

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH , FINANCE CENTRE,
3RD FLOOR, NEW TOWN, KOLKATA
MEMORANDUM OF APPLICATION

Original Application No. of 2023/EZ

(Under Section 18(1) read with Section 14, 15 and 17 of the
National Green Tribunal Act , 2010)

Original Application No. of 2023/EZ

In the matter of :

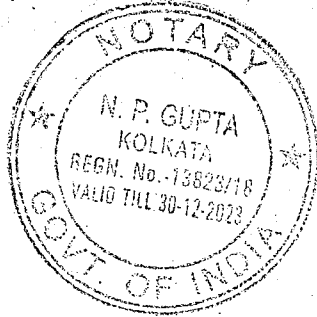
Serajul Islam & Anr.

..... Applicants.

Versus

The State of West Bengal & Ors.

..... Respondents

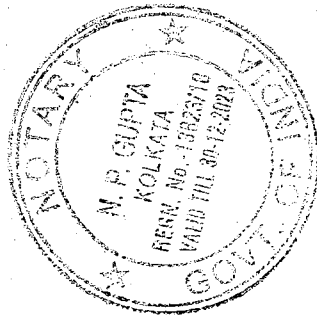


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06 SEP 2023

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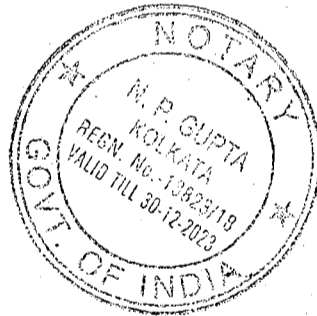
Versus

The State of West Bengal & Ors.

..... Respondents

List of Dates

Sl. No.	Date	Event
1.	1 st Week of March, 2023	Your applicant noticed illegal mining and stone quarrying activities at the site.



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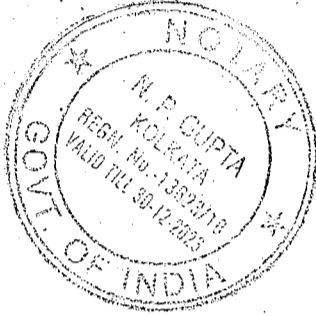
Synopsis

The instant original application is directed against the illegal and unauthorised mining and stone quarrying activities at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza- Madna, P.S.- Nalhati, within district- Birbhum.

Such stone quarrying activities are causing enormous environmental pollution including air and water. No environment clearance or mining policy from the authorities.

The respondent authorities are aware of such stone quarrying activities but have not taken any steps and /or action to stop such quarrying activities.

On 27.07.2023, the applicant no 1 received a reply from Pausali Mukherjee, WBSL Sr. Law Officer &SPIO that SEIAA has not issued any Environment Clearance to such project.



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3RD FLOOR, NEW TOWN, KOLKATA

MEMORANDUM OF APPLICATION

(Under Section 18(1) read with Section 14, 15 and 17 of the
National Green Tribunal Act , 2010)

Original Application No. of 2023/EZ

BETWEEN

1. Serajul Islam, son of Nurul
Islam, of Natungram, Ward No. 12, Nalhati
M, Birbhum, West Bengal - 731243;

2. Mamla Majhi, s/o late Giden
Majhi, of Vill- Balarampur, (Singra),
P.S-Murarai, Dist Birbhum, Pin-
731222, W.B.

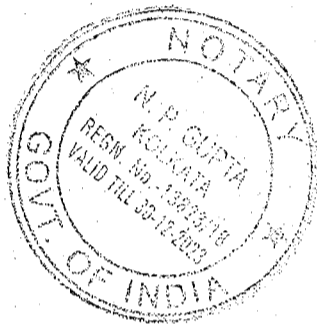
..... Applicants.

Versus

1. The State of West Bengal,
service through the Principal Secretary,
Department of Environment, Prani
Sampad Bhawan, 4th Floor, Block - LB-
II, Bidhannagar, Kolkata - 700106.

Email: psecy.env-wb@gov.in

2. The Additional Chief Secretary,
Department of Environment, Prani
Sampad Bhawan, 4th Floor, Block -



LB - III, Bidhannagar, Kolkata - 700106.

Email :- acsenvwb@gmail.com

3. The Additional Chief Secretary,
Department of Land and Land Reforms,
having office at Nabanna, 325, Sarat
Chatterjee Road , Shibpur,
Howrah
-711102

Email :- seclr@wb.gov.in

4. Chief Environment Officer,
Department of Environment, Prani
Sampad Bhawan , 4th Floor, Block - LB-
II, Salt Lake City, Sector - III,
Bidhannagar, Kolkata - 700106.

Email :- environmentwb@gmail.com

5. District Magistrate, Birbhum,
Administrative Building, Suri Main
Road, Suri, Birbhum, West Bengal -
731101;

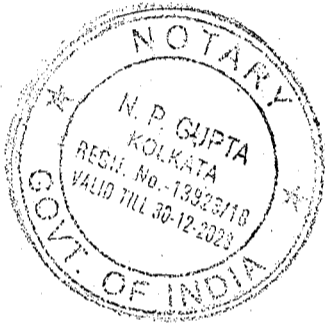
Email :- dm-bir@nic.in

6. Superintendent of Police,
Birbhum,
Suri, West Bengal - 731107;

Email :- spbirbhum@gmail.com

7. Inspector-in-Charge, Nalhati
Police Station, Birbhum, West
Bengal-731243.

Email ID: spbhmwbp@gmail.com



8. The West Bengal Pollution Control

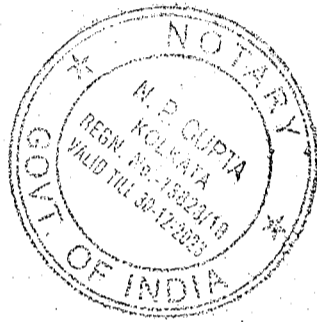
Board, service through the Chairman, Paribesh Bhawan, Plot No. 10A, Block - LA, Sector - III, Bidhannagar, Kolkata - 700106;

Email: chrnmn.wbpcb-wb@bangla.gov.in

9. The Member Secretary, West Bengal

Pollution Control Board, Paribesh Bhawan, Plot No. 10A, Block-LA, Sector - III, Bidhannagar, Kolkata - 700106;

Email:- ms.wbpcb-wb@bangla.gov.in



10. Member Secretary, State Level Environment Impact Assessment Authority, Prani Sampad Bhawan, 4th Floor, Block - LB-II, Salt Lake City, Sector - III, Bidhannagar, Kolkata - 700106;

Email :- environmentwb@gmail.com

11. Block Land and Land Reforms Officer, Nalhati-I, Birbhum, West Bengal

731243.

Email ID: blro.nalhati1@gmail.com

12. Secretary, Ministry of Environment , Forest and Climate Change,

Indira Paryavaran, Jorbagh Road,
Aliganj, New Delhi - 110003;

Email :- secy-moef@nic.in

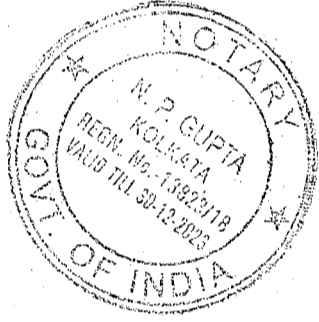
13. Bapi Sk,

son of Sainul Islam, residing at
Villageand P.O.- Ekdala, P.S.-
Rampurhat, District- Birbhum, W.B.

14. Mustak Sk.

son of Late Hakim Sk. residing at
Nalhati, Mondalpara, P.O. & P.S.-
Nalhati, District Birbhum.

15. Paskel Hasda, son of Benjamin
Hasda, residing at Village- Chilimpur,
P.O.- Banior, P.S. Nalhati, Birbhum.



16. Joseph Hansda,s/o Matilal
Hansda of Vill: Lakhsamara @
Laxmanmara, P.O: Horioka ,P.S.-
Nalhati, Dist: Birbhum, W.B.

17. Budishal Soren,s/o Ramjatan
Soren, Vill: Chandannagar, P.O:
Horioka, P.S-Nalhati, Dist: Birbhum,
PIN:731243.

..... Respondents.

MOST RESPECTFULLY SHEWETH:

1. The addresses of the applicants are as given above for the
service of notice of this application.

2. The addresses of the respondents as given above for service of notice of the application.

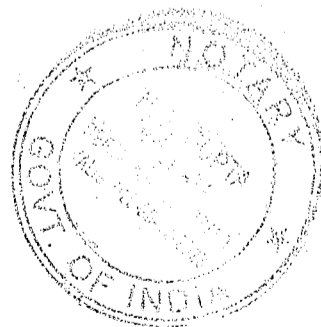
3. The applicants above named begs to present the Memorandum of Application raising a substantial question of law as regards to whether the concerned respondent authorities are justified in allowing operation of illegal mining and stone quarrying activities at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza- Madna, P.S.- Nalhati, within district- Birbhum without any environment clearance, mining policy and other statutory permissions.

4. POINTS OF LAW

In the facts and circumstances of the case stated herein below, the following substantial questions of law have arisen for the adjudication by this Hon'ble Tribunal:-

1. Whether the respondent authorities are justified in allowing operation of illegal and unauthorised mining and stone quarrying at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza- Madna, P.S.- Nalhati, within district- Birbhum in violation of and / or in contravention of Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1974 and the Water (Prevention and Control of Pollution) Act, 1977 ?

2. Whether the respondent authorities are justified in allowing operation of illegal and unauthorised mining and stone quarrying at Plot



No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza- Madna, P.S.- Nalhati, within District Birbhum without any licence and/ or permission and / or clearance from the concerned authorities ?

3. Whether operation of illegal and unauthorised mining and stone quarrying at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza- Madna, P.S.- Nalhati, within district- Birbhum has caused environmental pollution and degradation and / or damage of the environment ?

4. Whether the concerned authorities are under a legal and statutory duty and obligation to protect , preserve and conserve the hills from being destroyed and / or exploited at the hands of lustful miners?

5. FACTS OF THE CASE :

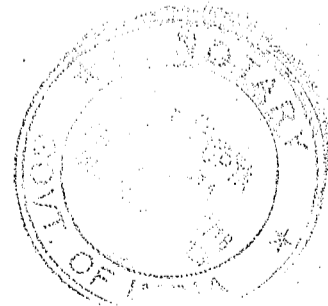
a) Your applicant no 1 is a social worker and environmental.

b) Your applicant no 2 is the legal and recorded owner of the abovementioned plots by registered deeds. The name of the owner is also recorded in the L.R. and Record of Rights.

Copies of the L.R. and Records of Rights are annexed herewith and collectively marked with letter "A".

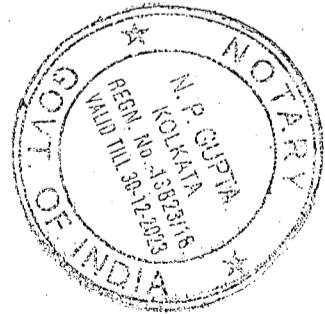
c) Your applicants are residing at the addresses mentioned in the cause title above.

d) The present original application has been filed to stop the rampant illegal mining and stone quarrying activities carried out at



Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza- Madna, P.S.- Nalhati, within district- Birbhum which is situated within the district of Birbhum in the State of West Bengal. A part of the Chota Nagpur plateau forms a part of Birbhum.

- e) Your applicant no 1 during his last visit in the first week of March, 2023 found to his utter surprise that stone quarrying activities are carried out in full fledged form in Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, MouzaMadna, P.S.- Nalhati, within district- Birbhum. Such mining and quarrying activities are being carried out in the area unabated. The rocks of the hills in the region are broken down ruthlessly and in an unplanned manner.
- f) Your applicants state that the height of the hills have come down to a considerable extent due to illegal mining and quarrying activities .Most of the hills have become half of its size compared to what originally existed a couple of yours back.
- g) Your applicants state that heavy explosives are being used for such quarrying purposes. Due to such use of heavy explosives, for fragmentation of the big rocks, the air of the entire area is filled with dust, smoke and heavy metals.
- h) The big boulders generated from such quarrying activities are ultimately transferred to the stone crushing units operating in the different corners of the district. Everyday about 20 trucks loaded with big boulder head towards the crusher mills.



Photographs showing quarrying activities at the site ,are annexed herewith and marked with letter "B".

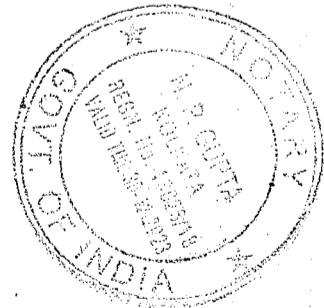
i) Your applicants state that the respondents No. 13 to 17 are actively involved in such stone quarrying activities. Apart from the respondent Nos. 13 to 17 there are other persons involved but your applicants are unable to identify and/or collect the particulars of the said persons. Your applicant thus seeks the leave of the Hon'ble Tribunal to incorporate the name of other persons/mines involved in such activities, as and when ascertained by your applicant.

j) Your applicant no 1 states that he lodged several complaints to the Superintendent of Police, the Sub Divisional Police Officer, Officer-in-Charge, Birbhum ,West Bengal and the West Bengal Pollution Control Board, Bidhannagar Kolkata dated 11.04.2023 through speed post.

