



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 80/2024/EZ



In The Matter of:

Subhas Datta

... Applicant

Versus

The State of West Bengal & Ors.

... Respondents

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT NUMBER
06, THE DISTRICT MAGISTRATE & COLLECTOR, DISTRICT DARJEELING.

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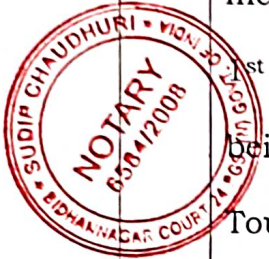
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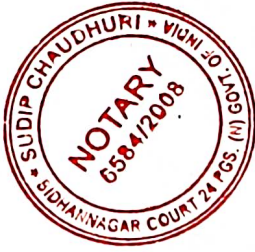
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	to swear affidavit-in-opposition on behalf of the District Magistrate, Darjeeling is annexed herewith		
3.	Photocopy of the notification being memo number WBTDG/XI-16/6 dated 1st October, 1993 showing Tiger Hill being handed over by the West Bengal Tourism department to the Darjeeling Gorkha Hill Council (DGHC) is annexed herewith	'R-2'	28-31
3.	Photocopies of the Agreement dated 1st April 2010- 31st March 2015 and letters dated 17.02.2015 and 01.09.2015 written by the Divisional Forest Officer (DFO) Darjeeling Wildlife Division, written to the Secretary tourism, Gorkhaland Territorial Administration are collectively annexed herewith	'R-3'	32-34
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6.	Photocopy of the memo no 1134/WL/2W-665/2012 Dated 11.05.2018 is annexed herewith	'R-5'	41-42
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Filed by

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 80/2024/EZ

SL. NO. 230/20. 24

In The Matter of:

Subhas Datta

... Applicant

Versus

The State of West Bengal & Ors.

... Respondents

**BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS**



AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT NUMBER
06, THE DISTRICT MAGISTRATE & COLLECTOR, DISTRICT DARJEELING.

I, Sri Anirban Chatterjee, S/o Late Tapas Chatterjee, aged about 48 years,
by faith- Hindu, working for gain as the Additional District Magistrate (D)
Darjeeling district having office at 'Chauk Bazaar Darjeeling, Kutchery
Compound, Lebong Cart Road, District: Darjeeling, Pin: 734101, do hereby
solemnly affirm and submit as follows:-

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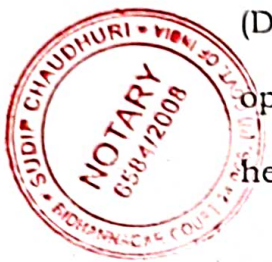
1. That I am presently posted as Additional District Magistrate (D) Darjeeling district and I am duly authorized by the District Magistrate, Darjeeling to swear this Affidavit-in-Opposition on her behalf.

Copy of the Authorization in which the Additional District Magistrate (D) Darjeeling district has been authorized to swear affidavit-in-opposition on behalf of the District Magistrate, Darjeeling is annexed herewith and marked with the letter 'R-1'.

2. That this affidavit-In-Opposition is being filed in compliance to the Solemn Order dated 10.04.2024, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That before dealing with the statements made in original application it is pertinent to mention certain facts for the smooth adjudication of the instant original application.
4. That the Senchal Wild Life Sanctuary was established way back in the year 1915 and it is the oldest of such sanctuaries in the country and the only high hill sanctuary in the state of West Bengal.

The reserved forests comprising the sanctuary was declared as Senchal Wildlife Sanctuary vide Govt. Notification No. 10699- For,

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dated 18.11.1940. It was redeclared as Senchal Wildlife Sanctuary under sub section (1) of section 18 of Wild Life (Protection) Act, 1972 vide Govt. Notification No 5380-For., dated: Calcutta 24th June, 1976. Subsequently it has been declared as Senchal Wildlife Sanctuary under clause(b) of sub section (1) of section 26 of Wild Life (Protection) Act, 1972 (53 of 1972), vide Govt. Notification No.2773-For. /11B-23/98 dated 19th August, 1998.



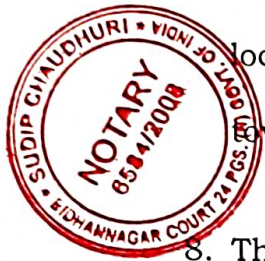
5. That Senchal falls a little North of Tropic of Cancer, between latitude 26°56'N and 27°00'N and longitude 88° 18'E and 88°20'E at an elevation of 1,500 mts to over 2600 mts. In the Civil District of Darjeeling. Senchal Wildlife Sanctuary has an area of 3,888 Ha (38.88sq.kms).
6. It is also stated that there is a very heavy amount of precipitation in this area. For its potential, Senchal is now considered to be the only hope for the source of drinking water to the township of Darjeeling. For its water supply Darjeeling town ship depends primarily on the three artificial lakes within the sanctuary which are fed by various natural sources and also through a number of pipelines from where the water reserved during monsoon rains is rationed to Darjeeling town.

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7. That the Senchal Wildlife sanctuary area is important not only for ecological and scientific reasons of research and preservation of the last remnants of gene pools of indigenous flora and fauna but its importance also lies in respect of the role it plays in the lives of the local inhabitants. It is the main stake for fresh water supply to the town and suburbs of Darjeeling.



8. There is no snow fed streams in this area. The sanctuary acts as a giant rain water retainer which collects and reserves rain water it receives during the rainy season for gradual and sustained supply of water to rainfed streams which are in turn tapped for maintaining water supply to the inhabitants of Darjeeling.

9. A large variety of interesting and important flora and fauna still exists amidst the forests of Senchal Wildlife Sanctuary. Many of the greatly endangered animals within the Senchal Wildlife Sanctuary.

10. That save and except those which are matters of record and which are specifically admitted by me herein below, each and every allegation, and/or contention, and/or submission, contained in the said Original Application, is denied and disputed as if the same is set out in seriatim herein and specifically traversed.

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11. That with regard to the statements made in paragraphs 1 to 8 of the original application it is stated that the same are matters of fact and record.

12. That with regard to the statements made in paragraph 9 of the original application it is stated that it is a matter of fact and record that the Senchel Wild Life Sanctuary is a protected area and with regard to the allegations that fouling and restrictive activities have now become rampant which causes damages to flora and Fauna it is stated that care is taken to protect the wildlife sanctuary in all aspects.

13. That with regard to the statements made in paragraph 10 of the original application it is stated Tiger Hill (2,595 mts) is located inside Senchal Wildlife sanctuary and is famous for its viewpoint of majestic Kanchenjunga Mountain in the early morning. The main attraction of tourists in this Sanctuary is in the form of early morning visitors to Tiger Hill from where the tourists get a unique and magnificent view of enchanting and colourful plays of sunrays on Kanchenjunga and Mount Everest in the early mornings. The Pavilion on top of Tiger Hill comes under the Catchment Block, comp 1 of Senchal West Range Jorebunglow beat, but is maintained by the GTA (Gorkha Territorial Administration), Tourism Department earlier known as the Darjeeling

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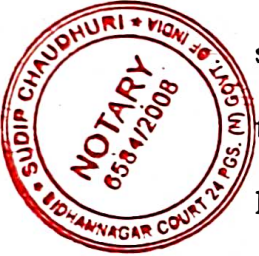
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Gorkha Hill Council (DGHC). The Pavilion dates back to the 1950's when it was under the Darjeeling Improvement Fund (DIF) and in 1984 it was handed over to the West Bengal Tourism department. In 1993 it was handed over to the DGHC vide notification being memo number WBTDG/XI-16/6 dated 1st October, 1993 and the pavilion was later renovated from a two storied open roof structure to a three storied one to accommodate a capacity of Maximum number of people that could stand and view the sunrise. There was a Super deluxe lounge on the top floor with a capacity of 40 people, the middle deluxe lounge with a sitting arrangement of 100 people and the ground floor with a capacity of 100 people. There was a long corridor in front from which the sunrise could be observed accommodating the rest.

