

BEFORE THE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 01/2024/EZ

Ankur Sharma

Versus

The State of West Bengal and Others

AFFIDAVIT-IN-OPPOSITION FILED BY THE CHIEF TECHNICAL OFFICER, EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY, ENVIRONMENT DEPARTMENT, GOVERNMENT OF WEST BENGAL IN COMPLIANCE WITH ORDER DATED 15.05.2024 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA

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Submitted

Sudip K. Das
Advocate

19 JUL 2024



629 ✕
SL. NO. 739/20.24

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 01/2024/EZ



Ankur Sharma **BEFORE THE NOTARY PUBLIC**
Versus **AT BIDHANNAGAR**
DIST.-NORTH 24 PARGANAS

The State of West Bengal and Others

AFFIDAVIT-IN-OPPOSITION FILED BY THE CHIEF TECHNICAL OFFICER, EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY, ENVIRONMENT DEPARTMENT, GOVERNMENT OF WEST BENGAL BEING RESPONDENT NO. 5 IN COMPLIANCE WITH ORDER DATED 15.05.2024 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA

I, Smt. Tripti Sah, daughter of Mahesh Lal Sah, aged around 44 years, by faith Hindu, by occupation Government Service, working as the Senior Environment Officer, Department of Environment, Government of West Bengal, having office at Pranisampad Bhawan, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata-700106, do hereby solemnly affirm and submit as follows:

19 JUL 2024

1. That I am also holding the post of the Chief Technical Officer, East Kolkata Wetlands Management Authority (hereinafter referred to as "EKWMA"), Department of Environment, Government of West Bengal. I have made myself acquainted with the facts and circumstance of the instant Original Application and have gone through the documents pertaining to the subject matter of the instant Original Application. Therefore, I am competent to file the instant Affidavit-in-Opposition before this Hon'ble Tribunal.



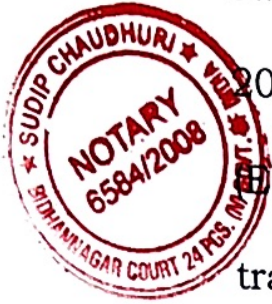
2. That this Affidavit is being affirmed pursuant to the solemn Order dated 15.05.2024 passed by this Hon'ble Tribunal.
3. It is respectfully submitted before this Hon'ble Tribunal that the land spreads over RS Dag no. 154 (LR Dag no. 186), RS Dag nos. 130 (LR Dag no. 192), RS Dag nos. 131 (LR Dag no. 215), RS Dag nos. 152 (LR Dag no. 223), RS Dag nos. 157 (LR Dag no. 226), RS Dag nos. 159 (LR Dag no. 228), RS Dag nos. 160 (LR Dag no. 229), RS Dag nos. 161 (LR Dag no. 230), RS Dag nos. 164 (LR Dag no. 232), RS Dag nos. 156 (LR Dag no. 234) of Mouza Atghara, JL no. 5, PS Narendrapur, Dist. South 24 Parganas, which is within East Kolkata Wetlands (EKW).

19 JUL 2024

4. With respect to the statement made by the applicant in this Original Application, it is to be noted that most of the land in East Kolkata Wetlands (EKW) area belongs to private ownership. As per the Order vide no. EN/2158/(S) dated 20.09.2012 of East Kolkata Wetlands Management Authority (EKWMA) the occupiers of East Kolkata Wetlands (EKW) can transfer land to any person/ persons in any manner through registered deed or through providing lease or tenancy right, and such owner may mutate such transferred land in their name. So, there is no embargo on selling and/or transferring land within the EKW area.

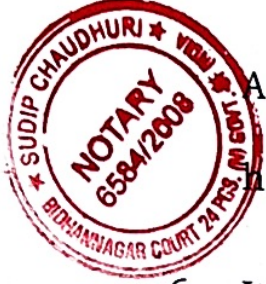
A copy of the said Order dated 20.09.2012 is annexed herewith and marked as "Annexure **R/1**".

5. It is respectfully submitted that even before lodging complaint by the applicant of the instant Original Application, East Kolkata Wetlands Management Authority had already taken steps against the illegal constructions at RS Dag no. 156 and 157 of Mouza Atghara, JL no. 5 under PS Narendrapur in Dist. South 24 Parganas. Then, the EKWMA requested the District Magistrate, South 24 Parganas by letter no. 127-CTO/EN/108(8)/2022-2023 dated



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02.05.2023 to inquire into the matter and to take necessary action under Section 11 of the East Kolkata Wetlands (Conservation and Management) Act. 2006 and other prevailing Acts and Rules.



A copy of the said letter dated 02.05.2023 is annexed herewith and marked as "Annexure **R/2**".

6. It is respectfully submitted before this Hon'ble Tribunal that following the aforesaid request to the District Magistrate, South 24 Parganas dated 02.05.2023, the EKWMA lodged a complaint vide no. 140-CTO/EN/108(8)/2022-2023(Link-1) dated 12.05.2023 with Narendrapur Police Station against the said illegal construction at part of RS Dag no. 156 and 157 of Mouza Atghara, JL no. 5, PS Narendrapur, Dist. South 24 Parganas. On the basis of the said complaint the police filed case no. 670 dated 20.07.2023.

A copy of the said complaint dated 12.05.2023 is annexed herewith and marked as "Annexure **R/3**".

7. It is respectfully submitted that on the basis of the complaint dated 09.06.2023 of the applicant of the instant Original Application, the EKWMA provided an opportunity of hearing

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on 02.11.2023 under Section 11 of East Kolkata Wetlands (Conservation and Management) Act, 2006 to the violators who made illegal constructions over 11(eleven) places of occurrence at part of RS Dag no. 156 and 157 of Mouza Atghara.

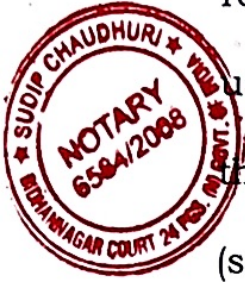


Out of the said eleven places of occurrence; since the name of the actual violator(s) was unknown for one place of occurrence at part of RS Dag no. 157 of Mouza Atghara the hearing notice vide no. 407-CTO/EN/200(8)/2022-2023 dated 13.10.2023 was pasted on the said illegal construction site. However, on the date of hearing 02.11.2023 nobody attended the hearing. As a next course of action, the EKWMA forwarded the matter to the District Magistrate of South 24 Parganas by communication vide no. 518-CTO/EN/200(8)/2022-2023 dated 22.12.2023 with a request to undertake demolition of the said illegal construction and to restore the land to its original character within 30 days from the date of receiving this letter and also to send a compliance report thereon to the EKWMA.

A copy of the said communication dated 22.12.2023 is annexed herewith and marked as "Annexure R/4".

19 JUL 2024

9. On 02.11.2023, the hearing was attended by the violators of 10(ten) places of occurrence. Subsequently, the EKWMA passed Reasoned Orders dated 22.12.2023 against the 10(ten) violators who appeared in the hearing and directed them to restore the subject land to its original character or mode of use within 30 days of receiving the Reasoned Order and thereafter, to submit a completion report within the next 7 (seven) days.



Copies of 10(ten) Reasoned Orders dated 22.12.2023 are annexed herewith and collectively marked as "Annexure **R/5(Colly)**".

10. It is respectfully submitted that in compliance with the said Reasoned Order dated 22.12.2023 Shri Arup Mondal demolished his illegal building and restored the land to its previous status at his own cost. Following this, he also submitted a compliance report dated 07.04.2024 with photographs to the EKWMA.

