Sl. No. 122

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE AT KOLKATA

O.A 12 of 2024/EZ

In the matter of :

In Re : '14 Cottahs Mahisbathan pond turns into field, BMC steps in Kolkata West Bengal'

.....Applicant

VS

Principal Secretary, Department of Environment & Ors.

.....Respondents

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NOTARY SK. NAZRUL ISLAM Area Kolkata Regn.No. 447/19 Expiry Date 15.09.2024 GOVT. OF WEST BENGAL

23 JUL 2024

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

O.A 12 of 2024/EZ

In the matter of :

In Re : '14 Cottahs Mahisbathan pond turns into field, BMC steps, in Kolkata West Bengal'

.....Applicant

VS

Principal secretary Department of Environment & Ors.

.....Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 6, 7, 8 & 9.

I, Samar Kumar Mondal, son of Late Bhimchandra Mondal, aged about 73 years, by faith Hindu, by nationality Indian, by occupation business, residing at MB 38, Mahisbathan, Salt Lake – Sector V, Post Office – Krishnapur, Police Station – Electronic Complex, Ward No. 28, Kolkata - 700102, District- North 24 Parganas, do hereby solemnly affirm and sincerely state as follows :

1. That I am the Respondent No. 8of the instant Original Application and as such I am well acquainted with the facts and circumstances of the case and I have been duly appointed by the Respondent Nos. 6, 7 & 9 as a constituted Attorney through power of Attorney,

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dated 5th February, 2005 and otherwise competent to swear this affidavit on my behalf and on behalf of the Respondent No. 6,7 & 9.

2. That the Hon'ble Tribunal had taken up suo moto of a news article published in National Daily "The Times of India" on 05.01.2024 and initiated the proceedings. By an order dated 11.01.2024 made the direction to implead the Principal Secretary, Department of Environment, Govt. of W.B, Principal Secretary, Department of Fisheries, Govt. of W.B, West Bengal Pollution Control Board, through it's Member Secretary, Kolkata, Bidhannagar Municipal Corporation, through it's Commissioner, Kolkata and District Magistrate, North 24 Parganas as Respondent No. 1, 2, 3, 4 & 5 respectively.

3. That the Respondent No. 6 to 9 are the joint recorded owners of the land measuring 26 decimals (equivalent to 15 Cottahs 12 Chittacks and 5 Sq. Ft.), lying and situated at J.L. No. 18, Mouza – Mahisbathan, comprised in C.S. Dag No. 221, corresponding to R.S. & L.R. Dag No. 166 under C.S. Khatian No. 193, corresponding to R.S. Khatian No. 210 and L.R. Khatian Nos. 633,634,635 and 636, Police Station – Electronic Complex, District – North 24 Parganas and the possession of the said land remained within their family across generations.

4. That the Respondent No. 6 to 9, being original recorded owners of the subjected property also being the interested party to the

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Original Application being No. O.A. No. 12/2024/EZ, preferred an interlocutory application before this Ld. Tribunal for addition of Party beingI.A. No.22/2024/EZ and after considering the prayer of the application made before the Tribunal, the Ld. Tribunal was pleased to implead Aloke Kumar Mondal, Ashish Kumar Mondal, Samar Kumar Mondal and Shyamal Kumar Mondal in the array of Respondents as Respondent Nos. 6, 7, 8 and 9 respectively and this Counter Affidavit is being filed pursuant to an order dated 13.05.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone.

5. That the news published in "The Times of India" on 05.01.2024, alleging the illegal filling up of 14 Cottah Mahisbathan pond in a matter of a week, is erroenous. The said Respondents never had any knowledge of any water body ever having existed in the said land and the question of changing land classification does not arise here and the allegation of illegal filling of pond is categorically denied and disputed by the Respondents Nos. 6 to 9. Be it specifically mentioned that a portion of the land approximately 1.5 to 2 Cuttahs at North East portion being depressed and flat land encouraged standing water to remain stagnant in the said low-lying land, which becomes worse in the rainy season in the absence of a proper drainage system. As it is known, excessive rainfall is a natural cause of water-logging and water may remain on the land for several days especially if the soil has low porosity or

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permeability though in other seasons there is no trace of water in the said land. For this very reason, during monsoon season the said portion of the entire land has some rainwater, clogged therein, as a result of which debris are also dumped by the locales. The rest/major portion of the said land in question remains as vacant land till date, as the locales often use the land for festivals and other functions, therefore it cannot be said that the Respondents No. 6 to 9 have changed the nature of land.

6. That the title over the property is not in dispute and the ownership of the said property, has a clear flow. Ownership originally belonged to one Smt. Bijan Bashini Mondal, wife of Balaram Mondal, both since deceased (through whom the property was devolved upon the Respondent No. 6, 7, 8 & 9, being the present recorded owners) and the said Bijan Bashini Mondal had purchased the said land as "Shali" by classification, by virtue of two separate indenture executed in the year 1941, from the then C.S. recorded owners namely Santosh Kumar Mondal, Biswanath Mondal and Bipracharan Mondal. That in the "Tapashil" (Schedule) of both the deeds of 1941, the land transferred under C. S. Dag No. 221, clearly described and mentioned as "Shali" by classification and also in the C. S. Parcha of the C. S. recorded Owners so abovenamed, under C. S. Khatian No. 193, the entire C. S. Dag No. 221 (corresponding to R. S. & L. R. Dag No. 166) was clearly classified as "Shali". Thus,it is said that the classification of the

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said land was "Shali" from the very beginning i.e. since the framing of oldest Record of Right of the land of West Bengal, framed at the time of C. S. Zarip (popularly known as Cadastral Settlement Zarip).

Photocopies of the said C.S R.O.R. and two registrar Bengali Saf Kobala along with translated copies are annexed herewith collectively marked with Letter "A".

7. That it is needless to mention at the time of framing the Revisional Settlement RORin the name of Late Bijan Bashini Mondal (our predecessor in title) under R. S. Khatian No. 210, the concerned authorities of B.L. & L.R.O, had inspected the said plot in question and probably, uponfinding the rainwater in the low vacant land, altered the land classification from "Shali" to as "Doba" erroneously.

8. That the transformation, if any, of the subject-land is an act of nature and no fault is attributable to the respondents herein, more particularly, in the present facts and circumstances especially when the petitioner did not reap any benefits thereof. The invocation of jurisdiction as per Section 4C or 4D of the West Bengal Land Reforms Act could only arise when the transformation of land is a sequel to an active intervention of a person interested in the land. In this case, the respondents did not play any role whatsoever.

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9. That a piece of land under classification "Doba" generally can't be the area of 26 decimals, if the exhaustivecertain limit of that particular classification "Doba" is taken into consideration. Thus eventually at the time of framing L. R. ROR the land classification further altered from "Doba" to "Pukur" considering the area of land, thus presently the land is classified as "pukur" in the L.R. ROR.

Photocopies of the said R.S with translate copy and L.R. R.O.R. are annexed herewith collectively marked with Letter "B".

10. That the Respondent Nos. 6 to 9 received aNotice u/s 4C(5) of WBLR Act, 1955, dated 09.01.2024 vide Memo No. 22/ BLLRO/RHT/2024 from the B.L.& L.R.O, Rajarhat bearing the following subject: "Notice regarding illegal filling of water body" whereby and whereunder the said Respondents were informed that the nature character of the said land had been changed by the said Respondents, contrary to its classification as "pukur"in the L.R. Records and were directed to inform as to why necessary legal action would not be taken within 7 days of receipt of the said memo.On receipt of the same,the Respondents replied to the said notice on 18.01.2024 and meanwhileobtained and accumulated the C. S., R.S Record of Rights. Upon perusal of the same, surprised to find that the said land has been erroneously classified as 'doba' (by penning through the then existing word Shali) and

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then classified as 'Doba and pukur' at the time of framing R.S. and L.R. Record of Rights, respectively. Such fact came to the knowledge of the respondent nos. 6 to 9,only on receipt of the aforesaid notice from B.L.& L.R.O, dated 09.01.2024. The Respondents had no previous knowledge of such error in classification of the said land prior to receipt of the C.S. & R.S. ROR.For that reason just after getting the C.S & R.S ROR the Respondent Nos. 6 to 9, further made a reply dated 24.02.2024, against the Notice u/s 4C(5) of WBLR Act, 1955, dated 09.01.2024 to the B.L & L.R.O, Rajarhat narrating all the facts of erroneous record of classification of land and the said reply was received by the office of the B.L. & L.R.O, Rajarhat on 27.02.2024 vide receipt No. 1267.

Photocopies of the said notice and representations/ reply made thereafter are annexed herewith collectively marked with Letter "C".

11. Thatafter getting the Knowledge of erroneous classification in consecutive RORs, the said Respondentsuponconsultation with their advocate,undertook necessary steps by filing an application u/s 50(1)f of WBLR Act, 1955 before the B.L.& L.R.O, Rajarhat, though our Ld. Counsel on 05.02.2024 and the same is pending for adjudication and disposal.

Photocopy of the said application is annexed herewith marked with Letter "D".

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12. That in furtherance the Respondent No. 4 herein being the Corporation, had called for a hearing over the issues by issuing a letter dated 22.03.2024 vide Memo No. 876/BMC/GS/2024 and the Respondents on receipt of that appeared before the Corporation on 28.03.2024 at about 12.00 noon and as per the direction of the Commissioner filed a notes of Arguments on Affidavit signed by all the Respondents Nos. 6 to 9 on 01.04.2024 and the same was received by the receiving department.

Photocopy of the said letter dated 22.03.2024 and Notes of Argument on Affidavit is annexed herewith and collectively marked with Letter "E".

13. That the said respondents never had any knowledge of any water body especially because at the time of purchase of the said Land the same was classified as "Sali" i.e. Agricultural Land. Furthermore out of the total land comprised in R. S. & L. R. Dag No. 166, a portion/s was donated by predecessor-in-interest of the Respondents to a school namely "Mahisbathan Jatiya Pathshala" and there also situated a club building namely "Dr. Bidhan Chandra Ray Smriti Sangha" and both of the school and club are in their respective possession for the past 71 and 51 years respectively without any dispute. Thus, it is clear and concise that the said land under dispute was never been a pond/ pukur by classification.

Actual colored photographs including surroundings on the land is annexed herewith and collectively marked with Letter "F".

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14. That I also say in a verification report as submitted by Bidhannagar Municipal Corporation on Affidavit on 10.05.2024, being the Respondent No. 4, it is not written that a pond is recently filled up instead it is written that maximum portion of the property is found as Danga Land (approximately 22 Dec.) and some garbage and excavated earth is seen scattered here and there.

15. That in the said conspectus of facts, the said respondents having no knowledge of the previous existence of any water body, cannot be held responsible for filling up of the same.

16. That considering the above facts and circumstances I therefore prays before your Lordship for an order for restraining the other respondents to take any step for restoring the said solid land to "pukur" which was never in existence and to declare the said land to be "Shali" land on perusal of all annexed documents.

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17. That the statements made in Paragraphs Nos. 1 to 7, 10 to 12 are true to my knowledge and belief and rest in paragraph nos. 8, 9, 13 to 16 are my humble submission before this Hon'ble Court.

Prepared in my office

IDENTIFIED BY ME

Abaya Chakraborty

Advocate ADVOCATE

Saman Kumar Mondal.