Copy of the said written complaint dated 11.04.2023 and 07.08.2023 are annexed herewith and marked with letter "C".

k) Your applicant no 2 states that he lodged several written complaints with the concerned police station with regards to the illegal mining but the police authorities did not take any step to stop further illegal mining.

l) Your applicant no 2 also filed several 144 applications under the Cr.P.C. in the district court with regards to the same being Misc case nos.2248 of 2022, Misc case nos. 95 of 2023, Misc case no. 2037 of 2023, Misc case no. 2038 of 2023, Misc case no. 437 of 2023, Mis case nos. 454 of 2023 and Misc case nos. 2070 of 2023, whereby direction were



given to the officer in charge of Nalhati P.S. to see that the order of ld. Civil Judge Sr.Div,2nd court, Rampurhat passed in T.S.94 shall be complied with by both the parties.

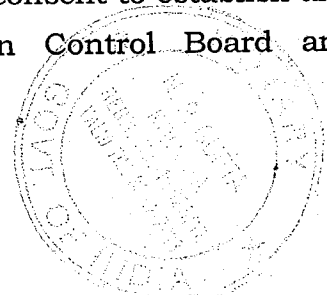
Copy of the said orders are annexed herewith and marked with the letter "D".

m) Your applicant no 2 also filed applications for injunction in the court of the Ld. Civil Judge Sr. Div, 2nd Court, Rampurhat being T.S.No.94 of 2023 and T.S. No 144 of 2023.

The applicant no.2 also filed an application u/s 39 Rule 1&2 read with section 151 of the Code of Civil Procedure for passing an order for temporary injunction as well as ad- interim injunction restraining the private respondent from dispossessing the applicant no 2 from the suit property and from disturbing from possession of the applicant no 2 and from changing the nature and character of the said suit properties on the ground stated therein. And issued notice upon the private respondent directing them to file show cause as to why the petition for injunction shall not be allowed in term of the prayer of the applicant with in 10th day from the date of receipt of the notice. Direction was given to both the parties to maintain status quo as regards the nature, character and possession in the suit property. Also a commissioner was appointed for local inspection.

Copy of the said restraining orders dated 19.07.2023, 22.08.2023 are annexed herewith and marked with letter "E".

n) That on 18.04.2023 your applicant no 1 made a representation to The State Public Information Office & Member Secretary, West Bengal Secretary, West Bengal Pollution Control, Paribesh Bhawan, Bidhannagar, Kolkata for information under section 6 of the Right to Information Act 2005 to specify as to whether consent to establish and operate has been issued by the Pollution Control Board and



Environment Clearance has been issued for the aforesaid mining activities.

Copy of the said applications are annexed herewith and marked with letter "F".

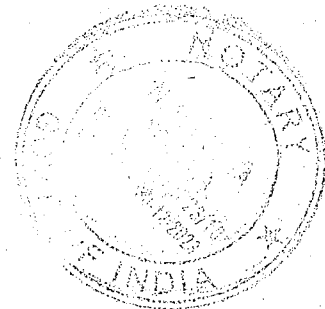
O) On 27.07.2023 your applicant no 1 received a reply from Pausali Mukherjee, WBSL Sr. Law Officer & SPIO that SEIAA has not issued any Environment Clearance to such project.

Copy of the said reply dated 27.07.2023 is annexed herewith and marked with letter "G".

P) Your applicants state that the respondent authorities are completely oblivious of the aforesaid illegal mining and stone quarrying activities. In Spite thereof, no steps and / or action have been taken by the respondent authorities to stop the illegal mining and stone quarrying activities.

Q) Resultantly the respondent authorities have not taken any action and / or steps in terms of Environment (Protection) Act,1986, the Air (Prevention and Control of Pollution) Act,1981, the Water (Prevention and Control of Pollution) Act, 1974 and other laws, rules and regulations relating to protection and preservation of environment to stop the illegal and unauthorised mining and stone quarrying activities at the abovementioned area.

R.) Your applicants state that the respondent authorities have deliberately and intentionally failed and / or neglected to stop the rampant illicit illegal and unauthorised mining and stone quarrying activities. The illegal and unauthorised mining and stone quarrying activities have completely devastated and still are devastating the



environment. Enormous and massive air, water, soil and noise pollution are being caused due to such quarrying activities.

S) Your applicants state that the respondent authorities are under a statutory duty and / or obligation to stop the illegal mining and quarrying activities. The hills are being lost due to the deliberate and / or intentional inaction on the part of the respondent authorities. The respondent authorities have remained as a mere spectator towards the illegal activities.

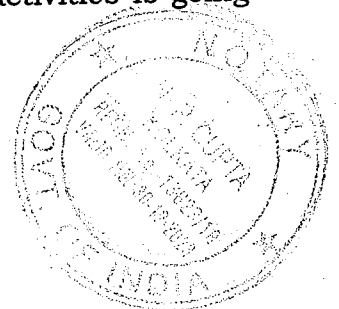
T) Your applicants state and submit that said hills not only maintain ecological balance but also the beauty of Birbhum and therefore need to be protected for a proper and healthy environment. The hills, furthermore, are the habitat of numerous plants and wild animals.

U) As stated above, the air of the entire area where the illegal stone quarries are being operated is filled with dust, smoke, heavy metals and toxic chemicals and for such a reason, the health of the people living in the locality has deteriorated. Most of the people of the surrounding areas are suffering from respiratory problems because of such environmental pollution.

V) Your applicants state and submit it is fit case wherein the Hon'ble Tribunal should exercise its power and jurisdiction under the National Green Tribunal Act, 2010 and pass an appropriate order to protect, preserve and conserve the hill.

W) Your applicants submits that if the quarrying activities are allowed to be continued, irreparable loss and injury would be suffered by the public at large and the environment.

X) In view of the aforesaid there is extreme urgency in the matter inasmuch as that the illegal mining and quarrying activities is going



on at a great pace. Multiple lorries are coming from different parts of Birbhum at the said place. In the absence of an appropriate restraint order and / or direction by this Hon'ble Tribunal, the said hills would be lost and / or become extinct within the next few days. The said hills will only remain on paper and maps. The hills will be lost at the hands of greedy and notorious antisocial elements. Your applicant has made out a strong prima facie case for intervention by this Hon'ble Tribunal since quarrying activities are going on each and every day. The balance of convenience is in favour of passing an interim Order.

y) Your applicants have filed the instant application in great haste and therefore craves leave to amend, alter, substitute or modify the grounds, if necessary.

z) There is no other alternative efficacious and speedy remedy open to your applicant and the reliefs as prayed for hereinabove, if granted, would be complete and adequate to your applicant.

zi) Your applicant No.1 has initiated proceeding before the Court of the Learned Executive Magistrate and the Learned Civil Judge (Sr. Division), Birbhum.

zii) That on 06.04.2023 the matter was moved before the National Green Tribunal being O.A. No. 37/2023/EZ and the matter was dismissed with liberty to file afresh.

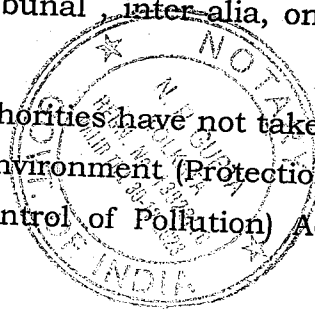
Copy of the said order dated 06.04.2023 is annexed herewith and marked with letter "H".

ziii) This application is made bona fide and for the ends of justice.

6. GROUNDS

Being aggrieved by and / or dissatisfied with the inaction on the part of the respondent authorities, the applicant begs to move thus instant application before this Hon'ble Tribunal, *inter-alia*, on the following grounds:-

- I. For that the respondent authorities have not taken any actions and/ or steps in terms of Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981, the



Water (Prevention and Control of Pollution) Act, 1974 and other laws, rules and regulations relating to protection and preservation of environment to stop illegal and unauthorised mining and stone quarrying activities.

- II. For that the respondent authorities have deliberately and intentionally failed and / or neglected to stop the rampant illicit illegal and unauthorised mining and stone quarrying activities.
- III. For that the illegal and unauthorised mining and stone quarrying activities have completely devastated and still is devastating the environment.
- IV. For that the illegal and unauthorised mining and stone quarrying activities have resulted in enormous and massive air, water , soil and noise pollution.
- V. For that serious health issues have developed amongst the people of the locality and surrounding areas due to the illegal and unauthorised mining and stone quarrying activities.
- VI. For that the quarrying activities for stone are being conducted by damaging the hills and natural balance.
- VII. For that heavy and powerful explosives are being used for such quarrying activities for fragmentation of the rocks resulting in ground vibration, noise, dust fumes and fly-rocks.
- VIII. For that the air of the entire area where the illegal tone quarries are being operated, is filled with dust, smoke, heavy metals and toxic chemicals.
- IX. For that the illegal quarrying operations, blasting , plying heavy vehicles have resulted in adverse effect upon the residents of the locality as well as in the surrounding areas by damaging



the ground level water source and contamination thereof. The surface water of the nearby water bodies are filled with dust particles and chemicals.

- X. For that the ground level water source has gone down due to illegal and wrongful consumption by the stone quarries operating at the said site .There is shortage and / or crisis of filtered water in the area.
- XI. For that there is an immediate requirement for stoppage of the illegal and unauthorised mining and stone quarrying activities to save the environment.
- XII. For that no stone quarrying activities can be permitted which affects the environment and human lives.
- XIII. For that right to life guaranteed under Article 21 of Constitution of India includes the right to live in a pollution free environment.
- XIV. For that the right to live in a pollution free environment is a fundamental as well as legal right of every citizen of India including your applicant.
- XV. For that due to the stone quarrying activities, the fundamental and legal right of citizens to live in a pollution free environment has been seriously infringed and therefore is required to be protected by passing an appropriate order by this Hon'ble Tribunal.

7. LIMITATION

This application is filed within the prescribed period under Section 14(3) of the National Green Tribunal Act, 2010. The applicant during

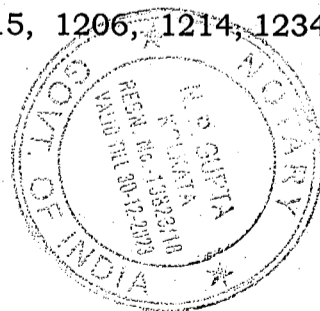


his last visit on in the first week of March, 2023 at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza- Madna, P.S.- Nalhati, within district- Birbhum Found illegal stone quarrying activities operating therein. Your applicant states that this application is within the period of limitation and the cause of action is continuing each and every day and till today.

8. PRAYER

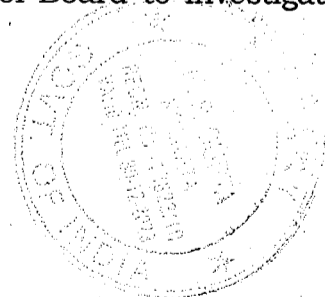
In view of the above facts and circumstances, it is humbly prayed before this Hon'ble Tribunal to pass the following orders :-

- a) Declaration that the mining and stone quarrying activities carried out at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza- Madna, P.S.- Nalhati, within district- Birbhum are illegal, unlawful and in violation of and/or against the provisions of Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974 and other laws, rules and regulations relating to protection and preservation of environment.
- b) Perpetual injunction restraining the respondent Nos. 13 to 17 and each one of them, their men, agents, associates and subordinates from carrying out and/or undertaking any mining and stone quarrying activities at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346,



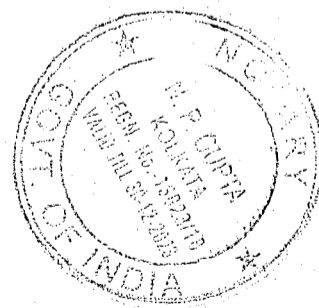
J.L. No. 11, MouzaMadna, P.S.- Nalhati, within District- Birbhum.

- c) Appoint an independent experts' committee consisting of fit and proper persons having knowledge and expertise in protection, preservation and conservation of environment to enquire into the illegal mining.
- d) Direct the respondent No. authorities to forthwith to remove all the illegal and unauthorised miners from in Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza- Madna, P.S.- Nalhati, within district- Birbhum.
- e) The independent experts' committee be directed to make a comprehensive study and assessment of the loss and damage caused due to the illegal and unauthorised mining and stone quarrying activities at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, MouzaMadna, P.S.- Nalhati, within District- Birbhum and pass an order on the basis of the assessment made by such committee to be recovered from the illegal miners carrying on unauthorised mining and stone quarrying activities at the said site.
- f) Direct the independent experts' committee and/or the respondent West Bengal Pollution Control Board to investigate



and lodge criminal complaints against the persons responsible for causing damage of the environment by conducting massive illegal and unauthorised mining and stone quarrying activities at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza- Madna, P.S.- Nalhati, within district- Birbhum and submit the status report of such criminal complaints and the action taken.

- g) Direct the independent experts' committee and the respondent Pollution Control Board. to identify the erring government officials and staffs who are actively and passively involved and/or extended support to the illegal and unauthorised mining and stone quarrying activities at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza Madna, P.S.- Nalhati, within district- Birbhum and allowed the damage to environment and take appropriate actions, including civil, criminal and disciplinary action against them.
- h) Direct the respondents to restore the environment to its original form and shape and recover such costs and expenses from the persons responsible.
- i) Direct the independent experts' committee or the appropriate respondent authority to undertake all necessary measures and/or steps to arrest and control the environmental pollution caused due to the illegal and unauthorised mining and stone quarrying activities.



