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**Before the Learned National Green Tribunal,**

**Eastern Zone Bench, Kolkata**

Original Application No.16/2024/EZ

IA NO.44/2024/EZ

IN THE MATTER OF:

Huumayan Abbas

....Applicant

-Versus-

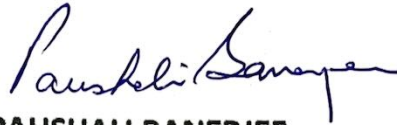
State Of West Bengal & others

..... Respondents

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**PAUSHALI BANERJEE**

**Advocate**

**7A, Kiron Shankar Roy Road,**

**Kolkata-700001**

X

Sl. NO. 52 DT. 04.09.2024

Before the Learned National Green Tribunal,

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IN THE MATTER OF:

Humayun Abbas



....Applicant

-Versus-

State Of West Bengal & others

..... Respondents

AFFIDAVIT ON BEHALF OF THE KOLKATA MUNICIPAL CORPORATION

RESPONDENT NO.7:

I, Sri Arup Sarkar, Son of late Arabinda Sarkar , aged about 49 years,  
by faith Hindu, by occupation-service and presently working for gain  
as Executive Engineer( Environment & Heritage Department), at  
Kolkata Municipal Corporation having office at 5, S.N. Banerjee

Road , Kolkata-700013, ~~X~~ do hereby solemnly affirm and say  
as follows:

1. That I am working for gain as Executive Engineer (Environment & Heritage Department) at Kolkata Municipal Corporation, I have read a copy of the Original Application (hereinafter referred to as the said application) and I have understood the nature, contents and purport thereof. I have been advised to traverse and/or deal with the allegation material in the said application and refer to such facts which are relevant and material for the disposal of the said application. I have been duly authorized and am otherwise competent to affirm the instant Affidavit on behalf of the Kolkata Municipal Corporation.



2. I state that before dealing with the Original Application, I am submitting the following facts that are relevant for adjudication of this instant matter:

(I) I say that The Inspection Book copy 3<sup>rd</sup> quarter 2012-13 shows the land area of Premises No. ,7 B, 7C, 7E , 7F Tiljala Place now renumbered as 7A Tiljala Place, P.S. Karaya, Kolkata-700017 is more or less 30K14 Chattak 20 Square feet and area of tank is more or less 1katha 7 Chattak as per the submitted Plan of Revenue Officer lying

in erstwhile 7E Tiljala Place. Copy of the Inspection Book dated 17/03/13 of KMC is annexed herewith and marked as Annexure A.

(II) I say that Kolkata Municipal Corporation maintains a list of waterbodies that can be found in its website. The list of waterbodies in ward no.65 as download from the website of Kolkata Municipal Corporation shows a waterbody at 7A Tiljala Place (erst while 7E Tiljala Place) measuring more or less 1K 7 Chottah. Copy of the list of waterbodies downloaded from the website of Kolkata Municipal Corporation is marked as Annexure 'B'.

(III) I say that the Competent authority under the Urban Land (Ceiling and Regulation) Act, 1976 through letter no. 17-UL dated 28/03/13 have taking into consideration the application of Javed Akhtar & 3 others provided the schedule of land that is measuring about 2067 sq.mtr, but there is no mention of any water body in the said letter. Copy of the Letter No.17-UL dated 28/03/13 is annexed herewith and marked as Annexure 'C'.

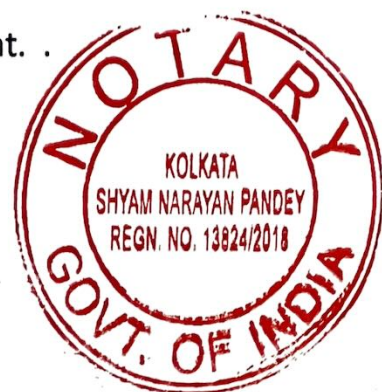
(IV) I say that as per NRSA map there is no existence of water body, the report of the Assistant Engineer (c) E & H Department, Kolkata Municipal Corporation, the owner of the questioned premises created 1 K-07 Ch water body on the basis of the IB copy. The owner of the premises submitted an application for creation of water body to the Director General ( Environment and Heritage department)



