been pleased to pass order on 16/6/2006 inter-alia directing all the parties to maintain status-quo in respect of the suit property. Therefore, Sri Motilal Mondal, Madhusudan Mondal and Bishu Biswas with his associates and accomplices are illegally and arbitrarily trying to change the nature and character of the water bodies once again by pumping out water with the help of several big pumps and making a concrete structure there upon,

GAUTAM SAPUI**(Advocate)**

High Court, Calcutta
Alipore Judges' Court
Bar Association, Room No.11

RESIDENCE & CHAMBER

15, Bosepukur Dharmatala Road,
Kolkata - 700042.

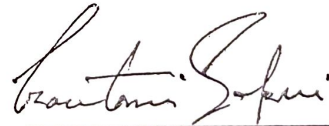
Phone : 8777741107

Email : gautamsapui2404@gmail.com

which might change the nature and character of the wetlands. That the Hon'ble High Court at Calcutta had given directions in W.P. No. 8456 (W) of 2015 by directing the authorities to act in terms of the Act of 2006 and restore the wetland to its former shape. That the said directions has not been complied yet by the authorities. That taking advantage of the non compliance of the orders passed by the High Court, the aforesaid person with other miscreants are making construction and erecting structures day by day and occupying illegally upon the wetland bodies.

Therefore I request you to take action urgently and kindly follow the High Court Order in accordance W.P no.(W)- 8456 (W) of 2015; .The copy of the order passed by the Hon'ble Court annexed herewith for your reference

Thanking you



yours faithfully.

Copy to:

The Chairman

The East Kolkata Wetlands (Conservation and Management) ACT, 2006;

63

Ameere - (2-5)

GAUTAM SAPUI

(Advocate)

High Court, Calcutta
Bar Association, Room No. 05

RESIDENCE & CHAMBER

15, Bosepukur Dharmatala Road,
Kolkata - 700042.
Phone: 8777741107
Email : gautamsapui2404@gmail.com

To

Date: 28.02.2023.

1. The Officer -in- Charge
Purva Jadavpur Police
Station, FCR2+M7F, Purva
Jadavpur Police Station
Road, Mukundapur, W.B.,
Kolkata- 700 099.

Narendrapur Police Station,
2. C9WR+RGQ, Sonarpur
Station Road, pratapgarh,
Rajpur Sonarpur, Kolkata-
700 103.

RECEIVED BUT CONTENTS
NOT VERIFIED
28/2/23
NARENDRAPUR P.S.
Baripur Police District

My Client: Ranjit Kumar Sapui son of Late
Bishnupada Sapui, residing at- 15, Dharmatala
Road, Kolkata- 700042.

Sub: Illegal Act is going on by encroaching the
water bodies, fill up and try to build more than
200 hundreds numbers of sheds at Mouza
Kalikapur and Mukundapur, within the
periphery of suit property in violation of the
status quo order passed by 2nd Civil Judge (Sr.
Div.) Alipore.

That I on behalf of my client above named, do hereby informed you that the
plot of land at Mouza- Kalikapur. J.L. No. 20, R.S. Dag No. 375 and Mouza-
Mukundapur, J.L. No.4, R.S.Dag No. 25, 35, 36, 41, 80 are recorded as Beel,
Tank Fisheries and Bheri. The said plots are water bodies and are included in
the schedule of the East-Kolkata Wetlands (Conservation and Management Act
2006).


Ranjit Kumar Sapui

GAUTAM SAPUI

(Advocate)

High Court, Calcutta
Bar Association, Room No. 05**RESIDENCE & CHAMBER**15, Bosepukur Dharmatala Road,
Kolkata - 700042.

Phone: 8777741107

Email : gautamsapui2404@gmail.com

That Sri Motilal Mondal, son of Lalmohan Mondal, of 7/1, Netaji Nagar, Green Park Kolkata- 700 099 and Sri Madhusudhan Mondal, son of Lakshi Kanta Mondal, of Garfa Mondal Para, P.O. Haltu, P.S. Garfa, Kolkata- 700 078 and Bishu Biswas son of Pravas Biswas, at 83 Ahallynagar, P.O. Mukundapur, P.S. Purba Jadavpur, Kolkata- 700 099, [Bishu Biswas phone no. **9830168108**] are the persons who along with his associates are trying to encroached the property illegally by pumping out water with the help of several big pumps and making a concrete structure there upon, which might change the nature and character of the wetlands and also putting many pre fabricated sheds. However, they are planning to put (approximately 200 in numbers) of pre fabricated shed on the suit property and leasing out to people and also provide them with electricity and water connection. However, the aforesaid plots of land are involved in a series of litigations amongst the co-owners as well as other parties. The said title suit being T.S. No. 121 of 1962 is pending for adjudication before the Ld. 2nd Court, Civil Judge (Sr. Div.) Alipore. In the said suit the Ld. Court had been pleased to pass order on 16/6/2006 inter-alia directing all the parties to maintain status-quo in respect of the suit property.