- j) Direct the independent experts' committee or the appropriate respondent authority to implement and/or enforce and/or execute the provisions laid down under the provisions of Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974.
- k) Such other order/orders and/or direction/directions as this Hon'ble Tribunal deems fits/and proper to protect, preserve and conserve the environment.

9. INTERIM RELIEFS:

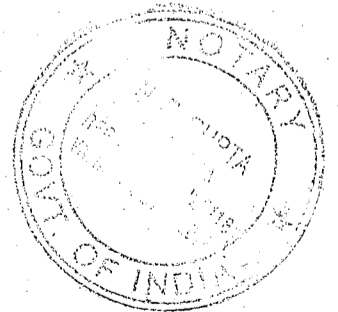
During the pendency of the proceedings, its respectfully prayed that this Hon'ble Tribunal may be pleased to pass the following interim reliefs:-

- i) Temporary injunction restraining the respondent Nos.13 to 17 and each one of them, their men, agents, associates and subordinates from carrying out and/or undertaking any mining and stone quarrying activities at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza Madna, P.S.- Nalhati, within district-Birbhum till the disposal of the present proceedings before this Hon'ble Tribunal.
- ii) Appoint an independent experts' committee consisting of fit and proper persons having knowledge and expertise in protection, preservation and conservation of environment to enquire into the illegal mining.
- iii) Direct the independent experts' committee to make a physical inspection of the entire illegal and unauthorised mining and

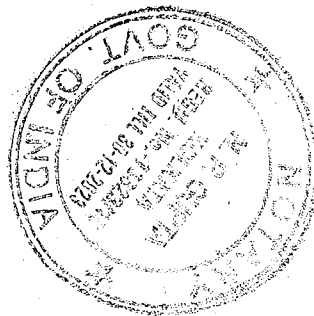


stone quarrying activities carried out at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza- Madna, P.S.- Nalhati, within district- Birbhum and ascertain the present position/status of the area and accordingly submit a report before this Hon'ble Tribunal for its consideration.

- iv) The independent experts' committee will be directed to make a comprehensive study and assessment of the loss and damage caused due to the illegal and unauthorised mining and stone quarrying activities at the said site.
- v) Direct the independent experts' committee and/or the respondent West Bengal Pollution Control Board to investigate and lodge criminal complaints against the persons responsible for causing damage of the environment by conducting massive illegal and unauthorised mining and stone quarrying activities at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1214, 12346, J.L. No. 11, Mouza- Madna, P.S.- Nalhati, within district- Birbhum and submit the status report of such criminal complaints and the action taken.
- vi) Direct the independent experts' committee and the respondent Pollution Control Board to identify the erring government officials and staffs who are activity and/or passively involved and/or extended support to the illegal and unauthorised mining and stone quarrying activities at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L. No. 11, Mouza- Madna, P.S.- Nalhati, within



- district- Birbhum and allowed the damage to environment and take appropriate actions, including civil criminal and disciplinary action against them.
- vii) Direct the respondents to restore the environment to its original form and shape and recover such costs and expenses from the persons responsible.
- viii) Direct the independent experts' committee or the appropriate respondent authority to undertake all necessary measures and/or steps to arrest and control the environment pollution caused due to the illegal and unauthorised mining and stone quarrying activities.
- ix) Direct the independent experts' committee or the appropriate respondent authority to implement and/or enforce and/or execute the provisions laid down under the provisions of Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981 the Water (Prevention and Control of Pollution) Act, 1974.
- x) Ad-interim orders in terms of prayers above.
- xi) Such other order/orders and/or direction/directions as this Hon'ble Tribunal deems fits/and proper to protect, preserve and conserve the environment.



Seratul Islam.

Sl. No.....

95/23

AFFIDAVIT

I, Serajul Islam, son of Nurul Islam, aged about 25 years, by faith-Muslim, by occupation- Social worker, residing at Natungram, Ward No.12, Nalhati M, Birbhum, West Bengal – 731243.

1. I am the applicant No.1 of the present application and the authorized representative of the applicant No.2 in the instant proceedings. I am well conversant with the facts and circumstances of the case. I am competent to make this affidavit.

2. The statements made in paragraph Nos. 1 to are true to my knowledge and belief and the rest are my humble submissions before this Hon'ble Tribunal.

Serajul Islam

Prepared in my office
and identified by me

DEPONENT

Nasreen Islam

Advocate

WB/1725/02

NARENDRA PRASAD GUPTA
NOTARY
GOVERNMENT OF INDIA
REGN. NO. 13023/2018

ADVOCATE, HIGH COURT CALCUTTA
8, Old Post Office Street (Ground Floor)
Opp. F-Gate (High Court)
Mob.-8310576674
9823130690

L.T.I.(s) Signatures(s) of the
Executant/s attested by me or Identifier

Narendra Prasad Gupta
NARENDRA PRASAD GUPTA, NOTARY
Advocate, HIGH COURT, KOLKATA
Regn. No.-13023/2018, Govt. of India

06 SEP 2023



Verification

I, Serajul Islam, the applicant herein, do hereby verify that the statements made in paragraph No. 1 to are true to my knowledge and belief the rest are my humble submission before this Hon'ble Tribunal.

I sign this verification on this lawyer's chamber ¹⁵ day of September, 2023

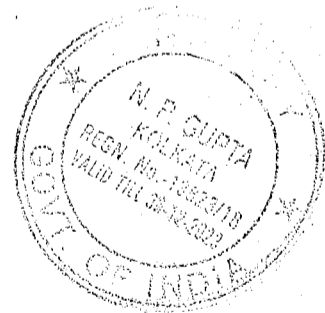
Date: 6.09.23

Place: Kolkata

Serajul Islam
Deponent

Identified by me

Nasreen Islam
Advocate



পশ্চিমবঙ্গ সরকার
সম্পত্তি ভূমি ও ভূমি সংস্কার আধিকারিকের কার্য
নলহাটী-১, বীরভূম

- দাগের তথ্য -



জেলা- বীরভূম

কলক: নলহাটী ১

থানা- নলহাটী

মোজা- মদনা

কন জে.এল.নং- ০১১

দাগ নং- ৭১৪

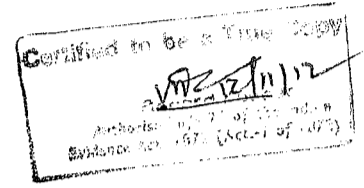
শ্রেণী- ধানীচহরম

জমির পরিমাণ(এ)- ০.৮১

সাবেক দাগ নং-

ক্রমিক নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	স্বয়ংক্রিয় বিবরণ	মন্তব্য
৩৭৬	ধানীচহরম	০.৩৩৩৩	০.২৭	মতিলাল হাঁসদা পিতা-চেড়ে হাঁসদা সং-পাখনামারা	
৩৭৬	ধানীচহরম	০.৩৩৩৩	০.২৭	মোমী হাঁসদা স্বামী-মাতাল মাঝি সং-পাখনামারা	
৮০৭	ধানীচহরম	০.৩৩৩৩	০.২৭	রাজোস মুন্সু পিতা-দুগুই মুন্সু সং-সং-পাখনামারা	

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VA 212/11/12
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Bhadr. Belantari



S. Chattjee
12.11.12.
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Article 1 Schedule of C.
Court Fee Act-1973

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পশ্চিমবঙ্গ সরকার
সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ
নলহাটী-১, বীরভূম
- দাগের তথ্য -

০৩০১০১১

জেলা- বীরভূম
মোজা- মদনা
দাগ নং- ৭১৫
সাবেক দাগ নং-

ব্লক - নলহাটী-১
জে.এল.নং- ০১১
শ্রেণী- ধানী আউয়াল

থানা- নলহাটী
জামর পরিমাণ(এ)- ৩.০২

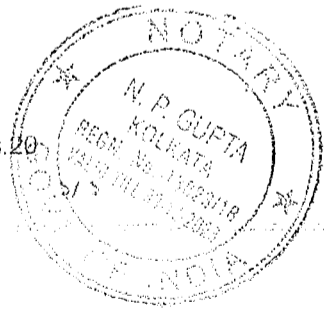
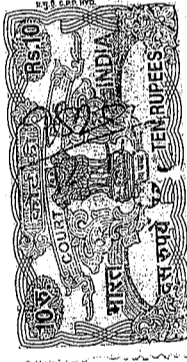


খাতমান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	স্বামীর বিবরণ	মন্তব্য
৩৩৬	ধানী আউয়াল	০.৩৩৩৩	১.০১	মহতলাল হাঁসদা পিতা-চড়ে হাঁসদা সাং-লখনামারা	
৪০৬	ধানী আউয়াল	০.৩৩৩৩	১.০১	মোমী হাঁসদা স্বামী-মাতাল মাঝি সাং-লখনামারা	
৮০৭	ধানী আউয়াল	০.১৬৭৭	০.৫০	রাজেস মুন্সু পিতা-দুগুই মুন্সু সাং-সাং লক্ষামারা	
৮১৩	ধানী আউয়াল	০.০৫৫২	০.১৭	সত্যেন চুডু পিতা-রসিক চুডু সাং-নিজ	
৮১৪	ধানী আউয়াল	০.০৫৫২	০.১৭	চুন্দা চুডু পিতা-রসিক চুডু সাং নিজ	
৮১৫	ধানী আউয়াল	০.০৫৫২	০.১৬	চেনা চুডু পিতা-রসিক চুডু সাং নিজ	

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S. Chattjee
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Article I Schedule of the
Court fees Act.-1870

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12/11/2012

পশ্চিমবঙ্গ সরকার
সমাপ্ত ভূমি ও ভূমি সংস্কার আধিকারিকের করণ
নলহাটী-১, বীরভূম

- দাগের তথ্য -

০৩০১০১১

জেতা- বীরভূম

ব্লক- নলহাটী ১

থানা- নলহাটী

মোজা- মদনা

জে.এল.নং- ০১১

দাগ নং- ৭১৬

শ্রেণী- ধানী সৈয়ম

জমির পরিমাণ(এ)- ০.০৯

সাবেক দাগ নং-

ক্রমিক নং শ্রেণী
১- ধানী সৈয়ম

অংশ অংশ পরিমাণ(এ) রায়ত্তের বিবরণ
০.৩৩৩৩ ০.০৩ গঙ্গাধর হাঁসদা
পিতা- হোপা হাঁসদা
সাং- লখনামারা

মন্তব্য

৩৪৬ ধানী সৈয়ম

০.৩৩৩৩ ০.০৩ মাতাল হাঁসদা
পিতা- চেড়ে হাঁসদা
সাং- লখনামারা

৪০৬ ধানী সৈয়ম

০.৩৩৩৩ ০.০৩ মোনী হাঁসদা
স্বামী- মাতাল মাঝি
সাং- লখনামারা

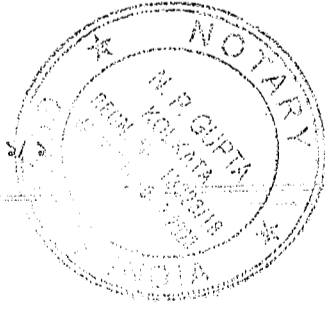
০.৯৯৯৯ ০.০৯

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by the holder
of the same
Evidence Act 1913 (Section 67)

Author-in-Charge
Copying Section
Block Land & Land Returns
Office, Bahirga



S. Chatterjee
12.11.12.
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Article 1 Schedule of the
Land Revenue Act 1979

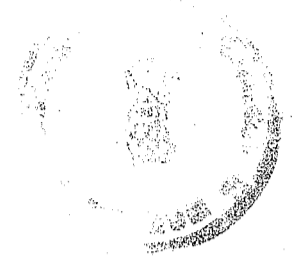


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12/11/2012

পশ্চিমবঙ্গ সরকার
সমান্তরাল জমি ও জমি সংস্কার আয়িকারকের কার্যালয়
নলহাটী-১, বাঁকুড়া
দাখলের তারিখ: ০৩০১০১১

