

X

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 22/2024/EZ

SAILENDRA CHATARJEE

.....APPLICANT

VERSUS

STATE OF WEST BENGAL &amp; ORS

.....RESPONDENTS

ACTION TAKEN REPORT IN THE FORM OF AFFIDAVIT BY THE CHIEF  
SECRETARY, GOVERNMENT OF WEST BENGAL.

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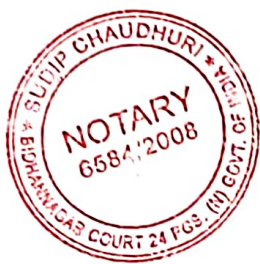
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Filed by:

*Sibojyoti Chakrabarti*  
(SIBOJYOTI CHAKRABARTI)

Advocate  
Calcutta High Court

SL. NO. 383 /20 24

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

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 22/2024/EZ

SAILENDRA CHATARJEE

.....APPLICANT

VERSUS

STATE OF WEST BENGAL &amp; ORS

.....RESPONDENTS

ACTION TAKEN REPORT IN THE FORM OF AFFIDAVIT BY THE  
CHIEF SECRETARY, GOVERNMENT OF WEST BENGAL.

**Most Respectfully Sheweth**

I, Dr. Manoj Pant, S/o Dharmanand Pant, aged about 59 years, by faith- Hindu, by Occupation- Government Service, working as the Chief Secretary, Government of West Bengal having office at Nabanna, 325, Sarat Chatterjee Road, Howrah, do hereby solemnly declare and say as follows:-

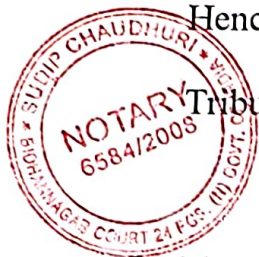
1. That, I am holding the post of Chief Secretary, Government of West Bengal and I have made myself well acquainted with the facts and circumstances of instant case and have gone through the documents and

09 SEP 2024

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reports pertaining to the subject matter of the instant Original Application.

Hence, I am competent to affirm the instant affidavit before the Hon'ble Tribunal.



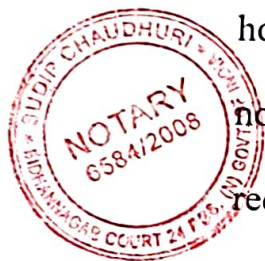
2. That, this affidavit is being affirmed in pursuance of the solemn Order passed by the Hon'ble National Green Tribunal, Eastern Bench dated 06.03.2024 and 11.07.2024 wherein Chief Secretary, Government of West Bengal was directed to file Action Taken Report on affidavit.

3. That, in compliance with the directions of the Hon'ble Tribunal, letter was issued from Department of Environment seeking action taken report from District Magistrate & Collector, Purba Medinipur being the Chairman, District Level Committee of West Bengal State Coastal Zone Management Authority (WBCZMA). On 28.08.2024 District Magistrate, Purba Medinipur has reported that they have issued notice to the stake holders i.e. hotels, resorts, homestays at Mandarmani sea beach to validate their existence and operation under CRZ notification 1991 & 2011 and requested all concerned to forward their claim with all relevant documents to the office of the District Magistrate within 15 days of issuance of notice. The Additional District Magistrate (LR), Purba Medinipur organized a meeting with the executive members of the Hotelier's association of

09 SEP 2024

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Dadanpatrabarh and Sonamui, Mandarmani, Purba Medinipur on 08.08.2024 wherein they were apprised of the orders of this Hon'ble Tribunal regarding violation of CRZ guidelines and maps . Some of the hotel owners claimed that their hotels were established prior to CRZ notification. Additional District Magistrate (LR), Purba Medinipur requested the hotel owners to submit documents in support of their claim individually.



Copy of the Action Taken Report of District Magistrate & Collector, Purba Medinipur along with the copy of notice and meeting of resolution is marked and annexed as **Annexure R/1**.