Photocopy of the notification being memo number WBTDG/XI-16/6 dated 1st October, 1993 showing Tiger Hill being handed over by the West Bengal Tourism department to the Darjeeling Gorkha Hill Council (DGHC) is annexed herewith and marked with the letter "R-2".

14. That with regard to the statements made in paragraphs 11 of the original application it is stated The pavilion was dismantled under the GTA (Gorkha Territorial Administration) to accommodate much more tourists and was being done under the GTA, Darjeeling Special Engineering Division .The Executive engineer had started the work of

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the upgradation of the pavilion in 2015 but due to unknown reasons it was stopped in between.

Firstly, the alleged concrete structure is relatively small compared to the overall catchment area. Furthermore, the purpose of the concrete structure is not to impede water flow and does not hinder natural water courses or affect the catchment negatively. No new structure has been built inside the sanctuary, only redesigning of earlier existed structures are being done by GTA.



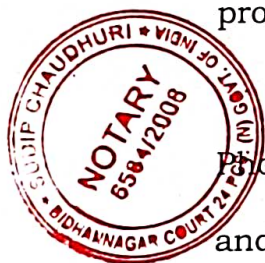
15. That with regard to the statements made in paragraph 12 of the original application it is stated that as per letter No DE-MW/SLG/GENERAL/17-18 Dt May 11 2017 of BSNL that it was having microwave installation at Tiger Hill from 1961 to 1962. Earlier it was the property of P&T Department. Later it came under the possession of dept of Telecommunication. BSNL has informed that from 01-10-2000 it came under its possession. The communication towers existed on tiger hill since 1961. Divisional Forest Officer Darjeeling Wildlife Division Part of the area used to be managed by Tourism wing of Darjeeling Ghorkha Hill Council. DGHC has leased out open space for installation of cellular towers at Tiger Hill to Indus Towers for a five-year term vide an agreement with effect from 1st April 2010- 31st March 2015. DFO Darjeeling Wildlife Division had

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requested Secretary tourism, Gorkhaland Territorial Administration to cancel the lease vide his memo no 166/WL/13-5 dated 17-02-2015. It was also requested to remove the towers by DFO vide memo no 1279/WI/13-5 dated 01-09-2015. With the expiry of the lease, given by DGHC, a letter was sent to the Secretary, Tourism Department by DFO, DWLD to cancel the lease to Indus Towers and to submit the proposal under FCA 1980 for utilization or transfer of land.



Photocopies of the Agreement dated 1st April 2010- 31st March 2015 and letters dated 17.02.2015 and 01.09.2015 written by the Divisional Forest Officer (DFO) Darjeeling Wildlife Division, written to the Secretary tourism, Gorkhaland Territorial Administration are collectively annexed herewith and marked with the letter "R-3".

16. That with regard to the statements made in paragraph 13 of the original application it is stated that the human settlement began in Tiger Hill primarily due to the Devi Mandir and tourism to manage tourism and the installation of the Towers at the Pavilion. There are two employees who currently live in the Pavilion complex with their families and have been living since 1976. All the houses are connected to a septic tank. The waste is segregated and disposed accordingly.

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1. (i) Hemu Dukpa (Employee of BSNL)

(ii) Tenzing Dukpa

(iii) Sonam Dukpa

(iv) Alisha Rai

(v) Leden Dukpa



2 (i) Dawa Sherpa (Employee of BSNL)

(ii) Passang Diki Sherpa

(iii) Wangel Sherpa Divisional Forest Officer Darjeeling Wildlife Division

3 (i) Deepak Chettri (Care taker of the Devi Temple living since the 1970 with his extended Family)

(ii) Sandip Chettri,

(iii) Aruna Chettri,

(iv) Kritika Rai,

(v) Aradhya Chettri,

(vi) Atharva Chettri

(vii) Pranab Tamang,

(viii) Pooja Rai,

(ix) Nirvaan Tamang.

(x) Sanjay Chettri,

(xi) Rita Rai

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(xii)Pranesh Tamang

4. (i) Lokey Thakuri (Tourism caretaker)

(ii) Shila Thakuri Iii Binit Thakuri At the chalet there are two families both residing since 1974 who are employees of the Tourism Department.

5. Santey Tamang (Caretaker of the Chalet)

(i) Anju Tamang iv Mukesh Rai

(ii) Tshegdel Tamang v Myra Rai

(iii) Nima L amu Tamang

(iv) Tshoppel Tamang

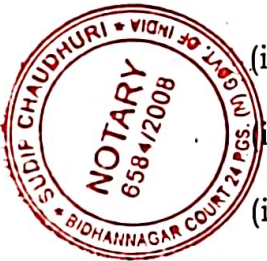
6. Phurba Dukpa

(i) Ranjita Dukpa

(ii) Wangchuk Dukpa

(iii) Wangyal Dukpa

The Senchal Devi Mandir also known as the Singa Devi sthan stands as a symbol of reverence and fear. Going back to the history of the place mostly based on the accounts of the elders living for generations around the area, it was discovered by a "Jhakri " or Shaman much before the British force established their cantonment in 1844 atop the Senchal following which the Hill came to be considered the abode of the Devi.



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Tiger Hill in fact is a British construct, in the Hindu Mythology Singha (Tiger) is considered as Devi Durga's wahan, hence the hill came to be known as Singha Anchal or Senchal. In the early days, people used to worship the main sacred shrine by performing blood offerings of the animals like goats to appease the goddess but later, on the request of the renowned Zetah Rinpoche who advocated to end the blood offerings, the people agreed and only the animals were brought to the devi to show the face and later slaughtered away from the temple. Another narrative is that the British cantonment atop the hill used to eat meat and create a lot of disturbance to the sanctity of the place, so the Devi in her anger wiped out the entire platoon with disease and death ultimately forcing the British to change the place of their forces. Such interesting narratives are plenty. Much later after the agitation in 1987 the locals pooled together money and formed a Mandir Nirman Committee. This committee has transitioned to the Mandir Sanchalan Committee and continues to take care of every aspect related to the Singam Dham stan. Today people from different faiths from various parts of Darjeeling and abroad head to Senchal Devi Stan throughout the year with offerings to pay their respects and prayers for the safe keeping of their families and for the fulfilment of their wishes. Senchal Devi Sthan is not only a place of worship but the beliefs of the people, the mystical and spiritual stories, the reverence and venerations towards the place, deities and much more.



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In 2021 with the starting of the "Plastic Free Campaign" in Senchal, the Devi sthan started the campaign of no plastic offerings to the devi.

17. That with regard to the statements made paragraph 14 of the original application it is stated that Tourism in Senchal wildlife sanctuary is solely based on Tiger hill. The Tiger hill has been used by tourist since 1960s to get a unique and magnificent view of enchanting and colourful plays of sunrays on Kanchenjunga and Mount Everest in the early mornings. Thousands of tourists visit the tiger hill during tourism season which is from November to May. In order to provide hygienic sanitary facilities for visiting tourists DGHC has constructed toilets and also Forest Department had provided toilets at Nature interpretation centre. The toilets have been provided with septic tanks, so that the waste is not discharged into sanctuary and pollute the watershed. Similarly, all the households have been provided with septic tanks. Darjeeling wildlife division has requested the concerned authorities to fix any league in sewerage system. In order to address the issue Darjeeling Wildlife division, which manages the sanctuary is planning to install bio toilets to keep the sanctuary hygienic and safe from discharges.