A copy of the said compliance report of Shri Arup Mondal dated 07.04.2024 is annexed herewith and marked as "Annexure **R/6**".

19 JUL 2024

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11. That since the rest 9 (nine) violators except Shri Arup Mondal did not comply with the Reasoned Order dated 22.12.2023, the EKWMA requested the District Magistrate, South 24 Parganas by letter no. 234-CTO/EN/200(8)/2022-2023 dated 23.04.2024 to undertake demolition of the illegal constructions and restoration of the land of all the 9 (nine) places of occurrence to its original status within 60 days from the date of revoking the model code of conduct (imposed for the General Election of 2024) and recover the cost thereof from the violators as arrears of land revenue and also to submit a report thereon to the EKWMA.



A copy of the said letter dated 23.04.2024 is annexed herewith and marked as "Annexure **R/7**".


12. It is respectfully submitted that the Hon'ble Tribunal constituted a Committee by the Order dated 18.01.2024 to inspect the site in question and submit its report. The said Report dated 04.04.2024 of the constituted Committee has already been filed before this Hon'ble Tribunal by the Nodal Officer i.e. the District Magistrate, South 24 Parganas.

19 JUL 2024

13. It is respectfully submitted that East Kolkata Wetlands Management Authority (EKWMA) requested through communication vide no. 405-EN/3C-05/2024 dated 02.07.2024 the Block Land & Land Reforms Officer, Sonarpur to provide with information such as name of the land owners, geographic coordinates of plots of violations and photographs of the illegal constructions that are mentioned in the aforesaid Committee Report against RS Dag no. 152 (LR Dag no. 223) and RS Dag no. 159 (LR Dag no. 228) of Mouza Atghara, JL no. 5. The reply to the said communication has been received by the EKWMA on 18.07.2024. Thereafter, the process shall be initiated for taking further action in the matter.

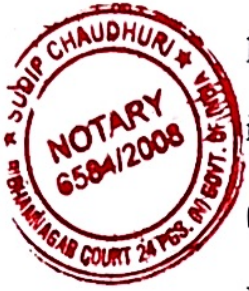
A copy of the said letter dated 02.07.2024 is annexed herewith and marked as "Annexure R/8".

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


S. CHAUDHURI
 ★ NOTARY ★
 GOVT. OF INDIA
 Regn. No.-6584/08
 Bidhannagar Court
 Dist.-North 24 Pgs


 DEPONENT

19 JUL 2024






VERIFICATION

I, Smt. Tripti Sah, Chief Technical Officer, East Kolkata Wetlands Management Authority, Department of Environment, Government of West Bengal do hereby verify that the contents of this affidavit are true to the best of my knowledge and belief. No part of this affidavit is false and nothing has been concealed.

Verified at Kolkata this 18th day of July, 2024.


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


DEPONENT

19 JUL 2024.



Government of West Bengal

Department of Environment
Writers' Buildings, Kolkata - 700 001
Ph. No. 2214-1007, Fax - 2214 5592
Web portal : enviswb.gov.in

No. EN/ 2158 / (S)

Date : 20th September, 2012

ORDER

WHEREAS the Government of West Bengal has enacted a specific Act for conservation and management of East Kolkata Wetlands area on 31-03-2006 under the name and style 'East Kolkata Wetlands (Conservation and Management) Act, 2006 (hereinafter will be referred to as the 'said Act, 2006');

AND WHEREAS the main intention of the said Act, 2006 is to save the East Kolkata Wetlands area from increasing pressure for human settlement, leading to filling up of the wetlands as the East Kolkata Wetlands area are ecologically very sensitive and it has already been declared as RAMSARSITE from International level;

AND WHEREAS it is observed that a large number of unauthorized construction and unwanted commercial activities have been developed or is going to be developed, violating the environmental norms, which creates a serious ecological imbalance in East Kolkata Wetlands area and such activities are also frustrating the very purpose of the said Act, 2006 and also the norms declared by RAMSAR CONVENTION;

AND WHEREAS Section 4(k) of the said Act, 2006 has already entrusted the East Kolkata Wetlands Management Authority (hereinafter will be referred to as the 'EKWMA') to enforce land use control in the substantially water body oriented areas and other lands in the East Kolkata Wetlands area;

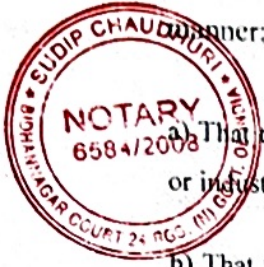
AND WHEREAS Section 4(r) of the said Act, 2006 has also given necessary statutory powers to the EKWMA for imposing absolute or reasonable restriction for use of the lands of East Kolkata Wetlands area for the purpose of maintaining the wholesomeness of the ecologically sensitive sites of East Kolkata Wetlands;

AND WHEREAS for the clarity on ownership it has been decided that for registration and mutation of land in the East Kolkata Wetlands area the permission of EKWMA shall not be required;

cont.....

- X -

HENCE in cancellation of the Order No. S/EN/487/177/08 dated 03/03/2008 and in the exercise of the powers conferred under Section 4(k) & (r) of the said Act and taking into consideration of the 'precautionary principles' as laid down by the Hon'ble Supreme Court for preservation and protection of environment, it has been decided that reasonable restrictions need to be imposed regarding use of land by different occupiers of East Kolkata Wetlands area in the following manner:-



a) That the local authority should not issue any licence or building plan for any residential, commercial, or industrial activities without considering the clearance from the EKWMA;

b) That the Land and Land Reforms Department of the concerned area is also directed not to issue any certificate for change of the character of land under Section 4(c) of the West Bengal Land and Land Reforms, Act 1955, without considering the clearance from the EKWMA;

c) That the occupiers of the East Kolkata Wetlands area can transfer land to any person or persons in any manner through registered Deed or through providing lease or tenancy right, and such owner may mutate such transferred land in their name. But any construction activities in the said area shall be subject to written permission / prior clearance of the EKWMA.

Provided further that the change of character or mode of use of land by any purchaser shall be subject to and in conformation with the provisions of the said Act, 2006;

d) Any owner / occupier of land in the EKW area, with prior permission of the EKWMA shall have the right of vegetative fencing their demarcated area utilizing sal, eucalyptus, bamboo made pole and barbed wire, but shall not be permitted to make any permanent construction for fencing their boundary;

Provided that on receipt of any information of violation, EKWMA may take such action as it is necessary for conservation and management of the EKW area in accordance with provisions of the East Kolkata Wetlands (Conservation and Management) Act, 2006.

This order will take immediate effect.

By order,

Sd/-

(RPS Kahlon)

Principal Secretary to the Government of West Bengal
Environment Department
&

Member Secretary

East Kolkata Wetlands Management Authority



Government of West Bengal
Department of Environment
East Kolkata Wetlands Management Authority
 Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106
 Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com

No: 127 -CTO/EN/108(8)/2022-2023 (link-1)

Date: 02.05.2023

From: K. Balamurugan, IFS
 Chief Technical Officer
 East Kolkata Wetlands Management Authority



To: The District Magistrate
 South 24-Parganas

Sub: Complaint regarding violation of the East Kolkata Wetlands (Conservation and Management) Act, 2006.

Sir,

The East Kolkata Wetlands Management Authority had received a letter on 06.04.2023 from Mr. Subhajit Safui where it is alleged that there is a conversion/ change in the nature and character of land recorded as beel as per Record of Rights (RoR) at RS Dag No. 156 & 157 (LR Dag No. 234 & 226). Mouza Atghara, JI No. 5 under PS Narendrapur, Dist. South 24-Parganas. Copy of the above-referred letter is enclosed herewith.

