

Rajib Ray
Advocate

Before the National Green Tribunal, Eastern Zone Bench, Kolkata
Original Application 155/2024/EZ

Salboni Apartment Owner's
Association.

...Applicant

Versus

State of West Bengal & Others.

....Respondents

**AFFIDAVIT ON BEHALF OF THE DEPUTY COMMISSIONER OF
POLICE, EASTERN SUBURBAN DIVISION, KOLKATA.**

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Filed by:

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**AFFIDAVIT ON BEHALF OF THE DEPUTY COMMISSIONER OF
 POLICE, EASTERN SUBURBAN DIVISION, KOLKATA.**

I, Sri Swarup Kanti Pahari, son of Sri Tushar Kanti Pahari , aged about 52 years, by faith: Hindu, by occupation- Government Service, now posted as Officer-in-Charge, Ultadanga Police Station, Eastern Suburban Division District: Kolkata, Pin No. 700067, do hereby solemnly verify and say as follows:-

1. I am the Inspector of Police, presently posted as Officer-in-Charge, Ultadanga Police Station, Kolkata- 700067 and I have been duly authorized by the Deputy Commissioner of Police, Eastern Suburban Division to swear this affidavit for and on his behalf. I have made myself acquainted with the facts and circumstances of this case and competent to affirm this affidavit.

2. That this affidavit is being affirmed in pursuant to the solemn order passed by the Hon'ble Tribunal on 07.08.2024 whereby the Hon'ble Tribunal was pleased to direct all the respondents to file counter affidavit within four weeks.

3. That I have read a copy of the application purported to have affirmed by the applicant in this application (hereinafter mentioned as the "said application") and on perusal of the same I have understood the



purports and contents thereof. I have been advised to deal with and/or traverse only those allegations of the said application which are material for proper adjudication of the case, which are hereby do save and except what are specifically admitted herein all the statements made in paragraphs of the said applications are denied and as if they have been traversed in seriatim.

4. That on 04.09.2024, the office of the Deputy Commissioner of Police, Eastern Suburban Division has received a communication along with softcopies of the application and order dated 07.08.2024 passed by the Hon'ble Tribunal through post from the office of the Deputy Commissioner of Police, North Division.

5. That on perusal of the aforesaid communication as well as the aforesaid solemn observations of this Hon'ble Tribunal thereto, it *prima facie* appears that the alleged area in question is situated under the jurisdiction of the Deputy Commissioner of Police, Eastern Suburban Division.

6. That in compliance with the said order dated 07.08.2024, it could be ascertained that the dispute and allegations herein made in the instant Original Application, seeking restoration of the water body known as 'Salboni lake/pond' situated at Premises No.3, 3/1, 3/1/1, Jiban Krishna Ghosh Road, near 64/69 Khudiram Bose Sarani (Belgachia Milk Colony), Belgachia, Ward No.3, Kolkata, measuring an area of 32 bighas. It has been also alleged that the Kolkata Municipal Authorities are planning to build residential house by filling up the water body in question in order to rehabilitate slum dwellers and there is likelihood of the Kolkata Municipal Corporation encroaching the said lake/pond area..

7. That it is respectfully submitted that one Vivekananda Sarker & Others have preferred a Public Interest Litigation being WPA No. 198 of 2024 in the matter of Vivekananda Sarker & Others -Vs- The State of West Bengal and ors. before the Hon'ble High Court at Calcutta on self-same issue and the said petition is pending before the Hon'ble Chief



Justice T. S. Sivagnanam and the Hon'ble Justice Hiranmay Bhattacharyya.

Photocopies of the order of the said Hon'ble Court are annexed herewith marked as annexure "A" collectively.

8. That a mass petition under the letter headed "Birendranagar Security & Welfare Association" dated 15.03.2024, being signed by the local inhabitants, addressing to the respected Chief Minister of the Government of West Bengal, copy to the Inspector-in-Charge of Ultadanga Police Station was received by Ultadanga Police station regarding the dispute as alleged by the petitioners.

9. That after receiving the same, a local enquiry has been carried out. In course of enquiry, the surrounding places of the water body in question was visited and found that the water body has almost dried out and covered with long grasses and weeds. No constructional work besides the bank of the water body has been found going on and sign of illegal filling up the water body could not be noticed. It could be learnt from the local people that the wet land has been dried up naturally.

