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**Before the National Green Tribunal, Eastern Zone Bench,
 Kolkata**

Original Application No. 158/2023/EZ

Tribunal on its own motion

"Banks of the Circular Canal are getting "Stolen" regularly near Gallif Street: wastes and garbage spreading pollution"- News item published in Bartaman, Daily Bengali News Paper, Dt. 15.10.2023, Kolkata.

On the basis of the matter the Hon'ble Bench of National Green Tribunal, Kolkata, took-up suo-motu for consideration. - **Applicant**

Versus

Department of Irrigation & Waterways, through its Principal Secretary, Government of West Bengal and others.

- **Respondents**

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**AFFIDAVIT IN COMPLIANCE ON BEHALF OF THE RESPONDENT
NO. 1 i.e IRRIGATION AND WATERWAYS DEPARTMENT IN
ACCORDANCE WITH THE DIRECTION OF THE HON'BLE
NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,
KOLKATA, DATED 17.10.2023.**

I, Shri Debabrata Sarkar, son of Shri Suranjan Sarkar, aged about 48 years, by faith: Hindu, working for gain as the Executive Engineer-I, Canals Division, Irrigation & Waterways Directorate, Government of West Bengal, having office at Jalsampad Bhawan, Salt Lake City, Kolkata - 700091, do hereby solemnly verify and say as follows :-

1. That I had made myself acquainted with the facts and circumstances of the instant case and am duly authorized and competent to make affirm this affidavit.
2. That this affidavit is being affirmed in compliance to the solemn order passed by the Hon'ble Tribunal on 17.10.2023.
3. That the Circular Canal (2.0 Km length) is a part of Kestopur Canal network system, starts from River Hooghly through Chitpur Lock Gate, ends at Gajnabi Bridge and further continues as New Cut Canal.
4. That there is a an issue of encroachment of substantial stretches of banks and indiscriminate dumping into almost all Drainage Channels of urban areas and the Circular canal's some stretches are not also out of these illegal practices.



5. That in compliance with the observation of the Hon'ble Tribunal on 17.10.2023, it is to be noted that a complaint letter requesting for taking action against the encroachers at the banks of Circular Canal from Chitpur Lock Gate to Gaznabi Bridge to local Police Station has been initiated on ^{13.12.2022}~~09.01.2023~~ (copy of which is enclosed within Annexure-I). Some photographs of encroachment along both banks Circular Canal and of indiscriminate garbage dumping into that canal are also enclosed herewith as Annexure-II.

6. That these encroachments along canal banks, slopes and to some extent of waterways are creating extensive hindrances for regular maintenance of respective canal. During resuscitation works (de-siltation), the design section of Canal cannot be achieved if these encroachment are not removed.

7. That through affidavit from Irrigation & Waterways Department, Govt. of West Bengal, it is to be furnished that action plan towards removal of encroachment, socio-economic condition of encroachers has been looked into and it is noted that various service providers and very small business units are existing over the encroached land besides small scale dwelling units/hutments inhabited by destitute at large who will be homeless during eviction. For this, holistic rehabilitation plan needs to be drawn. This relates to the Urban Planning, in which Urban Local Body, Urban Development and M. A. Department along with the District Administration may take a lead role. In fact Kolkata Municipal Corporation is the custodian of land records in the Kolkata Corporation Area and ownership details are not available in Irrigation & Waterways Department. In this scenario, it is not possible to readily ascertain the extent of encroachment. Since this is a larger



issue, coordinated effort by various agencies is essential, in which case Irrigation & Waterways Department may provide all logistic support towards removal of encroachment after proper demarcation.

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

9. The statements made here in above in paragraph 3 to 8 are based on information derived from the record which are usually kept and maintained by the answering respondents in the ordinary course of business and which I belief to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Identified by me




Advocate

Debabrata Sarkar

Deponent

DEBABRATA SARKAR
Executive Engineer-I
CANALS DIVISION
Irrigation & Waterways Directorate, Govt. of W. B.
Jalasampad Bhavan, 2nd Floor
Salt Lake, Kolkata-700091

SOLEMNLY AFFIRMED
&
Declared Before me
on Identification Adv.


NOTARY
N. DAS GUPTA
C.M.M. Court
Govt W.B

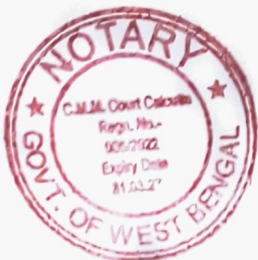


NIRMALYA DAS GUPTA
Advocate Cum Notary
REGN NO.-006/2022
C M.M. Court Calcutta



27 NOV 2023

Annexure - I





Government of West Bengal
Irrigation & Waterways Directorate
Office of the Sub- Divisional Officer
Calcutta Canals Sub- Division
37/3, Canal West Road, Kolkata 700 004

Phone no. (Off) 033 - 25545254
e-mail: sdocciwd@gmail.com

Memo No -

Dated -

To,
The Officer- In-Charge,
Shyampukur Police Station,
47, Shyam Bazar St, Hati Bagan, Shyam Bazar,
Kolkata, West Bengal 700004

Sub: Request for taking action against the encroachers at the bank of Circular Canal near Bagbazar.

Sir,

With reference to the above cited subject this is to inform you that some people constructed illegal temporary hutment along the bank of Circular Canal from Chitpur Lock Gate to Gaznabi Bridge. The encroachers are dumping solid wastes into the canal making the canal water dirty. They are also damaging the bank slope by making their construction.

So you are requested to take necessary action against those encroachers so that the canal bank will remain free of any encroachment.

You are requested to treat this as a general diary.

Thanking You,

Yours faithfully,

Sd/-

Sub- Divisional Officer
Calcutta Canals Sub- Division

Dated- 13/12/22

Memo No - 1235/1
Copy forwarded to:

1. The Executive Engineer-I, Canals Division, Jalsampad Bhawan, 2nd Floor, Salt lake City, Kolkata- 700 091.

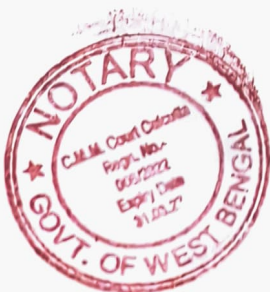
Sd/-

13.12.22

Sub- Divisional Officer
Calcutta Canals Sub- Division



Annexure - II





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