সংখ্যা: ১৩৩৩
স্থান: নলহাটী
ক্র.সং. নং: ০১১
শ্রেণী: খনিচহরম
জমির পরিমাণ(এ): ৩.২০

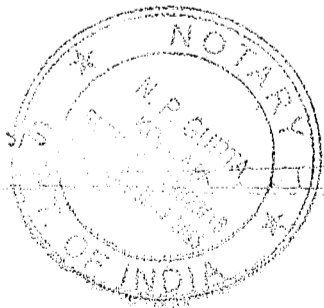


ক্র.সং.	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	স্বায়ত্ব বিবরণ	মন্তব্য
১৩৩৩	খনিচহরম	০.০৬২৫	০.২১	শারায়ন মাড়ি শিলা-মহিল মাড়ি সার-সার লক্ষণামারা	
১৩৩৪	খনিচহরম	০.৪৩৭৫	১.৩৯	শিলা মাড়ি শিলা-মহিল মাড়ি সার-সার লক্ষণামারা	
১৩৩৫	খনিচহরম	০.০১৩৩	০.২৭	শিলা মাড়ি শিলা-মহিল মাড়ি সার-সার লক্ষণামারা	
১৩৩৬	খনিচহরম	০.০১৩৩	০.২৭	শিলা মাড়ি শিলা-মহিল মাড়ি সার-সার লক্ষণামারা	
১৩৩৭	খনিচহরম	০.০১৩৩	০.২৭	শিলা মাড়ি শিলা-মহিল মাড়ি সার-সার লক্ষণামারা	
১৩৩৮	খনিচহরম	০.০১৩৩	০.২৭	শিলা মাড়ি শিলা-মহিল মাড়ি সার-সার লক্ষণামারা	
১৩৩৯	খনিচহরম	০.০১৩৩	০.২৭	শিলা মাড়ি শিলা-মহিল মাড়ি সার-সার লক্ষণামারা	
১৩৪০	খনিচহরম	০.০১৩৩	০.২৭	শিলা মাড়ি শিলা-মহিল মাড়ি সার-সার লক্ষণামারা	
১৩৪১	খনিচহরম	০.০১৩৩	০.২৭	শিলা মাড়ি শিলা-মহিল মাড়ি সার-সার লক্ষণামারা	
১৩৪২	খনিচহরম	০.০১৩৩	০.২৭	শিলা মাড়ি শিলা-মহিল মাড়ি সার-সার লক্ষণামারা	
		৩.১৯১১	১.১১		

০৩/০১/১৪
১৭/১/১৪
Notary Public
Bankura, West Bengal
Registered under the Indian
Notaries Act, 1952 (No. 10 of 1952)

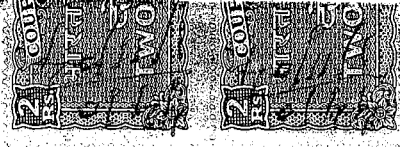


S. Chatterjee
17/1/14
CORRECTLY VERIFIED
Article 1 Schedule XI
1956 (1956 Act-107)



Reg. Fee: Rs.10, Auth. Fee: Rs.10, Total: Rs.20
CC Copy-602

17/01/2014



- দাপ্তরিক তথ্য -

জেলা- বারভূম
দাগ নং- ৭০৭

মোজা- মদনা
শ্রেণী- গাউড়িয়া

জে.এল.নং- ০১১
জামির পরিমাণ(এ)- ০.২৩
০৩০১০১১
01/11/2004

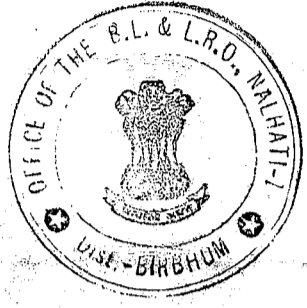
খতিয়ান নং শ্রেণী

অংশ অংশ পরিমাণ(এ) রায়তের বিবরণ

দখলদারের বিবরণ

৩৩৪ গাউড়িয়া

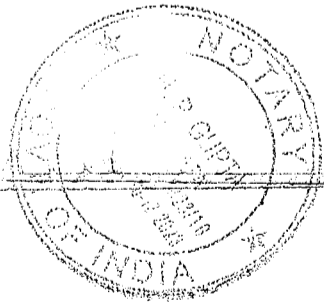
১.০০০০ ০.২৩ সিঙ্গল মাঝী
পিতা-সুফল মাঝী
সাং-সাং-মুরারহ



No. 1204 dated 1/11/04

Certified to be a True Copy
[Signature]
Record Keeper
Authorized under Section 70 of the Indian
Evidence Act, 1872 (Act-1 of 1872)

[Signature]
Officer-in-Charge
Copying Section
Block Land & Land Reforms
Office, Nalhati-1
[Signature]



Government of West Bengal
Office of the Block Land and Land Reforms Officer

Nalhati -1 Birbhum

INFORMATION OF DAG

[0301011]

District: Birbhum

Block- Nalhati-1

Mouza-Madja

J.L. No. 011

Police Station- Nalhati

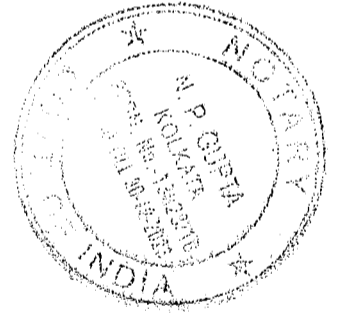
Dag No. 715

Class-Dhani Awal

Area of land-(A): 3.02 Acre

Old Dag No.

Khatian No.	Class	Share	Share in the area(A)	Particulars of Ryot	Remarks
346	Dhani Awal	0.3333	1.01	Matilal Hansda S/o Chere Hansda Of Lakhamara	
406	Dhani Awal	0.3333	1.01	Momi Hansda W/o Matal Maji Of Lakhamara	
807	Dhani Awal	0.1677	0.50	Rajesh Murmu S/o Dugui Murmu Of Lakhamara	
813	Dhani Awal	0.0552	0.17	Satyen Tudu S/o Rasik Tudu Of self	
814	Dhani Awal	0.0552	0.17	Chunda Tudu S/o Rasik Tudu Of self	
815	Dhani Awal	0.0552	0.16	Tena Tudu S/o Rasik Tudu Of self	
		<u>0.9999</u>	<u>3.02</u>		



Appl. Fee Rs.10, Auth. Fee: Rs.10, Total Rs.20

Page 1 of 1

12/11/2012

Government of West Bengal
Office of the Block Land and Land Reforms Officer
Nalhati -1 Birbhum

INFORMATION OF DAG

[0301011]

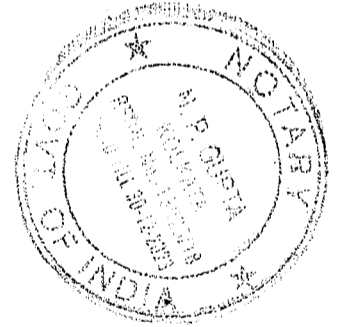
District: Birbhum Block- Nalhati-1
Mouza-Madja J.L. No. 011 Police Station- Nalhati
Dag No. 716 Class-Dhani Saiyam Area of land-(A): 0.09 Acre
Old Dag No.

Khatian No.	Class	Share	Share in the area(A)	Particulars of Ryot	Remarks
88	Dhani Saiyam	0.3333	0.03	Dakhalar Hansda S/o Hopa Hansda Of Lakhanmara	
346	Dhani Saiyam	0.3333	0.03	Matilal Hansda S/o Chera Hansda Of Lakhanmara	
406	Dhani Saiyam	0.3333	0.03	Momi Hansda W/o Matal Maji Of Lakhanmara	

0.9999 0.09

Appl. Fee Rs.10, Auth. Fee: Rs.10, Total Rs.20

1 of 1



12/11/2012

Government of West Bengal
Office of the Block Land and Land Reforms Officer

Nalhati -1 Birbhum

INFORMATION OF DAG

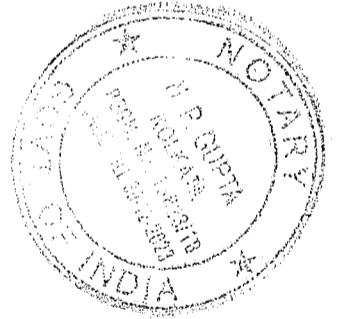
[0301011]

District: Birbhum
Mouza-Madja
Dag No. 712
Old Dag No.

Block- Nalhati-1
J.L. No. 011
Class-Dhani Saiyam

Police Station- Nalhati
Area of land-(A): 3.20 Acre

Khatian No.	Class	Share	Share in the area(A)	Particulars of Ryot	Remarks
227	Dhani Chaharam	0.0625	0.21	Narayan Mandi S/o Manik Mandi Of Lakhanmara	
634	Dhani Chaharam	0.4375	1.39	Giden Maji S/o Sufal Maji Of Murari	
(illegible)	Dhani Chaharam	0.0833	0.27	Maru Hembram S/o Mahim Marandi Of Lakhanmara	
832	Dhani Chaharam	0.0833	0.27	Josen Mandi S/o Mahim Mandi Of Lakhanmara	
832	Dhani Chaharam	0.0833	0.27	Mangalina Mandi S/o Mahil Mandi Of Lakhanmara	
640	Dhani Chaharam	0.0833	0.27	Swapan Mandi S/o Mahil Mandi Of Lakhanmara	
641	Dhani Chaharam	0.0833	0.27	Swapan Mandi S/o Mahil Mandi Of Lakhanmara	
642	Dhani Chaharam	0.0833	0.27	Swapan Mandi S/o Mahil Mandi Of Lakhanmara	
		0.9999	3.20		



Appl. Fee Rs.10, Auth. Fee: Rs.10, Total Rs.20

INFORMATION OF DAG

[0301011]

11/01/2014

District: Birbhum

Mouza- Madna

J.L. No. 011

Dag No. 707

Nature: Garia

Area of land-(A): 0.23 Acre

Khatian No.	Class	Share	Share in the area(A)	Particulars of Ryot	Remarks
634	Garia	1.0000	0.23	Giden Maji S/o Sufal Maji Of Murarh	

Py
Q

Appl. Fee Rs.10, Auth. Fee: Rs.10, Total Rs.20

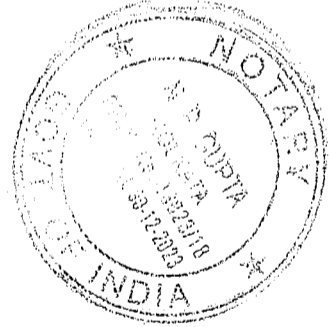
Sd/- illegible
1.11.14
Officer-In-Charge
Copying Section
Block Land and Land Reforms
Office, Nalhati-1

1 of 1 ✓

Rupai Bheera.

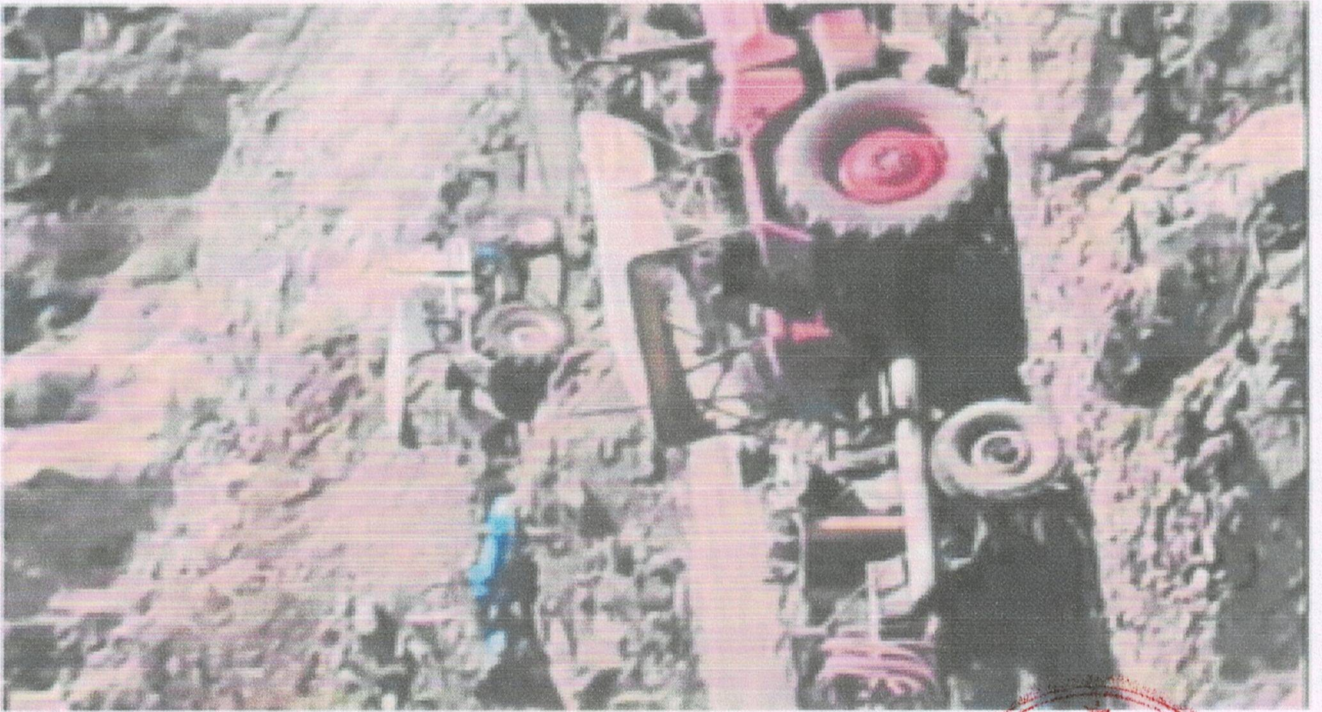
06/09/23

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





NOTARY
M. P. GUPTA
NOTARY
GOVT. OF INDIA
101/20-13823/18
10/11/2009



NOTARY
H. P. GUPTA
KOLKATA
REGD. No. - 13823/18
VALID TILL 30-12-2023
ENGL. GOVT. OFF.



NOTARY
P. GUPTA
CALCUTTA
MOBILE: 96-13023118
MAIL: 20-12-2020
OF INDIA



NOTARY
N. P. GUPTA
KOLKATA
REGD. No. 13823/18
VALID TILL 30-12-2023

From:

Serajul Islam,

S/o Nurul Islam, residing at Natungram, Ward no.13, Nalhati, district -Birbhum, West Bengal, PIN NO -731243.