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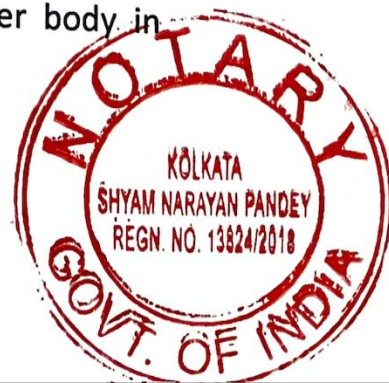
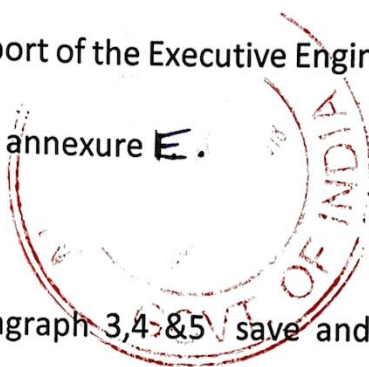
and informed the concerned department after creation of the water body in accordance with the West Bengal Fisheries Act, 1984. Copies of the Nation Remote Sensing Agency Map and report of the Assistant Engineer ( c) E & H Department, Kolkata Municipal Corporation and Application along with information by the owner of the premises are annexed herewith and marked as Annexure D (V) I say that the Applicant have indulged in forum shopping and filed a Writ Petition being W.P.A No. 17769/2024 in the matter of Humayun Abbas &Ors vs The State of West Bengal & ors, on the same subject matter which is under consideration of this Hon'ble Tribunal. forum shopping is an abuse of the process of law and should not be allowed to continue **Udyami Evam Khadi Gramodyog Welfare Sanstha vs State of Uttar Pradesh** [(2008) 1 S.C.C. 560]}. The respondent herein craves leave to file W.P.A. No. 17769/2024 at the time of hearing.

3. That without waving the objection raised herein before I now propose to deal with the Original Application. With regard to paragraph 1 of the Application I say that it is a matter of record, I deny anything that is inconsistent and/or contrary to that.



4. With regard to paragraph 2 of the Original Application I sought information regarding illegal construction from the Building department of the Corporation, I received information from the Executive Engineer through letter dated 31/08/24 that construction is going on in the said premises in accordance with the sanction plan, I deny and dispute that there are any illegal construction on the said premises that is 7 A Tiljala Place, P.S. Karaya, Kolkata-700017. Copy of the report of the Executive Engineer Building dated 31/08/24 is annexed as annexure E.

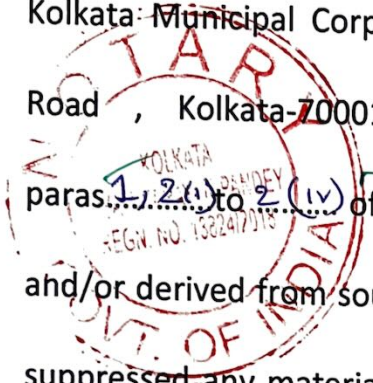
5. With regard to paragraph 3, 4 & 5 save and except what are matters of record I deny and dispute each and every allegation contained in the Original Application in seriatim. I repeat that I say that as per NRSA map there is no existence of water body, the report of the Assistant Engineer ( c ) E & H Department, Kolkata Municipal Corporation, the owner of the questioned premises created 1 K-07 Ch water body on the basis of the IB copy. The owner of the premises submitted an application for creation of water body to the D.G ( Environment and Heritage department) and informed the concerned department after creation of the water body in accordance with the West Bengal Fisheries Act, 1984.





Verification

I, Sri Arup Sarkar, Son of late Arabinda Sarkar , aged about 49 years, by faith Hindu, by occupation-service and presently working for gain as Executive Engineer( Environment & Heritage Department), at Kolkata Municipal Corporation having office at 5, S.N. Banerjee Road , Kolkata-700013, do verify that the contents of paras. 1, 2 (i) to 2 (iv) of the Application are based on information and/or derived from sources I verily believe to be true. I have not suppressed any material facts; the rest of the paragraphs are my humble submissions.