This is to inform that as per East Kolkata Wetlands (Conservation and Management) Act, 2006. Mouza Atghara, JI No. 5 under P.S. Narendrapur, Dist. 24-Parganas (South) falls within the East Kolkata Wetlands. Any change of character or mode of use of land within the East Kolkata Wetlands is not permitted as per Section 9 of the East Kolkata Wetlands (Conservation and Management) Act, 2006. Further according to Section 4 of the Wetlands (Conservation and Management) Rules, 2017 notified by the Ministry of Environment, Forest and Climate Change, Government of India any construction of a permanent nature and conversion for non-wetland uses including encroachment of any kind within East Kolkata Wetlands are prohibited.

You are the Competent Authority for conservation of water bodies in pursuance of the notification vide no. 1748-Fish/C-1/9R-03/2017 dated 20/07/2017 (copy enclosed) of the Fisheries Department, Government of West Bengal under the West Bengal Inland Fisheries Act, 1984. Hence, you are requested to enquire into the matter and take necessary action as per Section 11 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 and other extent Acts & Rules in this regard. You are further requested to submit an action taken report in this regard to this office at earliest.

Yours faithfully,

Chief Technical Officer, EKWMA

Date: 02.05.2023

No: 1270 -CTO/EN/108(8)/2022-2023 (link-1)

Copy forwarded for kind information to:
 PS to Principal Secretary, Environment Department, Govt. of West Bengal

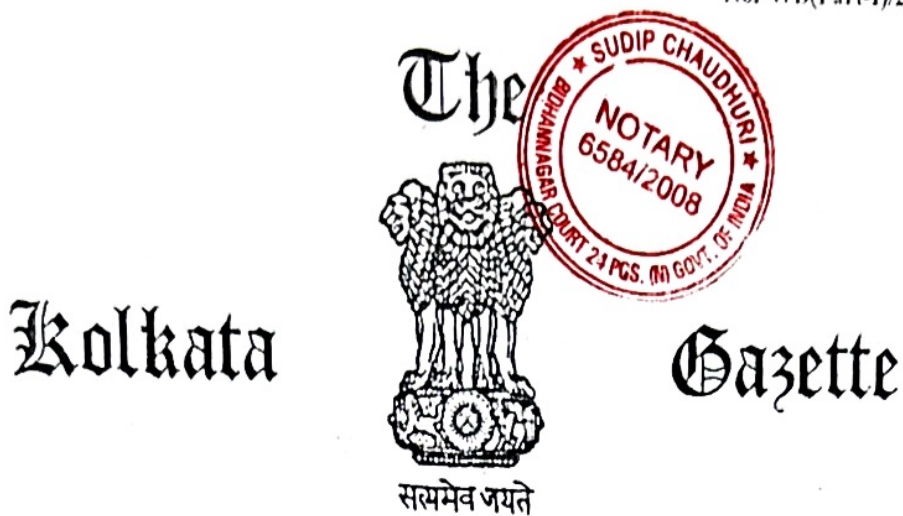
Chief Technical Officer, EKWMA

Encl: As stated above.



Registered No. WB/SC-247

No. WB(Part-I)/2017/SAR-823



Extraordinary
Published by Authority

PAUSA 5]

TUESDAY, DECEMBER 26, 2017

[SAKA 1939

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Department of Fisheries, Aquaculture, Aquatic Resources & Fishing Harbours,
I.T. Building (7th & 8th Floor)
31, G.N. Block, Sector-V, Salt Lake City, Kolkata - 700 091

No. 1748-Fish/C-1/9R-03/2017

Dated, Kolkata, the 20th July, 2017.

NOTIFICATION

In exercise of the power conferred by clause (ii) of section 2 of the West Bengal Inland Fisheries Act, 1984 (West Bengal Act XXV of 1984) as subsequently amended (hereinafter referred to as the said Act), and in supersession of all previous notifications in this regard, the Governor is hereby pleased to authorise the following authorities to be the competent authority under the said Act:

- (i) Municipal Commissioner / Commissioner / Executive Officer of Municipal Corporation / Municipalities / Notified area authority within their respective jurisdiction.
- (ii) District Magistrate within their respective revenue districts except the municipal areas mentioned above.

By order of the Governor,

SUNIL KR. GUPTA
Principal Secretary to the Govt. of West Bengal.

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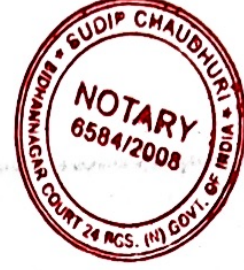
East Kolkata Wetlands Management Authority
Docket No. 178/2023
Date 06/04/2023

SPEED POST WITH A/D

To,

Dated: - 05/04/2023.

The District Magistrate of South 24 Parganas,
Competent Authority
under the West Bengal Inland Fisheries Act 1984
25, Belvedere Road Alipore Police Line.
Alipore, Kolkata- 700027.



Sub: - Illegal construction on water body (Beel Land), Mouza
Atghara, J.L No. 5, L.R Khatian no. 151/2, L.R Dag no. 226 &
234, land area 52 decimals and 45 decimals.

Sir,

I the undersigned like to draw your kind attention that an illegal construction has been carried on in the water body (i.e. Beel Land) by (1) Sanchita Mondal wife of Late Ajoy Kumar Mondal of Vill. Ranabhutia, P.S Sonarpur, (Now Narendrapur), Dist: South 24 Parganas, Kolkata- 700152, (2) Deo Kumar Sha son of not known, of Vill. Atghara, P.S. Sonarpur, (Now Narendrapur), Dist: South 24 Parganas, Kolkata- 700152, (3) Binay Mondal son of Biren Mondal @ Rabin of 9, Santi Park, Vill. Atghara, P.S. Sonarpur, (Now Narendrapur), Dist: South 24 Parganas, Kolkata- 700152, (4) Sanjay Mondal son of Balaram Mondal of 9, Santi Park, Vill. Atghara, P.S. Sonarpur, (Now Narendrapur), Dist: South 24 Parganas, Kolkata- 700152, (5) Ranajit Mondal son of unknown of Kheyadaha, Jalaveri Paschim Para, P.S. Sonarpur, (Now Narendrapur), Dist: South 24 Parganas, Kolkata- 700152, (6) Prasenjit Saha son of not known of Vill. Atghara, P.S. Sonarpur, (Now Narendrapur), Dist: South 24 Parganas, Kolkata- 700152, and 8/10 others., which is known as a "Wetland", changing the nature and character of the said land morefully situated at Mouza Atghara, J.L No. 5, L.R Khatian no. 151/2, L.R Dag no. 226 & 234, measuring approximately 100 decimals. at the subject land which is a water body.

Since, in terms of the notification dated 26.12.2017, you are also the competent authority under the West Bengal Inland Fisheries Act 1984, (HEREINAFTER

Subhojit Saha

05-04-2023.

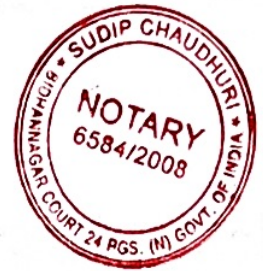
REFERRED TO AS "THE SAID Act") you are therefore requested to take cognizance of the aforesaid issue in terms of section 17 A of the said Act for restoration of the water body (Beel land which is known as a Wetland) by demolishing the illegal structure constructed thereon.

Your immediate action against such illegal act shall be highly appreciated to save the environment for the public at large.