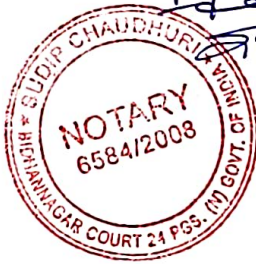
4. That it is humbly submitted before this Hon'ble Tribunal that in W.P.A No 27729 of 2023 (*Sri Sanjay Singha -Vs -Union of India & Ors.*), the Hon'ble Calcutta High Court vide order dated 21.03.2024 has directed the state respondents to restrain by an order of injunction from carrying out the demolition of Ma Saradamoyee Resort which is included in the list of the hotels forwarded by West Bengal Pollution Control Board to District Magistrate, Purba Medinipur in connection with Original Application No. 134/2015/EZ till 15.05.2024. It is also to mention that *vide* order dated 15.07.2024, the interim order already passed by the Hon'ble Calcutta High Court has been extended to 30.09.2024 until further orders.

09 SEP 2024

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Copy of the orders of Hon'ble Calcutta High Court dated 21.03.2024 and 15.07.2024 are marked and annexed as Annexure R/2 (colly).

That the reply is true to my knowledge and belief, which I derived from the office record.



Identified by me  
 Shibajoti Chakrabarti  
 Advocate  
 State of WB  
 09.09.2024


  
 DEPONENT

### VERIFICATION

I, Dr. Manoj Pant, Chief Secretary, Government of West Bengal do hereby solemnly affirm and declare that the contents of the report in the form of affidavit are true to the best of my knowledge and belief. No part of the Report is false and nothing has been concealed.

Verified at Kolkata this 6<sup>th</sup> day of September, 2024.

Identified and corrected by me  
 Shibajoti Chakrabarti  
 Advocate  
 State of WB  
 09.09.2024

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

  
 DEPONENT

09 SEP 2024

জেলাশাসক ও জেলাসমাহত্বারকাৰ্যালয়  
পূৰ্ব মেদিনীপুৰ  
গ্রাম :গনপতিনগৰ, পোঃ-উত্তৰ সোনাৰ্মুই, থানা :তমলুক ;  
জেলা :পূৰ্ব মেদিনীপুৰ, পিন : ৭২ ১৬৪৮  
(পর্যটন বিভাগ) :: ব্লক 'এ', সপ্তম তল ।



Office of the District Magistrate & Collector 210  
Purba Medinipur  
Vill.-Ganapatnagar, P.O.-Uttar Sonamui, P.S. :Tamluk;  
Dist :Purba Medinipur, Pin :721648  
Email: tourismpurba@gmail.com  
(Tourism Section) :: Block - 'A', 6<sup>th</sup> Floor.

Memo No:- 73 /XXXXII/Tourism(CRZ)

Date:- 28/08/2024

To  
The Chief Environment Officer,  
Department of Environment,  
Prani Sampad Bhawan,  
5<sup>th</sup> Floor, LB-2, Sect-III, Salt Lake,  
Kolkata- 700106.

Sub:- Action taken report regarding Hon'ble NGT in the matter of O.A. No. 22/2024,  
Eastern Bench (Sailendra Chatarjee Vs State of West Bengal) and O.A. No.  
134/2015/EZ (Bishnupada Pakhira Vs Union of India & Ors.)  
Ref. Memo No. 1223/ENV-15017/9/2024-SRLO (ENV), Dated: 18.07.2024.

Sir,

We received a letter vide Memo no 039-EN/3C-06/2016 dated 25.04.2024 from the Chairman, West Bengal State Coastal Zone Management Authority, CD-24, Sector-I, Salt Lake, Kolkata along with detail order of Hon,NGT, Special Bench Original Application No. 134/2015/EZ .