Photographs of the said water body are annexed herewith and marked as annexure "B".

10. This is to also submit that the matter has already been brought into the notice to the East Kolkata Wetland Management Authority, Department of Environment, Government of West Bengal; The Commissioner of Kolkata Municipal Corporation as well as to the DRM, Eastern Railway, Sealdah Division by the concerned Police Station through submitting letters.

Photocopies of the said letters are annexed herewith marked as annexure "C" collectively.



11. In the aforesaid circumstances, particularly in view of the location of the alleged area in question falling within the jurisdictional area of the deponent, it is most humbly submitted that the name of the Deputy Commissioner of Police, North Division is required to be replaced by the Deputy Commissioner of Police, Eastern Suburban Division in the array of the Respondent No.5 in the present matter, because the records and/or documents pertaining to the Original application with regard to the alleged area in question, are lying with the office of the jurisdictional area of the Deputy Commissioner of Police, Eastern Suburban Division.

12. It is therefore most humbly prayed that this Hon'ble Tribunal may graciously be pleased to pass order/order(s)/direction/direction(s) by suitably modifying and/or varying the order dated 07.08.2024 passed in the present matter to the aforesaid extent.

13. That in compliance with the order of the Hon'ble Tribunal the sharp vigil is being maintained so that Environment of this area is not polluted and/or the basic environmental elements namely Air, water and soil is not disturbed.

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

15. The statements made in paragraph 1 to 10 are based on information derived from the record which are usually kept and maintained by the answering respondents in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office


Advocate

Deponent

Swarup Kanti Pahari

(Swarup Kanti Pahari)

Officer-in-Charge

Ultadanga Police Station, Kolkata

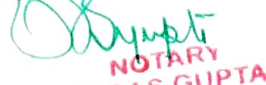
Officer-in-Charge

Ultadanga P.S.


Kolkata

08/09/2024

SOLEMNLY AFFIRMED
&
Declared Before me
in Identification Adv.


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

10 SEP 2024


NOTARY
N. DAS GUPTA
C.M.M. Court
Govt. W.B.
Regn. No.
006/22



20.06.2024
Item No.23
gd/ssd

WPA(P)/198/2024
VIVEKANANDA SARKAR AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Durga Prasad Dutta,
Mr. Souvik Sen,
Mr. Sumanta Ganguly
..for the Petitioners.

Mr. Sk. Md. Galib,
Mr. Sayak Chakraborty
..for the State.

Mr. Alak Kumar Ghosh,
Mr. Arijit Dey
..for KMC.

Mr. Gouranga Kumar Das,
Mr. Ankit Sureka,
Mr. Pradyat Sarkar
..for the Union of India.

1. The allegation in the writ petition is that the water body which was taken over by exercise of powers under Section 17A of the West Bengal Inland Fisheries Act, 1984 is slowly being destroyed, filled up and to be utilized for the purpose of construction of apartments for rehabilitating the slum dwellers.

2. It is prima facie clear that the water body in question has been taken over by virtue of a notification issued under Section 17A of the West Bengal Inland Fisheries Act by order of the competent authority dated 16.05.2017 who is also the Municipal Commissioner of the Kolkata Municipal Corporation.



3. The learned advocate for the petitioners has shown the satellite measures which prima facie shows that the nature and character of the water body is slowly changing.

4. The newspaper report in the Millennium Post dated 14th March, 2024 has been referred to substantiate the case of the petitioners that the Kolkata Municipal Corporation plans 24 Banglar Bari with 384 dwelling units in the water body area.

5. Therefore, the petitioners would state that the water body has to be preserved and no construction can be put up on the said water body and appropriate directions are sought for.

6. The learned advocate appearing for the Kolkata Municipal Corporation awaits instruction in the matter and seeks for time.

7. List this matter under the caption "For Orders" on 4th July, 2024.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)



38 05.09.2024
AN Ct. No. 01

WPA(P) 198 of 2024

Vivekananda Sarkar & ors.
vs.
State of West Bengal & Ors.

Mr. Durga Prasad Dutta
Mr. Souvik Sen

... for the petitioner

Mr. Kishore Dutta, Id. A.G.
Mr. Anirban Ray
Sk. Md. Galib

... for the State respondents

Mr. Alok Kr. Ghosh
Mr. Arijit Dey

... for the K.M.C.