Dated:11.04.23

To,

1.The Superintendent of Police,
Birbhum,Suri,West Bengal, Pin:731107.

2. The Sub Divisional Police Officer

Rampurhat, Birbhum, West Bengal, Pin-731224.

3.The Officer -in-Charge,

Nalhati Police Station,

Birbhum,

West Bengal,PIN-731243.

4.The West Bengal Pollution Control Board,

service through the Chairman, Paribesh Bhawan,

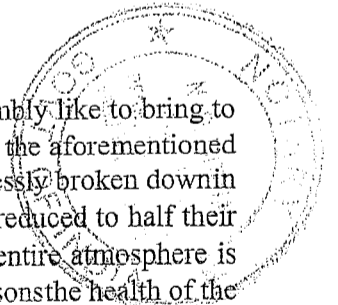
PlotNo.10A, Block -LA,Sector-III, Bidhannagar,

Kolkata,PIN-700106.

Sub: Complaint against Operation of illegal and unauthorized mining and stone quarrying at Plot No.707,708,712,713,714,715,716,670,677 in khatian No.88,1070,1074,1076,1205,1316,322,346,807, 813,814,815,1206,1214,12346,J.L.No.11,Mouza- Madna,P.S-Nalhati, district -Birbhum by 1.Bapi Sk, s/o Robi Sk, residing at at Vill & P.O -Ekdala, P.S- Rampurhat, District -Birbhum, West Bengal, Pin No -731202, 2.Mustak Sk, s/o late Hakim Sk ,residing at Nalhati, Mondalpara, P.O.&P.S.-Nalhati, District -Birbhum, West Bengal PIN NO 731243, 3.Paskel Hasda s/o Benjamin Hasda, residing at vill-Chilimpur, P.O-Banior, P.S-Nalhati, Birbhum, West Bengal, Pin No 731243 , 4. Mamla Majhi s/o Late Giden Majhi, residing at vill-Balarampur (Singra), P.S-Murarai, District -Birbhum, West Bengal, Pin No 731222 and their associates.

Sir,

I am a social worker and environmental activist and as such I would most humbly like to bring to your notice that illegal mining and stone quarrying activities are being carried out at the aforementioned location by the above named persons. The rocks and hills in the region are being ruthlessly broken down in unplanned manner. Due to such illegal mining activities most of the hills have been reduced to half their original size. Heavy explosives are being used for such quarrying activities and the entire atmosphere is filled with dust ,smoke and fragments of metals and toxic chemicals and for such reasons the health of the local people as well as the environment are at peril.



Mining is being processed on an impressive large scale. Every day large numbers of trucks loaded with big boulders head towards the crusher mills. Enormous and massive air, water, soil and noise pollution are being caused due to such quarrying activities.

Under the aforesaid circumstances I, as a member of the society most humbly pray to your good selves to understand the gravity of the situation and take immediate appropriate measures to refrain the above named persons from damaging the environment and endangering the health and lives of the people of the surrounding neighborhood.

And for this act of kindness I shall be ever grateful.

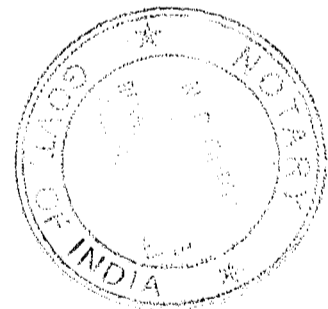
Thanking you,

Yours faithfully,

Serajul Islam

Serajul Islam

Annexed herewith Photo copies of the Said Mining site.



From:
Serajul Islam,
S/o Nurul Islam,
Natungram, Ward no:13,
Nalhati,
Dist: Birbhum,
West Bengal,
PIN-731243.
Date: 7.08.23

To,

1. The West Bengal Pollution control Board Service through the Chairman
Paribesh Bhawan, Plot No. 10A, Block-LA,
Sector-III, Bidhan Nagar,
Kolkata, Pin-700106.

2. The District Magistrate
Suri, Birbhum,
West Bengal,
Pin-731101.

3. The Superintendent of Police,
Suri, Birbhum, West Bengal,
PIN: 731101.

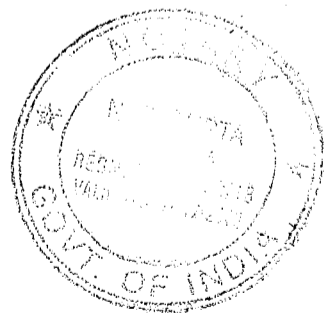
4. The Sub Divisional Police Officer,
Rampurhat, Birbhum, West Bengal,
PIN: 731224.

5. The Sub Divisional Officer
Rampurhat, Birbhum, West Bengal
Pin-731224.

6. The Officer In Charge,
Nalhati Police Station,
Birbhum,
West Bengal,
PIN: 731243.

Sub: complaint against operation of illegal and unauthorized mining and stone quarrying
at Plot No. 707, 708, 712, 713, 714, 715, 716, 670, 677 in Khaitian No. 88, 1070, 1074, 1076,
1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L.No. 11, Mouza-Madna, P.S.-
Nalhati, Dist- Birbhum by

1. Sainul Islam (Bapi), S/o Md. Hanif (Robi), residing at vill:- Ekdala, P.O-Mallickur,
P.S.-Margram, Dist: Birbhum, West Bengal, PIN-731202,
2. Mustak Sk, s/o Late Halim Sk, residing at Nalhati, Mondalpara, P.O & P.S. Nalhati,
Dist: Birbhum, West Bengal, PIN -731243,



3. Sujit Hansda (Paskel), s/o Benjamin Hasda, residing at vill: Chilimpur, P.O-Banior, P.S-Nalhati, Dist-Birbhum, West Bengal, PIN-731243,
- 4 Mamlu Majhi s/o late Giden Majhi, residing at vill: Balarampur (Singra), P.S.-Murarai, Dist-Birbhum, West Bengal, PIN-731222

And their associates.

REF: Complaint dated 11.04.23 to the SP, SDPO, Officer in charge & The West Bengal Pollution Control Board.

Sir,

This is to intimate you with regards to and pursuant to the aforesaid complaint dated 11.04.23 to your goodself that on 18.04.23 I had made an application under section 6 of the Right to Information Act 2005 to The State Public Information Office & Member Secretary, West Bengal Pollution Control Board, Paribesh Bhawan, Plot no.10A, Block -LA, Sector-111, Bidhannagar, Kolkata-700106 for information whether consent has been issued by the Pollution Control Board for the aforesaid mining and stone quarrying activities at the abovementioned plots. the said application was transferred to the office of Sub Divisional officer, Rampurhat, Dist-Birbhum, West Bengal, PIN -731224. Through a reply dated 27.07.23 I received information from Pausali Mukherjee, WBLS, Sr. Law Officer & SPIO that SEIAA has not issued any Environment Clearance to such a project. Under such circumstances I request your good selves to take immediate appropriate measures to refrain the above named persons from causing further damage to the environment and endangering health and lives of the people of the surrounding neighborhood.

Thanking you,

Yours faithfully,

Serajul Islam

Serajul Islam



Petitioner :

O.P. :

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

COPY OF THE ORDER SHEET

Order Sheets, dated from to

District : Birbhum Case No. Misc Case 220 of 2023

Nature of the Case : U/S 144/145 Cr.P.C.

Serial Number & Date of Order	Order and Signature of the Officer	Note of action taken on Order
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03/02/2023



Seen the petition of Mamala maahi
 S/O, D/O, W/O Lak Giden maahi
 of Balarampur
 P.S. Murari Dist - Birbhum, praying for
 an action U/S Cr.p.c

Heard the Ld Advocate for the petitioner and
 perused the documents and papers shown / produced.
 Considered the prayer.

B.L. & L.R.O. Murari-1
 is directed to enquire and report regarding present
 possession and title of the disputed land (s).

In the meantime O/C Murari
 P.S. is directed to
 enquire and report in respect of apprehension of breach
 of peace over the dispute and see that peace is main-
 tained by both parties.

~~No unauthorise
 digging over the suit plots
 shall be made by O.P.
 with out prior permission
 of the authority till further
 order.~~

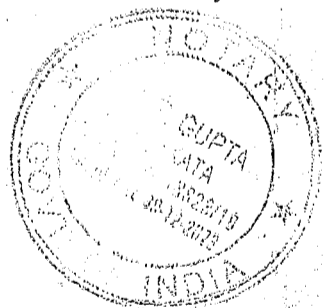
To 30/3/23 for report

no - 221/P
3/2/23

COPY to -
O/P Murari
P.S

By Order of the Court
3/2/23
Bench Clerk

Executive Magistrate
RAMPURHAT * BIRBHUM *



Mamala Maahi
S/O - Lak Giden

Petitioner :

O.P. :


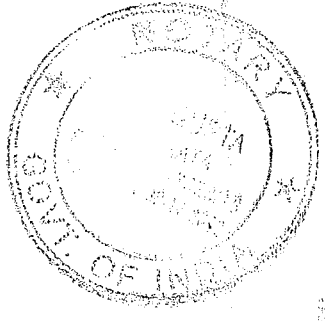
ORDER SHEET

(Rule 129 of the Records Manual, 1917)

Order Sheets, dated from 24/02/2023 to 18/04/2023

District : Birbhum Case No. 146 of 2023

Nature of the Case : U/S 146 Cr.P.C.

Serial Number & Date of Order	Order and Signature of the Officer	Note of action taken on Order
<p>1</p> <p>24/02/2023</p>  <p>17/04/23</p> <p>Copy to O/c Malhati P.S</p> <p>24/02/2023 18/04/2023</p> <p>27/04/2023</p> <p>17/12/23</p>	<p>Seen the petition of <u>Sohan Lal Tudu</u> S/O, D/O, W/O <u>Prohata math - Tudu</u> of <u>Dist. Birbhum</u> P.S. <u>Baleswar, case</u> Dist - Birbhum, praying for an action U/S <u>146</u> Cr.p.c</p> <p>Heard the Ld Advocate for the petitioner and perused the documents and papers shown / produced. Considered the prayer. B.L. & L.R.O. <u>Malhati - 1</u> is directed to enquire and report regarding present possession and title of the disputed land (s).</p> <p>In the meantime O/C <u>Malhati</u> P.S. is directed to enquire and report in respect of apprehension of breach of peace over the dispute and see that peace is main- tained by both parties.</p> <p><u>No unauthorise</u> <u>digging / extraction shall be made</u> <u>by any one without prior permission</u> <u>of the authority over the suit</u> <u>plot till further orders.</u></p> <p>To <u>18/04/2023</u> for report</p> <p><u>Malhati</u> Executive Magistrate RAMPURHAT - BIRBHUM</p>	<p>1 in</p> 

09/3/2023

Petitioner :

O.P. :

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

Order Sheets, dated from COPY OF THE ORDER SHEET to

District : Birbhum Case No. 110 Case 95 of 2023

Nature of the Case : U/S 144/145 Cr.P.C.

Serial Number & Date of Order	Order and Signature of the Officer	Note of action taken on Order
-------------------------------	------------------------------------	-------------------------------

1

16/1/2023



NO - 95/P
16/1/2023

Seen the petition of ~~110~~ Mamala Majhi
 S/O, D/O, W/O Giden Majhi
 of Balarampur
 P.S. Murara Dist - Birbhum, praying for
 an action U/S 144/145 Cr.p.c

Heard the Ld Advocate for the petitioner and
 perused the documents and papers shown / produced.
 Considered the prayer.
 B.L & L.R.O. Nahati - I
 is directed to enquire and report regarding present
 possession and title of the disputed land (s).

In the meantime O/C Nahati
P.S. is directed to
 enquire and report in respect of apprehension of breach
 of peace over the dispute and see that peace is main-
 tained by both parties.

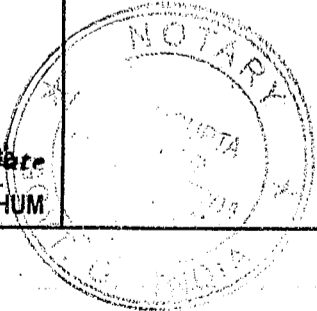
*No unauthorise digging
 or excavation or over the small
 plot shall be made by
 anybody without prior permission
 of the authority.*

Copy to -
 O/c Nahati
 P.S

By Order Of The Court
 16/1/23
 Bench Clerk

To 09/3/2023 for report

Ba
 Executive Magistrate
 RAMPURHAT & BIRBHUM



Petitioner :

O.P. :

Disposed
9/3/23

ORDER SHEET




(Rule 129 of the Records Manual, 1917)

COPY OF THE ORDER SHEET

Order Sheets, dated from to

District : Birbhum Case No. Misc case 437 of 2023

Nature of the Case : U/S..... 144 Cr.P.C.