Signature of the Deponent
is known to me

Solemnly Affirmed and Declared before me U/S 139 CPC, U/S 297 (C) CRPC

Notary

Sk. Nazrul Islam
Notary, Govt. of W.B.
Regn. No. 447/19
City Civil Court, Calcutta

23 JUL 2024

VERIFICATION

I, Samar Kumar Mondal, son of Late Bhimchandra Mondal, aged about 73 years, by faith: Hindu, by occupation: business, MB 38, Mahisbathan, Salt Lake – Sector V, P.O.: Krishnapur, P.S.: Electronic Complex Police Station, Ward No.: 28, Kolkata – 700102 do hereby verify that the contents of paragraphs 1 to 7, 10 to 12 are true to my knowledge and the rest are my submissions before the Hon'ble Tribunal and that I am the respondent No. 8 herein and I am the constituted attorney of the respondent nos. 6, 7 and 9 and I am also well acquainted with the facts and circumstances of the instant case. I am competent to verify the instant application on behalf of me and for the Respondent Nos. 6, 7, and 9.

Samar Kumar Mondal.

Signature of Applicant
(SAMAR KUMAR MONDAL)

Date : 23.07.2024

Place : Kolkata

Identified by me:

Ahnya Chakraborty
Advocate

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"ANNEXURE-A" 80

মৌজা মহিষবাথান জে: এল: নং ১৮ ২০০

জিলা ২৪ পরগণা রে: সা: নং ২০৩ খতিয়ান নং ১৯৩

থানা রাজারহাট পরগণা কলিকাতা তৌজি নং ১৪৭

উপরিস্থ স্বত্বের			অত্র স্বত্বের দেয়		মন্তব্য	ধারামতে ও কোন সন হইতে আমলে আসিবে	
খতিয়ান নম্বর রায়বাটা	দখলকার সংক্ষিপ্ত	পরস্পর অংশ	খাজনা	সেস		খাজনা	সেস
১৬৯	ভূপতি রায়চৌধুরীগণ	১/	৬৸৭		ময়খাজনা ২০ নং মহিষগোট মৌজার ২৩ নংখং		

গ্রুপ নম্বর	অত্র স্বত্বের বিবরণ ও দখলকার	অংশ	স্বত্বের শ্রেণী ও বিবরণ	স্বত্বের বিশেষ নিয়ম ও অনুসঙ্গ
	রায়তি		রায়ত	
ক	সন্তোষকুমার মণ্ডল	৵১৩।/	মোকররী	
	বিশ্বনাথ মণ্ডল	৵১৩।/		
	বিপ্রচরণ মণ্ডল	৵১৩।/		
	পিং জয়লাল মণ্ডল			
খ	উদয়কুমার মণ্ডল	॥০		
	পিং খটীরাম মণ্ডল	১/		

Transfer of Certain Tenancy Issued and Certificate published under section 103 Act of the Bengal Tenancy act VIII of 1885

১০৫।১০৬।১০৮।১০৯
ধারামতে পরিবর্ত্তন ও
মোকদ্দমা নং

EXECUTIVE MAGISTRATE Rs.20 INDIA

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খতিয়ান নং ১৯৩ অত্র স্বত্বের নিজ দখলীয় জমি

দাগ নং	উত্তর সীমানার দাগের দখলকার	জমির রকম	মন্তব্য	দাগের মোট পরিমাণ এঃ	দাগের মোট পরিমাণ শঃ	অত্র স্বত্বের অংশ	অত্র স্বত্বের অংশের জমির পরিমাণ এঃ	অত্র স্বত্বের অংশের জমির পরিমাণ শঃ
২১৩	নিজডাঙ্গা	ডাঙ্গা	উদয়					১৯
২১৪	পথ	ঐ	উদয়					০৭
২১৫	ঐ	বাস্তু	ঘর ৪ গোলা ১ সন্তোষগং					৪৮
২২১	লক্ষ্মীকান্তগং	শালি						২৬
২১৫ ৫৫৭	সন্তোষগং	বাস্তু	ঘর ২ উদয়					৩২

Certified to be true copy

CERTIFICATE OF COPY
COST FOR
Application No. 12492
Application for copy
Searching fee 10/
Extra fee
Authenticate 16

CERTIFIED TO BE TRUE COPY
Head comparing Clerk
Office of the District Magistrate
&
Collector
North 24-Parganas, Barasat
Authorised M/S 76 ACT-1 of 1879

1. Date of Application for the copy
2. Date fixed for the notifying the requisite number of stamps & follos
3. Date of delivered of the requisite stamp and folios
4. Date on which the copy was ready for delivery
5. Date of making over the copy to applicant

Cost of folios
Number of papers
Folio
Printed forms
Tracing Cloth
Rupees 20/-

নিজ দখলীয় জমির মোট পরিমাণ ১ ৩২

খাজানা প্রাপকের খতিয়ান নং	অধীনস্থ স্বত্বের খতিয়ান নং
১৯৩ক	১৯৪

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Officer-in-Charge
District Record & Copying Section
North 24-Parganas, Barasat

অধীনস্থ স্বত্বের মোট পরিমাণ ২১

সর্ব্বমোট ১ ৫৩

ফ্রেম নং ৭ জয়দীশ অঃ ১৯১৯ ৩০

200

Mouza-Mahisbathan

Dist. 24 Parganas
P.S. Rajarhat

Re. Sur No.203
Pargana- Kolkata

J.L. No. 18
Khatian No. 193
Touzi No. 147

In respect of Superior Right		Payable in respect of this right			Remarks	..... under Section and from date	
Khatian No.	Particulars and possessor (in Brief)	Respective Share	Rent	Cess		Rent	Cess
169	Bhupati Roy Chowdhury and others	1/-	6-12-7	Moykhajana at Mouza No. 20 Mahishgote under Kha. No. 23			

Group No.	Particulars and possessor of this right	Share	Particulars and possessor of this right	Share	Class of this right [illegible] special Rule and Appendix
Ka	Ryoti Santosh Kumar Mondal Biswanath Mondal Bipracharan Mondal Sons Joylal Mondal	 0-2-13-1-1 0-2-13-1-1 0-2-13-1-1	Ryoti Mokarari		
Kha	Uday Kumar Mondal Son of Khatiram Mondal	0-8			
		Re.1/-			

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Regn.No. 447/19
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Note or changed under Section 105// 106/108/115Kha/115Ga (with Case No. & year)	(Court fees stamp Rs.10/-

Khatian No. 193

Land in Khas Possession in this right

Dag no	Possessor of dag the North boundaries	Class of Land	Remarks	Total area of Dag		Share of this right in the Dag	Area of land in the share of this right out of the Dag.	
				A.	Dec.		A	Dec
213	Self Danga	Danga	Uday					19
2134	Passage	-Do-	Uday					07
215	-do-	Homestead land	House-4, Gola-1 Santosh and others					48
221	Laxmikanta & ors.	Shali						26
215/557	Santosh and others	Homestead land	House -2 Uday					32
			Total area of the Land under own possession				1	32

Khatian no. of the recipient of rent	Khatians of subordinate right
193Ka	194

Total are under subordinate right		21
Grand Total:	1	53

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Sd/- illegible
Officer in charge
District Record & copying section
North 24 Parganas, Barasat

Certified to be the English translation of a Record of right in Bengali

22/07/24

R. Islam
Rtd. Senior Interpreting Officer (Cu
O.S. High Court, Calcutta

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~~-15-~~

7 Rs. 8 As.

सात रुपया आठ आना

৫০০৲ টাকা মূল্যে সাফ বিক্রয় কোবালা

গ্রহীতা—
শ্রীমতি বিনোদ কামিনী দাসী [illegible]
[illegible] জাতি রাজবংশী পেশা গৃহকর্ম্ম
সাং [illegible] থানা [illegible] জেলা ২৪ পং

দাতা—
শ্রী [illegible] কুমার মণ্ডল পিতা ৺ [illegible]
রাম মণ্ডল জাতি পৌণ্ড্রক্ষত্রিয় পেশা
[illegible] সাং [illegible]
[illegible] জেলা ২৪ পং

জেলা ২৪ পং [illegible] সবরেজেষ্ট্রী মো, [illegible] কালেক্টরীর ১৪৭৪৫ তৌজির মালীক জমিদার ১। শ্রী [illegible] ২। শ্রী [illegible] মহাশয় দিগের অধিকারে - উত্তর গ্রামের ১৭৩ নং খতিয়ান ভুক্ত [illegible] ১. ৫৩ শতক ও উহার সামিল খতিয়ান [illegible] ২৩ নং খতিয়ান [illegible] ২০ শতক জমির মোট দুই দাগে ১. ৭৩ একর জমির বাৎ বার্ষিক ৩৮৭ পাই উক্ত কার এক জমা আছে যাহা আমার অপর শরিক [illegible] কুমার মণ্ডল বিশ্বনাথ মণ্ডল ও বিপ্র চরণ মণ্ডল [illegible] অংশ ৷৷ আনা ও আমার অংশ ৷৷ আনা [illegible] স্বত্বাবান আমরা পৈতৃক সূত্রে প্রাপ্ত হইয়া উক্ত [illegible] সরকারে [illegible]

[illegible] সাফ বিক্রয় কোবালা [illegible]
তারিখ ৩ কার্ত্তিক ইং ১৯৪০ সাল তাং ২৩ অক্টোবর [illegible]

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Regn. No. 4/7/18
Expiry Date 15.04.2023