After receiving the order and conclusion of PGE 2024 the district authority discussed this matter. Consequently, the District Magistrate has issued a notice to the stake holders i.e. hotels, resorts, homestays at Mandarmoni sea beach to validate their existence and operation under CRZ notification 1991 & 2011 and requested all concerned to forward their claim with all relevant documents to the office of the District Magistrate within 15 days of issuance of notification. After that the District Authority has organized a meeting with the chairmanship of Additional District Magistrate (LR), Purba Medinipur with the executive members of Hotelier's association of Dadanpatrabarh and Sonamui, Mandarmoni, Purba Medinipur. In this meeting they were duly informed and discussed about Hon'ble NGT order and also suggest the possible ways to hotel owners to submit documents to prove that they have not violated CRZ norms to this end. In this connection the Mandarmoni Dadanpatrabar Development Society also submitted a prayer regarding CRZ matters.

Encl. : 1. Copy of the Notice.  
2. Copy of Meeting Resolution.

Yours faithfully,

Chairman,  
District Level Committee of WBCZMA  
&  
District Magistrate & Collector  
Purba Medinipur

Date:- 28/08/24

Memo No:- 73 /1(3)/XXXXII/Tourism(CRZ)

Copy forwarded for information and taking necessary action to:-

- 1) The Sub Divisional Officer, Contai Sub Division, Purba Medinipur.
- 2) The Officer In-Charge, Tourism Department, Purba Medinipur.
- 3) C.A. to Additional District Magistrate (LR), Purba Medinipur.



Chairman,  
District Level Committee of WBCZMA  
&  
District Magistrate & Collector  
Purba Medinipur

জেলাশাসক ও জেলাসমাহর্তার কার্যালয়  
পূর্ব মেদিনীপুর  
গ্রাম : গনপতিনগর, পোঃ-উত্তর সোনা মুই, থানা : তমলুক ;  
জেলা : পূর্ব মেদিনীপুর, পিন : ৭২ ১৬৪৮  
(পর্যটন বিভাগ) :: ব্লক 'এ', সপ্তম তল ।



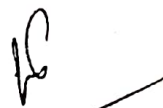
Office of the District Magistrate & Collector  
Purba Medinipur  
Vill.-Ganapatnagar, P.O.-Uttar Sonamui, P.S. :Tamluk;  
Dist :Purba Medinipur, Pin :721648  
Email: tourismpurba@gmail.com  
(Tourism Section) :: Block – 'A', 6<sup>th</sup> Floor.

No. : 34 /XXXXII/Tourism(CRZ)

Dated : 26 / 06 /2024

**NOTICE**

As per the Order received from West Bengal State Coastal Zone Management Authority vide memo no. 039-EN/3C-06/2016, dated 25.04.2024 and as per directions of Hon'ble National Green Tribunal, Special Bench all the respondents i.e. hotels, restaurants or resorts, homestays are hereby given the opportunity to claim their existence and operation to be valid under CRZ notification, 1991 & 2011 and requested all concern to forward their claim with all relevant documents to the office of the undersigned within fifteen (15) days from the issuance of this notice.


  
Chairman,  
District Level Committee of WBCZMA  
&  
District Magistrate & Collector  
Purba Medinipur

No. : 34 / 1(5)/ XXXXII/Tourism(CRZ)

Dated : 26 / 06 /2024

Copy forwarded for information and taking necessary action to:-

- 1) The Chairman, West Bengal State Coastal Zone Management Authority, Kolkata.
- 2) The Environmental Engineer, WBPCB, Haldia Regional Office, Purba medinipur,
- 3) The Sub-Divisional Officer, Contai Sub-Division, Purba Medinipur.
- 4) The Block Development Officer, Ramnagar II Development Block, Purba Medinipur.
- 5) The Proprietor,..... Hotel/ Restaurant/ Resort.

  
Chairman,  
District Level Committee of WBCZMA  
&  
District Magistrate & Collector  
Purba Medinipur



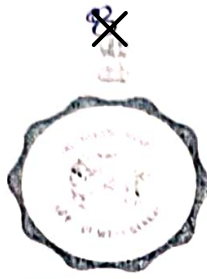
জেলাশাসক ও জেলাসমাহতরকার্যালয়

পূর্ব মেদিনীপুর

গ্রাম : গনপতিনগর, পোঃ-উত্তর সোনমুই, থানা : তামলুক ;

জেলা : পূর্ব মেদিনীপুর, পিন : ৭২ ১৬৪৮

(পর্যটন বিভাগ) :: ব্লক 'এ', সপ্তম তল ।



Office of the District Magistrate & Collector

Purba Medinipur

Vill.-Ganapatnagar, P.O.-Uttar Sonamui, P.S. :Tamluk;

Dist :Purba Medinipur, Pin :721648

Email: tourismpurba@gmail.com

(Tourism Section) :: Block - 'A', 6<sup>th</sup> Floor.