Serial Number & Date of Order	Order and Signature of the Officer	Note of action taken on Order
<p>1</p> <p>09/03/23</p>  <p>70 - 214/18 9/3/23</p> <p>Copy to ofc Nalhati P.S</p> <p>By Order of the Court 9/3/23 Branch Court</p>	<p>Seen the petition of <u>maamla majhi</u> S/O, D/O, W/O..... <u>badhan majhi</u> of..... <u>Balarampur</u> P.S..... <u>Mungra</u> Dist - Birbhum, praying for an action U/S..... <u>144</u> Cr.p.c</p> <p>Heard the Ld Advocate for the petitioner and perused the documents and papers shown / produced. Considered the prayer. B.L. & L.R.O..... <u>Mungra</u> is directed to enquire and report regarding present possession and title of the djsputed land (s).</p> <p>In the meantime O/C..... <u>Nalhati</u> P.S. is directed to enquire and report in respect of apprehension of breach of peace over the dispute and see that peace is main- tained by both parties.</p> <p><u>ofc Nalhati P.S</u> is also directed to see the order of Id. civil judge Sr. Divn. 2nd court <u>Rampurhat</u> passed in T.S. 94/23 shall be complied with by both parties thus the case is disposed of.</p> <p>To..... <u>10/5/23</u> for report</p> <p> Executive Magistrate RAMPURHAT, BIRBHUM</p>	

- 45 -

ORDER SHEET


(Rule 129 of the Records Manual, 1917)

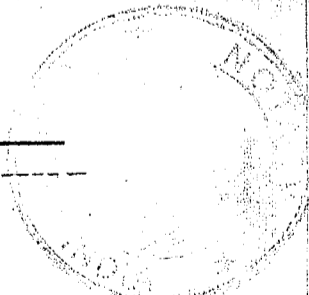
COPY OF THE ORDER SHEET

Order Sheets, dated from to

District : Birbhum Case No. Misc Case 454 of 2023

Nature of the Case : U/S 144 Cr.P.C.

Serial Number & Date of Order	Order and Signature of the Officer	Note of action taken on Order
<p>1</p> <p>13/03/23</p>  <p>no - 461/P 13/3/23</p> <p>copy to -</p> <p>By Order Of The Court 13/3/23 Bench Clerk</p>	<p>Seen the petition of <u>mamla mahi</u> S/O, D/o, W/o <u>Lak Giden Mahi</u> of <u>Balarampur</u> P.S. <u>Murara</u> Dist - Birbhum, praying for an action U/S <u>144</u> Cr.p.c</p> <p>Heard the Ld Advocate for the petitioner and perused the documents and papers shown / produced. Considered the prayer. B.L. & L.R.O. is directed to enquire and report regarding present possession and title of the disputed land (s).</p> <p>In the meantime O/C <u>Mahati</u> P.S. is directed to enquire and report in respect of apprehension of breach of peace over the dispute and see that peace is main- tained by both parties. <u>Ld. Civil Judge.</u> <u>Sr. Division 2nd court Rampurhat passed</u> <u>an order vide T.S no - 94/23.</u> <u>Both parties are directed to comply</u> <u>with the order.</u> <u>Hence the case is disposed</u></p> <p>To <u>12/05/2023</u> for report</p> <p>By Order Of The Court Executive Magistrate RAMPURHAT Bench Clerk Executive Magistrate RAMPURHAT Dist. Pakur, Jharkhand.</p>	




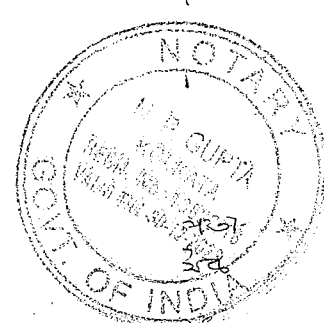
Petitioner :
O.P. :

Disposed
9/3/23

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

Order Sheets, dated from COPY OF THE ORDER SHEET to
District : Birbhum Case No. misc case 437 of 2023
Nature of the Case : U/S 144 Cr.P.C.

Serial Number & Date of Order	Order and Signature of the Officer	Note of action taken on Order
<p>1</p> <p>09/03/23</p> <p>no-444/P 9/8/23</p> <p>Copy to petitioner</p> <p>By Order Of The Court Bench</p>	<p>Seen the petition of <u>namla mahi</u> S/O, D/O, W/O <u>Bidhan Mahi</u> of <u>Baldram P.M.</u> P.S. <u>Munera</u> Dist - Birbhum, praying for an action U/S <u>144</u> Cr.p.c</p> <p>Heard the Ld Advocate for the petitioner and perused the documents and papers shown / produced. Considered the prayer. B.L. & L.R.O. <u>Munera</u> is directed to enquire and report regarding present possession and title of the disputed land (s).</p> <p>In the meantime O/C <u>Nalhati</u> <u>Nalhati</u> P.S. is directed to enquire and report in respect of apprehension of breach of peace over the dispute and see that peace is main- tained by both parties.</p> <p><u>Nalhati</u> is also directed to see the order of Ld. civil judge Sr. Div. 2nd court <u>Rampurhat</u> passed in T.S. 04/23 shall be complied with by both parties thus the case is disposed of.</p> <p>To <u>10/5/23</u> for report</p> <p> Executive Magistrate RAMPURHAT, BIRBHUM</p>	<p></p> <p></p> <p>10/5/23</p>

Disposed
26/7/23

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

Order Sheets, dated from COPY OF THE ORDER SHEET to

District : Birbhum Case No. Mese case 2070 of 2023

Nature of the Case : U/S 144 Cr.P.C.

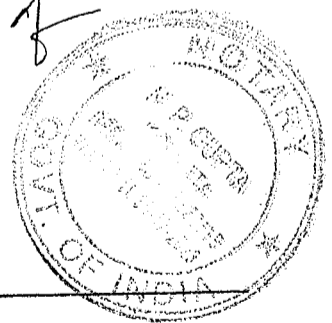
Serial Number & Date of Order	Order and Signature of the Officer	Note of action taken on Order
<p>1</p> <p>26/7/23</p>	<p>Seen the petition of <u>Mamla Majhi</u> S/O, D/O, W/O <u>Late Giden Majhi</u> of <u>Balarampur</u> P.S. <u>Murana</u> Dist - Birbhum, praying for an action U/S <u>144</u> Cr.p.c</p> <p>Heard the Ld Advocate for the petitioner and perused the documents and papers shown / produced. Considered the prayer. B.L. & L.R.O. <u>Nalhati -</u> is directed to enquire and report regarding present possession and title of the disputed land (s).</p> <p>In the meantime O/C <u>Nalhati</u> P.S. is directed to enquire and report in respect of apprehension of breach of peace over the dispute and see that peace is main- tained by both parties.</p> <p><u>O/c Nalhati P.S</u> is also directed to see the order of td. civil Judge, Sr. Jm, 2nd comt Rampurhat passed in its 9/4/23 shall be complied with by both parties.</p> <p>To <u>5/10/23</u> for report</p> <p style="text-align: right;">Thus disposed of</p>	



COPY to -
O/c Nalhati
P.S
2069/P
26/7/23

By Order Of The Court
Bench Clerk

Executive Magistrate
RAMPURHAT * BIRBHUM



Disposed
21/9/23

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

COPY IN THE ORDER SHEET

Order Sheets, dated from to

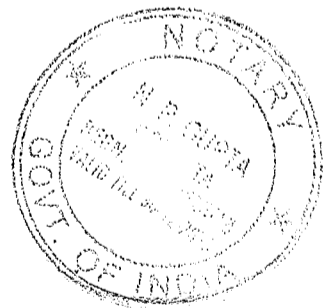
District : Birbhum Case No. Mex case 2037 of 2023

Nature of the Case : U/S 144 Cr.P.C.

Serial Number & Date of Order	Order and Signature of the Officer	Note of action taken on Order
<p>1</p> <p>21/9/23</p> <p>NO - 2036/P 21/9/23</p>	<p>Seen the petition of <u>Mamla Mathi</u> S/O. D/O. W/O <u>Late Bidem Mathi</u> of <u>Rampurhat</u> P.S. <u>Murari</u> Dist - Birbhum, praying for an action U/S <u>144</u> Cr.p.c</p> <p>Heard the Ld Advocate for the petitioner and perused the documents and papers shown / produced. Considered the prayer. B.L. & L.R.O. <u>Murari - 1</u> is directed to enquire and report regarding present possession and title of the disputed land (s).</p> <p>In the meantime O/C <u>Walhati</u> P.S. is directed to enquire and report in respect of apprehension of breach of peace over the dispute and see that peace is main- tained by both parties.</p> <p>is also directed to see the order of rd. civil judge Sr. Jm. and court Rampurhat passed in Is. 94/23 shall be complied with by both parties This disposed of.</p> <p>To <u>29/9/23</u> for report</p> <p>Executive Magistrate RAMPURHAT * BIRBHUM</p>	



Copy to O/C
Walhati P.S.




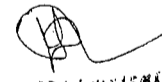
Disposed
21/9/23

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

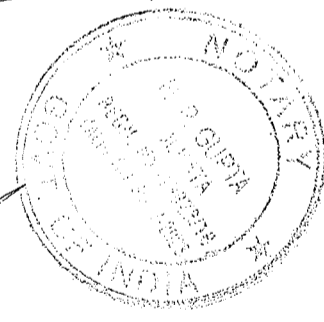
COPY OF THE ORDER SHEET

Order Sheets, dated fromto
District : Birbhum Case No. Misc Case 2038 of 2023
Nature of the Case : U/S 144 Cr.P.C.

Serial Number & Date of Order	Order and Signature of the Officer	Note of action taken on Order
<p>1 21/7/23</p> 	<p>Seen the petition of <u>Mamla Majhi</u> S/O, D/O, w/o <u>Lak Giden Majhi</u> of <u>Bannampur (Durgam)</u> P.S. <u>Murara</u> Dist - Birbhum, praying for an action U/S <u>144</u> Cr.p.c</p> <p>Heard the Ld Advocate for the petitioner and perused the documents and papers shown / produced. Considered the prayer. B.L. & L.R.O. <u>Murara</u> - 1 is directed to enquire and report regarding present possession and title of the disputed land (s).</p> <p>In the meantime O/C <u>Murara</u> <u>Nalhati</u> P.S. is directed to enquire and report in respect of apprehension of breach of peace over the dispute and see that peace is main- tained by both parties.</p> <p>is also directed to see the order of Id. civil judge Sr. Jm. 2nd court Rampurhat passed in P.S. 144/23 shall be complied with by both parties this disposed off.</p> <p>To <u>29/9/23</u> for report</p> <p> Executive Magistrate RAMPURHAT * BIRBHUM</p>	

NO - 2038/P
21/9/23

Copy to
of Nalhati P.S.
Order Of The Courts
Bench Clerk

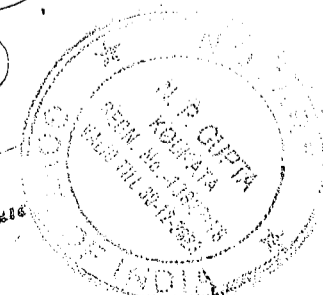


UNW

SENER
BANK

This disposed of
To 29/9/23 for report

Executive Magistrate
RAMPURHAT * BIRBHUM



Disposed
21/9/23

ORDER SHEET

(Rule 129 of the Records Manual, 1917)

COPY OF THE ORDER SHEET

Order Sheets, dated from to

District : Birbhum Case No. Mex case 2037 of 2023

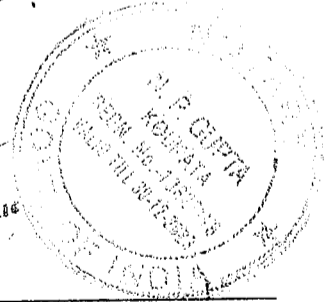
Nature of the Case : U/S 144 Cr.P.C.

Serial Number & Date of Order	Order and Signature of the Officer	Note of action taken on Order
<p>1</p> <p>21/9/23</p> <p>NO - 2036/P 21/9/23</p>	<p>Seen the petition of <u>Mamla Mathi</u> S/O, D/o, W/o <u>Late Bidem Mathi</u> of <u>Bansrampur</u> P.S. <u>Murara</u> Dist - Birbhum, praying for an action U/S <u>144</u> Cr.p.c</p> <p>Heard the Ld Advocate for the petitioner and perused the documents and papers shown / produced. Considered the prayer. B.L. & L.R.O. <u>Murara - 1</u> is directed to enquire and report regarding present possession and title of the disputed land (s).</p> <p>In the meantime O/C <u>Murara</u> <u>Walhati</u> P.S. is directed to enquire and report in respect of apprehension of breach of peace over the dispute and see that peace is main- tained by both parties.</p> <p>is also directed to see the order of rd. civil judge Sr. Dm. land court <u>Rampurhat</u> passed in Ts. 94/23 shall be complied with by both parties This disposed of.</p> <p>To <u>29/9/23</u> for report</p>	

Copy to O/C
Walhati P.S.