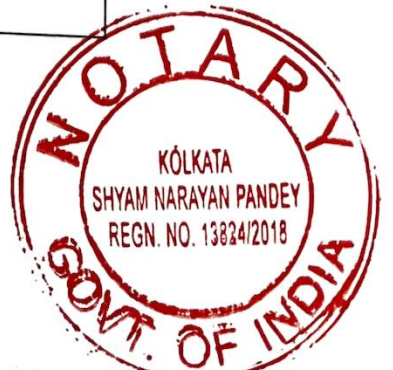
<p>Prepared in my office</p> <p><i>Identified by me</i></p> <p><i>Pandey Sanjay</i> Advocate</p>	<p>The deponent is known to me.</p> <p><i>Arup Sarkar</i> Ex. Engineer / Civil E. &amp; H. Deptt - K.M.C.</p>
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Solemnly Affirm & Declared  
Before Me on Identification  
of Ld. Advocate

*Shyam Narayan Pandey*  
SHYAM NARAYAN PANDEY  
NOTARY, GOVT. OF INDIA  
REGN. NO. 13824/2018

04.09.2024

04 SEP 2024

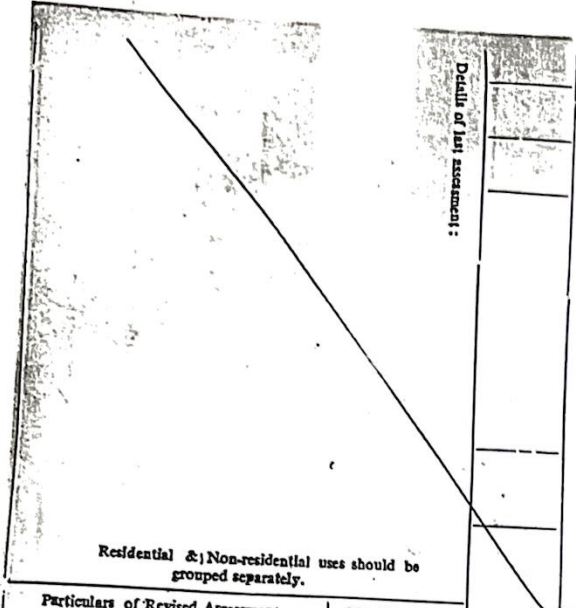


Annexure - A

Serial No.	No. of Storeys	Nature of use	Person liable to pay Consolidated Rate	Date of last return u/s or (2) to owner or co	Date of return for Owner wife and other information, if	Date of return for Occupier wife & other information, if	Land	Total covered area	Total floor area
1	2	DH	JAVED AKHTER						
2	3	SHAHEDA PARVEEN	SHAHEDA PARVEEN						
3	3	REHMAN JAVED	REHMAN JAVED						
4	3	IRFAN JAVED	IRFAN JAVED						
5	3	AAD Shamshul Huda	AAD Shamshul Huda						
6	3	RAJESH KUMAR	RAJESH KUMAR						
7	3	RAJESH KUMAR	RAJESH KUMAR						
8	3	RAJESH KUMAR	RAJESH KUMAR						
9	3	RAJESH KUMAR	RAJESH KUMAR						
10	3	RAJESH KUMAR	RAJESH KUMAR						

03/08/07  
Avg R. 10870 - For Office  
evaluated by R. Use Only  
At 04/03/11

11-065-32-0004-3  
Kankar - 17



Particulars of Revised Assessment		Monthly Rent
Storey & Location	Accommodation and Name of Occupier	As decided by Hearing Officer
1	Assessable arrienant land as per MC's Cir. No. 35/10-11 [22250 - (3240 x 2)] sqft = 15770 sqft	2365/-

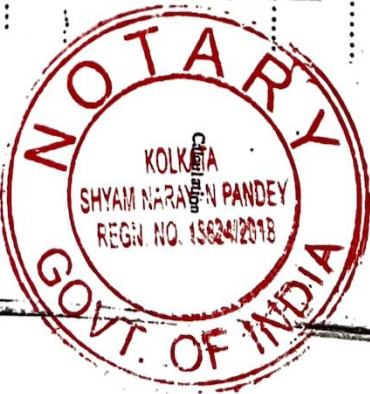
Particulars of Reserved Assessment		Monthly Rent
Storey & Location	Accommodation and Name of Occupier	As decided by Hearing Officer
1	Land area - 90K 14ch 20sqft (22250 sqft)	
2	Area of Tank (as per submitted plan by R) - 1K07ch (at east side of Tank) (as per DG (PMU)'s report)	