দিয়া ভোগদখল করিতে থাকা অবস্থায় আমার উক্ত ময়দানের সহিত আপোষ
বাঁটোয়ারা মতে লিখিতরূপে মিশ্র তফসীলে বর্ণিত ৭১ শতক জমির জোত
বার্ষিক ৩।৸৪ সাই টাকার লাখেরাজ আমার নিজস্ব যে লিখিতরূপে খাস্তু হইয়া
উক্ত মালীকগণ সরকারে জারিত দাখিল সুবাদে উক্ত ৩।৸৪ সাই জমা আমার
নিজনামে আদায় দিয়া তাহার স্বত্বক দাখিলা গ্রহণে ভোগদখল করিয়া
আসিতেছি এবং উহাতে আমার বিক্রয় যোগ্য উত্তম নির্ব্যূঢ় স্বত্ব বর্ত্তমান
আছে, এক্ষণে আমি অন্যত্র কারবার করিবার মানসে উক্ত লাখেরাজ বিক্রয়ের
ঘোষণা করিলে আপনী সরকারে অধিক ৫০০) টাকা দর দেওয়ায় আমি তাহাতে
সম্মত হইয়া উক্ত ১৯৩৮ সনের ৭১ শতক রায়তি মোকররী স্থায়ী
জমির জোত বার্ষিক ৩।৸৪ সাই টাকার লাখেরাজ সম্পূর্ণ নির্দ্দায় ও নির্দ্দোষাবস্থায়
৫০০) পাঁচ শত টাকা দরে আপনাকে সাফ বিক্রয় করিয়া আমার স্বত্ব হইতে
এক্ষণে চিরনিস্বত্ব ও দখলচ্যুত হইলাম এবং আপনাকে সম্পূর্ণরূপে দখলদারি
দিলাম আপনী উক্ত লাখেরাজ অদ্য হইতে নিজ দখলে লইয়া আমার নির্ব্যূঢ় স্বত্বে
স্বত্ববতী ভোগবতী ও দখলে দখলকারিণী হইয়া উক্ত মালীকগণ সরকারে জারি
দাখিল সূত্রে নিজনাম পত্তনে খাজনাদি আদায় দিয়া ও নিজ খরচে তাহার দাখিলাদি
গ্রহণে এবং উক্ত লাখেরাজ দান বিক্রয়াদির সুস্থায়িকারিণী হইয়া যদৃচ্ছা ব্যবহার
পুত্র পৌত্রাদি ওয়ারিশান ও স্থলবর্ত্তী দখলকারে ভোগদখল ও ভূক্তপাত করিতে থাকুন
তাহাতে আমার বা আমার পুত্রপৌত্রাদি ওয়ারিশান ও স্থলবর্ত্তী দখলকারের কোনরূপ
ওজরাপত্তি ও দাবিদাওয়া রহিল না। ভবিষ্যতে কেহ কোনরূপ দাবিদাওয়া ও ওজরাপত্তি
উত্থাপিত করিলে তাহা অত্র দাখিলবলে সর্ব্ব স্থানে ও সর্ব্বাদালতে সর্ব্বজনগণে
বাতিল ও অগ্রাহ্য হইবে। প্রকাশ থাকে যে উক্ত বিক্রীত সম্পত্তি ইতি পূর্ব্বে
কোন স্থানে কোনরূপে দান বিক্রয়াদির দ্বারা হস্তান্তর করি নাই বা কাহাকেও দ্বারা
দায়বদ্ধ করি নাই বা কাহারও নিকট বায়না গ্রহণ করি নাই বা কোনরূপ দায়বদ্ধ
হই নাই, সম্পূর্ণ নির্দ্দায় ও নির্দ্দোষাবস্থায় আমার সাফ দখলে আছে এবং
তদবস্থাতেই আপনাকে সাফ বিক্রয় করিলাম। যদি ভবিষ্যতে উক্ত উভয়
সমূহের কোনরূপ ভঙ্গকতা প্রকাশ পায় ও আপনার জারিমা সূত্রে কোনরূপ
বাহির হইয়া যায় তাহা হইলে আমি ওয়ারিশানক্রমে যে ক্ষতি পূরণ করিতে
বাধ্য রহিলাম। এতদর্থে স্বস্থ শরীরে স্বেচ্ছাপূর্ব্বক অন্যের বিনা প্ররোচনায় অত্র
অত্র দলিলের মর্ম্ম বিশেষরূপে অবগত হইয়া আপনার উপর নামে রাজিয়া
পাইয়া অত্র সাফ বিক্রয় কোবালা লিখিয়া দিলাম ইতি সন ১৩৪৭ সাল
তারিখ ৬ কার্ত্তিক ইং ১৯৪০ সাল তাং ২৩ অক্টোবর।

তপশীল সম্পত্তি—

জেলা ২৪ পঃ থানা রাজারহাট সরকারে শ্রেণী মৌঃ কাশীপুর মহাল কলিকাতা সহরের দক্ষিণ বিভাগ মৌজে মহিশবাথান গ্রামে ২৪ পঃ কালেক্টরীর ১৪৭নং তৌজি জেঃ এলঃ ১৮ রেঃ সাঃ ২০০৩ সালের ২৬৩ রাখী মোকদ্দমা দ্বারা লিমিটের অধিন ১৬ ১ নং

সম্পত্তির	১। দাগ— ২১৩ দাগ	উত্তর নিজভাগী	জাগা—	১৯ শতক
	২। ২১৪ দাগ	ঐ	ঐ	০৭ শতক
	৩। ২২১ দাগ	উঃ লক্ষ্মীকান্ত	আমী	১৬ শতক
মোট	৪। ২১৫/৫৫৭ দাগ	উঃ সন্তোষ	রাস্তা	৩২ শতক

৭১

মোট একাত্তর শতক তথা মাত্র উত্তর

লাখির আলাদা ৩।৪ পাই ভৌত ১৩৬৬ সালের ফাল্গুনের রোজ আমী দুই নিবাসী শ্রীযুক্ত ভূপতি রায়চৌধুরী সঃ সাকারে আমার নিকট হয়।

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ইসাদি—

লিখন ও দখলীকারকগণের—
শ্রী সন্তোষ কুমার
সঃ জিলঃ গণী—

বাতরিশ্য সকল প্রমাণীত
মহিবাতম—
শ্রী রতন কুমার
সঃ চিদঃ পুর—
শ্রী সিদ্ধেশ্বর চৌধুরী
সমক্ষে—

I-2695

(Non- Judicial Stamp of Rs.1-8 anna)

Sd/- Uday Kumar Mondal

XXXXXXXXXXXXXX
XXXXXXXXXX
Sd/-illegible
Registering officer
15.7.

Deed of Absolute Sale for a

consideration of Rs.500/-

Vendee	Vendor
Smt. Bijan Basini Mondal, W/o Sri Balaram Mondal, by caste - Rajbangshi, Occupation- Household work, resident of Mahishbathan, P.S. Rajarhat, District 24 Parganas.	Sri Uday Kumar Mondal, son of Late Patik Ram Mondal, by caste- Poundra Kasthriya, Occupation- land and jama, resident of Mahishbathan, P.S. Rajarhat, District 24 Parganas.

In the District 24 Parganas, under P.S. Rajarhat, Sub-Registry office Cossipur Dum Dum,

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Pargana Kolkata at Mouza- Mahishbathan and Mahishgot Village included in touzi NO 147, owner Srijukta Babu Bhupati Roy Chowdhury resident of No. 136A, Ashutosh Mukherjee Road, Bhawanipur, Kolkata and Srijukta Babu Ratipati Roy Chowdhury resident of 1A, Kader Basu Lane, Bhawanipur, Kolkata having ryot imorkari right under Khatian No. 193 in the said village 1.53 acre of land and under the said Police Station at Mashisgot mouza under Khatian No. 193, a subordinate Khatian No. 23, 20 decimal of land in total in two mouza under two Khatian one after another 1.73 one acre seventy three decimal of land bearing total jama 6-12-7 pie in which we have ryoti morkari right which my other co-share Santosh Kumar Mondal and Biswanath Mondal and Bipra Charan Mondal have 8 anna share and I have eight anna share in total 16 share of property was received by us by way of paternal and by paying rent to the sharesta of the said owner

Sd/- Uday Kumar Mondal

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While were in enjoyment and possession by virtue of amicable partition with my said co-sharer. I received 71 decimal of property mentioned in the schedule on demarcation bearing annual rent of jama of 3-6-4 pie in my share and I by getting my name mutated and by said paying 3-4-6 pie in my name and obtaining rent receipt have been in enjoyment and possession of the same and I have good marketable title in the same. Now for receiving at other place having declared to sell the said land and jama and you having offered the highest price of Rs.500 five hundred rupees. I being agreeable to the same do sell unto you said 71 decimal of land having ryoti Mokarari right under Khatian No. 193 bearing annual jama of 3-6-4 pie in a state free from encumbrances and defects to you and I become divested of and out of possession from the same and by made over possession to you. You from this date stating the said land and jama under your possession and being the owner vested with go on enjoying and possessing the same down to your sons, son, heirs, representatives in succession in perfect happiness with power to effect all kinds of transfer

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such as gift, sale etc. to that we along with our heirs and representatives do not have any plea oor objection or claim or contention, if in future any kind of claim or contention is raised the same will be void and inadmissible at all place and in all court by this virtue of this Deed. Be it known hat I have not heretofore transferred the said land at any plea or by gift of sale or have not encumbered the same by mortgage or I have not taken any earnest money or have not entire any agreement for sale. It is in a state free from encumbrances and defects and under my khas possession and I do sell the same to you in that state. If in future any fraud comes to light and the property to enjoy our or your own accord and possession then I remain bound t compensate the said loss.

To this import I in sound health, in good faith, without being requested by others, having particularly understood the purports of this Deed received the entire amount of consideration in cash to my satisfaction in my own accord, do execute this

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Deed of Sale. Finis. 6th Kartick 1347 B.S. corresponding to 23rd October, 1940 A.D.

Schedule of the property

District 24 Parganas, under P.S. Rajarhat, Sub Registry office Cossipur Dum Dum, Pargana Kolkata at mouza- Mahishbathan Village, J.L. No. 18, Re-Sur No. 203 included in Touzi No. 147, Khatian No. 193, Zaminder Khatian No. 169 having Mokarari right. Under Zaminder Khatian No. 169:-

1) Dag No. 213 North	Danga	.19 decimal
Self danga		
2) In Dag No. 214 N-	-Do-	.07 decimal
Passage		
3) in Dag No. 221 N-	Shali Out of .26,	
Laxmikanta & Ors.		.13 decimal
4) Dag No. 215/557 N.	homestead	.32 decimal
Santosh and others	land	
		.71 decimal

Total seven one decimal of land and North (illegible)

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Rent of the land 3-6-4 pie is payable to the owner Srijukta Bhupati Roy Chowdhury of '136A' Ashutosh Mukherjee Road Alipore.

Read and explained by:

Sri Pasupati Naskar

Of Sulangori

Witness:

Sri Amullya Charan

Pramanik of Mahishbathan

Sri Rousan Ali

Of Chandpur

Sri Siddheswar Chowdhury

Of Dumdum

Registered in Book NO. I, volume No. 46, Pages 161 to 163 Being No. 2695 for the year 1960

Certified to be the English translation of a Deed of Sale in Bengali.

22/07/24

R. Islam

Rtd. Senior Interpreting Officer (C...

O. S. High Court, Calcutta

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3 Rs. 93

INDIA TWO RUPEES — REVENUE STAMPS — INDIA ONE RUPEE

তিন টাকা

Registration fee 1/-
Transfer fee .....
Cost of transcript fee 68/-
Processing fee 4/-
Total .....