SECRET

Executive Magistrate
RAMPURHAT * BIRBHUM



West Bengal Form No.- 270

Petitioner :

O.P. :

05/1/2023

23/2/2023

ORDER SHEET


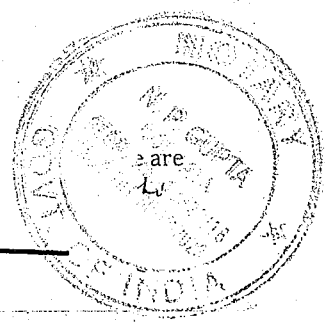
(Rule 129 of the Records Manual, 1917)

COPY OF THE ORDER SHEET

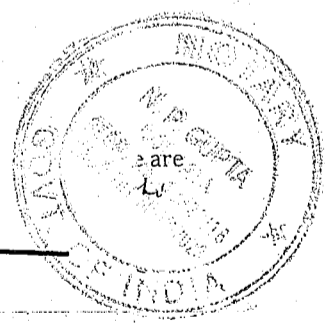
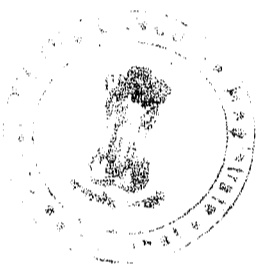
Order Sheets, dated from to

District : Birbhum Case No. Misc. Case 2248 of 2022

Nature of the Case : U/S 144/145 Cr.P.C.

Serial Number & Date of Order	Order and Signature of the Officer	Note of action taken on Order
<p>1</p> <p>07/12/2022</p>	<p>Seen the petition of <u>Mamata mashi</u> S/O, D/o, W/o <u>Late Guden mashi</u> of <u>Balarampur</u> P.S. <u>Muradai</u> Dist - Birbhum, praying for an action U/S <u>144/145</u> Cr.p.c.</p> <p>Heard the Ld Advocate for the petitioner and perused the documents and papers shown / produced. Considered the prayer. <u>Nalhati - 1</u> B.L. & L.R.O. <u>Muradai - 1</u></p> <p>is directed to enquire and report regarding present possession and title of the disputed land (s). <u>Nalhati</u> In the meantime O/C <u>Muradai</u></p> <p>..... P.S. is directed to enquire and report in respect of apprehension of breach of peace over the dispute and see that peace is main- tained by both parties.</p> <p><u>S.P. is directed not to hamper the physical possession of the applicant & directed to remain respectful into their own possession until a report comes. Also directed to maintain peace. Police is strictly directed to maintain law & order.</u></p> <p>To <u>05/1/2023</u> for report</p> <p></p> <p>Executive Magistrate RAMPURHAT * BIRBHUM</p>	<p>m</p> <p>er</p> <p>ent</p> <p>om</p> <p>ite</p> <p>ies in</p> <p><u>B</u> <u>8/12/22</u></p> 

NO-2270/P
07/12/22



HIGH COURT FORM NO - [M] 55 CIVIL [M] 30 CRIMINAL

Application of Information

Sl No. & Date	Name Residence of the applicant	Nature of information required	Date on which information is to be furnished	Signature Officer receiving the application	Remarks
1 18/07/24	2 [Seal of the Court]	3 On the court of civil judge sardar and court Rampurhat TS-94/23 Plaintiff [List of names and addresses] Defendant [List of names and addresses]	18 JUL 2024 [Seal of the Court]	[Signature]	6 1. Yes, 2. Yes, [Signature]

**In the Court of the Civil Judge (Sr. Divn.), 2nd Court,
Rampurhat, Birbhum**

Present : Present : Sri Sohan Mukhopadhyay
Civil Judge (Sr. Divn.), 2nd Court,
Rampurhat, Birbhum
JO Code No:-WB01113

T.S. No : 94/ 2023
CNR No. WBBB07-000111-2023

Mamala Majhi & 02 Others Plaintiffs.
Vs.

Joseph Hansda & 16 Others. Defendants.

ORDER NO.01 DATED 04.03.2023.

The plaint is presented today. This is a suit for partition of the properties as mentioned in the schedule of the plaint.

The plaintiffs also files a petition Under Section 80(2) of the Code of Civil Procedure, with prayer to allow the plaintiff to file and proceed with the suit by dispensing with the notice as contemplated under the given section of law, upon the State Defendants as named in the plaint. Heard for the plaintiffs on this point. Seen the pleadings. It appears that there is indeed some urgency in the matter and waiting for notice and action taken will frustrate the purpose of the suit. So the prayer of the plaintiffs under Section 80(2) of the C.P.C is hereby allowed.

d/c

Civil Judge (Sr. Divn), 2nd Court,
Rampurhat, Birbhum

Civil Judge (Sr. Divn), 2nd Court,
Rampurhat, Birbhum

ORDER NO.02 DATED 04.03.2023.

The plaint is presented today. This is a suit for partition and permanent injunction of the properties as mentioned in the schedule of the plaint.

Seen the valuation statement given by the plaintiffs. The valuation given by the plaintiffs is provisionally accepted.

Case record is taken up for hearing.

Heard the learned Advocate for the plaintiffs. Perused the pleadings. Considered.

Register. Admit.

Issue summon upon the defendants calling upon them to appear, in person or through pleader to answer the claims and to file written statement, if any within 30 days from the date of service thereof.

Plaintiffs are hereby directed to take steps for issuance of summons upon defendants as provided under the provisions of Code of Civil Procedure(Amended) 2002.

Requisite have already been filed by the plaintiffs. Issue the same.

To 13.06.2023 for S/R.

d/c

Civil Judge (Sr. Divn), 2nd Court,
Rampurhat, Birbhum.

Civil Judge (Sr. Divn), 2nd Court,
Rampurhat, Birbhum.

Contd...



- 54 -

T.S. No : 94/ 2023
CNR No. WBBB07-000111-2023
JO Code No:-WB01113

ORDER NO.03 DATED 04.03.2023.

Ld. Lawyer for the plaintiffs file an application U/O 39 Rule 1 & 2 read with Section 151 of the C.P.C supported by an affidavit along with certain documents as per list praying for passing an order for passing an order for temporary injunction as well as ad-interim injunction restraining the defendant nos.1 to 15 from dispossessing the plaintiffs from the suit properties and from disturbing the peaceful possession of the plaintiffs and further from changing the nature and character of the said suit properties on the ground stated therein.

Issue notice upon the defendant Nos.1 to 15 directing them to file show cause as to why the petition for injunction shall not be allowed in terms of the prayer of the plaintiffs within 10th day from the date of receipt of notice.

As per the note of the Sheristadar there is no caveat in connection with this suit.

Perused the application. Heard Ld. Advocate for the plaintiffs. Ld. Advocate for the plaintiffs contends that there is no matter pending or rejected relating to the same in any higher forum whatsoever.

Ld. Advocate for the plaintiffs contends that the plaintiffs are co-sharers and the defendants are intimidating the plaintiffs by way of extracting creating stone quarries and appropriate relief has been sought for. I perused the record and documents in original. At this juncture if an order of status-quo be not allowed it would complicate the matter and invite multiple suits in this regard. Accordingly, status quo be maintained with respect to the nature, character and possession of the suit schedule property.

Both parties i.e, the **plaintiffs and defendant Nos.1 to 15** are hereby directed to maintain status quo as regards the nature, character and possession in the suit properties as on this date till **06.04.2023**.

The plaintiffs are directed to comply order 39 rule 3 (a) & (b), C.P.C at once.

Now the petition for hearing local inspection application is taken up for consideration.

Plaintiffs crave that the same be allowed. I find it proper that it would facilitate proper adjudication of the litigation at hand and if the local inspection petition is allowed it inter alia may not prejudice the interest of any of the parties rather it would enrich to facilitate the ends of justice. So under such circumstance I find it proper to allow the local inspection application to bring the real picture before this Court. All the needful be done duly as per law informing both the parties.

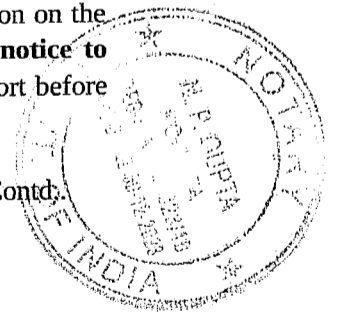
Hence, it is

Ordered

that the instant petition for local inspection filed by the plaintiffs is allowed.

Let **Mr. Abul Basar**, Ld Advocate, is hereby appointed as the Ld Advocate Commissioner with a direction upon him to hold a local inspection on the points stated in the petition in accordance with law **after serving prior notice to both the parties i.e, Plaintiffs and the Defendants** and to submit his report before this Court on the date fixed.

Contd.



T.S. No : 94/ 2023
CNR No. WBBB07-000111-2022
JO Code No:-WB01113

Contd... ORDER NO.03 DATED 04.03.2023.

Issue writ accordingly.

The plaintiffs are directed to file requisite at once.

The plaintiffs to pay **Rs. 3,000/-** provisionally to the Ld Advocate Commissioner towards his fees.

The writ shall be issued after payment of fees.

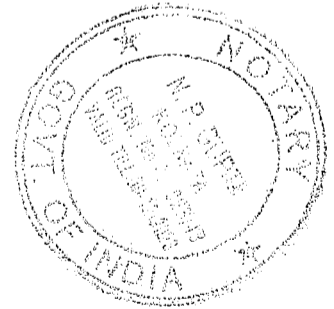
D.A to do needful.

To **06.04.2023** for Commissioner's report in respect of local inspection, temporary injunction hearing petition and for S/R & A/D upon defendant Nos.1 to 15 for temporary injunction hearing.

D/C

Civil Judge (Sr. Divn), 2nd Court,
Rampurhat, Birbhum.

Civil Judge (Sr. Divn), 2nd Court,
Rampurhat, Birbhum.



T.S 94/23
CNR-WBBB07-000111-2023

O. 14 dt. 22.08.23

Today is fixed for injunction hearing, written objection, written statement, S/R.

Ld. advocate for the plaintiffs files hazira and also files a petition for extension of ad-interim injunction on the ground stated therein.

Prayer is considered and allowed.

The order of ad interim injunction is extended till the next date.

Ld. advocate for the defendant no.2 files a time petition for written objection & written statement.

Prayers for time are considered and allowed.

Ld advocates for the defendant nos. 1, 8, 3, 13, 14 file time petitions for written objection & written statement.

Prayers for time are considered and allowed.

No step taken by the defendant nos.16 & 17.

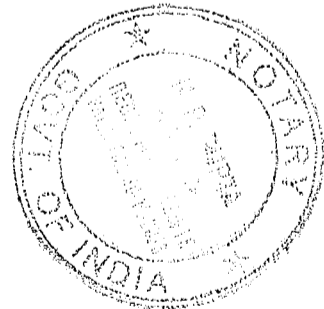
No S/R for defendant no. 15 in c/w suit is received.

To **26.09.23** for injunction hearing, written objection & written statement by defendant no. 1 to 3, 8,13,14; w.s by defendant nos. 16 & 17 and S/R for defendant no. 15 in c/w suit.

d/c

(Sohan Mukhopadhyay)
C.J.(S.D.)
2nd court, Rampurhat
J.O Code:-WB01113

(Sohan Mukhopadhyay)
C.J.(S.D.)
2nd court, Rampurhat
J.O Code:-WB01113



T. S -144 of 2023
CNR-WBBB07-000181-2023

ORDER NO. 14, DATED 19.07.2023

Today is fixed for passing injunction order, amended copy of plaint, necessary order regarding postal track report.

Plaintiffs and defendant Nos. 2, 3, 4, 13 & 14 are present through their Ld Advocates by filing hazira.

Ld. Advocate for the plaintiffs files a petition praying for time for filing amended copy of plaint on the ground stated therein. Prayer is considered and allowed.

It appears from the postal receipts that there are no full and proper names of the defendants. Accordingly postal track report is incomplete. Plaintiffs to take fresh steps upon them.

State/defendant Nos. 16 & 17 appear with Memo and and pray for time for filing W/S. Prayer is allowed.

The record is taken up for hearing the temporary injunction matter in presence of all the parties wherein Ld. Advocate for the plaintiffs as well as the defendants questioned the authenticity of the documents filed by each other. Under such circumstances, what actually is happening is further thickening cloud of ambiguity. However, expert assistance regarding the authenticity of such documents have not been sought for by either of the parties. Also it may be mentioned that the concerned defendant who raises the vehement objection contends that the plaintiffs do not have any right, title and interest as such and is just lingering the matter. Also the question of majority and minority of some vendors coming into question of each one of the parties say that such minor on attaining majority has confirmed the transfer of such interest. However, in case of other party it has not happen. This invites ambiguity after ambiguity, doubt followed by suspicion and the entire situation is more like a pandemonium. Under such circumstances, it would be proper that status quo be maintained till final disposal of the suit as that would facilitate proper adjudication and that apart would as well avoid any further complication or multiplicity of suits arising from the same matter. Therefore, let status quo be maintained by both the parties with respect to the nature, character and possession of the suit schedule property awaiting final disposal of the suit.

Hence, it is,

ORDERED

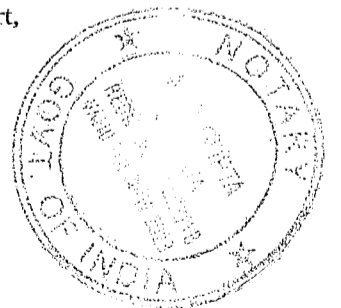
that the temporary injunction application dated 10.04.2023 is disposed of on contest against defendant nos. 2 to 4, 13, 14 and exparte against defendant Nos. 1, 5 to 12 & 15. The plaintiffs and the defendant nos.1 to 15 are hereby directed to maintain status quo as regards to the nature, character and possession of the suit property as mentioned in the schedule of the plaint till the terminal of the suit.