18. That with regard to the statements made paragraph 15 of the original application it is stated The "Plastic Free Senchal" Campaign



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was launched in 2021 to beat the plastic pollution. In fact talks were held with various stake holders like drivers, travel agents, tea sellers and even vendors selling puja items to help implement this initiative. Drop boxes were set up at the check post to deposit plastic items or packaged food which could be collected on the way back. The first step taken was the ban of paper cups for drinking tea in the morning at Tiger Hill which was the main pollutant. The transition from Paper cups to Matkas was a smooth one. Various NGO'S, school students, Buddhist monks and self-help groups were involved in the clean-up drives organized by the Forest Department and till date these cleanliness drives are going on. Segregation of waste is done and recyclable materials are sent for recycling. Several NGOs, foundation such as Tieddi foundation assist the forest department, in plastic removal from sanctuary area and also in recycling the plastic waste. Recently plastic removal drive was taken up and all along the tourists places the plastic found inside the sanctuary limits was collected and handed over to Tieddi foundation for recycling. At the check post the vehicles are checked for plastic and are collected and returned to visitors on their return journey. Divisional Forest Officer Darjeeling Wildlife Division Some Signboards have been placed to create awareness on "Plastic Free Senchal", Divisional Forest Officer Darjeeling Wildlife Division.



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19. That with regard to the statements made paragraph 16 of the original application it is stated that the new construction as alleged is neither rest house nor museum. It does not have any rooms to house guest or tourists. It is a nature interpretation centre. The Nature Interpretation Centre is located in the Catchment Block comptt 1 of Senchal Wildlife Sanctuary. It was not built during covid and dates back to 2004. It was constructed in 2003-2004. Senchal Wildlife sanctuary does not have an interpretation centre for visitors. A nature interpretation centre for both tourists and the sanctuary. It fosters a deeper connection with nature, promotes responsible tourism practices, generates revenue for conservation, and elevates the sanctuary's role as an environmental steward. The NIC interprets nature and provides information relating to the wilderness present in the sanctuary, the flora and fauna and the forest dwellers, enabling a better understanding of the intricacies associated with the forest and its inhabitants. Presently the structure of the building is strong and in good condition, but requires renovation like plastering of ceiling and walls with damp proof and repairing of roof to prevent seepage of water during the rainy seasons. Paintings, electrifications and other minor repair works needs to be done. The NIC Complex also holds a Rhododendron arboretum in which 12 varieties of Rhododendrons are planted. The main objective of this arboretum was to impart knowledge about the various rhododendron species found in our



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Darjeeling Hills. To facilitate the study of the different varieties in one place which is otherwise physically not feasible.

20. That with regard to the statements made paragraphs 17 to 19 of the original application it is stated in the year 1906 an area of 34 acres lying within the catchment area of the Darjeeling Municipality water works was leased to the Darjeeling Golf Course for a period of 30 years vide the letter from the Chief Secretary to the Government of Bengal No 1209 dated 06.03.1906, but the land in question would continue to be reserved forest. Only the management was transferred from the Forest Department to the Deputy Commissioner, Darjeeling. In 1927 vide letter No 2662 dated 19th Feb 1927, the lease of the land was extended for another twenty years on the same terms and conditions. In 1947 lease on the land lapsed and lease was not extended further and the status of land remained as Reserve Forest. A proposal for golf course and tourist hut on the said land was sent by the District Magistrate Darjeeling vide memo No 327 /1/3/DIF Date 3/5/2018 to the Principal Secretary Tourism Department and the same was forwarded to the Principal Secretary, Department of Forest ,the PCCF Wildlife vide memo no 1134/WL/2W-665/2012 Date 11.05.2018 informed the concerned departments that as the lease on the land was not renewed and as it was declared as part of the Senchal Wildlife Sanctuary vide Notification No 2773-For 11 B-23/98



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Dated 19.08.1998. so accordingly the area claimed to be recorded to be with DI Fund Darjeeling continues to be a Reserve Forest and stands declared as part of the Senchal Wildlife Sanctuary. Tiger Hill is famous worldwide for its sunrise. The blaze of rapidly changing colours of the snow peaks as the sun strikes the colossal Mt Everest and Kanchanjunga and the other eastern Himalaya peaks is a once in a life time experience. To view this captivating and mesmerising sight the cars with the tourists start arriving at 3 am by the time it is 4 am the road leading to the Pavilion is chock - a - block with vehicles. During peak season the number of cars arriving in the morning are around 500 Numbers. The cars are parked in a queue on the road both ways and there is always a traffic jam so in case of medical emergencies it becomes a nightmare to navigate down the hills. To mitigate these problems an area has been identified to park the cars. The areas designated for parking are open area or erstwhile golf course. To ease the movement of cars and to prevent them from getting stuck in the mud, it is just levelled and a single layer of stone soiling has been done. The parking area is just a small area out of total 34 acres of gold course. Plantation also been taken to reforest the area. Divisional Forest Officer Darjeeling Wildlife Division The place on which I LOVE SENCHAL has been placed was earlier a picnic spot, people from far and near used to come here and enjoy the nature and forest. With the establishment of the Check post at the entrance of the



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sanctuary things started coming under control but littering was still a major problem in that place. With the help of the major stakeholders and NGOs cleanliness drives were conducted, it was at this point that the idea of I LOVE SENCHAL was conceived. This was to create a sense of belonging to the place so that the people would at least think once before littering and spoiling the beauty of the place. This became an ideal spot for eco-tourism and people from all over came not only to see the sunrise but also make and take back memories of I LOVE SENCHAL with the majestic Kanchanjanga in the backdrop. Slowly littering has reduced and people have identified with the place and is one of the most sought out place in Tiger Hill. This is to create sense of belongingness among visitors.

Photocopy of the Notification No 2773-For 11 B-23/98 Dated 19.08.1998 as above referred to is annexed herewith and marked with the letter "R-4".

21. That with regard to the statements made in paragraph 20 of the original application it is stated that vide Order No 17169 G.E Date 10.09.1968 from the Board of Revenue, wherein two Darjeeling improvement Fund (DIF) Bunglows at Senchal were transferred to the Directorate of Tourism. Accordingly, on 1.10.1968 the bunglows were handed over to the Deputy director of Tourism, Darjeeling and formal

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transfer proposal together with the valuation of the structure and land was sent to the commissioner, Jalpaiguri under Addl Deputy Commissioner No 1750 EA dt 17.10.1970. The chalet as it was known comprised of three rooms double bedded and two dormitories. This was under the DI Fund which was later handed over in the year 1986 to the West Bengal Tourism Development Corporation and later to the tourism department. During the 1986 there was agitation for a separate state for Darjeeling, the chalet was burnt down as government property by the agitators and was never rebuilt. In a letter with ref to memo no 327(1)/(3)/DIF date 03.05.2018 from the D.M Darjeeling to the Principal Secretary, department of Tourism ,West Bengal there was a proposal to rebuild the Tourist huts , a copy of which was sent to the DFO, Darjeeling Wildlife Division which was then forwarded to the PCCF ,Wildlife & CWLW, who vide memo no 1134/WL/2W-665/2012 date 11.05.2018 informed the concerned departments that as the lease on the land was not renewed and as it was declared as part of the Senchal Wildlife Sanctuary vide Notification No 2773-For 11 B-23/98 Dated 19.08.1998, so accordingly the area claimed to be recorded to be with DI Fund Darjeeling continues to be a Reserve Forest and stands declared as part of the Senchal Wildlife Sanctuary. The abandoned building is small structure to cause any impediment in rain water percolation.