Copy of the L.R records of rights are annexed herewith and marked as "A".

Sincerely,

Subhajit Safui 05-09-2023.
Subhajit Safui



S/o Subhankar Safui

146, Garfa Safui Para,

P.O- Haltu, P.S- Garfa, Kolkata- 700078.

Enclosure : As above

Copy to : 1) The East Kolkata Wetlands Management Authority,
Department of Environment Gov. of West Bengal
Pranisampad Bhavan, 5th Floor, Block LB II,
Sector-III , Salt lake, Kolkata- 700106.

2) The B.L & L.R.O,
Sonarpur, South 24 Parganas,
Sonarpur Block Road, Mission Pally,
Narendrapur, Kolkata- 700150,

3) The Officer-in- charge,
Narendrapur Police Station,
at Narendrapur District South 24 Parganas,
Kolkata- 700103,

পশ্চিমবঙ্গের খতিয়ান ও দাগের তথ্য



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Land and Land Reforms and Refugee Relief and Rehabilitation Department info.

জেলাঃ DAKSHINPARGANA

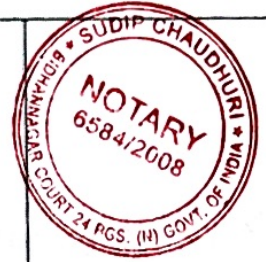
ব্লকঃ SONARPUR

মৌজাঃ Atghara

(Live Data As On 04/02/2023,21:18:38)

জে.এল নং (J.L No.): 5 থানা (P.S.): সোনারপুর

খতিয়ান নং (Khatian No) : t	151/2
রায়তের নাম (Owner Name) :	শেফালী সরদার
পিতা/স্বামী (Father/Husband):	সাবিকেশ
ঠিকানা (Address):	শাসন, বারুইপুর
জমির পরিমাণ (Total Land):	0.84 (একর/Acre)
দাগের সংখ্যা (Total Plot):	5



অত্রস্বত্বের দাগের বিবরণ ও পরিমাণ:

Plot No. দাগ নং	Classification শ্রেণী	Share অংশ	Share Area(Acre) অংশ পরিমাণ(একর)	Remark মন্তব্য
225	খাল	0.0086	0.0100	সাধারণে ব্যবহার্য
226	বিল	0.0540	0.5100	Nil
227	বাঁধ	0.0043	0.0000	সাধারণে ব্যবহার্য
233	বাঁধ	0.0086	0.0100	সাধারণে ব্যবহার্য

No. দাগ নং	Classification শ্রেণী	Share অংশ	645 Share Area(Acre) অংশ পরিমাণ(একর)	Remark মন্তব্য
231	বিভ	0.038	0.3100	

Disclaimer: This Record is only for information purpose. Do not treat it as official documents. It is not an official app. The source of these data is the official portal of Land and Land Reforms and Refugee Relief and Rehabilitation Department (<https://banglarbhumil.gov.in>), which are available in public domain



West Bengal Khatian and Plot Information

Record Downloaded From

Banglarbhumi Information

Land and Land Reforms and Refugee Relief and Rehabilitation Department Info.

District - DAKSHINPARGANA
Block - SONARPUR
Mouza - Atghara

(Live Date as on 04/02/2023, 21:18:38)
J.L. No. - 5, P.S. - Sonarpur



Khatian No.:	151/2
Owner name:	Shefali sardar
father/Husband:	Hrishikesh
Address:	Sasan, Baruipur
Total Land:	0.84 (Acre)
Total Plot:	5

Details of Plot and Area in this right:

Plot No.	Classification	Share	Share Area (acre)	Remarks
225	Khal	0.0086	0.0100	For Common Usage
226	Beel	0.0540	0.5100	Nil
227	Bandh	0.0043	0.0000	For Common Usage
233	Bandh	0.0086	0.0100	For Common Usage
234	Beel	0.0387	0.3100	Nil

Disclaimer: This Record is only for information purpose. Do not treat it as official documents. It is not an official app. The source of these data is the official portal of Land and Land Reforms and Refugee Relief and Rehabilitation Department (<https://banglarbhumi.gov.in>), which is available in public domain

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

R. Isak
Rtd. Senior Interpreting Officer (C) 22/08/24
O. S. High Court, Calcutta

L & L R W B

L & L R W B

L & L R W B

L & L R W B

L & L R W B

নাম - দক্ষিণ ২৪-পরগনা খতিয়ান নং- ২৪১/২ [১৬১৪০০৪]
 মৌজা - আটখরা জে.এল.নং- ৫ খামা - সোনারপুর

(১) রাজস্ব - ০.০০ টাকা
 (২) জমির মোট পরিমাণ - ০.১১ একর (৩) মোট দাগের সংখ্যা - ৫

(৪) অত্রখতের দখলকারের বিবরণ (৫) স্বর (৬) মন্তব্য

নাম	লক্ষ্মী সরকার	স্বর	
পিতা/স্বামী	হুসিফ		
ঠিকানা	শাসন, বারুইপুর		

(৭) অত্রখতের নিজ দখলীয় জমি :

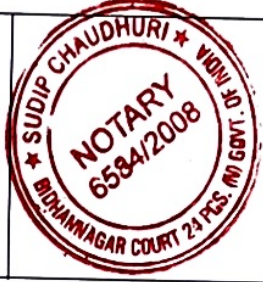
দাগ নম্বর	জমির শ্রেণী		দাগের মোট পরিমাণ	দাগের মধ্যে অত্র খতের	দাগের মধ্যে অত্র খতের জমির অংশের পরিমাণ	
			একর	অংশ	একর	হেক্টর
২২৫	খাল	সম্বারনের কবছাড়া,	১.৪০	০.০০১৬	০.০১	
২২৬	বিল		১.২৪	০.০৫৫৫	০.৫২	
২২৭	বিল		০.৩৮	০.০০৪০	০.০০	
২৩০	বিল		০.১২	০.০০১৬	০.০১	
২৩৪	বিল		১.২০	০.০৫৫৫	০.৪৫	

ERTIFIED TO BE A TRUE COPY
 Officer Authorized U/s-7F
 of Indian Evidence Act

Certified to be a true copy of the Original R.O.R. (and) entries as published under sub Section (2) of Sec 51 (A) of W.B.L.A. Act.
 Revenue Officer

দাগের মোট সংখ্যা পট মন্তব্য ০.১১

Appl. Fee: Rs. 10, Authentication Fee: 1 x Rs. 10 = Rs. 10, Total: Rs. 20

District - South 24 Parganas		khatian No.- 151/2		[1615005]		
Mouza - Atghara		J.L. No.- 5		P.S.- Sonarpur		
(1) Lease Rent - Rs. 0.00		(2) Area of total land - 0.53		Acre (3) Total Plot No. - 1		
(4) Particular of possessor of the property		(5) Ownership		(6) Remarks		
Name of Raiyat-	Shefali Sardar		Raiyat			
Father/ Husband	Hrishikesh					
Address	Sasan, Baruipur					
(7) Particular of leasehold land						
Plot No.	Nature of land	Remarks	Total Area of land	Share in the Land	Area of the said plot of land	
			Acre		Acre	Hectare
225	Khal	For Common Usage	1.43	0.0086	0.01	
226	Beel		9.24	0.0555	0.52	
227	Bandh	For Common Usage	0.38	0.0043	0.00	
233	Bandh	For Common Usage	0.82	0.0086	0.01	
234	Beel		8.20	0.0555	0.45	
Total Plot No.		Only Five		0.99		
Appl Fee: Rs. 10, Authentication Fee: 1xRs. 10 = Rs. 10, Total Rs. 20						

C. Copy - 2608

1/1

31/01/2013

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


R. Islam 30/08/24
 Rtd. Senior Interpreting Officer (C1)
 Q.S. High Court, Calcutta



Government of West Bengal
Department of Environment
East Kolkata Wetlands Management Authority
 Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106
 Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com

No: 140 -CTO/EN/108(8)/2022-2023 (link-1)

Date: 12 . 05 . 2023

From: Dr. Rajarshi Chakraborty
 Technical Officer, EKWMA



To: The Inspector-in-Charge,
 P.S. Narendrapur
 Baruipur Police District

Sub: Complaint regarding violation of the East Kolkata Wetlands (Conservation and Management) Act, 2006.