To **23.08.2023** for filing amended copy of plaint and fresh steps upon defendant Nos. 18 to 25, W/S by defendant Nos. 16 & 17.

d/c

(Sohan Mukhopadhyay)
Civil Judge (Sr. Divn.), 2nd Court,
Rampurhat, Birbhum
(J.O. Code:- WB01113)

(Sohan Mukhopadhyay)
Civil Judge (Sr. Divn.), 2nd Court,
Rampurhat, Birbhum
(J.O. Code:- WB01113)



TITLE SUIT NO 144 OF 2023

CNR -WBBB07-000181-2023

(J.O. Code:- WB01113)

ORDER NO.17 DATED 23.08.2023:

Today is fixed for fresh steps upon defendant Nos. 18 to 25, W/S by defendant Nos. 16 & 17, hearing the petitions dated 31.07.2023.

Plaintiffs are present through their Ld Advocate by hazira.

Defendant Nos.3, 4, 13, 14 are present through their Ld. Advocate by filing hazira.

Defendant No. 2 files petition praying for time for filing W/S. Prayer is considered and rejected as the statutory period to file the same is over. **Let the suit be proceeded ex-parte against defendant No.2.**

Defendant Nos. 16 & 17 files petition praying for time for filing W/S. Prayer is considered and allowed.

No steps taken by defendant Nos. 1, 5 to 12 and 15.

Let the suit be proceeded ex-parte against defendant Nos. 1, 5 to 12 and 15.

No requisite filed today. Plaintiffs to file requisite by the next date.

Ld. Advocate for the plaintiffs moves the petition dated 31.07.2023 containing averments as to violation of the status quo order of this Court.

Let a copy of this order, along with the copy of the order dated 19.07.2023 and the impugned petition dated 31.07.2023 be sent to the Officer in Charge, Nalhati Police Station to enquire into the matter and submit report in this regard.

To **19.09.2023** for report from O.C. Nalhati P.S. and W/S by defendant Nos. 16 & 17, requisite for defendant Nos. 18 to 25.

d/c.

Sd/ Sohan Mukhopadhyay
Civil Judge, (Sr. Divn.) 2nd Court,
Rampurhat, Birbhum

Sd/- Sohan Mukhopadhyay
Civil Judge, (Sr. Divn.) 2nd Court,
Rampurhat, Birbhum



ABDUS SALAM
Advocate

Address:

Bar Association, Room No.16,
High Court, Calcutta,
Mobile : 8001662520/8617580814

Annexure 2 F 1

-59-

Date : 18.04.2023

From,
Abdus Salam
Advocate
High Court, Calcutta
Laskardighi Para (West)
Opp. Nazmunnessa Primary School
P.O. & Dist. Burdwan, Pin - 713101

To,
The State Public Information Office
& Member Secretary,
West Bengal pollution Control Board , Paribesh Bhawan,
Plot No. 10A, Block - LA, Sector - III, Bidhannagar, Kolkata - 700106

Sub - Application Under Section 6 of the Right to Information
Act2005.

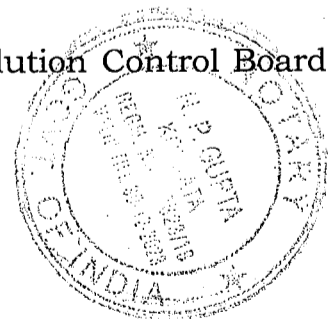
My client : Serajul Islam s/o Nurul Islam residing at
Nalhatigram , Ward No 12, Nalhati Dist-. Birhum, West
Bengal, Pin 731243.

Sir,

I would like state on behalf of my aforementioned client as follows:
You are aware of the fact that operation of mining and stone quarry is been
carried out at Plot nos. 707, 708, 712, 713, 714, 715, 716, 670, 677 in
khatian No. 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814,
815, 1206, 1214, 12346, J.L. No. 11. Mouza - Madna P.S. Nahati, District.
Birhum.

In exercise of my right under RTI Act, be kind enough to specify as to
whether:

1. Consent to establish has been issued by the Pollution Control Board
for the aforesaid activities.



ABDUS SALAM
Advocate

Address:.

Bar Association, Room No.16,
High Court, Calcutta,
Mobile : 8001662520/8617580814
Mail id : abdussalambar16@gmail.com

60

2. For the said application consent to Operate has been issued by the Pollution Control Board .
3. Environmental Clearance has been issued for the aforesaid activities.
4. 10/- Court fee pasted herewith

Thanking you,

Yours faithfully,

Abdus Salam.

Abdus Salam
Advocate

High Court, Calcutta
Laskardighi Para (West)
Opp. Nazmunnessa Primary School
P.O. & Dist. Burdwan, Pin - 713101



Annexure 'G'
- 61-

**Government of West Bengal
Department of Environment**

Pranisampad Bhawan, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata-700106

No. EN/1433/RTI/26/2023

Dated, Kolkata 27th July, 2023

From: Pausali Mukherjee, WBLS
Sr. Law Officer & SPIO

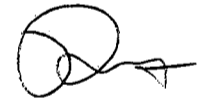
To : Shri Abdus Salam
Laskardighi Para (West)
Opp. Nazmunnessa Primary School
P.O.& District- Burdwan
Pin- 713101

Sub: Information under RTI Act, 2005

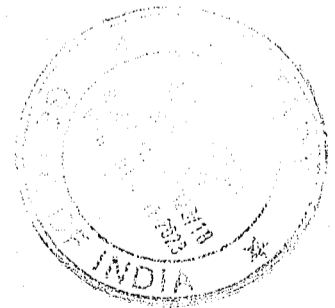
Sir

With reference to your RTI application dated 18.04.2023, forwarded to this office from WBPCB on 06.07.2023 under section 6(3) of the RTI Act, 2005 it is stated that Question No.1 and 2 pertain to WBPCB. For Question 3, it is stated that SEIAA has not issued any Environment Clearance to such project. However the district authority can confirm if DEIAA had issued any Environment Clearance to such project or not.

Yours faithfully



Sr. Law Officer & SPIO



Item No.02

Court No.1

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

Original Application No.37/2023/EZ

In the matter of:

Serajul Islam

Son of Nurul Islam,
Natungram, Ward No.12,
Nalhati,
Dist.: Birbhum,
West Bengal - 731243

.... Applicant(s)

Versus

- 1. The State of West Bengal**
Service through the Principal Secretary,
Department of Environment,
PraniSampad Bhawan,
4th Floor, Block-LB-II,
Bidhannagar,
Kolkata - 700106
- 2. The Additional Chief Secretary**
Department of Environment,
PraniSampad Bhawan,
4th Floor, Block-LB-III,
Bidhannagar,
Kolkata - 700106
- 3. The Additional Chief Secretary**
Department of Land and Land Reforms,
Having office at Nabanna,
325, Sarat Chatterjee Road,
Shibpur,
Howrah -711102
- 4. Chief Environment Officer**
Department of Environment,
PraniSampad Bhawan,
4th Floor, Block-LB-II,
Salt Lake City, Sector-III,
Bidhannagar,
Kolkata - 700106
- 5. District Magistrate, Birbhum**
Administrative Building,
Suri Main Road, Suri,
Birbhum,
West Bengal -731101

6. Superintendent of Police, Birbhum

Suri,
West Bengal -731107

7. Inspector-in-Charge

Nalhati Police Station,
Birbhum,
West Bengal -731243

8. The West Bengal Pollution Control Board

Service through the Chairman,
Paribesh Bhawan,
Plot No.10A,
Block-LA, Sector-III
Bidhannagar,
Kolkata - 700106

9. The Member Secretary

West Bengal Pollution Control Board,
Paribesh Bhawan,
Plot No.10A,
Block-LA, Sector-III
Bidhannagar,
Kolkata - 700106

10. State Level Environment Impact Assessment Authority

Service through Member Secretary,
PraniSampad Bhawan,
4th Floor, Block-LB-II,
Salt Lake City, Sector-III,
Bidhannagar,
Kolkata - 700106

11. Block Land and Land Reforms Officer

Nalhati-I,
Birbhum,
West Bengal - 731243

12. Principal Secretary,

Ministry of Environment, Forest and Climate Change,
Indira Paryavaran,
Jorbagh Road,
Aliganj,
New Delhi - 110003

13. BapiSk,

Son of Sainul Islam,
Residing at Village and P.O. - Ekdala,
P.S. - Rampurhat,
District - Birbhum,
West Bengal - 731243

14. Mustak Sk.

Son of Late Hakim Sk.,,
Residing at Nalhati,,
Mondalpara, P.O. & P.S. - Nalhati,

District - Birbhum,
Pin - 731243

15. PaskelHasda

Son of Benjamin Hasda,
Residing at Village - Chilimpur,
P.O. - Banior,
P.S. - Nalhathi,
Birbhum - 731243

16. Mamala Majhi

Son of Late Giden Majhi,
Residing at Village - Balarampur (Singra),,
P.S. - Murarai,
District - Birbhum,
Pin - 731222

.... Respondent(s)

Date of hearing: 06.04.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Meghnad Dutta, Advocate (in Virtual Mode) a/w
Mr. Abhishek Shaw, Advocate

ORDER

1. Mr. Meghnad Dutta, learned Counsel (in Virtual Mode) assisted by Mr. Abhishek Shaw, learned Counsel appearing for the Applicant, prays that he may be permitted to withdraw the present Original Application with a liberty to file fresh Original Application as there are some lacunae in drafting in the present O.A.
2. Original Application No.37/2023/EZ is dismissed with the aforesaid liberty.
3. There shall be no order as to costs.

NGT

.....
B. Amit Sthalekar, JM

.....
Dr. Afroz Ahmad, EM

April 06, 2023
Original Application No.37/2023/EZ
BD

Anexure "I"
- 65 -

TO WHOM SO EVER IT CONCERNS

I, Mamla Majhi, son of late Giden Majhi, of Village-Balarampur, (Singra), P.S -Murarai, District - Birbhum, Pin - 731222, W.B., do here by authorise Serajul Islam son of Nurul Islam, of Natungram, Ward No.12, Nalhati, District - Birbhum, Pin - 731243, W.B., do all necessary acts, Deeds such as filing , Affirming, Verifying applications before the Hon'ble High Court at Calcutta and the National Green Tribunal, Eastern Zone Bench at Kolkata .

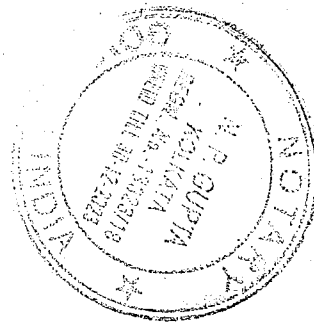
Thanking You,

Yours Faithfully

L.T.I of Mamla Majhi
by the pen of Ms. Nasreen Islam
and read over and explained

Nasreen Islam

Advocate



Serajul Islam.



C. T. I of Mamber Majidi
by the Pen of
Nasreen Islam
Advocate

VAKALATNAMA

In the National Green Tribunal at
Before Ld _____ Judge
Sult/Case No. _____ at 20

Signature

Original Application no of 2023/EZ
Serajul Islam

Plaintiff
Application
Application

-VS-

The state of west Bengal
and mrs

Defendant
Opp. Party
Respondent

KNOW ALL MEN by these

that I/We

do hereby in my / our name and my / (our behalf constitute and appoint Sri
MS. NASREEN ISLAM

true and lawful Pleader / Advocate & Attorneys to appear and act for me / us in the matter noted above to the suit written statement, conduct suit, appeal from original suit order etc. and for that purpose to do all acts and things, whatsoever in that connection including compromise of the above matter disposing in or withdrawing money from filling or taking out of appear, document and payment order from Court referring matters in dispute between the parties here to arbitration, withdrawing the above matters with liberty title fresh suit, sending properties released from attachment filling execution or Miscellaneous cases and other petitions, bidding at execution sale, obtaining payment from us our Court. Withdrawing custody and other fees and doing on my / our behalf such other acts in the above matters as are necessary and proper

I / We hereby agreeing to ratify and confirm all acts so done by the said Advocate or Attorneys as my / our own acts and as it done by me / us to all intents and purposes.

Date...6.08.23.20

ADVOCATES—

MS. NASREEN ISLAM
BAR ASSO. ROOM NO. 4
HIGH COURT, CALCUTTA
ENROLMENT NO. 1725/02
M: 8777575987

Email id - nasreenislam27@gmail.com

Handwritten notes in the top left corner, including the name "Nasreen Islam" and other illegible text.

Handwritten notes in the top center, including the name "Nasreen Islam" and other illegible text.

VARANASI

Recd, verified and accepted by me

Nasreen Islam

Advocate

6.08.23

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Faint, mirrored text from the reverse side of the paper, including the name "MS. NASREEN ISLAM" and other illegible words.

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH , FINANCE CENTRE,
3RD FLOOR, NEW TOWN, KOLKATA
MEMORANDUM OF APPLICATION
(Under Section 18(1) read with Section 14, 15
and 17 of the National Green Tribunal Act ,
2010)

Original Application No. of 2023/EZ

BETWEEN

Serajul Islam & Anr.

..... Applicants

Versus

The State of West Bengal & Ors.

..... Respondents.



Original Application

Ms. Nasreen Islam

Advocate

High Court, Calcutta

Mobile: 8777575987

Email: Nasreenislam27@gmail.com