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Photocopy of the memo no 1134/WL/2W-665/2012 Dated 11.05.2018 is annexed herewith and marked with the letter "R-5".

22. That with regard to the statements made in paragraph 21 of the original application it is stated that there are no burnt trees near the parking or near supposed Nature interpretation centre. These are old tress which have died and are still standing. They are acting as snags and can be seen on the way down from the parking lot which the common people may mistake it as burnt trees. These snags offer a perfect roosting place for the Raptors, other birds and are often sighted there. They serve as habitat for birds etc. A high volume of tourists visiting a natural sanctuary presents both opportunities and challenges. While tourism can boost the local economy, it can also strain the ecosystem and leave visitors with a limited understanding of the sanctuary's unique features. Establishing a nature interpretation center offers a win-win solution by enhancing the visitor experience while promoting environmental protection. Tourist fees directly contribute to the local economy, supporting businesses, shops, and service providers. This increased income can improve livelihoods and reduce poverty. The revenue from tourist entry is used for sanctuary conservation efforts and some percentage is shared with Joint Forest Management Committee (JFMCS). Approximately 12 number of people employed from local areas to manage entry,



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regulation, enforcement and collection of fees Infrastructure Development: Tourism revenue can be directed towards improving infrastructure in the surrounding areas, such as roads, sanitation, and waste management. This not only benefits tourists but also enhances the quality of life for residents.

23. That with regard to the statements made in paragraph 22 of the original application it is stated that by limiting the number of tourists visiting the viewpoint per day reduces the overall environmental impact. This allows for better management of waste and minimizes disruption to the natural habitat.

24. That with regard to the statements made in paragraph 23 of the original application it is stated that a portion of the tourist fees can be allocated towards environmental conservation efforts. This could include funding for park rangers, ecological research, and habitat restoration projects.

It is also stated that implementing educational programs for tourists can promote responsible behavior, such as staying on designated trails and minimizing waste generation. The hillock is the cornerstone of our town's economy, attracting tourists and generating revenue that sustains our community. Denying access would cripple local



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businesses and livelihoods. This note proposes a plan for responsible tourism that allows visitors to enjoy the hillock while protecting its natural beauty.

Curtailing tourism would have a devastating impact on the entire community, the hillock is not just a scenic vista; it's the lifeblood of town's economy. Responsible tourism that prioritizes both economic well-being and environmental protection is the key to a sustainable future. By working together, atleast it may be ensured that the hillock continues to be a source of pride and prosperity for generations to come. The centre can provide interactive exhibits, educational programs, and guided tours that explain the sanctuary's ecological significance, flora and fauna, and ongoing conservation efforts. A nature interpretation centre is a strategic investment that benefits both tourists and the sanctuary. It fosters a deeper connection with nature, promotes responsible tourism practices, generates revenue for conservation, and elevates the sanctuary's role as an environmental steward. By investing in education and awareness, a sustainable future can be ensured for this valuable natural treasure.

25. That with regard to the statements made in paragraph 24 to 27 of the original application it is stated that decision in this regard is

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required to be taken by the State Government in consultation with the District Administration.

26. That with regard to the statements made in paragraph 28 of the original application it is stated that this deponent does not comment on the same.

That with regard to the statements made in paragraph 29 of the original application it is stated that the same are matters of record.

28. That with regard to the statements made in paragraph 30 of the original application it is stated that this deponent does not comment on the same.

29. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice.

Identified by me

Sibojati Chakrabarti

Advocate 05.09.2024

State of West Bengal

Anirban Chatterjee

Deponent

Anirban Chatterjee, WBCS (Exe)
Additional District Magistrate (Dev)
Darjeeling

S. Chaudhuri
S. CHAUDHURI
* NOTARY *
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs

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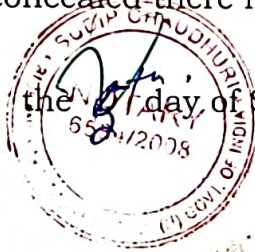


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VERIFICATION:

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

Verified at *Kolkata* on the *05* day of September, 2024.



Identified by me

Sibojyoti Chakrabarti
Advocate *05.09.2024*

State of West Bengal

Anirban Chatterjee

Deponent

Anirban Chatterjee, WBCS (Exe)
Additional District Magistrate (Dev)
Darjeeling

S. Chaudhuri
S. CHAUDHURI
* NOTARY *
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs

05 SEP 2024

"Anirban - R-1"



-27-

Government of West Bengal
Office of the District Magistrate, Darjeeling
District Environment & Biodiversity Section
e-Mail : oc.environmentdarj@gmail.com

Dated: 30/08/2024.

Memo No. 108 /Env-NGT/2024

From : The Collector & District Magistrate,
Darjeeling.

To : Mr. Sibojyoti Chakraborty,
Ld. Advocate,
Hon'ble National Green Tribunal,
Eastern Zone Bench,
Kolkata.

Sub : Authorization letter to file Affidavit regarding Hon'ble NGT No. OA 80/2024/EZ.

Sir,

I do hereby authorize Shri Anirban Chatterjee , W.B.C.S. (Exe.), Additional District Magistrate (Dev), Darjeeling to file the Affidavit in connection with above mentioned subject before the Hon'ble National Green Tribunal on behalf of the Collector & District Magistrate, Darjeeling whose signature is attested here below :

Anirban Chatterjee

(Signature of Shri Anirban Chatterjee)

Attested

District Magistrate,
Darjeeling.

Yours faithfully,

District Magistrate,
Darjeeling.

Ammanuro - ~~BEA~~ R - ~~X~~ - ~~X~~ -

West Bengal Tourism Development Corporation Ltd.
(A Government of West Bengal Undertaking)

NETAJI INDOOR STADIUM CALCUTTA 21

SHRI M L SAHA WBCS (EXE.)
GENERAL MANAGER.

NO: /WBTDG/XI-16/6 1st OCTOBER 1993

Zonal Manager(N)
WBTDG Ltd.
1 Nehru Road
DARJEELING.

With reference to his letter No. ZMN/138/THTL/93-94 dated 19-8-93 and ZMN/155/THTL/93-94 dated 13-9-93 the undersigned is to request him to arrange for handing over Tiger Hill Tourist Pavillion to the Principal Secretary, Darjeeling Gorkha Hill Council, Darjeeling, with effect from 1-10-93. The letter No. 1131/WBTDG/XI-16/6 dt. 29-9-93 in this respect may be treated as cancelled.

M. L SAHA
GENERAL MANAGER

NO: 1147(1) /WBTDG/XI-16/6 1-10-93

- Copy to (1) Principal Secretary, Darjeeling Gorkha Hill Council, Darjeeling;
- (2) Tourist Officer, Tourist Point, Cal-1
- (3) FA&CAO, WBTDG Ltd.

M L SAHA
GENERAL MANAGER

INDIA
DESTINATION OF THE ...

Phone : 54050

WBST BANGLA TOURISM DEVELOPMENT CORPORATION, LTD
OFFICE OF THE ZONAL MANAGER(NORTH)
1, Nehru Road, Darjeeling.

ZMR/ ((THTL)93-94 dated, Darjeeling the November'93

We, the undersigned do hereby hand over and take over possession of the Tiger Hill Pavilion building and the land showing the plinth area with all fixture & furniture in terms of W B T D C Memo.no.1147/WBTDC/II-16/6 dt 18th Oct'93 of General Manager, WBTDC. Furniture contains 25 cane chairs.