Tirala Place

RR@ 1.50/sqft → 2365/-  
28615/-  
A.V. of Rs 3,09,040/-  
Accepted through a declaration dated 10/12/2011 on a statutory process. Tank No. 309040.  
28615 x 12 = 343380/-  
28615/19 = 343380/-  
309040/-  
Calculation  
10/12/11

At present there is no existence of Tank, so 1K07ch (10350sqft) may be considered as no Tank filled land.  
Non-residential  
3RT Shed - vacant  
1Acb Shed - ptd x 2' (previously used as pig handler as in hot 9B - now vacant but used as garage as found on inspection)  
1RT Shed - Godown  
2150sqft - RR@ 1.80/sqft → 3870/- (M/L)  
Residential  
I 4' x 4' + BP  
II & III - dilapidated structure (1090sqft) - RR@ 1.00/sqft → 1090/- (M/L) - owner occupied

Nature of from to	Date of Occup certificate of Occupier of new building u/s 171	Existing at valuation date of eff quarter objection any	If applicable u/s 171(5)	Determined under other Sections	Increase (Code Nos. in Notice form)	Remarks
11						
12						
13		10800sqft - d (03/08/07)		309040/-		
14						
15						
16						
17						



V/19-13



Handwritten signature or name

Home

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Heritage Home
Exemption of Tax
Heritage Buildings
Conservation Architect
Composition of the Heritage Conservation Committee
Proceedings of HCC
Action Plan
Parking Policy
Measures for prevention of landfill fire
Ward Wise Pond
Ward Wise Heritage Building
Contact Details
Activities Permitted under NCAP
Swachh Vayu Survekshan
Air quality status
Industry categorisation
FINAL District Environment plan KMC 2021

[Home](#) > [Pond](#) > List Of Pond

## List Of Pond

### List of Pond

Search Criteria

Ward No:

### Pond Details

Street	Location	Pond Description	Status	Police
7A, TILJALA PLACE		AREA OF WATERBODY IS 1K-7CH(1035SQFT.)		
38 F, BONDEL ROAD				
46/1, SHAMSUL HUDA ROAD				
7E, TILJALA PLACE			NOTICE	
25, TILJALA ROAD				TI
3 & 4, TILJALA SHIBTOLA LANE				
20 (PORTION), TILJALA ROAD				
93, TILJALA ROAD				
50 (PORTION) BONDEL ROAD			NOTICE	



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- ✱ -

Office of the Competent Authority, Kolkata under  
The Urban Land (Ceiling and Regulation) Act, 1976  
Mayukh Bhavan, 2<sup>nd</sup> & 3<sup>rd</sup> floor, bidhannagar  
Kolkata - 700 091

Annexure - C

No ..... 17 ..... - U.L.  
XVI - 3461/2012

Dated 28.03.2013

To

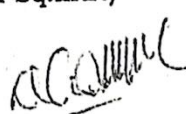
Shri/Smt Mr. JAVED AKHTAR & 3 ORS.  
44D, Shamsul Huda Road, P.S. Karaya, KOLKATA - 700 017.

**Sub :** Your application for No-objection Certificate dated 16.10.2012 in respect of Premises No. 7A, Tiljala Place, KOLKATA - 700 017 in terms of Rule 4(4) of the Kolkata Municipal Corporation Building Rules 1990.

1. In consideration of your application and prayer thereof No-objection certificate is hereby granted in terms of rule 4(4) of the Kolkata Municipal Corporation Building Rules, 1990 in respect of the landed property mentioned hereunder.
2. A statement required in terms of provision of section 22(1) of the Urban Land (Ceiling and Regulation ) Act, 1976 must be filed by you after demolition or destruction of existing structures within the stipulated time.

Schedule of land

Premises No. :- 7A, Tiljala Place, KOLKATA - 700 017 .  
Area :- 2067 Sq. mtr. (approx.) (Two Thousand Sixty Seven Sq.mtr.)

  
Competent Authority, U.L.C.  
Kolkata.