Treasury Officer

১৮০, ঘোষ-মুলে- সাফ্ ক্রেয়- কোবালা

ক্রেতা-
শ্রী- মতী- বিজন- কাননী- মণ্ডল-
স্বামী- শ্রী- কানু- রাম- মণ্ডল- জাতি-
রাজ- বংশী- পেশা- গৃহস্থালী- সাং
মাহুষ বাথান- থানা- রাজারহাট-
জেলা- ২৪ পরগনা —

বিক্রেতা-
১) শ্রী- বিপু- চন্দ্র- মণ্ডল- ২)
শ্রী- শিবু- নাথ- মণ্ডল- উভয়ে
পিতা- ৺ প্রেম- লাল- মণ্ডল- জাতি
পেশা- কৃষি- পেশা- প্রমিপ্রেম
সাং- মাহুষ বাথান- থানা- রাজারহাট-
জেলা- ২৪ পরগনা

জেলা- ২৪ পরগনা- থানা- রাজারহাট; সাব রেজিষ্ট্রী
মোং- কাশীপুর- দমদম, কলিকাতা- পরগনা- মৌজা- মাহুষ
বাথান- গ্রামে- ১৪৭ নং তৌজিরি- মালিক শ্রী- যুক্ত বাবু ভূপতি রা
চৌধুরী- সাকিম- ১৩৩৭ আশু তোষ মুখার্জী রোড- ভবানীপুর- ও
২) শ্রী- যুক্ত বাবু রতিপতি- রায়- চৌধুরী- এবং ৩) শ্রীমতী মাতা শ্রী-
মতী- মাননীয়া- চৌধুরাণী- সাং ১৭ জোড়াবাগান লেন- ভবানীপুর
কলিকাতা- উভয়- পক্ষদিগের- মধ্যে- চাং মোবা

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শ্রীযুক্ত- [illegible]
পরম- সুখে- [illegible]

বাম হাতের মধ্যমা

ডান হাতের মধ্যমা

১৯৩ নং খতিয়ান ভুক্ত ১.৫৩ একর শতক জমি ও
উক্ত খানার অধীন মাহুষ-গোয়ে মৌজায় উক্ত ১৯৩ নং
খতিয়ানের আমীন- ২৩ নং খতিয়ান ভুক্ত ১.২০ শতক
জমি বিক্রয় করেন। যদী মৌজায় যদী পরগনায় আমিন —
খতিয়ান ভুক্ত ১.৭৩ একর জমি তিপান্ন শতক জমি যথা
প্রদেয় ৬৮৭ পার্শ্ব ঠাকুর জমা থাকায় তমাদের সহ
মৌজে রহী- মৃত হইতেছে, উক্ত জমি জমা আমরা তিন
মহাশয়ে দুপ্লাং কে ইপাত্রিক প্রাপ্ত এবং আমাদিং অধিকার
করেন ॥ অংশে — মজলেই কোবিক প্রাপ্ত সহজ দিয়ে
করে এবং সহজ ভোগ মাত্রে এবং ও মাত্রে সহজ প্রজা নিলে
তারা এবং সহজ মাত্রে ভেমা হুসান মজিদ আমিতেছি।
আপনি সেবী আমাদিং ॥ আমার রহম অংশে মজিদ উদয়
হুমায় মস্তকে অংশ মজিদ মুক্তি ভেমাবতী ও হুসানবেগিনী
আছেন, আপনার মজিদ রহম ॥ আমার অংশ মাত্রে
আমাদিং রহম — ॥ আমার অংশ মাত্রে — আমাদিং — এবং
মাস্তুই হুমায় মস্তকে অংশ নীতা। আমার নামে আমাদিং
উভয় — একতাব ৬৬॥= আমার অংশ — নিম্নে — আমাদিং —
নিকাশ রূপে পরিচিত — ৬১ শতক — জমির — হস্ত নামে
হারাহারি মতে — ২।২ পার্শ্ব ঠাকুর জমা — জমি — আমাদিগের ঠাকুর
নিকাশ — এ দেশের — শত: বর্ত্তমান সময়ে উপযুক্ত মূল্য মূল্য —
অধিক — ১৮০ এক শত আশি টাকা মূল্য — অমূল্য নির্দ্ধারণ
ও নির্দ্দেশ করিয়া অদ্য — অধিক — এক সময় দেখানে হস্তান্তর
আপনাকে মাত্র বিক্রয় করিলাম — এবং তাহাতে হুসান নিয়ে
নিলাম, আপনি অদ্য হইতে আমাদিং নির্দ্দিষ্ট মৃত —
মৃত বতী, ভেমাবতী, ও হুসানে হুসানবেগিনী — হইয়া পুত্র
পৌত্রাদি ও দানিশান ও সন্তানাদিক নাম নামে অধিকার প্রাপ্ত
শিকারে — প্রভৃতি হস্তান্তর — মৃত পুত্র — ক্রমে অধিকার
পরম সুখে ভেমা হুসান ও তদুত্তরাধিকারী

NOTARY
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বাম হাতের তর্জনী

ডান হাতের তর্জনী

যদ্যপি তপশীলে উক্ত বিক্রীত সম্পত্তির ৪ নং আমরা তফসিলস্থ ও মূল্যাতিরিক্ত নগদ কিস্তে বহিস্থ বাকীদার গণের ঋণের এজাহের দাবি দাওয়া; এবং হাবিতের ও লেনাপাওনা উপরিস্থ বিক্রয় কেহ কোন বাকী নাই সর্ব স্থানে ও সর্বসাধারণে; সর্বতোভাবে নালিশ ও নালিশুর হইলে, ৪ক্ত বিক্রীত সম্পত্তিতে আমাদিগের যাহা কিছু মুক্ত স্বামীত্ব, স্বত্ব, দখল; এবং হাবিত বর্ত্তমান ছিল বা আছে কিম্বা তপশীলে প্রকাশ নাই তাহা সম্পূর্ণ রূপে আমাদিগকে লোপ পাইয়া এই কোবালা দলিল আপনাতে বর্ত্তিল, ও সরল মনে সুস্থ শরীরে, স্বইচ্ছায় অন্যের শিখানুযায়ী দলিল সম্পূর্ণ করিলাম অদ্য কৃষ্ণা অষ্টমী তিথি ১৮০ টাকা বাকীর পাইয়া স্বেচ্ছায় ২ইয়া পরে নিমিত্ত এই কোবালা সম্পাদন করিয়া দিলাম ইতি সন ১৩৪৮ সাল মাহে তারিখ ৩১ শে আষাঢ় ইং বাংলা সন ১৯৪১ সাল তারিখ ১৫ ই জুলাই

তপশীল সম্পত্তি

জেলা ২৪ পরগনা সাব রেজেষ্ট্রী অফিস বারাসাত তহশীল দত্তপুর থানা বিজয়পুর মৌজে মাইট বাগান গ্রামে জে: এল: ৮৮, জে: সা: ২০৩, তৌজি ১৪৭ নং খতিয়ান ১৯৩ নং: সা: ১৩৭ নং রায়ত মোহাম্মদী মুন্সীর দুমনং ২১৫ উত্তরে পশ্চিম বাস্তু ৪৮ ২২১ উত্তরে লক্ষিকান্ত গং শালী ২৩ মন্ডল বাদে

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(Non- Judicial Stamp of Rs.1-8 anna)

Sd/- Santosh Kumar Mondal

XXXXXXXXXXXXXX
XXXXXXXXXX
Sd/-illegible

Deed of Absolute Sale for a consideration of Rs90/-

land .31 decimal

Vendee	Vendor
Smt. Bijan Basini Mondal, W/o Sri Balaram Mondal, by caste- Rajbangshi, Occupation- Household work, resident of Mahishbathan, P.S. Rajarhat, District 24 Parganas.	Sri Santosh Kumar Mondal, Son of Lt. Jaylal Mondal, by caste- Poundra Kasthriya, Occupation- land and jama resident of Mahishbathan, P.S. Rajarhat, District 24 Parganas.

In the District 24 Parganas, under P.S. Rajarhat, Sub-Registry office Cossipur Dum Dum, Pargana Kolkata at Mouza- Mahishbathan Village included in touzi NO 147, under owner Srijukta Babu Bhupati Roy Chowdhury resident of No. 136A, Ashutosh Mukherjee Road, Bhawanipur, Kolkata and Srijukta Babu Ratipati Roy Chowdhury resident of 1A, Kader Basu

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Lane, Bhawanipur, Kolkata under the said zaminder at the said mouza

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Sd/- Santosh Kumar Mondal

Under Khatian No. 193 - 1.73 one acre seventy three decimal of land bearing total jam 6-12-7 pie in which we have ryoti morkari right we the three brothers upon receiving the said land and jama by way of paternal inheritance in equal share and we having received 8 anna share demarcated of the co-sharer Uday Kumar Mondal in the remaining 8 anna share I Santosh Kumar Mondal and other my two brother Biswanath Mondal and Bipra Charan Mondal while we the full bother were in enjoyment and possession in equal share in the meantime by said two brothers Biswanath Mondal and Bipra Charan Mondal by selling unto you their share to the extent of 5-6-2-2 Kranti have become divested of the same and prior to that my other co-sharer said Uday Kumar Mondal by selling unto you absolutely the share received by him to the extent of 8 anna have become divested of the same forever. Accordingly out of the said sixteen anna

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prior to the extent of 13-6-2-2 Kranti share is under your possession by way of purchase. The remaining 2-13-1-1 Kranti share of the said property is under ownership and possession at present. Now I by selling unto you for a consideration of Rs.90/- Ninety rupees being the highest price prevailing at present .31 decimal of land in my 2-13-1-1 Kranti share bearing annual jama of Rs.1-3-1 pie mentioned in the schedule below and owned and possessed by me became divested of and out of possession from the same and by made over possession to you. You by taking the said land and jama under your possession and being the owner and possessor vested with my absolute right go on enjoying and possessing the same

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Sd/- Santosh Kumar Mondal

down to your sons, son, heirs, representatives in succession in perfect happiness by effecting mutation in your favour and by paying rent etc. and obtaining receipt in your name. To that I or my heirs in succession shall not have any make any claim or contention or raise any plea or objection if in

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future any one raises any plea or objection or make any claim or contention or I do the same the same will be void and inadmissible in all Court and all places by virtue of this Deed. Be it known that there is no defect of my title in the possession of the said property there is no defect of any act done by me or it has not been given on leased to any one and it has been recorded under Korfa right in the name of Chandan Mondal and Pasupati Mondal under Khatian No. 193 subordinate Khatian No. 194 and the land under Khatian No. 22 has been let out to the tenant Sri Prafulla Kumar Mondal resident of said Mahishgot. Apart from that it has not been gifted sold or transfer at any place or it is not charged against anyone surety or maintenance. I do sell the same to you in a state free from encumbrances and defects if in future any thing contrary to this having come to light you suffer any loss then I along with my heirs remain bound to compensate the said loss. To this import I having understood the purports of this Deed, in sound health, in good faith, out of my full possession and senses of mind do execute this Deed of

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Absolute Sale. Finis. 21st Sravan, 1348 B.S. corresponding to 6th August, 1941 A.D.

-4-

Sd/- Santosh Kumar Mondal

Schedule of the property

District 24 Parganas, under P.S. Rajarhat, Sub-Registry office Cossipur Dum Dum, Pargana Kolkata at mouza- Mahishbathan Village, J.L. No. 18, Re-Sur No. 203 included in Touzi No. 147, Khatian No. 193, Zaminder Khatian No. 139Ka having Mokarari right.

In dag No. 215 N. Passage, .48 deci

homestead land

In dag No. 221 N. Laxmikanta & Out of .26

Ors. Shali decimal .13 dec

.61 decimal

Said Khatian No. 193 in subordinate Khatian No. 194

In dag No. 244 N. passage, .02 decimal

embankment of pond

IN dag No. 245 N. Said, Pond .19 decimal

.21 decimal

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Said Area at Mouza Mahishgote Village, J.L. No. 20, Re-Sur No. 204, Khatian No. 23 Zaminder Khatian No. 12 having Mokarari right under Khatian No. 193 included in Khatian No. 23:-

Dag No. 755 N. Passage Danga out of .20 decimal

.10 decimal

In total .92 decimal

At Mouza Mahishgot Village out of .03 decimal to the extent of 0-3-13-1 anna share .31 thirty one decimal of land only that is 0-18-12 Eighteen cottah twelve Chittaks of land.

Expl- At the 2nd page in 4th line after the word 'Mondaler' is 'chinhita' word is written above the line.

Sd/- Santosh Kumar Mondal
Scribe:
Sri Rousan Ali
Of Chandpur

Witness:
Sri Siddheswar Chowdhury
of Dumdum
Sd/- illegible

Sd/-illegible
Of Mahishbathan

Certified to be the English translation of a Deed of Sale in Bengali.