TIGER HILL PAVILION

- | | | |
|--|--------------|--|
| A. Pavilion- Old portion | 1080 sqft | } Two storied RC Building with
() R C floor, walls Roof etc. |
| Extended portion | 340 sqft. | |
| B. Chowkidar's quarter | 324 sqft. | D.R.M plinth wall, wooden floor, wooden wall and G I Roof. |
| C. Latrine | (1) 600 sqft | } R C Latrine |
| | (2) 600 sqft | |
| D. Car Stand | 5000 sqft | Stone Revetment wall, stone soling, metalling and tar painting to surface with G I pipe railing with R C post all round. |
| E. Land | 0.438 Aqfs | |
| F. All other land attached to the Pavilion as per schedule. The land schedule is not available at present. The same will be verified later on. | | |

Handed over

Operational Manager (M)

West Bengal Tourism

Development Corporation Ltd

ZMR/ (1)(THTL)93-94

Taken over

dated, Darjeeling the November'93

Copy to:

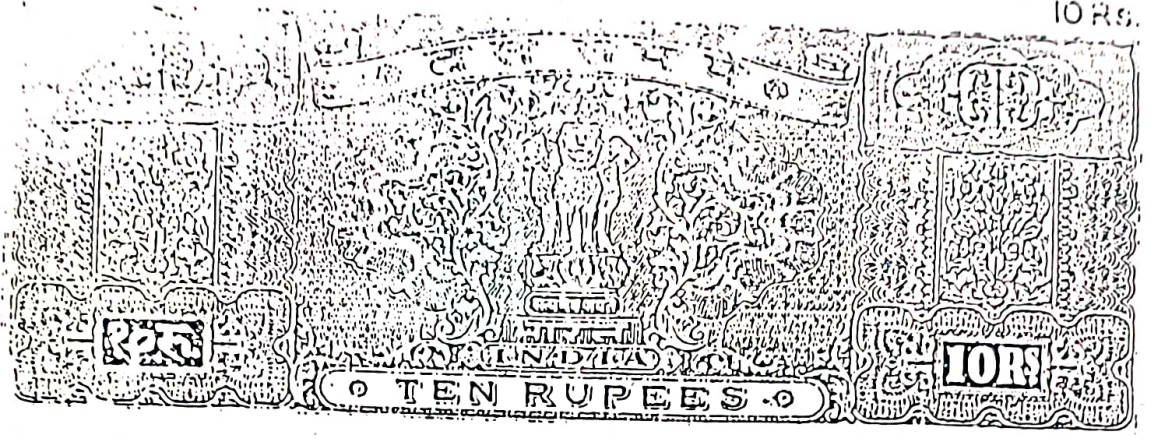
1. PA & CAG, WBTDC, Calcutta.
2. General Manager, WBTDC, Calcutta.
3. P.S & CEO, DOHC, Darjeeling.
4. Tiger Hill TL guard file.

Assistant Director of Tourism,
Darjeeling Gurkha Hill Council

DARJEELING

(M. P. Subba)

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In terms of order no. 1217-DT/5 T-28/2002 dated 13th June 2002 of the Tourism Directorate, Government of West Bengal and Memo No. DGHC/TOUR/232/THTL/2002 dated 26th August 2002 issued by the Principal Secretary, Darjeeling Gorkha Autonomous Hill Council, the property of the Govt. of West Bengal under the name and style of Tiger Hill Tourist Lodge located at the Senchal Pasture (Catchment Area) of Tiger Hill, Darjeeling, on an area of 31.85 acre of land of which 2 (two) acres belong to the Tourism Department, Govt. of West Bengal and the balance 29.85 acre in land by the Administrator D. I. Fund, Darjeeling is handed over to the Darjeeling Gorkha Autonomous Hill Council on this day, the twentieth of September two thousand and two by the West Bengal Tourism Development Corporation Limited on behalf of the Department of Tourism, Govt. of West Bengal.

The property comprises, besides 31.85 acres of land as mentioned in the foregoing paragraph, two damaged building structures popularly known as the 'Club House' and the 'Challet'.

Along with the property as agreed to between the Govt. of West Bengal and the Darjeeling Gorkha Autonomous Hill Council and as mentioned in Memo No. DGHC/TOUR/232/THTL/2002 dated 26-08-2002 referred to herein before, the 7 (seven) staff of the West Bengal Tourism Development Corporation Ltd., at present posted at Tiger Hill Tourist Lodge which was hitherto being run by it, as listed in Annexure 'A' to this document, are also transferred to the D.G.A.H.C with effect from 1st October subject to completion of all formalities relating to such transfer of service.

Contd. ----- P/2.

Handwritten notes and a signature-like scribble on the left margin.

A small circular stamp or mark on the left margin.

Vertical handwritten text on the left margin.

(1- 2 :-) - X -

Execution of a formal deed of transfer will follow this document of physical handover of the property of Tiger Hill Tourist Lodge effected this day of 20th September 2002.

Property taken over

Property handed over

20/9/02
Assistant Director of Tourism
Darjeeling Gorkha Hill Council
Darjeeling

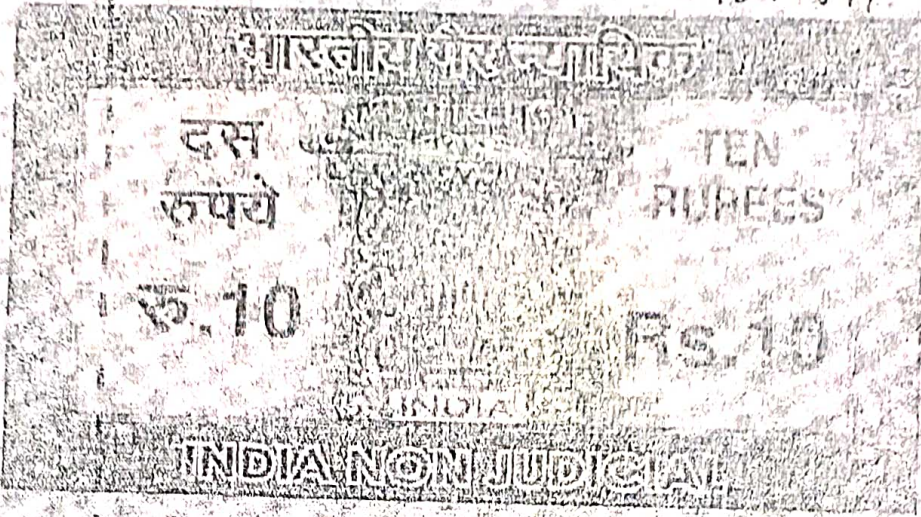
20/9/02
(Sudhakar Gangulee)
W.B.A. & A.B.
General Manager (Finance & Accounts)
W.B Tourism Dev Corp Ltd.

signed and delivered in the presence of:-

- (1) *K...*
Executive Engineer
Tourism Engineering Cell
Darjeeling Gorkha Hill Council
- (2) *S...*
Manager
Tiger Hill Pavilion Top
DGHC TOURISM
Darjeeling

(1) *S...* 20/09/02
Operational Manager (North)
W. B. Tourism Dev. Corp. Ltd.

(2) *M...*
Manager
Darjeeling Tourist Lodge
West Bengal Tourism Dev. Corp. Ltd.



AGREEMENT TO BE EXECUTED BY LESSEE-INDUS TOWERS LIMITED, KOLKATA UNDER TOURISM DEPARTMENT, DARJEELING GORKHA HILL COUNCIL (DGHC).

This agreement is being entered on this day of 01 April, 2010 (Thursday) by & between Indus Towers Limited DLF-II, Park, 5th floor, Tower 'A', 8 Major Aerial Road Block-AF, New Town, Rajarhat, Kolkata - 700 070, herein after called the lessee of opened spaces for installation of cellular tower at Tiger Hill, Darjeeling & the Eagle's Crack, Kurseong.