28.03.13  
Dated 28.03.2013

No ..... - U.L.  
XVI - 3461/2012

Copy forwarded to :

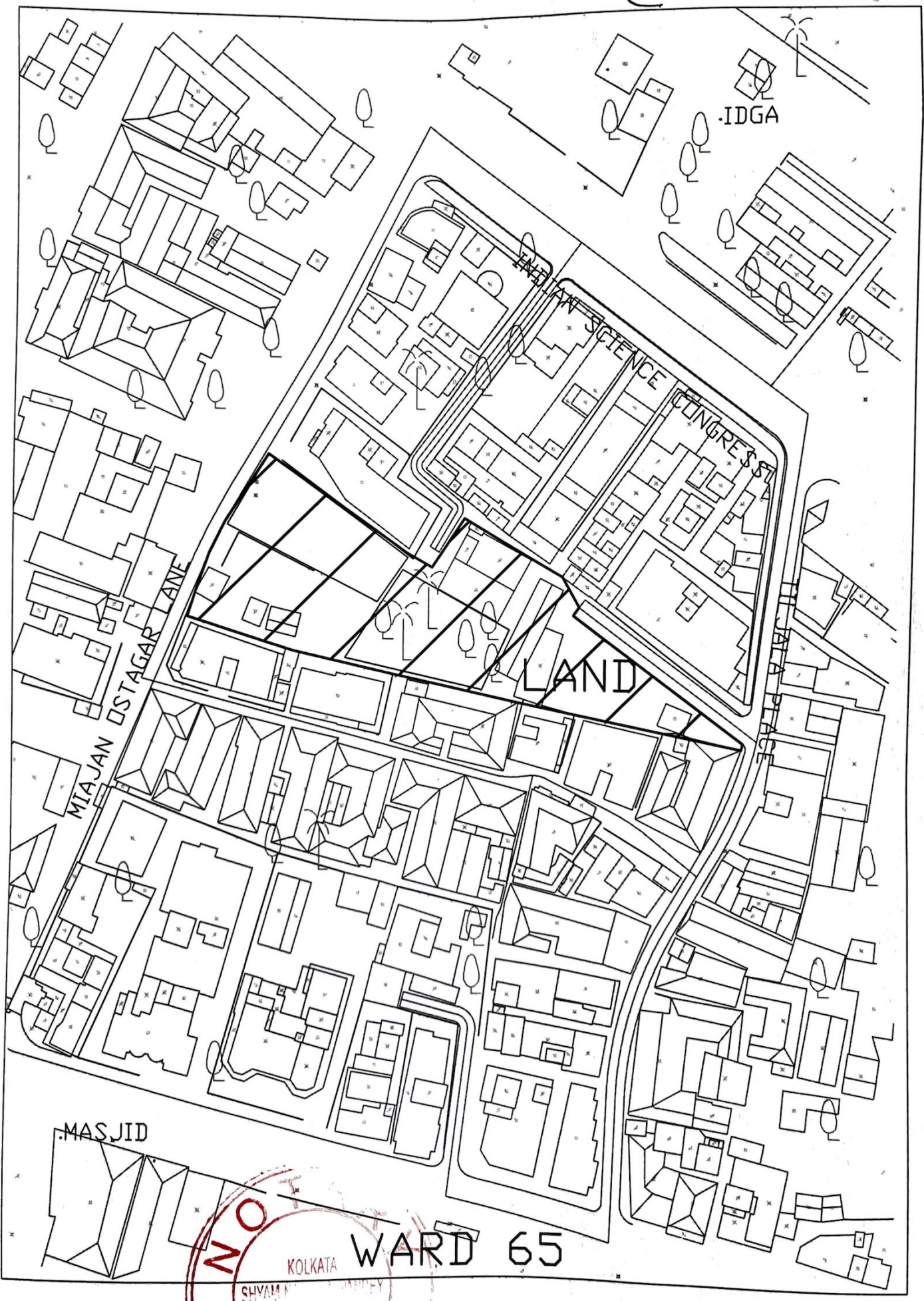
1. The Deputy Chief Engineer, The Kolkata Municipal Corporation, 5 S.N. Banerjee Road, Kolkata - 700 013 for information. He is also requested to intimate the date of demolition or destruction of existing structures of the premises land in due time.
2. The Joint Secretary, Urban Development Department, Urban Land Ceiling Brnach, Nagarayan', 3<sup>rd</sup> Floor, Salt Lake City, Kolkata - 700 64.