22/07/24

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মৌজা মহিষবাথান

জেঃ এলঃ নং ১৮

জিলা ২৪ পরগণা | রেঃ সাঃ নং ২০৩ | খতিয়ান নং ১৯৩

থানা রাজারহাট | পরগণা কলিকাতা | জোতি নং ১৪৭

উপরিস্থ স্বত্বের | অত্র স্বত্বের দেয়

দখলকার সংক্ষিপ্ত | পরিমাণ অংশ | খাজানা | সেস | মন্তব্য | খাজানা | সেস

ময়দানান।

২০ নং মহিষগোট

মৌজার ২৩ নং

ALLESTED

অত্র স্বত্বের বিবরণ ও দখলকার | অংশ | স্বত্বের শ্রেণী ও বিবরণ | স্বত্বের বিশেষ নিয়ম ও অনুসন্ধ

বায়তি

কানাইকুমার মণ্ডল

বিষ্ণুপদ মণ্ডল

বিশ্বেশ্বর মণ্ডল

পিঃ কমলাপদ মণ্ডল

সুকুমার মণ্ডল

পিঃ ক্ষীরোদ মণ্ডল

রায়ত

(মোকররী)

NOTARY

SK. NAZRUL IS

Area Kolk

Regn.No. 4

Expiry Da

15.09.20

GOVT. OF WES

Records of right

Basti

(2)

Acquisition

20রু. FEE TWENTY

20रु. कोर्ट फी COURT FEE भारत INDIA बीस रुपये TWENTY RUPEES Rs.20

খতিয়ান নং ১৯৩ অত্র স্বত্বের নিজ দখলীয় জমি

দাগ নং	উত্তর সীমানার দাগের দখলকার	জমির রকম	মন্তব্য	দাগের মোট পরিমাণ একর	দাগের মোট পরিমাণ শতক	অত্র স্বত্বের অংশ	অত্র স্বত্বের অংশের জমির পরিমাণ একর	অত্র স্বত্বের অংশের জমির পরিমাণ শতক
১২৯ ২১৩	নিজডাঙ্গা	বাস্তু	উদয়					
১২৭ ২১৪	পথ	বাস্তু	উদয়					
১২৬ ২১৫	ঐ	বাস্তু	ঘর ৪ গোলা ১ সন্তোষগং					
১২৫ ২২১	লক্ষ্মীকান্তগং	বাস্তু						
১২৫ ২১৫ ৫৫৭	সন্তোষগং	বাস্তু	ঘর ২ উদয়					
১২৭ ২২৬						১		০৩

নিজ দখলীয় জমির মোট পরিমাণ ১ ৫২

খাজানা প্রাপকের খতিয়ান নং	অধীনস্থ স্বত্বের খতিয়ান নং
১৯৫ক ১৮৫ ক	১৯৪ ১৮৬

অধীনস্থ স্বত্বের মোট পরিমাণ ২১

সর্বমোট ১ ৫৩

NOTARY SK. NAZRUL ISLAM Area Kolkata Regn.No. 447/19 Expiry Date 15.09.2024 GOVT. OF WEST BENGAL

210

Mouza-Mahisbathan

Dist. 24 Parganas
P.S. Rajarhat

Re. Sur No.203
Pargana- Kolkata

J.L. No. 18
Khatian No. 193
Touzi No. 147

In respect of Superior Right		Payable in respect of this right			Remarks	.....under Section and from date	
Khatian No.	Particulars and possessor (in Brief)	Respective Share	Rent	Cess		Rent	Cess
169	Sansanka Bhusan Roy Chowdhury Son (illegible) Anadi nath Das and others	8anna 8 anna ---------- Re,1/-	3-6-4 3-6-3 6-12-7		With rent no 20 Mahishgote Mouza Khatian No. 23		

Group No.	Particulars and possessor of this right	Share	Particulars and possessor of this right	Share	Class of this right and special Rule and Appendix
185 Ka	Ryoti Poss. by: Bijan Basini Mondal W/o Balaram Mondal Of self	Re.1/-	Ryoti Mokarari		

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Note or changed under Section 105// 106/108/115Kha/115Ga (with Case No. & year)	(Court fees stamp Rs.10/-

Khatian No. 193 Land in Khas Possession in this right

Dag no.		Possessor of dag the North boundaries	Class of Land	Remarks	Total area of Dag		Share of this right in the Dag	Area of land in the share of this right out of the Dag.	
					A.	Dec.		A	Dec
126	213		Pond						19
129	2134		Do	House -1					07
128	215		Garden	~~House-4, Gola-1 Santosh and others~~					48
166	221		Doba						26
125	215/557		Homestead land	~~House -2 Uday~~					32
157	213		Pond	House -1					06
				Total area of the Land under own possession				1	32

Khatian no. of the recipient of rent	Khatians of subordinate right
185Ka	186

Sd/- illegible
Officer in charge
District Record & copying section
North 24 Parganas Barasat

Total are under subordinate right			21
Grand Total		1	53

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Certified to be the English translation of a Record of right in Bengali

22/07/24

R. Islam
Rtd. Senior Interpreting Officer (C.)
O.S. High Court, Calcutta

জেলাঃ [15]উত্তর ২৪ পরগণা
ব্লকঃ [07]রাজারহাট
মৌজাঃ [018]মহিষবাথান

(Live Data As On 01/02/2024,14:23:22)
জে.এল নং 18 **থানা** রাজারহাট

দাগ নং	শ্রেণী	জমির মোট পরিমাণ(একর)	দাগের ম্যাপ
166	পুকুর	0.26	

খতিয়ান নং	রায়তের নাম	পিতা/স্বামী	অংশ	অংশ পরিমাণ(একর)	মন্তব্য
633	শ্যামল কুমার মণ্ডল	ভীমচন্দ্র মণ্ডল	0.2500	0.0600	Nil
634	সমর কুমার মণ্ডল	ভীমচন্দ্র মণ্ডল	0.2500	0.0700	Nil
635	অলোক কুমার মণ্ডল	কৃষ্ণপদ মণ্ডল	0.2500	0.0700	Nil
636	আশীষ কুমার মণ্ডল	কৃষ্ণপদ মণ্ডল	0.2500	0.0600	Nil

Translate

NOTARY
SK. NAZRUL ISLAM
Area Kolkata
Regn.No. 447/18
Expiry Date
15.09.2024
GOVT. OF WEST BENGAL

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জেলাঃ [15]UTTAR 24 PARGANA
ব্লকঃ [07]RAJARHAT
মৌজাঃ [018]mahisbathan

(Live Data As On 23/07/2024,19:55:52)
J.l No 18 Thana Rajarhat

Dag No	Shreni	Zamir Moat Pariman(ekar)	Dager Myap
166	Pukur	0.26	

Khatian No	Raiter Nam	Pita/swami	Ansh	Ansh Pariman(ekar)	Mantaby
633	Shyamal Kumar Mondal	Bhimchandra Mondal	0.2500	0.0600	Nil
634	Samar Kumar Mondal	Bhimchandra Mondal	0.2500	0.0700	Nil
635	Alok Kumar Mondal	Krishnapada Mondal	0.2500	0.0700	Nil
636	Ashish Kumar Mondal	Krishnapada Mondal	0.2500	0.0600	Nil

NOTARY
SK. NAZRUL ISLAM
Area Kolkata
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15.09.2024
GOVT OF WEST BENGAL

ANNEXURE C

পশ্চিমবঙ্গ সরকার
সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ
রাজারহাট, উত্তর ২৪ পরগনা
ই-মেলঃ bllrorajarhat1507@gmail.com

GOVERNMENT OF WEST BENGAL
OFFICE OF THE
BLOCK LAND & LAND REFORMS OFFICER
RAJARHAT, NORTH 24 PARGANAS
e-mail: bllrorajarhat1507@gmail.com

Memo no. 22 **/BLLRO/RHT/2023** **Date:** 09.01.2024

TO

1) **Shyamal Kr. Mondal**
S/O.- Bhimchandra Mondal
Mahishbathan

2) **Samar Kr. Mondal**
S/O.- Bhimchandra Mondal
Mahishbathan

3) **Alok Kr. Mondal**
S/O.- Krishnapada Mondal
Mahishbathan

4) **Ashish Kr. Mondal**
S/O.- Krishnapada Mondal
Mahishbathan

Sub: Notice regarding illegal filling of waterbody

On the basis of a complaint received by the undersigned, it prima facie appears that you have changed the classification of the below mentioned scheduled land without prior approval of the Collector. Hence you are directed to let this office know why necessary legal action would not be taken against you within 07 (seven) days from receiving of this notice.

This may be treated as notice u/s 4C(5) of WBLR Act, 1955.

Land Schedule:

Mouza- Mahishbathan
JL No.-18
Plot no.-166
Classification - Pukur

NOTARY
SK. NAZRUL ISLAM
Area Kolkata
Regn.No. 447/19
Expiry Date
15.09.2024
GOVT. OF WEST BENGAL

Yours faithfully,

Block Land & Land Reforms Officer
In the rank of Assistant Director
Rajarhat, North 24 Parganas

-30-
383
19.01.24

Rs.10 COURT FEE TEN RUPEES

19 JAN 2024
RECEIVED
Contents not verified
OFFICE OF THE BL & LRO, RAJARHAT

Date : 18.01.2024.

From :
Mr.Aloke Mondal,
Mr.Ashish Mondal,
Mr.Samar Mondal,
Mr.Shyamal Mondal,
Mahisbathan, Ward no.28,
Pin – 700 102.

To
The B.L. & L.R.O,
Rajarhat.

Sir,

We, namely Aloke Mondal, Ashish Mondal, Samar Mondal, Shyamal Mondal, our aged between 65 and above, are the residents of ward no -28, Mahisbatan. Want to inform you that the land comprised in R.S/L.R. Dag No. 166, L.R. Khatian Nos. 633, 634, 635 & 636, lying and situated at Mouza –Mahisbathan, Ward No. 28 under Bidhannagar Municipal Corporation, Pin – 700 102, is the solid land by physical characterization and we also donated some part of the land to "School" & "Club", and rest of the vacant land used to organise any type of festival & occasion purpose held in every year. Though the said land is vacant that's why some building raw materials always lying on the said land.

The neighbours has kept some building raw materials and soil in some portion of the vacant land for construction purpose and a complaint was lodged in our names for the same. Now, we are removing the said raw materials and soil from the said land.

Thanking you,

Yours faithfully,

(1) Alokekumar Mondal
Aloke Mondal

(2) Ashis Kumar Mondal
Ashish Mondal

(3) Samar Kumar Mondal
Samar Mondal

(4) Shyamal Kumar Mondal
Shyamal Mondal

NOTARY
SK. NAZRUL ISLAM
Area Kolkata
Regn.No. 447/19
Expiry Date
15.09.2024
GOVT. OF WEST BENGAL

1267
27.02.24

To
The Block land and Land Reforms Officer,
In the rank of Assistant Director,
at The B. L. & L.R.O, Rajarhat,
District - North 24 Parganas,
Kolkata- 700 135.

From:-

1. Aloke Kumar Mondal, son of Late Krishnapada Mondal, residing at MB 40, Mahisbathan, Salt Lake – Sector V, P.O.: Krishnapur, P.S.: Electronic Complex Police Station, Ward No.: 28, Kolkata – 700102.