AND

The Secretary, Tourism Department, DGHC, Darjeeling called the lessee of opened spaces for installation of cellular tower at Tiger Hill, Darjeeling & the Eagle's Crack, Kurseong.

That the petition of the Indus Towers Limited, Kolkata has been accepted for the period of 05 five years regarding leasing of opened spaces situated at Tiger Hill, Darjeeling & Eagle's Crack, Kurseong under this department with effect from 1st April, 2010 to March 31, 2015, on the following terms & conditions



1. The lease amount of the opened spaces of tiger hill, Darjeeling & eagle's crack, Kurseong are fixed @ Rs.2,00,000/- (Rupees two lakhs & forty thousand) only per annum i.e. Rs. 10,000/- (Rupees ten thousand) only for each space. The lessee will pay this amount in a 12 (twelve) equal installment. As an advance, the 30 (thirty) month's lease amount i.e. Rs.6,00,000/- (Rupees six lakhs) only have to be deposited at the CRR account of DGHC (Finance Department) after execution of the final agreement between the department & the lessee. After completing the 06 (six) months as mentioned above, the lessee shall pay remaining 2nd installments within 15 (fifteen) days of the following month i.e. September, 2010. If failed, Rs.500/- (Rupees five hundred) only per month will be charged as an interest of the lease amount.
2. Term of lease of opened space shall be for five year, renewable at the discretion of the tourism department, DGHC, Darjeeling.

Contd. on page 2

- 3. The lease is not transferable. In case of lease is transferred to the third party, the same shall stand cancelled forthwith. The lessee shall apply to the Director of lease of ground space one month before the date of expiry of the said lease.
- 4. The Tourism Department, DGHC reserves the rights to cancel the lease in case of failure to deposit the lease amount after giving a notice of 01 (one) month.
- 5.
- 6. The lessee shall obtain permission from the police & surrounding if and will also be responsible for the security of the property of the Tourism Department, DGHC situated in Tiger Hill, Darjeeling & Eagle Creek, Kurseong.
- 7. The lessee shall not sell provide alcoholic drinks within the Tiger Hill & Eagle Creek premises. In case sale of alcoholic beverages is detected, the lease shall be cancelled forthwith without giving notice.
- 8. The above terms & conditions are not exhaustive, and any additional terms and conditions as required and considered applicable shall be notified to the lessee and enforced.
- 9. The lessee will not be allowed to erect any additional work outside of the allotted space of the lease. In Darjeeling & Eagle Creek & Kurseong shall be unless the lessee will obtain the written permission from the Secretary, Tourism Department, DGHC, Darjeeling.
- 10. In case of the non-compliance of any one of the terms & conditions as stated above the tourism department, DGHC shall cancel the lease after notifying the same to the lessee.
- 11. The India Unwired Limited will be responsible for maintaining the environment of the proposed sites. The lessee (where limited) is also responsible for legal & necessary clearance, if needed.
- 12. In acceptance of the above terms & conditions, the lessor and the lessee have set their hands to this agreement of lease on the date & as per first writing above.



Signed and sealed by
 India Unwired Limited
 Site, Kurseong, Kurseong
 Kurseong

Signed by lessor

[Signature]
 16/09/18

Secretary
 Tourism Department
 Darjeeling
 Kurseong

WITNESS

[Signature]

Memo No. **562(9)SFCY/TRA/DGHC/DAR** Date: **16/09/2018**

Copy for information:

- 1) The Administrator, DGHC, Council House, Kurseong, Darjeeling.
- 2) The Principal Secretary, DGHC, Council House, Kurseong, Darjeeling.
- 3) The Secretary, Finance Department, DGHC, Council House, Kurseong, Darjeeling.
- 4) The Secretary, Establishment Department, DGHC, Council House, E-1 Complex, D.
- 5) The Secretary, Kurseong Branch Secretariat, DGHC, Kurseong.
- 6) The Executive Engineer, Darjeeling Engineering Division, DGHC, Darjeeling.
- 7) The Executive Engineer, Kurseong Engineering Division, DGHC, Kurseong.
- 8) The Assistant Director of Tourism, Tourism Department, DGHC, Darjeeling.

RECEIVED

Secretary
 Tourism Department
 Darjeeling
 Kurseong

[Signature]
 16/09/18

Typed Copy

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INDIAN NON JUDICIAL MAGISTRATE OF
RS 10/-

AGREEMENT TO BE EXECUTED BY LEESEE-INDUS TOWERS LIMITED,
KOLKATA UNDER TOURISM DEPARTMENT, DARJEELING GORKHA HILL
COUNCIL (DGHC)

This agreement is being entered on this day of 01 April 2010 (Thursday) by & between Indus Towers Limited DLF II, Park, 3rd Floor, Tower-A, 8- Major Arterial Road, Block-AF, New Town, Rajarhat, Kolkata 700070 herein after called the Lessee of opened spaces for installation of cellulor Tower at Tiger Hill, Darjeeling & the Eagle's Crack, Kurseong

AND

The Secretary, Tourism Department, DGHC, Darjeeling called the Lesser of opened spaces for installation of cellulor tower at Tiger Hill, Darjeeling & the Eagle's Crack, Kurseong

That the petition of the Indus Towers Limited Kolkata has been accepted for the period of 05 five years regarding leasing of opened spaces situated Tiger Hill, Darjeeling & Eagle's Crack, Kurseong under this department with effect from 1st April, 2010 to March 31, 2015 05 five years on the following terms & conditions.

1. The lease agreement of the opened spaces of tiger hill, Darjeeling & Eagle's Crack, Kurseong are fixed at Rs 2,40,000/- (Rupees two lakhs & Forty thousand) only per annum i. e Rs 10,000- (Rupees Ten Thousand) only for each space. The lessee will pay this amount in a 02 (two) equal installment. As an advance the 30 (thirty) month's lease amount i. e Rs 6,00,000/- (Rupees Six lakh) only have to be deposited at the CRR Account of DGHC (finance deptment) after execution of

- 25 -

the final agreement between the department and the lessee . After completing the 06 six months as mentioned above the lessee will pay another 2 (two) instalments within 15 (fifteen) days of the following month i.e september 2010. If failed Rs 5--/- (Rupees Five Hundred only) per amount will be charged as per interest of the lease amount.

2. Terms of Lease of open space shall be for five year, renewable at the discretion of the tourism department, DGHC, Darjeeling.
3. The lease is not transferable. In case of the lease is transfer to the third party the same shall be considered forfeited. The lessee shall apply for renewal of the lease of the open space one month before the date of expiry of the said lease.
4. The Tourism Department, DGHC, reserves the right to cancel the lease in case of failure to deposit the lease amount after giving a notice of one 1 (month) date.
- 5.
6. The lessee shall always maintain both inside and surrounding it and will also be responsible for the security of the property of the tourism department, DGHC situated at Tiger Hill, Darjeeling & Eagle Crakes Kurseong.
7. The lessee shall not sale provide alcoholic drinks within the Tiger Hill and Eagle Crakes premises. In case sale of alcoholic beverages is detected the lease shall be canceled forthwith without giving notice.
8. The above terms and condition are not exhaustive and additional terms and conditions as required and considered applicable shall be informed to the lessee and enforced.
9. The lessee will not be allowed to construct/ erect any additional work inside of the allotted space of the Tiger Hill, Darjeeling & Eagles Crake , kourseong until and unless the lessee not obtained written permission from the Secretary, Turisim Department, DGHC, Darjeeling.
10. In case of the non- compliance of any of the terms and conditions as stated above, the Tourism Department, DGHC shall cancel the lease after modifying same to the lessee.
11. The Indus towers limited will be responsible for maintain the environment of the proposed sites. The Indus Towers Limited is also responsible for legal and technical Clarence if needed.