Competent Authority, U.L.C.  
Kolkata.

- 12 -

Anneamre D  
(Collectively)



WARD 65

NOTICE  
 KOLKATA  
 SHYAM SUKUMAR JAIN  
 REGR. No. 102492  
 GOVT OF INDIA

~~14~~ - 13 -



To

The Executive Engineer (c)

Environment & Heritage Department  
Kolkata Municipal Corporation  
48, Market Street,  
Kolkata 700087

Ref: Pre no . 7A, TILJALA PLACE, Kolkata 700017  
Ward no.:- 65; Bor no :- VII.

Sub:- Creation of waterbody.

Dear Sir,

With reference to the above, We would like to inform you that we have created waterbody at above said premises as per your letter vide ref no E&H/102/2020-2021 dated 10/09/2021 according to West Bengal Fisheries Act, 1984.

We , therefore , request you to inspect the same as soon as possible.

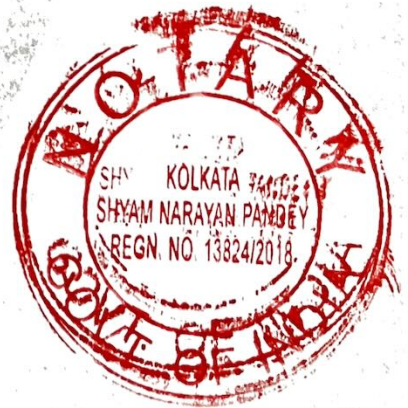
Thank You.

Yours truly

- 1) Javed. Aahls .
- 2) Shaheda Parveen .
- 3) Rehan Saad
- 4) Afaf Naved .

07.10.2021.

Signature of owner(s)



SARIN / S. Mitra  
*[Signature]*

AE(c) / D.S.  
*[Signature]*  
08/10/21

7

Annexure - B

To  
The D.G (E & H)  
Environment and Heritage Department  
Kolkata Municipal Corporation  
48 Market street , Kolkata

Re : Premises no 7A , Tiljala Place , Kolkata 700017.

Sub:- Appeal for creation of pond within same premise.

Dear Sir,

With refence to the above, this is to draw your kind attention that we are the owners of the said premises. We are going to submit a proposal for a residential building at said premises. But as per record of K.M.C assessment book and I.B there is pond having area 1k 7 ch within this premises.

As per our knowledge , since last 40 years there was no pond in our premises and there is no existence of pond in the tank list of K.M.C .

In this circumstances , we propose to create of tank as recorded in I.B copy which has to be retained as pond within this plot to facilitate to make a residential building there.

We are submitting necessary plan and documents along with this.

Hope your kind consideration on this case .

Thank you.

Yours truly

*Javed. Akter*  
Shahide Parveen  
Reha Saif  
Munir Ahmed.

*EZ/PC*  
*Dny (EZH)*  
*AM*  
*ST/14*

1. Copy of Inspection book
2. Copy of assessment book record.
3. Copy of tax bill
4. Site plan.

*P. Sanyal*  
*2/10/20*  
*12/EO/EO*

*12/EO/EO*  
*8/7/21*



- #16  
- 15-

Anneaux - E

760

## REPORT

Sub: Regarding premises no. 7A, Tiljala Place, Wd 65, Br VII

Building department sanctioned a partly G+VI & partly G+VII storied residential building vide B.P. no-2022070080, dt.-15/07/2023 after getting NOC from Environment & Heritage department. Building department inspected the said premises & found that the construction is going on as per sanction plan & a Pond exists there as per sanction plan.

*[Signature]*  
31/08/24

SAE(C)/Bldg/Br-VII

*[Signature]*  
31/08/24

AE(C)/Bldg/Br-VII

Asstt. Engg. (C)  
Bldg. Br. VII  
K.M.C.

*[Signature]*  
31.08.2024

Ex..Engg.(C)/Bldg/Br-VII

Ex. Engg.(C)  
Bldg. Br. VII  
K.M.C.