2. Ashish Kumar Mondal, son of Late Krishnapada Mondal, residing at MB 39, Mahisbathan, Salt Lake – Sector V, P.O.: Krishnapur, P.S.: Electronic Complex Police Station, Ward No.: 28, Kolkata – 700102;

3. Samar Kumar Mondal, son of Late Bhimchandra Mondal, residing at MB 38, Mahisbathan, Salt Lake – Sector V, P.O.: Krishnapur, P.S.: Electronic Complex Police Station, Ward No.: 28, Kolkata – 700102;

4. Shyamal Kumar Mondal son of Late Bhimchandra Mondal, residing at MB 39, Mahisbathan, Salt Lake – Sector V, P.O.: Krishnapur, P.S.: Electronic Complex Police Station, Ward No.: 28, Kolkata – 700102

Dated: day of February, 2024

Ref: Notice u/s 4C(5) of WBLR Act, 1955, dated 09.01.2024 vide Memo No. 22/ BLLRO/RHT/2024

Subject:- Reply to the above referred notice.

NOTARY
SK. NAZRUL ISLAM
Area Kolkata
Regn.No. 447/19
Expiry Date
15.09.2024
GOVT. OF WEST BENGAL

Sir,

We the undersigned have received the notice dated 09.01.2024 from your concerned department, whereby we were asked and directed to let your office know why legal action would not be taken against us for changing classification of the land mentioned under land schedule of the said notice. In context of the same as well as in reply to the said notice made under section 4C(5) of WBLR Act, 1955, we would like to reply as follows;

1. That we, Aloke Kumar Mondal, Ashish Kumar Mondal, both sons of Late Krishnapada Mondal and Samar Kumar Mondal, Shyamal Kumar Mondal, both sons of Late Bhimchandra Mondal, are the joint owners of the land in question, situated at Mouza - Mahisbathan, J. L. No. 18, comprised in C. S. Dag No. 221 corresponding to R. S. & L. R. Dag No. 166, under C. S. Khatian No. 193, corresponding to R. S. Khatian No. 210 and L. R. Khatian Nos. 633, 634, 635 & 636. Our Predecessor in interest had purchased the said land by way of registered sale deeds from the former owners of the land in the year 1941 and since 1941 the said land has remained within the possession of our family across generations.

2. That after receipt of the said memo, we obtained and accumulate the C.S., R.S. and L.R. Record of Rights. Upon perusal of the same, we were surprised to find that the said land has been erroneously classified as 'doba' and 'pukur' in the R.S. and L.R. Record of Rights, respectively. Such fact came within the knowledge of the applicants only after receipt of the said memo dated 09.01.2024 and as such, the applicants had no previous knowledge of such error in classification of the said land.

3. That the original owner namely Smt. Bijan Bashini Mondal, wife of Balaram Mondal, both since deceased, through whom the property was devolved upon us (being the present recorded owners), had purchased the schedule land "Shali" by classification. In the "Tapashil" of both the deeds of 1941, the land transferred under C.S. Dag No. 221 clearly described and mentioned as "Shali" by classification and also in the C. S. Parcha of the C. S. recorded Owners, vide C. S. Khatian No. 193, the entire C. S. Dag No. 221 (corresponding to R. S. & L. R. Dag No. 166) was clearly classified as

NOTARY SK. NAZRUL ISLAM Area Kolkata Regn. No. 147/19 Expiry Date 5.03.2024 GOVT. OF WEST BENGAL

"Shali Thus it is crystal clear that the classification of the scheduled land was "Shali" from the very beginning and there must not be any doubt about that.

4. That at the time of framing Revisional Settlement ROR in the name of Late Bijan Bashini Mondal under Khatian No. 210 erroneously the schedule land measuring 26 decimals classified as "Doba" to its entirety instead of "Shali". Be it highlighted here that a piece of land under classification "Doba" can't be the area of 26 decimals, if the exhausted limit of that particular classification is taken into consideration and the most surprising fact is that at the time of framing L. R. ROR the land classification erroneously altered from "Doba" to "Pukur", thus presently the land is classified as "pukur".

   Copies of 2 (two) nos. of registered Deed (Bengali Saf Bikray Kobala), are attached herewith marked with Letter – "A"

5. That there exists no pond in the schedule land, neither in past nor in present. It should be further added here that out of the total land of R. S. & L. R. Dag No. 166, a portion/s was donated by our predecessor to a school namely "Mahisbathan Jatiya Pathshala" and a club namely "Dr. Bidhan Chandra Ray Smriti Sangha" and they are in their respective possession for the past 71 and 51 years respectively.

   Copy of the present drawing with swing physical use and actual photograph of the land are attached herewith marked with Letter – "B"

6. That we being non prudent persons never felt the necessity of having C.S. & R.S. Parcha issued in the name of our predecessor in interest but after receiving your notice under this reply, we have withdrawn the certified copies of all the necessary RORs of different settlements and got the clear view and knowledge of the erroneous alteration of classification of the schedule land. We had no previous knowledge of such error in classification of the said land, thus steps were not taken as per Law and few days ago we have made an application before you U/S 50(1)f of W.B.L.R Act, 1955 for correction of ROR classification of the schedule land, which is pending for disposal.

NOTARY
SK. NAZRUL ISLAM
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Regn.No. 447/19
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15.09.2024
GOVT. OF WEST BENGAL

Copy of the said application attached herewith marked with Letter – "C"

7. That at the time of purchasing the aforesaid land, the said land was classified as 'sali', i.e. Agricultural Land in the C. S. Record of Rights and the same was erroneously altered to 'Doba' in the R. S. Record of Rights and the same was further erroneously altered to "Pukur" in the L. R. Record of Rights and based on such erroneous classification, the said memo has been issued.

Copies of the C. S. and R. S. R.O.R of the said land are attached herewith marked with Letter – "D".

8. That from the paragraphs above made it is clear and concise that the said land of the notice under this reply was never been a pond, even the geo satellite imaging of the said land reveals that there was no pond in its any form and manner. Thus the question of changing land classification does not arise here and the allegation of illegal filling of pond is simply being denied by us. As we have done nothing beyond our scope and legality, the question of taking legal action by your authority against us, has no relevance in this case.

9. That from the official website of the National Green Tribunal Eastern Zone, we have come to learn that The Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata had on its own motion, upon taking cognisance of a news article titled '14-cottah Mahisbathan pond turned into a field, BMC steps in' published in the national daily, namely 'Times of India' on 05.01.2024 (hereinafter referred to as 'said article'); registered the present Original Application being O.A. No. 12/2024/EZ (hereinafter referred to as 'said application') and after getting such knowledge we have filed an application before the said Hon'ble National Tribunal for addition of parties as Respondents to the said O.A. for meaningful adjudication of the said application.

Copy of the said application attached herewith marked with Letter – "E"

10. We states that the said article refers to a 14-cottah pond situated within Ward No. 28 of the Bidhannagar Municipal Corporation which

NOTARY SK. NAZRUL ISLAM Area: Kolkata Regn.No. 147/19 Expiry Date 15.09.2024 WEST BENGAL

has been allegedly filled up and turned into a field. The actual fact is that there was no pond in the land in question in any manner whatsoever.

Under this circumstances it is humbly prayed to discharge us with all the false allegations made against us regarding illegal filling of pond/water body and do the needful in this regard.

Thanks & Regards,

1) Atoke kumar Mondal

2) [illegible]

3) Samar Kumar Mondal.

4) Shyamal Kanti Mondal

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SK. NAZRUL ISLAM
Area Kolkata
Regn.No. 447/19
Expiry Date
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GOVT. OF WEST BENGAL

-45- ANNEXURE-D

~~Letter "C"~~

R-1590
05/02/2024

Samar Kumar Mondal
Aloke Kumar Mondal
Shyamal Kumar Mondal
Ashish Kumar Mondal

To
The B. L. & L.R.O, Rajarhat,
District - North 24 Parganas,
Kolkata- 700 135.

Copy to:-
Ld. A.D.M & D.L. & L.R.O.,
Barasat, District – North 24 Parganas,
Kolkata- 700 124.

In the matter of:-

An application on behalf of the applicants for correction of record of rights U/S 50(1)f of W.B.L.R Act, 1955.

AND

In the matter of:-

1. Aloke Kumar Mondal, son of Late Krishnapada Mondal,
2. Ashish Kumar Mondal, son of Late Krishnapada Mondal,
3. Samar Kumar Mondal, son of Late Bhimchandra Mondal,
4. Shyamal Kumar Mondal, son of Late Bhimchandra Mondal,

All are presently residing at MB 39, Mahishbathan, Salt Lake, Sector V, Post Office – Krishnapur, Police Station – ECPS, Ward No. 28 of Bidhannagar Municipal Corporation, Kolkata-700102.

..... Applicants

AND

In the matter of:- An application for Correction of the classification of land from "Pukur" to "Shali" in the L.R

NOTARY SK. NAZRUL ISLAM Area Kolkata Regn.No. 447/19 Expiry Date 15.09.2024 GOVT. OF WEST BENGAL

2. Sagar Kumar Mondal
Bholakumar Mondal
Shyamal Kumar Mondal
Pintu Kumar Mondal 28

records of rights recorded in the name of the applicants.

Most Respectfully Sheweth:-

1. That the applicants herein are the joint recorded owners as per their respective shares of All that the piece and parcel of land admeasuring an area of 26 decimals, be the same a little more or less, lying and situated at and being comprised in Mouza – Mahisbathan, J.L. No. - 18, Re. Su. No. 203, Touzi No. 147, in C.S. Plot Dag No. 221 corresponding to R. S. & L.R. Plot Dag No. 166, under C. S. Khatian No. 193, corresponding to R.S. Khatian No. 210, corresponding to L.R. Khatian Nos. 633. 634, 635 & 636, Police Station – ECPS (formerly under Police Station – Rajarhat), Kolkata – 700102, within limits of Bidhannagar Municipal Corporation, under Ward No. 28, under District - 24 Parganas (North), which is the subject matter of the instant application.

2. That the applicants after getting the title from their predecessor-in-title by virtue of a testamentary document (registered will) made in their favour and after obtaining the probate from the competent authority they duly applied before the B.L. & L.R.O, Rajarhat for mutating the abovesaid property in their respective names and in furtherance the ROR have been issued in their favor under L.R. Khatian Nos. 633. 634, 635 & 636 respectively and in the said issued ROR the classification of the subjected land (under the "Jamir Sreni" column) is erroneously written as "Pukur", though the schedule land was never been a Pukur instead it is a low land/field.

3. That the original owner namely Smt. Bijan Bashini Mondal, wife of Balaram Mondal, both since deceased, through whom the property was devolved upon the present applicants, purchased the schedule land from the C.S recorded owners by virtue of Two Bengali Saf Kobalas, both executed in the year of 1941. In the said two registered documents under the heading "Tapashil" the land transferred under

NOTARY
SK. NAZRUL ISLAM
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15.09.2024
GOVT. OF WEST BENGAL

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4. Samar Kumar Mondal
Pritha Kumar Mondal
Shy and Kant Mondal

withdrawal of the C.S. & R.S. ROR, the scenario got cleared to the applicants and eventually this application is being made.

8. That it is required to make correction of Record of Rights, in respect of L. R. Khatian Nos. 633. 634, 635 & 636 by changing the classification of land from "Pukur" to it's original classification as "Shali" of the land comprised in L. R. Plot Dag No. 166, otherwise the applicants will highly be prejudiced and as well as litigation may arise in future.

9. That this application is bonafide one and for the ends of justice.

i) under the above circumstances it is therefore prayed that your kindness would graciously be pleased to make correction of Record of Rights by changing the classification of land comprised in L. R. Plot Dag No. 166 from "Pukur" to it's original classification as Shali" under the provisions of Law.