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12. In acceptance of the above terms and conditions, the leaser and lessee have sat their hands with the agreement of lease on the date & years first written above.

Signature of Lessee

S/D

Indus Tower Limited
New Town, Rajarhat
Kolkata

Signature of the Lesser

S/D

(T.D.Sherpa)
Secretary
Tourism Department
Darjeeling, Gorkha Hill Council,
Darjeeling

Memo No- 1582 (B) /SECY/TRM/DGHC/ DARJ DATED APRIL 01 2010

1. Administrator, DGHC, Council House, LalkOthi, Darjeeling
2. The Principal Secretary, DGHC, Council House, Lalkuthi, Darjeeling
3. The Secretary, Finance Department, DGHC, Council House, Lalkuthi, Darjeeling
4. The Secretary, Establishment Department, DGHC, Council House, IJ Complex, DJ
5. The Secretary, Kurseong, Branch, Secretariat, DGHC, Kurseong
6. The Executive Engineer, Darjeeling Engineering Division, DGHC, Darjeeling
7. The Executive Engineer, Kurseong Engineering Division, DGHC, Kurseong
8. The Assistant Director of Tourism, Tourism Department, DGHC, Darjeeling

S/D

-(T.D.Sherpa)

Secretary

Tourism Department
Darjeeling, Gorkha Hill Council,
Darjeeling



Annexure - R(A) 3

- 3A -

Government of West Bengal
Office of the Divisional Forest Officer,
Darjeeling Wildlife Division
Meadow Bank Road, Darjeeling, 734101
Tel/Fax: 0354 2257314, email: dfowildlife1@gmail.com

No. 166/WL/13-5

Date: 17/02/2015

To

The Secretary

Tourism Department

Gorkhaland Territorial Administration, Darjeeling

Sub: Leasing of open space for installation of cellular tower at Tiger Hill

Ref: Lease agreement between your office and Indus Tower Limited, Kolkata vide your office memo no 156/2(6)/SECY/TRM/DGHC/DARJ dated 01-04-2010; Your office memo no 138/FINANCE/(SECY)/TRM/DGHCC/DARJ dated 16-03-2010.

It is seen that a cellular tower has been installed in open space in Tiger Hill. On enquiry at the tower station it was learnt that the permission for installation of the tower has been given by the then Secretary, Tourism Department, Darjeeling Gorkha Hill Council, Darjeeling vide the above mentioned memos and the tourism department is presently with Gorkhaland Territorial Administration. The land has been given on lease to INDUS TOWERS LIMITED KOLKATA for 5 years for installation of cellular tower.

However, after field enquiry it is found that the area is under Catchment Area block of Sanchal Wildlife Sanctuary as per the Gazette Notification No. 5380-For dated 24th June 1976 under Sub Section (1) of section 18 of Wildlife (Protection) Act 1972 and Government Notification No 2773-For 11B-23/98 dt 19th August 1998. In this case as per the Forest Conservation Act 1980, for utilization of this land for any Non Forestry works permission from Competent Authority is required to be taken as per the laid down government procedure. This applies even for leasing out the land.

Hence, you are requested to cancel the lease and take steps to remove the cellular tower from the wildlife sanctuary and user agency is required to submit their proposal to the competent Authority under Forest Conservation Act 1980 for utilization or transfer of the land or taking the land on lease.

Encl: As mentioned in Reference

Sd/- Dr. Bharatraj S. H.,

Divisional Forest Officer
Darjeeling Wildlife Division



Government of West Bengal
Office of the Divisional Forest Officer,
Darjeeling Wildlife Division
Meadow Bank Road, Darjeeling, 734101
Tel/Fax: 0354 2257314, email: dfowildlife1@gmail.com

Admission - RLB B 163

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No.1279/WL/13-5

Date: 01-09-2015

To
State Manager
Indus Towers Limited
Godrej Waterside Building, 8th Floor,
Tower 1, Plot-5, Block DP, Sector V
Salt Lake City, KOLKATA-700091

Sub: Cellular Tower at Tiger Hill inside Senchal Wildlife Sanctuary

Ref: Lease agreement between the then Secretary Tourism department, DGHC and Indus Tower Limited, Kolkata vide the then Secretary Tourism DGHC's office memo no 156/2(6)/SECY/TRM/DGHC/DARJ dated 01-04-2010; the then Secretary Tourism department, DGHC office memo no 138/FINANCE/(SECY)/TRM/DGHCC/DARJ dated 16-03-2010; this office memo No 166/WL/13-5 dated 17-02-2015.


Sir,

Refer to this office memo No 166/WL/13-5 dated 17-02-2015. It is seen that a cellular tower has been installed in open space in Tiger Hill. On enquiry at the tower station it was learnt that the permission for installation of the tower has been given by the then Secretary, Tourism Department, Darjeeling Gorkha Hill Council, Darjeeling vide the above mentioned memos and presently the tourism department is with Gorkhaland Territorial Administration. The land has been given on lease to INDUS TOWERS LIMITED KOLKATA for 5 years for installation of cellular tower.

However, after field enquiry it is found that the area is under Catchment Area block of Senchal Wildlife Sanctuary as per the Gazette Notification No 5380-For dated 24th June 1976 under Sub Section (1) of section 18 of Wildlife (Protection) Act 1972 and Gazette Notification No 2773-For 11B-23/98 dt 19th August 1998. For utilization of sanctuary land for any Non Forestry works permission from Competent Authority under Forest Conservation Act 1980, from National Board for Wildlife and Supreme Court is required to be taken. This applies even for leasing out the land.

Hence, you are requested to furnish documents, if permission has been obtained from competent authorities mentioned above to the office of the undersigned immediately. If not, you are hereby asked to remove the tower immediately and apply for the clearance from National Board for Wildlife & Supreme Court and under Forest Conservation Act 1980.

This may be treated as very urgent


Divisional Forest Officer
Darjeeling Wildlife Division

4 Answer - R-21

Registered No. WBISC-247

No. WB/DTP/Pt.I/CPS/98/4448

The



Calcutta Gazette

Extraordinary

Published by Authority

VADRA 10]

TUESDAY, SEPTEMBER 1, 1998

[SAKA 1920

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

GOVERNMENT OF WEST BENGAL

Forest Department

Forest Branch

NOTIFICATION

No. 2773-For. 11B-23/98

Calcutta, the 19th August, 1998

WHEREAS the area whose situation and boundaries are described in the Schedule below (hereinafter referred to as the said area) is considered to be of adequate ecological, faunal and floral significance for the purpose of protecting, propagating and developing wild life and its environment;

AND WHEREAS by this department Notification No. 5380-For, dated the 24th June, 1976 the Governor had declared his intension to constitute the said area as a sanctuary for the said purpose under sub-section (1) of section 18 of the Wild Life (Protection) Act, 1972 (53 of 1972);

AND WHEREAS the said area is constituted of reserved forests under section 20 of the Indian Forest Act, 1927 (16 of 1927), and is to be included in a sanctuary;

NOW, THEREFORE, in exercise of the power conferred by clause (b) of sub-section (1) of section 26A of the Wild Life

(Protection) Act, 1972 (53 of 1972); the Governor is pleased hereby to specify in the Schedule below the limits of the said area which shall be comprised within the sanctuary and to declare that the said area shall be a sanctuary to be known as Senchal Wild Life Sanctuary, with effect from the date of publication of this Notification in the *Official Gazette*.