Mr. G. Das
Mr. Pradyut Saha

... for the U.O.I.

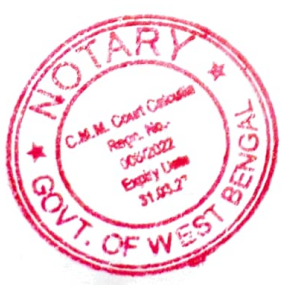
1. The written instructions given by the K.M.C. to the learned standing counsel has been placed before this Court, a copy of which has been served on the learned counsel appearing for the petitioner who seeks time to go through the report and make submissions.

2. List the matter on 12.09.2024 for further consideration.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)









- 11 -

KOLKATA MUNICIPAL CORPN.
 M.P. Secy. Dept.
RECEIVED
 14 MAY 2024
 CONTENT NOT VERIFIED
 Date: B-342
 Signature: 14.5.24

Annexure "C"

To,
 The Municipal Commissioner,
 Kolkata Municipal Corporation

Sub: Complaint against illegal filling of water body at Milk Colony near Salboni Apartment; 64/98C, Khudiram Bose Sarani, Belgachia, Kolkata Municipal Corporation Ward No: 03.

Sir,

In reference to the above referred subject, this is to bring to your kind notice that this Police Station has received a mass petition regarding illegal filling of water body at Milk Colony near Salboni Apartment; 64/98C, Khudiram Bose Sarani, Belgachia, Kolkata Municipal Corporation Ward No: 03.

In view of the above, you are hereby requested to kindly look into the matter and take necessary measures accordingly.

This may be treated as Urgent.

Encl:- Photocopy of the mass Petition.

14/5/24

FORWARDED
 ka
 21 Ultadanga P.S.
 Kolkata
 13.05.24

Submitted,

 MD INTEKHAB ALAM
 Sub Inspector of Police
 Ultadanga Police Station
 Kolkata
 13.05.2024





To,
The Divisional Railway Manager (DRM), Sealdah
Divisional Railway Manager's Office
DRM Building,
Eastern Railway,
Sealdah Division,
Kaiser Street, Kolkata - 700014

Sub: Complaint against illegal filling of water body at Milk Colony near Salboni Apartment; 64/98C, Khudiram Bose Sarani, Belgachia, Kolkata Municipal Corporation Ward No: 03.

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In view of the above, you are hereby requested to kindly look into the matter and take necessary measures accordingly.

An action taken report in this regard may kindly be forwarded to this PS at the earliest.

This may be treated as Urgent.

Encl:- Photocopy of the mass Petition.

FORWARDED

[Signature]
Uitadanga P S
Kolkata

14/05/24

Submitted,

[Signature]

MD INTEKHAB ALAM
Sub Inspector of Police
Uitadanga Police Station
Kolkata
14.05.2024

Copy to: -

1. Senior Divisional Engineer, Eastern Railway, Sealdah

M. De
15.5.24





To,
The Chief Technical Officer,
East Kolkata Wetlands Management Authority (EKWMA)
Department of Environment, Govt of West Bengal

Sub: Complaint against illegal filling of water body at Milk Colony near Salboni Apartment; 64/98C, Khudiram Bose Sarani, Belgachia, Kolkata Municipal Corporation Ward No: 03.

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Encl:- Photocopy of the mass Petition.

FORWARDED

Kan
Ultadanga P.S.
Kolkata

13.05.24

Submitted,

MD INTEKHAB ALAM
Sub Inspector of Police
Ultadanga Police Station
Kolkata
13.05.2024

P Singh
14/05/2024

Received. Contents not verified
East Kolkata Wetlands Management Authority
Department of Environment, Govt. of West Bengal
Pranisampad Bhaban, 5th Floor, LB-2, Sector-III
Salt Lake, Kolkata-700106



BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O. A. NO. 155/2024/EZ

In the matter of:

Salboni Apartment Owner's
Association.

...Applicant

Versus

State of West Bengal & Others.

....Respondents

Affidavit on behalf of the respondent
no. 5, Deputy Commissioner of
Police, Eastern Suburban Division.

RAJIB RAY

Advocate

Bar Association Room No. 13,
High Court, Calcutta

Mob-9830132729/7980422764

Chamber: 28, Fakir Chand Mitra
Street, Kolkata- 700009.

Email: rajib.ray23@gmail.com