And/or

Any other order/orders as your Honour may deem fit and proper.

Schedule- A

All that the piece and parcel of land admeasuring an area of 26 decimals, be the same a little more or less, lying and situated at and being comprised in Mouza – Mahisbathan, J.L. No. - 18, Re. Su. No. 203, Touzi No. 147, in C.S. Plot Dag No. 221 corresponding to R. S. & L.R. Plot Dag No. 166, under C. S. Khatian No. 193, corresponding to R.S. Khatian No. 210, corresponding to L.R. Khatian Nos. 633. 634, 635 & 636, Police Station – ECPS (formerly under Police Station – Rajarhat), Kolkata – 700102, within limits of Bidhannagar Municipal Corporation, under Ward No. 28, under District - 24 Parganas (North)

Enclosed
i) Copy of C.S. Parcha, Vide C.S. Khatian No. 193
ii) Copy of R.S. Parcha, Vide R.S. Khatian No. 210
iii) Copy of L.R. Plot Information.
iv) Copy of Deeds (3 NOS)

NOTARY
SK. NAZRUL ISLAM
Area Kolkata
Regn.No. 447/19
Expiry Date
15.09.2024
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-A8-

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AFFIDAVIT

I, Shyamal Kumar Mondal, son of Late Bhimchandra Mondal, aged about 63 years, by Occupation - Business, by nationality Indian, by faith Hindu, resident of MB 39, Mahishbathan, Salt Lake, Sector - V, Post Office – Krishnapur, Police Station – ECPS, Ward No. 28, Kolkata- 700102, do hereby solemnly affirm and say as follows :-

1. That I am the applicant no. 4 of the instant application and as such I am well conversant with the facts and circumstances of this case.

   This is true to my knowledge.

2. That I am empowered by the other applicants to swear this affidavit on their behalf too.
3. That the statements made in the foregoing paragraph nos. 1, 2,3,4,5,6 and 7 of this application are true to our knowledge and belief and rest are our respectful submission before this Learned forum.

Deponent

Shyamal Kumar Mondal

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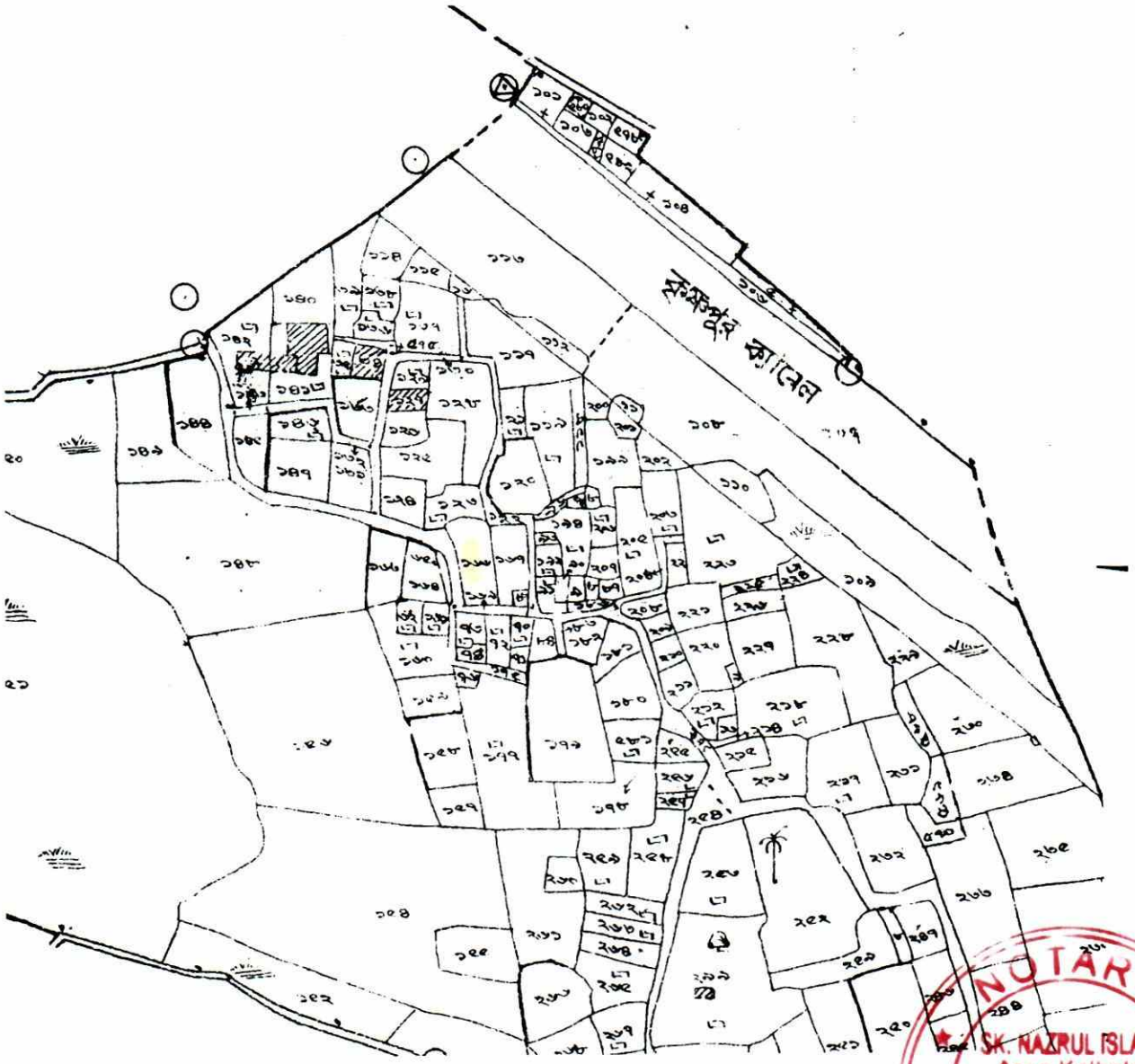
SK. NAZRUL ISLAM
Area Kolkata
Regn.No. 447/19
Expiry Date
15.09.2024
GOVT. OF WEST BENGAL

MOUZA - MAHISHBATHAN, J.L. NO. - 18, R.S. NO. - 203



NOTARY
SK. NAZRUL ISLAM
Area Kolkata
Regn.No. 447/19
Expiry Date
15.09.2024
GOVT. OF WEST BENGAL

'ANNEXURE – E'

Tel: 2334-0314
Fax: 2358-4235

Bidhannagar Municipal Corporation

Poura Bhawan, FD-415A, Sector III, Salt Lake, Kolkata – 700106

Memo No. 876 /BMC/GS/2024 Date: 22.03.2024

To

1.Shyamal Mondal
2.Samar Kumar Mondal
3.Aloke Kumar Mondal
4.Ashish Kumar Mondal

Ref: Original Application No-12/2024/EZ, 14 cottah Mahisbathan Pond turns into field, BMC steps, in Kolkata, West Bengal Vs State of West Bengal.

Sub: Mahisbathan, Jatiya Vidyalaya and Surrounding Plot No-MB-73, MB-96 & MB-99, Hearing on-28.03.2024 at 12 noon.

With reference to the above and in connection with "Filling up of a Pond" carried out at addressed location in Mahisbathan, Jatiya Vidyalaya and Surrounding Plot No-MB-73, MB-96 & MB-99, a **hearing will be held on the 28/03/2024 at 12:00 noon** in the chamber of the Commissioner, Bidhannagar Municipal Corporation, Poura Bhawan, 4th floor, FD-415A, Sector-III, Salt lake City,Kol-700106.

You are requested to remain present in the aforesaid hearing with all relevant documents is support of you contention /claims (if any).

22/3/2024

Law Officer, W.B.L.S
Bidhannagar Municipal Corporation

Memo No. /BMC/GS/2024 Date:

Copy for information to:

1. MMIC (LAW), Bidhannagar Municipal Corporation.
2. Chairman Borough-04, Bidhannagar Municipal Corporation.
3. Councillor Ward no-28, Bidhannagar Municipal Corporation.
4. Senior Law Officer & Ex. Officer Assistant Secretary, Govt of West Bengal, Department of Fisheries, Aquaculture Aquatic Resources and Fishing Harbours, IT Building, 31, GN Block, 7th & 8th Floor, Sector-V, Salt Lake City, Kolkata-700091. (Memo No-266-Fish/FI-15012(20)/1/2023-Section(FI)Dept.of FI. Dated-29.01.2024).
5. Member Secretary, WBPCB. Paribesh Bhawan, Salt Lake, Kolkata-106.
6. DL & LRO, North 24 Parganas. (Law/(F-NGT/01/24)/779/DL&LRO(N)/2024.Dated-01.03.2024).
7. Additional District Magistrate, North 24 Parganas.
8. Chief Engineer , Bidhannagar Municipal Corporation.
9. Joint Municipal Commissioner, Bidhannagar Municipal Corporation.
10. Sri Sanjib Bhattacheryya (S/E), Bidhannagar Municipal Corporation.
11. Executive Engineer (B/P), Bidhannagar Municipal Corporation.
12. Executive Engineer (Demolition). Bidhannagar Municipal Corporation.
13. The Block Land & Land Reforms Officer, Rajarhat Block, Noth 24 Parganas. (Memo No-559/BMC/GS/2024 Dated-21.02.2024 & 858/BMC/GS/2024 Dated-20.03.2024 with a request to be present at the time of hearing).
14. IC Electronic Complex. (FIR No-6/2024 dated-10.01.2024 & Memo No-BMC/BPN/2024/IC/492 dated-10.01.2024).
15. PA to Mayor, Bidhannagar Municipal Corporation.
16. PA to Commissioner, Bidhannagar Municipal Corporation.

Law Officer, W.B.L.S
Bidhannagar Municipal Corporation

NOTARY SK. NAZRUL ISLAM Area Kolkata Regn.No. 447/19 Expiry Date 15.09.2024 GOVT. OF WEST BENGAL

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RECEIVED
01 APR 2024
Contents not verified
Bidhannagar Municipal Corporation

005942

To,
The Law officer, WBLS,
Bidhannagar Municipal Corporation.

Dated 1st day of April, 2024.

Subject : In respect of Original Application No. 12/2024/EZ, w.r.t the 14 Cuttah Land of Mahisbathan.

Respected Sir,

As per your instruction, we are submitting herewith in the form of Declaration/Affidavit, what we stated by our Ld. council in the hearing on 29.03.2024 for your further persuasion.

Thanking You

With regards

Sumar Kumar Mondal
Shyamal Kumar Mondal
Alok Kumar Mondal
[illegible]

Enclo: As above

NOTARY
SK. NAZRUL ISLAM
Area Kolkata
Regn.No. 447/18
Expiry Date
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SL. NO 85 2024

NOTARIAL

DECLARATION/AFFIDAVIT

We, Aloke Kumar Mondal, Ashish Kumar Mondal, both sons of Late Krishnapada Mondal and Samar Kumar Mondal, Shyamal Kumar Mondal, both sons of Late Bhimchandra Mondal, all by faith Hindu, by nationality Indian, presently residing at MB 40, 39, 38 & 39, Mahisbathan, Salt Lake – Sector V, P. O. Krishnapur, P.S. Electronic Complex Police Station, Ward No. 28, Kolkata – 700102, respectively, do hereby state and declare as follows;

That we after getting the notice from the Bidhannagar Municipal Corporation dated 22.03.2024 vide Memo No. 876/BMC/GS/2024 in reference to Original Application No. 12/2024/EZ, w.r.t the 14 Cuttah Land of Mahisbathan, have appeared before the commissioner for hearing on 28.03.2024 through our appointed counsel and our so appointed counsel placed her pleadings/ submissions before the Ld. Commissioner of Bidhannagar Municipal Corporation.