Sir,

The East Kolkata Wetlands Management Authority had received a letter on 06.04.2023 from Mr. Subhajit Safui where it is alleged that illegal construction has been done by changing the character of land recorded as beel as per Record of Rights (RoR) at RS Dag No. 156 & 157 (LR Dag No. 234 & 226). Mouza Atghara, JI No. 5 under PS Narendrapur, Dist. South 24-Parganas. Copy of the above-referred letter is enclosed herewith.

This is to inform that as per East Kolkata Wetlands (Conservation and Management) Act, 2006, Mouza Atghara, JI No. 5 under P.S. Narendrapur, Dist. 24-Parganas (South) falls within the East Kolkata Wetlands. Any change of character or mode of use of land within the East Kolkata Wetlands is not permitted, except with the previous sanction of the East Kolkata Wetlands Management Authority as per Section 9 of the East Kolkata Wetlands (Conservation and Management) Act, 2006. Further according to Section 4 of the Wetlands (Conservation and Management) Rules, 2017 notified by the Ministry of Environment, Forest and Climate Change, Government of India any construction of a permanent nature and conversion for non-wetland uses including encroachment of any kind within East Kolkata Wetlands are prohibited.

I am directed to inform the above said facts with the request you to enquire into the matter and take necessary action against the violators in accordance with Section 18 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 and ensure that no further violation takes place as per the direction upon police authorities of Hon'ble High Court's order dated 24.12.2021 in the matter of W.P.O541/2017. You are further requested to submit an action taken report in this regard to this office at earliest.

Yours faithfully,

Technical Officer, EKWMA

Date: 12 . 05 . 2023

Technical Officer, EKWMA

No: 140(2) -CTO/EN/108(8)/2022-2023 (link-1)
 Copy forwarded for kind information and necessary action to:
 1) The Superintendent of Police, Baruipur Police District
 2) PS to Principal Secretary, Environment Department

Encl: As stated above.



Government of West Bengal
Department of Environment
East Kolkata Wetlands Management Authority
 Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106
 Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com

No: 518 -CTO/EN/200(8)/2022-2023

Date: 22.12.2023

From: Chief Technical Officer,
 East Kolkata Wetlands Management Authority



To: The District Magistrate
 South 24-Parganas

Sub: Demolition of illegal constructions at R.S.Dag no. 157, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist.- South 24 Parganas.

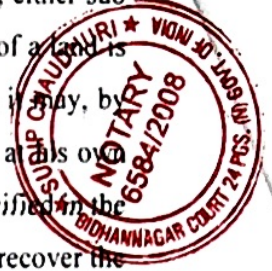
Sir,

It has come to notice of this office through one complaint letter received from Mr. Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 violating the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with the staffs of P.S. Narendrapur conducted inspection on 23.06.2023. During field inspection, it had been noticed that a one storey residential building including shops have been constructed at part of R.S. Dag no. 157, Mouza- Atghara, J.L. No. 05, P.S. Narendrapur, Dist. South 24-Parganas and construction of another building structure has been started at part of same dag no. The above said R.S. Dag no. 157 is classified as *Beel* as per Record of Rights (RoR). Photographs with co-ordinates of the above-said constructions are attached herewith.

Any change of character or mode of use of land within the East Kolkata Wetlands is not permitted as per Section 9 of the East Kolkata Wetlands (Conservation & Management) Act, 2006. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing industries and conversion for non-wetland uses including encroachment of any kind within East Kolkata Wetlands (being a Ramsar Site) are prohibited. So these above-mentioned construction works are noted to have been done illegally by violating provision(s) of the above said laws.

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.



As the violators could not be identified, one notice was pasted upon the above said structures by the staffs of EKWMA along with the help local police authority vide no. 407-CTO/EN/200(8)/2022-2023 dated 13.10.2023 with a direction to stop the illegal constructions and appear for hearing on 02.11.2023 and also to show cause why legal action should not be initiated against them for violating the provision(s) of the said laws. The copy of notice was also forwarded to the Inspector-in-charge, Narendrapur Police Station and Superintendent of Police, Baruipur Police District to stop the said illegal constructions. Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat was requested vide the same notice to take action to stop the illegal construction works.

On 02.11.2023 no one was present at the time of hearing. The Hon'ble Calcutta High Court vide Order dated 25.07.2023 in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. - Vs- The State of W.B. & Ors.) in para 8 of the order directed that, "*the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the cost be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels.*"

In view of the above, you are requested to undertake the demolition of the said illegal constructions and restoration of the land to its original status within 30 days from the date of receiving this letter and also send a compliance report to this office. Following the said work, you may send the detailed expenditure incurred by you to this office for processing.

Yours faithfully,

Chief Technical Officer, EKWMA


Encl: As stated above.

No: 518(6) -CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Copy forwarded for your information and necessary action to:

1. Superintendent of Police, Baruipur Police District
2. Inspector-in-charge, Narendrapur Police Station
3. Block Development Officer, Sonarpur Block.
4. Pradhan, Kheadaha-II Gram Panchayat.
5. P.S. to Minister-In-Charge, Environment Department.
6. P.S. to Principal Secretary, Environment Department.


Technical Officer, EKWMA





**Government of West Bengal
Department of Environment**

East Kolkata Wetlands Management Authority

Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106
Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com

No: 506 -CTO/EN/200(8)/2022-2023

Date: 21.12.2023



**Reasoned Order of illegal construction of two storey residential building at part of
Dag no. 157, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas.**

Introduction:

One complaint was received from Mr. Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 violating the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with the staffs of P.S. Narendrapur conducted a field inspection on 23.06.2023. During field inspection, it was noticed that two storey residential building has been constructed by filling up water body at part of R.S. Dag no. 157, L.R. Dag No. 226, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas. At the time of inspection, upon preliminary enquiry the name of Sri Arup Mandal came up who is involved in the above-said illegal construction. The above said R.S. Dag no. 157 is classified as *Beel* as per Record of Rights (RoR).

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.

In view of the above, the Chief Technical Officer, EKWMA circulated a notice through concerned police authorities and paste the notice upon the above said illegal structure vide letter no. 406-CTO/EN/200(8)/2022-2023 dated 13.10.2023 with a direction to stop the illegal constructions and appear for hearing on 02.11.2023 and also to show cause why legal action should not be initiated against him for violating the provision(s) of the said laws. The copy of notice was also forwarded to the Inspector-in-charge, Narendrapur Police Station and Superintendent of Police, Baruipur Police District to stop the said illegal constructions. Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat requested vide the same notice to take action to stop the illegal construction works.

Hearing:

On 02.11.2023, Sri Arup Mandal attended the hearing and admitted that he had constructed the said two storey residential building at part of R.S. Dag no. 157, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas without any permission from EKWMA as well as local panchayat body. He stated that he purchased the land with his wife in the year of 2021 from Smt Aparna Mondal, Sri Arup Mondal, Smt Subhra Mondal through the attorney namely Mrs. Barnali Panja. He said that at the time of purchase of the land, there was no water and an existing tally structure was present.