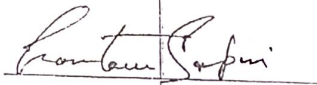
The said plots are water bodies and also included in the schedule of the East-Kolkata Wetlands (Conservation and Management Act 2006). That the Hon'ble High Court at Calcutta had given directions in W.P. No. 8456 (W) of 2015 by directing the authorities to act in terms of the Act of 2006 and restore the wetland to its former shape. Furthermore, these miscreants are taking advantages by non compliance of the status quo orders passed by the 2nd Civil Judge (Sr. Division) Alipore. I have already sent you a letter earlier in connection with the present matter.

Therefore I request you to take action urgently and kindly follow the High Court Order in accordance W.P no.(W)- 8456 (W) of 2015; .The copy of the order passed by the Hon'ble Court annexed herewith for your reference

Thanking you

Annexures:-

- 1) Registered Deed photocopy.
- 2) Photocopy of T.S. 121/1962-Plaint.
- 3) Photocopy of Injunction dt: 16.06.2006 and allied orders.
- 4) Photocopy of High Court Order dt: 21/11/2017.
- 5) Reply notice from Deputy Secretary of Govt. WB by Complaint dt: 13.12.2022.
- 6) Photocopy of ...



yours faithfully.



GAUTAM SAPUI

(Advocate)

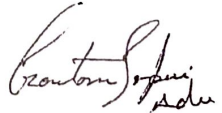
High Court, Calcutta
Bar Association, Room No. 05**RESIDENCE & CHAMBER**15, Bosepukur Dharmatala Road,
Kolkata - 700042.

Phone : 8777741107

Email : gautamsapui2404@gmail.com

Copy to:

1. The Chairperson,
Dr. Manas Ranjan Bhunia,
Hon'ble Minister in Charge
Environment Department, Govt. of W.B.
At Nabanna, Nabanna Bhavan, Naora,
Shibpur, Howrah, West Bengal 711102.
- 2: Shri. Hari Krishna Dwivedi, IAS,
Chief Secretary to the Govt. of WB.
Nabanna, Howrah- 711102.
- 3: Member Seceretary,
Smt. Roshni Sen, IAS,
Principal Secretary,
Department of Enviornment, Govt. WB.
at Pranisampad Bhavan,
5th Floor, LB-2, Sector - III, Salt Lake,
Kolkata- 700 106.
- 4: Office of the East Kolkata Wetland
Management Authority
at Pranisampad Bhavan,
5th Floor, LB-2, Sector - III, Salt Lake,
Kolkata- 700 106.



Gautam Sapui
Adv.

Annexure - R-6 66







VAKALATNAMA

In the court of The Hon'ble NGT, 57B, Kol

Ref. OA. No. of 2023/ERB of 20

Ranjit Kr. Sabin

Plaintiff/ Appellant

Petitioner/Claimant

-Versus-

State of WB and Ors.

Defendant/Respondent

Opposite Party

Known All Men by these Present I/ We

INDRADEEP GHOSH

do hereby in my name/ our behalf constitute and Shree

Ranjit Kr. Sabin

as my/our true and lawful Pleader/Advocate to appear and to act for me/us in the above suit/case, appeal to file suit case appeal written statement to conduct suit, proceeding case and appeal from original suit order etc and for that purpose to examine witness and to do all acts and things whatsoever required to do done in accordance therewith including compromise of the above matter, depositing in or withdrawing money from filling or taking out of paper, document and payment order from court office of the Rent Controller referring matter in dispute between the parties here to go a birration, withdrawing the above matter with liberty to file fresh suit receiving properties released from attachment filling execution sale obtaining or miscellaneous case and other portion, bedding at execution sale obtaining payment from J D' s out of court, withdrawing custody and other feed and doing on my/our behalf such other acts in the above matter as are necessary and proper and also to appear and to act to me/us in cases relating Income Tax, Sale Tax, custom and other revenue matter with authority to deposit money or to receive payment from the said office on my/our behalf.

I/We hereby agreeing to ratify and confirm all acts so done by the said Advocate or attorneys as my/our own acts and as if done by me/our own acts and as if done by me/us all intents and purposes.

ADVOCATES

Date

INDRADEEP GHOSH
ADVOCATE
HIGH COURT, CAL

89 KPC Street, Kat- 700003

Encl :- Ghoshindra deep 506 @gita Enroll :- 1/1231/2017

(M) :- 896143400

Reviewed this Vakubhava for
the executant within named
satisfied and accepted

Indeep Ahl
Ah

08/12/2023

**BEFORE THE HONBLE NATIONAL
GREEN TRIBUNAL
EASTERN ZONE BENCH AT
KOLKATA
MEMORANDUM OF APPLICATION**

(Under section 18 read with section 14
and 15 of the National Green Tribunal
Act 2010)

Original Application No. of 2023

IN THE MATTER OF:
Ranjit Kumar Sapui
..... Applicant.

-Versus-

State of West Bengal &Ors.
.....Respondent.



ORIGINAL APPLICATION

Indradeep Ghosh.

Advocate

*High Court, Calcutta
8, K.P.C. Street, Kol- 700003*

(M): - 7003321437

Email:- ghoshindradeep506@gmail.com