Basic Pleadings of our counsel on behalf of us being the recorded owners were as follows:-

1. Firstly all the allegations of filling up a pond in Mahisbathan was straight way denied.
2. The title over the property has a clear flow and originally belonged to one Smt. Bijan Bashini Mondal, wife of

NOTARY SK. NAZRUL ISLAM Area Kolkata Regn.No. 447/19 Expiry Date 15.09.2024 GOVT. OF WEST BENGAL

Balaram Mondal, both since deceased (through whom the property was devolved upon us being the present recorded owners) and she had purchased the said land as **"Shali" by classification,** by virtue of two separate indenture executed in the year 1941, from the then C.S. recorded owners namely Santosh Kumar Mondal, Biswanath Mondal and Bipracharan Mondal. In the "Tapashil" (Schedule) of both the deeds of 1941, the land transferred under C. S. Dag No. 221, clearly described and mentioned as "Shali" by classification and also in the C. S. Parcha of the C. S. recorded Owners so abovenamed, vide C. S. Khatian No. 193, the entire C. S. Dag No. 221 (corresponding to R. S. & L. R. Dag No. 166) was clearly classified as "Shali Thus it is crystal clear that the classification of the scheduled land was "Shali" from the very beginning i.e. since the framing of oldest ROR (Record of Right) framed at the time of C. S. Zarip (popularly known as Cadastral Settlement Zarip).

Photocopies of the said C.S R.O.R. and two registrar Bengali Saf Kobala are annexed herewith collectively marked with Letter "A".

3. That it was pleaded that at the time of framing the Revisional Settlement ROR in the name of Late Bijan Bashini Mondal (our predecessor in title) under R. S. Khatian No. 210 erroneously the said land measuring 26 decimals **classified as "Doba"** to **its entirety instead of "Shali".** It was highlighted there that a piece of land under classification "Doba" can't be the area of 26 decimals, if the exhausted limit (9 decimals max) of that particular classification is taken into consideration and the most surprising fact is that at the time of framing L. R. ROR the land classification erroneously altered from **"Doba" to "Pukur"** considering the area of land, thus presently the land is classified as "pukur".

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Photocopies of the said R.S and L.R. R.O.R. are annexed herewith collectively marked with Letter "B".

4. It was further pleaded that after getting the Notice u/s 4C(5) of WBLR Act, 1955, dated 09.01.2024 vide Memo No. 22/ BLLRO/RHT/2024 from the B.L.& L.R.O, we being the land owners obtained and accumulate the C. S., R.S. and L.R. Record of Rights. Upon perusal of the same, we were surprised to find that the said land has been erroneously classified as 'doba' (by penning through the then existing word Shali) and then classified as 'Doba and pukur' at the time of framing R.S. and L.R. Record of Rights, respectively. Such fact came to our knowledge after receipt of the aforesaid notice from B.L.& L.R.O, dated 09.01.2024 and after receiving the said notice from the office of the BLRO Rajarhat, I have submitted the reply to that notice before the said BLRO office for compliance of the notice and as such, the applicants had no previous knowledge of such error in classification of the said land.

Photocopies of the said notice and representation are annexed herewith collectively marked with Letter "C".

5. It was further submitted that there exists no pond in R. S. & L. R. Dag No. 166, neither in past nor in present and out of the total land comprised in R. S. & L. R. Dag No. 166, a portion/s was donated by our predecessor to a school namely "Mahisbathan Jatiya Pathshala" and a club namely "Dr. Bidhan Chandra Ray Smriti Sangha" and they are in their respective possession for the past 71 and 51 years respectively without any dispute.

6. It was also added that after getting the Knowledge of erroneous classification in consecutive RORs, we having a consultation with our advocate took necessary steps by

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filing an application u/s 50(1)f of WBLR Act, 1955 before the B.L.& L.R.O, Rajarhat, though our Ld. Counsel on 05.02.2024 and the same is pending for adjudication and disposal.

Photocopy of the said application is annexed herewith marked with Letter "D".

7. That it was also submitted by the said advocate that we being non prudent persons never felt the necessity of having C.S. & R. S. Parcha issued in the name of our predecessor in interest but after receiving your notice from B.L. & L.R.O, Rajarhat, we have withdrawn the certified copies of all the necessary RORs of different settlements and got the clear view and knowledge of the erroneous alteration of classification of the land comprised in R. S. & L. R. Dag No. 166. We had no previous knowledge of such error in classification of the said land, thus steps were not taken as per Law

8. It was also submitted that from the official website of the National Green Tribunal Eastern Zone, we have come to learn that The Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata had on its own motion, upon taking cognizance of a news article titled '14-cottah Mahisbathan pond turned into a field, BMC steps in' published in the national daily, namely 'Times of India' on 05.01.2024 (hereinafter referred to as 'said article') initiated a case registered as Original Application being O.A. No. 12/2024/EZ and after getting such knowledge we have filed an application before the said Hon'ble National Tribunal for addition of parties as Respondents to the said O. A. for meaningful adjudication of the said application, vide IA No. 22 of 2024, which is also pending for adjudication.

Photocopy of the said application is annexed herewith marked with Letter "E".

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9. Thus, it is clear and concise that the said land under dispute was never been a pond. Thus the question of changing land classification does not arise here and the allegation of illegal filling of pond is simply being denied by us. As we have done nothing beyond our scope and legality, the question of taking legal action by your authority against us, has no relevance in this case.

That the statements made in paragraphs No. 1 to 8 are true to our knowledge and rest in paragraph no. 9 is our humble submission and we do sign this declaration/affidavit on day of 1st April, 2024 at chamber of the Advocate in the following witness.

Witnesses:-

1.

2.

Samar Kumar Mondal

Shyamal Kumar Mondal

Alok Kumar Mondal

DEPONENTS

Identified by me

(BASUDEB PATRA)

Advocate

WB/1224/2011

SOLEMNLY AFFIRMED & Declared Before me on Identification Area

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

01 APR 2024

N. DASGUPTA
Notary
Regn. No. 006/2022
3, Bankshal Street
Calcutta-700001

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"ANNEXURE F"

SK. NAZRUL ISLAM
Area Kolkata
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Expiry Date
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রেজিঃ নং-
ডঃ বিধান রায় স্মৃতি সংঘ
স্থাপিত ঃ ১৩৮০
মহিষবাথান, বিধাননগর, কলকাতা - ৭০০ ১০২


NOTARY
SK. NAZRUL ISLAM
Area Kolkata
Regn. No. 447/19
Expiry Date
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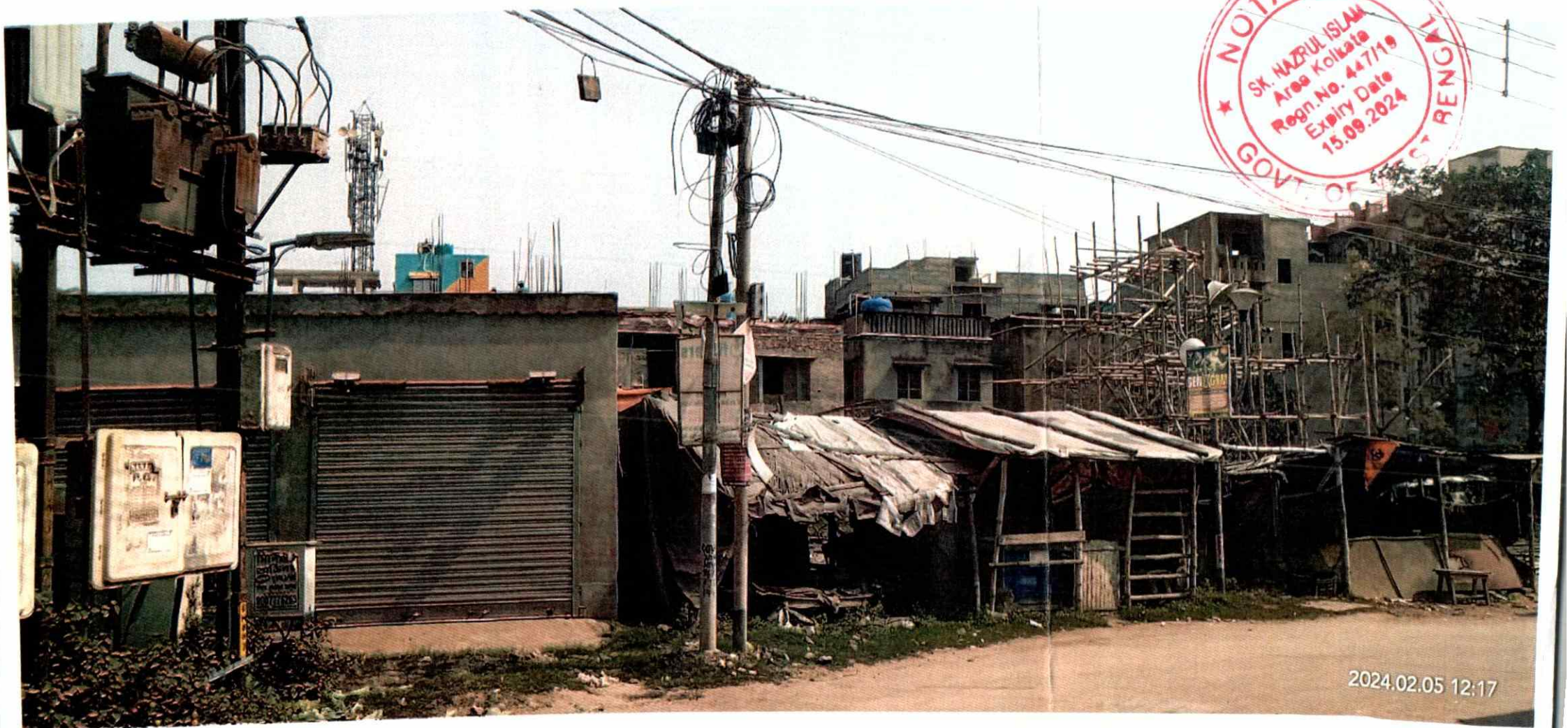
GOVT OF INDIA

NOTARY
SK. NAZRUL ISLAM
Area Kolkata
Regn.No. 447/19
Expiry Date
15.09.2024
GOVT. OF WEST BENGAL



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Expiry Date
15.09.2024
GOVT. OF WEST BENGAL

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

O.A 12 of 2024/EZ

In the matter of :

In Re : '14 Cottahs Mahisbathan pond turns into field, BMC steps, in Kolkata West Bengal'

.....Applicant

VS

Principal secretary Department of Environment & Ors.

.....Respondents

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SK. NAZRUL ISLAM
Area Kolkata
Reg.No. 447/15
Expiry Date
15.09.2024
GOVT. OF WEST BENGAL

COUNTER AFFIDAVIT

ATREYA CHAKRABORTY
Advocate
C/o Mr. Kallol Basu, Advocate
B.N. Basu and Co. (Solicitors)
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