**Proceeding of the meeting on Coastal Regulation Zone (CRZ) held on 08.08.2024 at 12.00 noon at the Office chamber of the Additional District Magistrate (LR) Purba Medinipur**

**Members Present :-**

1. The Additional District Magistrate (LR), Purba Medinipur.
2. The Secretary to the Hotelier's association, Dadanpatrabarh & Sonamui, Mandarmoni, Purba Medinipur
3. The President to the Hotelier's association, Dadanpatrabarh & Sonamui, Mandarmoni, Purba Medinipur

Additional District Magistrate (LR), Purba Medinipur took the chair and initiated the discussion regarding Hon'ble NGT order in the matter of O.A. No. 134/2015/EZ regarding Coastal Regulation Zone violation by Hotels / Resorts & Homestays in Mandarmoni.

Hotel Association pointed out the following:

They requested Coastal Regulation Zone (CRZ) guidelines and maps. They were advised to visit the website of state Coastal Regulation Zone (CRZ) authority for the same and were also informed that same has been conveyed in writing.

They also raised a point that some of the hotels were constructed even before the Coastal Regulation Zone (CRZ) was notified. Moreover they claimed that all norms were not followed during notification of Coastal Regulation Zone (CRZ).

They were duly informed that Hon'ble NGT order clearly mentions the list of hotels in violation of Coastal Regulation Zone (CRZ) and undersigned is not the appropriate authority to get into the legality of the notification and it has to be challenged at an appropriate forum.

Individual hotel owners may submit documents to prove that have not violated CRZ norms to this end with in two weeks.

The discussion ended with this vote of thanks.

**Additional District Magistrate (LR)**

**Purba Medinipur**

Date:-.13/08/2024.

Memo No:-65/1(3)/XXXXII/Tourism (CRZ)

Copy forwarded for information to:-

1. The Secretary to the Hotelier's association, Dadanpatrabarh & Sonamui, Mandarmoni, Purba Medinipur
  2. The President to the Hotelier's association, Dadanpatrabarh & Sonamui, Mandarmoni, Purba Medinipur
- C.A. to District Magistrate, Purba Medinipur.

**Additional District Magistrate (LR)**

**Purba Medinipur**



জেলাশাসক ও জেলাসমাহর্তার কার্যালয়

পূর্ব মেদিনীপুর

গ্রাম- গনপতিনগর, পোষ্ট- উত্তর সোনামুই

থানা : তামলুক ; জেলা : পূর্ব মেদিনীপুর

পিন : ৭২১৬৪৮

Office of the District Magistrate & Collector

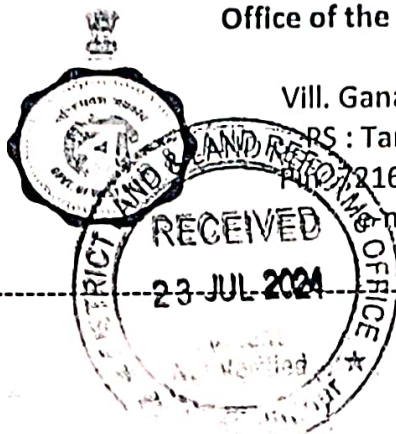
Purba Medinipur

Vill. Ganapatnagar, P.O. Uttar Sonamui

PS : Tamluk ; Dist : Purba Medinipur

Pin : 721648 (R. M. Section) 4<sup>th</sup> Floor

mail: rm.purb@gmail.com



Memo No. 589/1.RM/204/24

Dated: 22/07/2024

To

The District Land & Land Reforms Officer, Purba Medinipur,

At-Ganapatnagar, P.O.-: Uttar Sonamui, P.S.-: Tamluk

Dist.-: Purba Medinipur.