Existing Laws:

According to Section 9 of the EKW (C&M) Act of 2006 notwithstanding anything contained in any law for the time being in force, every person holding any land in the East Kolkata Wetlands shall maintain such land in a manner that its area is not diminished, or character is not changed except with the prior sanction of the Authority.

From 04.12.2010 East Kolkata Wetlands (EKW) being a Ramsar site came under the purview of the Wetlands (Conservation and Management) Rules, 2010 under the Environment (Protection) Act, 1986 notified by the Government of India.

In the year 2017, the Wetlands (Conservation and Management) Rules, 2010 were superseded by the Wetlands (Conservation and Management) Rules, 2017. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing industries and conversion for non-



wetland uses including encroachment of any kind within East Kolkata Wetlands (being Ramsar Site) are prohibited.



The Hon'ble Calcutta High Court vide Order dated 25.07.2023 in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. -Vs- The State of W.B. & Ors.) in para 8 of the order directed that, " *the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the cost be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels.*"

Conclusion:

Taking into considering all the aspects, the Chief Technical Officer, EKWMA is of the opinion that the violator illegally constructed the two storey residential building at part of R.S. Dag no. 157, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas which falls within the EKW area without any permission from EKWMA. The afore-mentioned work is illegal and violates the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017.

Hence, the violator is directed to restore the land to its original character or mode of use within 30 days of receiving the Reasoned Order and submit a completion report within next 7 days to this office or else action shall be taken in accordance with law.

This issues with the approval of Member Secretary, EKWMA.


Chief Technical Officer, EKWMA

No: 506(8) -CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Copy forwarded for your information and necessary action to:

1. Sri Arup Mandal, S/o. Sri Banshi Dhar Mandal, Lake village 2, Vill. Atghara, P.O. Dhalua, P.S.-Narendrapur, Kolkata-700152.
2. District Magistrate, South 24 Parganas.
3. Block Development Officer, Sonarpur block.
4. Superintendent of Police, Baruipur Police District.
5. The Inspector-in-Charge, P.S. Narendrapur, Baruipur Police District.
6. Pradhan, Kheadaha-II Gram Panchayat.
7. P.S. to Minister-In-Charge, Environment Department.
8. P.S. to Principal Secretary, Environment Department.



Technical Officer, EKWMA



**Government of West Bengal
Department of Environment**

East Kolkata Wetlands Management Authority

Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106
Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com



No: 507 -CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Reasoned Order of illegal construction of go-down at part of R.S. Dag no. 157, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas.

Introduction:

One complaint was received from Mr. Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 violating the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with the staffs of P.S. Narendrapur conducted a field inspection on 23.06.2023. During field inspection, it was noticed that one go-down with boundary wall has been constructed for commercial purpose by filling up water body at part of R.S. Dag no. 157, L.R. Dag No. 226, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas. At the time of inspection, upon preliminary enquiry the name of Sri Deo Kumar Shah came up who is involved in the above-said illegal construction. The above said R.S. Dag no. 157 is classified as *Beel* as per Record of Rights (RoR).

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.

In view of the above, the Chief Technical Officer, EKWMA circulated a notice through concerned police authorities and pasted the notice upon the above said illegal structure vide letter no. 405-CTO/EN/200(8)/2022-2023 dated 13.10.2023 with a direction to stop the illegal constructions and appear for hearing on 02.11.2023 and also to show cause why legal action should not be initiated against him for violating the provision(s) of the said laws. The copy of notice was also forwarded to the Inspector-in-charge, Narendrapur Police Station and Superintendent of Police, Baruipur Police District to stop the said illegal constructions. Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat requested vide the same notice to take action to stop the illegal construction works.



Hearing:

On 02.11.2023, Sri Deo Kumar Shah attended the hearing and admitted that he constructed the said go-down with boundary wall for commercial purpose at part of R.S. Dag no. 157, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas without any permission from EKWMA as well as local panchayat body. He stated that he purchased the land at part of R.S. Dag nos. 156 & 157, Mouza- Atghara, J.L. No. 5 with his wife in the year of 2022 from Smt. Kanan Bala Mondal. He said that at the time of purchase of the land, there was an existing structure with small boundary wall and no water was present.

Existing Laws:

According to Section 9 of the EKW (C&M) Act of 2006 notwithstanding anything contained in any law for the time being in force, every person holding any land in the East Kolkata Wetlands shall maintain such land in a manner that its area is not diminished, or character is not changed except with the prior sanction of the Authority.

From 04.12.2010 East Kolkata Wetlands (EKW) being a Ramsar site came under the purview of the Wetlands (Conservation and Management) Rules, 2010 under the Environment (Protection) Act, 1986 notified by the Government of India.

In the year 2017, the Wetlands (Conservation and Management) Rules, 2010 were superseded by the Wetlands (Conservation and Management) Rules, 2017. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing industries and conversion for non-

wetland uses including encroachment of any kind within East Kolkata Wetland (being Ramsar Site) are prohibited.



The Hon'ble Calcutta High Court vide Order dated 25.07.2023 in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. -Vs- The State of W.B. & Ors.) in para 8 of the order directed that, " *the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the cost be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels.*"

Conclusion:

Taking into considering all the aspects, the Chief Technical Officer, EKWMA is of the opinion that the violator illegally constructed the go-down with boundary wall at part of R.S. Dag no. 157, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas which falls within the EKW area without any permission from EKWMA. The afore-mentioned work is illegal and violates the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017.

Hence, the violator is directed to restore the land to its original character or mode of use within 30 days of receiving the Reasoned Order and submit a completion report within next 7 days to this office or else action shall be taken in accordance with law.

This issues with the approval of Member Secretary, EKWMA.


Chief Technical Officer, EKWMA


No: 5078-CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Copy forwarded for your information and necessary action to:

1. Sri Deo Kumar Shah, S/o. Sri Dhanraj Shah, Vill. Atghara, P.O. Dhalua, P.S.-Narendrapur, Kolkata-700152.
2. District Magistrate, South 24 Parganas.
3. Block Development Officer, Sonarpur block.
4. Superintendent of Police, Baruipur Police District.
5. The Inspector-in-Charge, P.S. Narendrapur, Baruipur Police District.
6. Pradhan, Kheadaha-II Gram Panchayat.
7. P.S. to Minister-In-Charge, Environment Department.
8. P.S. to Principal Secretary, Environment Department.




Technical Officer, EKWMA



Photographs of the part of RS Dag No.157, Mouza- Atghara, JL No.5, P.S. Narendrapur, Dist. South 24 Parganas
(Reference coordinates of the site: 22°29'11.17"N, 88°25'22.08"E)





**Government of West Bengal
Department of Environment**

East Kolkata Wetlands Management Authority

Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106
Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com

No: 508 -CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Reasoned Order of illegal construction of three storey residential building at part of R.S. Dag no. 156, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas.

Introduction:

One complaint was received from Mr. Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 violating the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with the staffs of P.S. Narendrapur conducted a field inspection on 23.06.2023. During field inspection, it was noticed that three storey residential building has been constructed by filling up water body at part of R.S. Dag no. 156, L.R. Dag No. 234, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas. At the time of inspection, upon preliminary enquiry the name of Sri Goutam Das came up who is involved in the above-said illegal construction. The above said R.S. Dag no. 156 is classified as *Beel* as per Record of Rights (RoR).