The Schedule

A. Situation

District : Darjeeling

Wild Life Division - I, Senchal and Takdah Ranges, covering an area of 38.88 square kilometers (approximately) and comprising the following forest blocks and compartments :-

Block	Compartment
Goddikhana	1 to 6
Rangirum	1 to 4
Rongdong	1 to 4
Dooteria	1 to 5
Rambi	1 to 5

Block	Compartment	East	South	West
Rishap	1 to 8	From the 6th Mile basti on the Peshoke Road, along the Public Works Department Cart Road (leading towards Takdah) and along the boundary between the Rampuria and Pumong blocks to the southern boundary of the Pumong blocks. Then Southwards along the boundary of the reserved forest, namely, along the external boundary of Rampuria, Rambhi extension, Rambhi, Rishap and Sureil blocks to the boundary between the reserved forests of Darjeeling and Kurseong Forest Divisions.	The reserved forest of the Kurseong Forest Division.	Northern along the western boundary of the reserved forests to Jorebunglow, namely, along the external boundaries of the Pachim, Sonada, Rangbul and Dooteria blocks.
Sureil	1 to 5			
Senchal pasture	1 and 2			
Bura Senchal	1 (a), 1 (b), 2, 3, 4, 5, 6 (a), 6 (b), 7 (a), 7 (b)			
Chattakpur	1 and 2			
Rangbul	1 to 3			
Sonada	1, 2, 3 (a), 3 (b), 4			
Pachim	1 to 3			
Catchment area	Nil			
Setikhola	Nil			
Rambhi extension	Nil			
Rampuria	1 to 4			
Simkhola	1 to 4			
Tapkedara	Nil			
Dawaipani	1 to 7			

B. Boundaries :

North : From Jorebunglow along the northern boundary the reserved forests to the 6th Mile basti on the Peshoke Road.

By order of the Governor,

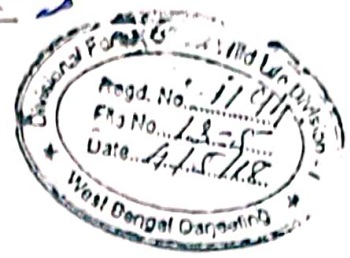
S. M. Chaki
Dy. Secy. to the Govt. of
West Bengal.

Amendment - H(A)R-5

3/5/18



- 4 -



Government of West Bengal
Office of the District Magistrate & Administrator
D.I. Fund Department
Darjeeling

Memo No. 307(1)/(3)/DIF

Dated: 3/5/2018.

To
The Principal Secretary,
Tourism Department,
Government of West Bengal.

Subject: Proposed Golf Course and Tourist Huts on the land of Darjeeling Improvement Fund adjacent to Tiger Hill, Darjeeling.

Sir,

I would like to inform you that as per the office record there is total 31.85 acres of D.I. Fund land at Sinchal Pasture adjacent to Tiger Hill of which 2 acres of land has been transferred to the Tourism Department and the rest 29.85 acres of land is recorded in favour of D.I. Fund Darjeeling.

Since it is a recorded fact that the mentioned area was used as a Nine Hole Golf Course in the past (Copy of letter 1209 of 1906 & 1927 & copy of letter of Principal Secretary Tourism dated 25.6.2013 enclosed), it may be leased to the Tourism Dept, Govt of West Bengal for the same purpose. The provision for a Golf Course at Sinchal pasture near Tiger Hill would immensely contribute to the tourism attractions in the area where there is no civilian Golf Course at present. Demand for golf Course has been raised by locals to attract high end tourists.

The Governor of West Bengal has notified the Senchal Wildlife Sanctuary vide notification in the Calcutta gazette, dated 1.9.1998. From the map available with us, it appears the DI Fund land at Senchal is bordering the Reserve Forest Area and is not inside it.

It is requested to also rebuild the ruined Burdwan Raj Rest House/Darjeeling Golf Club House/D.I. Fund Bungalow which were burnt in previous agitations.

Enclosed- Map

Your faithfully,

[Signature]
28.4.18.
District Magistrate
Darjeeling
Dated: / / 2018.

Memo No. /DIF,

Copy forwarded for information and necessary action to :

- (1). The Commissioner, Jalpaiguri Division.
- (2). The Secretary Tourism, Govt of West Bengal
- (3) DFO Wildlife Darjeeling

The land is not covered by trees, rather it is open grassland and a few Families are found settled there.

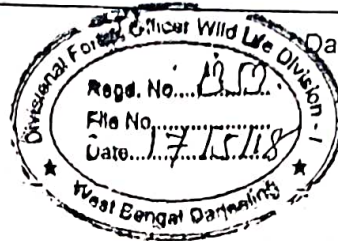
[Signature]
28.4.18
District Magistrate
Darjeeling

Annexure - F(E)R-5

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Government of West Bengal
DIRECTORATE OF FORESTSOffice of the Principal Chief Conservator of Forests, Wildlife
& Chief Wildlife Warden, West Bengal.

Bikash Bhavan, North Block, Third Floor, Saltlake City, Kolkata-700 091.

Tel No 2334-6900/2358-3208. Fax 91-033-23345946 Website - www.wildbengal.com, e-mail: wbwildlife@gmail.comNo.: 1134/WL/2W-665/2012Dated: 11.05.2018To
The Principal Secretary,
Department of Forests,
Govt. of West Bengal.

Sub: Proposed Golf Course and Tourism Huts in Senchal Wildlife Sanctuary.

Sir,

Please find enclosed herewith a letter of the District Magistrate, Darjeeling addressed to the Principal Secretary, Department of Tourism, Govt. of West Bengal regarding establishment of a golf course within Senchal Wildlife Sanctuary. This golf course had been established in the area in 1906 by granting a lease to the Darjeeling Golf Club of "Reserve Forest" land measuring 34 acres. The conditions of the lease were that it would be leased for the purpose of golf course as long as it was used as such. If the golf course ceased to exist, the area would revert back to the Forest Department.

Since the golf course was no longer in use and the lease was not renewed, the Govt. of West Bengal declared it as part of Senchal Wildlife Sanctuary vide Notification No. 2773-For.11B-23/98, dated 19 08 1998. Accordingly the area which is claimed to be recorded to be with DI Fund Darjeeling continues to be Reserve Forest (as per lease condition of 1906) and now stand declared as part of the Senchal Wildlife Sanctuary.

It is requested that the Tourism Department may be apprised of the status of land in question. If they intend to revive any activity in the area they should be advised to follow all rules and norms for working in a wildlife sanctuary.

Thanking you.

Enclosure: As stated above.

Yours sincerely,

Sd/- R. K. Sinha

(Ravi Kant Sinha)

Principal Chief Conservator of Forests, Wildlife
& Chief Wildlife Warden, West BengalNo 1134/WL/2W-665/2012Dated: 11.05.2018

Copy forwarded for information to:

- 1) The Principal Chief Conservator of Forests & Head of Forest Force, West Bengal.
- 2) The Chief Conservator of Forests, Wildlife (North), West Bengal
- 3) The Divisional Forest Officer, Darjeeling Wildlife Division, West Bengal

(Ravi Kant Sinha)

Principal Chief Conservator of Forests, Wildlife
& Chief Wildlife Warden, West Bengal

~~X~~

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

O. A. NO. 80/2024/EZ

In The Matter of:

Subhas Datta

... APPLICANT

VERSUS

The State of West Bengal & Ors.

... RESPONDENT(S)



AFFIDAVIT-IN-OPPOSITION ON
BEHALF OF THE RESPONDENT
NUMBER 06, THE DISTRICT
MAGISTRATE & COLLECTOR,
DISTRICT DARJEELING.

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

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