Sub. :- O.A. No. 22 of 2024

In the matter of Sailendra Chatarjee. ....Petitioners.

vs-

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

Sir,

Enclosed please find herewith a copy of letter vide No1223/ENV-15017/9/2024-SRLO(ENV) Dated 18.07.2024 received from the Chief Environment Officer to the Govt. of West Bengal alongwith an Order dated 11.07.2024 passed by Hon'ble Mr. Justice B. Amit Sthalekar, Judicial Member and Hon'ble Dr. Arun Kumar Verma, Expert Member, National Green Tribunal, Eastern Zone Bench, Kolkata, in c/w O.A. No. 22/2024/EZ, in the matter of Sailendra Chatarjee. -Vs- State of West Bengal & Ors. which speaks for itself.

You are requested to arrange to send an updated action taken report to the Environment Department for taking necessary action.

Encl : As stated above.

Additional District Magistrate (Gen.)  
Purba Medinipur

Memo No. 589/1(2) RM/204/24

Dated: 22/07/2024

Copy forwarded for information to:

- 1) The Chief Environment Officer, Environment Department, Govt. of West Bengal.
- 2) CA to the District Magistrate, Purba Medinipur.

Additional District Magistrate (Gen.)  
Purba Medinipur

Siddhanta Chatterjee  
P.O. - Tamluk

IX



Government of West Bengal  
Department of Environment

G.D.  
*[Handwritten Signature]*

Prani Sampad Bhawan, 5<sup>th</sup> Floor, LB-2, Sect-III, Saltlake, Kolkata-700 106.

No. 1229/ENV-15017/9/2024-SRLO (ENV)

Date: 18/07/2024

To  
The District Magistrate, Purba Medinipur

Sub: In the matter of Original Application No.22/2024, Eastern Bench [Sailendra Chatarjee -Vs- State of West Bengal] in connection with O.A No. 134/2015/EZ [Bishnu Pada Pakhira Vs Union of India & Ors]

Sir /Madam

With reference to the above mentioned subject matter, please find enclosed herewith the order of the Hon'ble Tribunal, Eastern Zonal Bench dated 11/07/2024.[Copy enclosed]

Vide the said order, there is direction upon the Chief Secretary, Govt. of West Bengal to file an action taken report on what action has been taken on the hotels/ resorts which are operating violating environmental norms.

I am directed to request you to provide an updated action taken report to this Department so as to prepare the affidavit of Chief Secretary.

The matter is listed on 11.09.2024.

Encl: As stated above

Yours Sincerely

*[Handwritten Signature]*  
Chief Environment Officer to the  
Govt. of West Bengal

No.

Date: 18/07/2024

Copy forwarded for information to the P.S to the Additional Chief Secretary, Department of Environment, Govt. of West Bengal

*[Handwritten Signature]*  
Chief Environment Officer to the  
Govt. of West Bengal



Item No.07

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.22/2024/EZ

Sailendra Chatarjee

Versus

Applicant(s)

State of West Bengal &amp; Ors.

Respondent(s)

Date of hearing: 11.07.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : None

For Respondent(s): Mr. Sibojyoti Chakraborty, Advocate a/w  
Ms. Madhumita Bhattacharjee, Advocate  
(in Virtual Mode) for State Respondents

**ORDER**

1. Case called out. No one is present for the Applicant.
2. Ms. Madhumita Bhattacharjee, learned Counsel appearing (in Virtual Mode) informs that the State Government has issued a general notice on 26.06.2024 on the concerned hoteliers/resorts to showcause and the reply is awaited.
3. Learned Counsel further states that the hoteliers and resorts were required to file their responses within 15 days. She further informs that once the hoteliers and resort owners file their responses they will have to be given opportunity of hearing before final order is passed which will take at least two months considering the large number of hotels and resorts.
4. Learned Counsel therefore, prays for and is granted two months time for filing counter-affidavit bringing on record the Action Taken Report.
5. We, therefore, direct the Chief Secretary, Government of West Bengal to file the Action Taken Report on affidavit.
6. List on 11.09.2024.