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.



In view of the above, the Chief Technical Officer, EKWMA circulated a notice through concerned police authorities and pasted the notice upon the above said illegal structure vide letter no. 410-CTO/EN/200(8)/2022-2023 dated 13.10.2023 with a direction to stop the illegal constructions and appear for hearing on 07.11.2023 and also to show cause why legal action should not be initiated against him for violating the provision(s) of the said laws. The copy of notice was also forwarded to the Inspector-in-charge, Narendrapur Police Station and Superintendent of Police, Baruipur Police District to stop the said illegal constructions. Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat was requested vide the same notice to take action to stop the illegal construction works.

Hearing:

On 07.11.2023, Sri Goutam Das attended the hearing and admitted that he had constructed the said three storey residential building at part of R.S. Dag no. 156, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas without any permission from EKWMA as well as local panchayat body. He stated that he purchased the land at part of R.S. Dag nos. 156 and 157, Mouza- Atghara, J.L. No. 5, in the year of 2018 in the name of his wife Smt Mallika Das from Sri Chitto Ranjan Jana. He said that at the time of purchase of the land, there was no water and an existing tally structure was present at their portion.

Existing Laws:

According to Section 9 of the EKW (C&M) Act of 2006 notwithstanding anything contained in any law for the time being in force, every person holding any land in the East Kolkata Wetlands shall maintain such land in a manner that its area is not diminished, or character is not changed except with the prior sanction of the Authority.

From 04.12.2010 East Kolkata Wetlands (EKW) being a Ramsar site came under the purview of the Wetlands (Conservation and Management) Rules, 2010 under the Environment (Protection) Act, 1986 notified by the Government of India.

In the year 2017, the Wetlands (Conservation and Management) Rules, 2010 were superseded by the Wetlands (Conservation and Management) Rules, 2017. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing industries and conversion for non-

wetland uses including encroachment of any kind within East Kolkata Wetlands (being a Ramsar Site) are prohibited.

The Hon'ble Calcutta High Court vide Order dated 25.07.2023 in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. -Vs- The State of W.B. & Ors.) in para 8 of the order directed that, " *the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the cost be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels.*"



Conclusion:

Taking into considering all the aspects, the Chief Technical Officer, EKWMA is of the opinion that the violator illegally constructed the two storey residential building at part of R.S. Dag no. 156, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas which falls within the EKW area without any permission from EKWMA. The afore-mentioned work is illegal and violates the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017.

Hence, the violator is directed to restore the land to its original character or mode of use within 30 days of receiving the Reasoned Order and submit a completion report within next 7 days to this office or else action shall be taken in accordance with law.

This issues with the approval of Member Secretary, EKWMA.


Chief Technical Officer, EKWMA

No: 508(8)-CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Copy forwarded for your information and necessary action to:

1. Sri Goutam Das, S/o. Sri Babulal Das, Lake village, Vill. Atghara, P.O. Dhalua, P.S.-
Narendrapur, Kolkata-700152.
2. District Magistrate, South 24 Parganas.
3. Block Development Officer, Sonarpur block.
4. Superintendent of Police, Baruipur Police District.
5. The Inspector-in-Charge, P.S. Narendrapur, Baruipur Police District.
6. Pradhan, Kheadaha-II Gram Panchayat.
7. P.S. to Minister-In-Charge, Environment Department.
8. P.S. to Principal Secretary, Environment Department.



Technical Officer, EKWMA

4X

Photographs of the part of RS Dag No.156, Mouza- Atghara, JL No.5, P.S. Narendrapur, Dist. South 24 Parganas
(Reference coordinates of the site: 22°29'11.85"N, 88°25'18.66"E)



23 06
 NOTARY
 6584/2008
 RAJHURI



Government of West Bengal
Department of Environment
East Kolkata Wetlands Management Authority
 Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106
 Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com



No: 509 -CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Reasoned Order of illegal construction of two storey banglow house at part of R.S. Dag no. 156, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas.

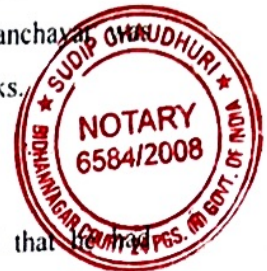
Introduction:

One complaint was received from Mr. Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 violating the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with the staffs of P.S. Narendrapur conducted a field inspection on 23.06.2023. During field inspection, it was noticed that two storey bungalow house has been constructed by filling up water body at part of R.S. Dag no. 156, L.R. Dag No. 234, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas. At the time of inspection, upon preliminary enquiry the name of Sri Jagannath Pal came up who is involved in the above-said illegal construction. The above said R.S. Dag no. 156 is classified as *Beel* as per Record of Rights (RoR).

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.

In view of the above, the Chief Technical Officer, EKWMA circulated a notice through concerned police authorities and pasted the notice upon the above said illegal structure vide letter no. 408-CTO/EN/200(8)/2022-2023 dated 13.10.2023 with a direction to stop the illegal constructions and appear for hearing on 07.11.2023 and also to show cause why legal action should not be initiated against him for violating the provision(s) of the said laws. The copy of notice was also forwarded to the Inspector-in-charge, Narendrapur Police Station and Superintendent of Police, Baruipur Police District to stop the said illegal constructions. Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat requested vide the same notice to take action to stop the illegal construction works.



Hearing:

On 07.11.2023, Sri Jagannath Pal attended the hearing and admitted that he had constructed the said two storey bungalow house at part of R.S. Dag no. 156, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas without any permission from EKWMA as well as local panchayat body. He stated that he purchased the land at part of R.S. Dag no. 156, Mouza- Atghara, J.L. No. 5 in the year of 2015 and started construction in the year 2018. He also informed that no water was present at the time of purchase of the said land. As no supporting documents such as deed, parcha was provided at the time of hearing, EKWMA asked to Sri Jagannath Pal to provide documents within seven days of hearing. However, no documents have been submitted as on 21.11.2023.

Existing Laws:

According to Section 9 of the EKW (C&M) Act of 2006 notwithstanding anything contained in any law for the time being in force, every person holding any land in the East Kolkata Wetlands shall maintain such land in a manner that its area is not diminished, or character is not changed except with the prior sanction of the Authority.

From 04.12.2010 East Kolkata Wetlands (EKW) being a Ramsar site came under the purview of the Wetlands (Conservation and Management) Rules, 2010 under the Environment (Protection) Act, 1986 notified by the Government of India.

In the year 2017, the Wetlands (Conservation and Management) Rules, 2010 were superseded by the Wetlands (Conservation and Management) Rules, 2017. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent

nature. setting up of any industry or expansion of existing industries and conversion for non-wetland uses including encroachment of any kind within East Kolkata Wetlands (being a Ramsar Site) are prohibited.

The Hon'ble Calcutta High Court vide Order dated 25.07.2023 in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. -Vs- The State of W.B. & Ors.) in para 8 of the order directed that, " *the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the cost be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands or blocking the water channels.*"



Conclusion:

Taking into considering all the aspects, the Chief Technical Officer, EKWMA is of the opinion that the violator illegally constructed the two storey bungalow house at part of R.S. Dag no. 156, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas which falls within the EKW area without any permission from EKWMA. The afore-mentioned work is illegal and violates the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017.

Hence, the violator is directed to restore the land to its original character or mode of use within 30 days of receiving the Reasoned Order and submit a completion report within next 7 days to this office or else action shall be taken in accordance with law.

This issues with the approval of Member Secretary, EKWMA.