~~R~~

.....  
**B. Amit Sthalekar, JM**

July 11, 2024,  
Original Application No.22/2024/EZ  
OM

.....  
**Dr. Arun Kumar Verma, EM**

10  
21.03.2024  
mb

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

W.P.A. No. 27729 of 2023

Sri Sanjay Singha  
Vs.

Union of India & Ors.

Mr. Suddhasatva Banerjee,  
Ms. Sneha Singh  
...for the petitioner

Mr. Ashok Kumar Chakraborty, Ld. ASG  
Ms. Amrita Pandey  
...for the respondent no. 1

Mr. Somnath Ganguli, Ld. AGP,  
Mr. Balarko Sen  
...for the State

Ms. Soumi Guha Thakurta  
...for the respondent nos. 7 to 9

1. The petitioner contends that the petitioner runs a resort by the name of Ma Saradamoyee Resort at the Mandarmoni beach in West Bengal, immediately adjacent to the Sonar Bangla Hotel, which had obtained an order of stay in connection with a writ petition filed against the impugned order herein.
2. By the impugned order, the National Green Tribunal has directed demolition of the property of the petitioner and other similarly placed hotels near the coastline as well as closure of the said hotels.
3. Learned counsel contends that a coordinate Bench, in the writ petition challenging the same order at the behest of the Sonar Bangla Hotel, had

Annexure R/2  
(21/7)

restrained the respondents from demolishing the property of the petitioner therein. The same order was subsequently extended and made absolute by this Court.

4. Seeking parity, learned counsel for the petitioner asks for a similar order in this case as well. That apart, a question is raised by the petitioner pertaining to the demarcation of the high tide line in the impugned order in terms of a Memo of 2011, which was issued subsequent to the petitioner initially being granted sanction to run the resort, which was in the year 2008.

5. Learned Additional Solicitor General points out that it was not specifically mentioned in the writ petition that the present writ petitioner's resort is situated immediately adjacent to or in the same line as Sonar Bangla Hotel.

6. Upon hearing learned counsel for the parties, it transpires that the impugned order pertains not only to Sonar Bangla Hotel but several other similarly placed hotels.

7. The very premise of the present challenge is that the petitioner's resort is also situated on the same coastline, apparently within the prohibited zone, which has itself been challenged in the writ petition.

8. Since Sonar Bangla Hotel has obtained an interim order on a similar challenge, there is no

reason to deprive the petitioner of the same benefit. That apart, certain germane issues have been raised as to whether the fixation of the high tide line by the Memorandum issued by the State, which was the basis of the National Green Tribunal order, was arbitrary or in consonance with prior research work.

9. In such view of the matter, the respondents are restrained by an order of injunction from carrying out the demolition of the petitioner's property in terms of the order impugned herein till May 15, 2024 or until further order, whichever is earlier.

10. However, it is made clear that the other component of the impugned order directing closure of the petitioner's resort is not interfered with or stayed.

11. The respondent(s) shall file their affidavit(s)-in-opposition within three week from date. Reply/replies thereto, if any, shall be filed within a week thereafter.

12. The matter shall next be listed for hearing on April 22, 2024.

13. Affidavit of service filed today be kept on record.

(Sabyasachi Bhattacharyya, J.)

~~X~~

July 15, 2024  
Sl. No.25  
Court No.19  
s.biswas

WPA 27729 of 2023

*Sri Sanjay Singha*  
*vs.*  
*Union of India and others*

Mr. Suddhasatwa Banerjee  
Ms. Sneha Singh  
... for the petitioner  
Mr. Asok Kr. Chakraborty, ASG  
Ms. Amrita Pandey  
... for the Union of India  
Ms. Soumi Guha Thakurta  
... for the respondent nos.7 to 9

Interim order already passed is extended up to  
September 30, 2024 or until further orders,  
whichever is earlier.

Let the matter appear for hearing in the  
combined monthly list of August 2024.

**(Shampa Sarkar, J.)**