Chief Technical Officer, EKWMA

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No: 509(8)-CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Copy forwarded for your information and necessary action to:

1. Sri Jagannath Pal, Vill. Atghara, Jelevery, P.O. Dhalua, P.S.-Narendrapur, Kolkata-700152.
2. District Magistrate, South 24 Parganas.
3. Block Development Officer, Sonarpur block.
4. Superintendent of Police, Baruipur Police District.
5. The Inspector-in-Charge, P.S. Narendrapur, Baruipur Police District.
6. Pradhan, Kheadaha-II Gram Panchayat.
7. P.S. to Minister-In-Charge, Environment Department.
8. P.S. to Principal Secretary, Environment Department.



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Technical Officer, EKWMA

Photographs of the part of RS Dag No.156, Mouza- Atghara, JL No.5, P.S. Narendrapur, Dist. South 24 Parganas
(Reference coordinates of the site: 22°29'10.06"N, 88°25'19.10"E)



★ SUDIP CHAUDHURI ★
 NOTARY
 6584/2008
 BOGHANAGAR COURT 24 P.S. - W. GOVT. OF

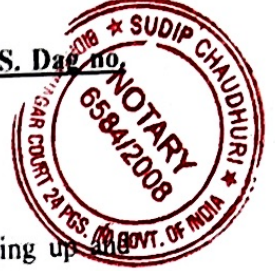


Government of West Bengal
Department of Environment
East Kolkata Wetlands Management Authority
 Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106
 Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com

No: 510 -CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Reasoned Order of illegal construction of three storey building at part of R.S. Dag no. 156, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas.



Introduction:

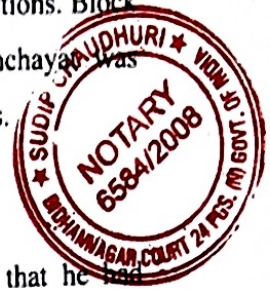
One complaint was received from Mr. Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 violating the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with the staffs of P.S. Narendrapur conducted a field inspection on 23.06.2023. During field inspection, it was noticed that a three storey residential building has been constructed illegally by filling up of water body at part of R.S. Dag no. 156, L.R. Dag No. 234, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas. At the time of inspection, upon preliminary enquiry the name of Sri Jitendra Khera came up who is involved in the above-said illegal construction. The above said R.S. Dag no. 156 is classified as *Beel* as per Record of Rights (RoR).

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.



In view of the above, the Chief Technical Officer, EKWMA circulated a notice through concerned police authorities and pasted the notice upon the above said illegal structure vide letter no. 411-CTO/EN/200(8)/2022-2023 dated 13.10.2023 with a direction to stop the illegal constructions and appear for hearing on 07.11.2023 and also to show cause why legal action should not be initiated against him for violating the provision(s) of the said laws. The copy of notice was also forwarded to the Inspector-in-charge, Narendrapur Police Station and Superintendent of Police, Baruipur Police District to stop the said illegal constructions. Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat was requested vide the same notice to take action to stop the illegal construction works.



Hearing:

On 07.11.2023, Sri Jitendra Khera attended the hearing and admitted that he constructed the said three storey building for residential purpose at part of R.S. Dag no. 156, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas without any permission from EKWMA as well as local panchayat body. He stated that he purchased the land in the year of 2020 from Sri Ganesh Halder and Smt Anjali Naskar and no water was present on the land at the time of purchase. He informed that though the land is recorded as beel in ROR the land is mentioned as Shali in his deed.

Existing Laws:

According to Section 9 of the EKW (C&M) Act of 2006 notwithstanding anything contained in any law for the time being in force, every person holding any land in the East Kolkata Wetlands shall maintain such land in a manner that its area is not diminished, or character is not changed except with the prior sanction of the Authority.

From 04.12.2010 East Kolkata Wetlands (EKW) being a Ramsar site came under the purview of the Wetlands (Conservation and Management) Rules, 2010 under the Environment (Protection) Act, 1986 notified by the Government of India.

In the year 2017, the Wetlands (Conservation and Management) Rules, 2010 were superseded by the Wetlands (Conservation and Management) Rules, 2017. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing industries and conversion for non-

wetland uses including encroachment of any kind within East Kolkata Wetlands (being a Ramsar Site) are prohibited.

The Hon'ble Calcutta High Court vide Order dated 25.07.2023 in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. -Vs- The State of W.B. & Ors.) in para 8 of the order directed that, " the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the cost be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels."



Conclusion:

Taking into considering all the aspects, the Chief Technical Officer, EKWMA is of opinion that the violator illegally constructed the three storey building at part of R.S. Dag no. 156, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas which falls within the EKW area without any permission from EKWMA. The afore-mentioned work is illegal and violates the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017.

Hence, the violator is directed to restore the land to its original character or mode of use within 30 days of receiving the Reasoned Order and submit a completion report within next 7 days to this office or else action shall be taken in accordance with law.

This issues with the approval of Member Secretary, EKWMA.


Chief Technical Officer, EKWMA

No: 510(8)-CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Copy forwarded for your information and necessary action to:

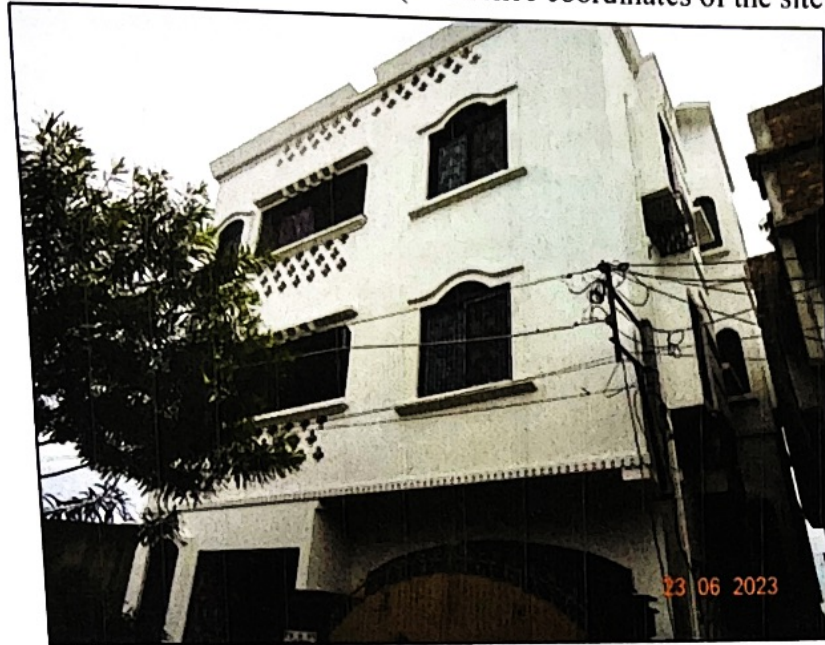
1. Sri Jitendra Khera, S/o. Sri Ramesh Khera, P-7, Shanti Park, Vill - Atghara, P.O. Dhalua, PS Narendrapur, Pin-700152.
2. District Magistrate, South 24-Parganas.
3. Block Development Officer, Sonarpur Block.
4. Superintendent of Police, Baruipur Police District.
5. The Inspector-in-Charge, P.S. Narendrapur, Baruipur Police District.
6. Pradhan, Kheadaha-II Gram Panchayat.
7. P.S. to Minister-In-Charge, Environment Department.
8. P.S. to Principal Secretary, Environment Department.



Technical Officer, EKWMA



Photographs of the part of RS Dag No.156, Mouza- Atghara, JL No.5, P.S. Narendrapur, Dist. South 24 Parganas
(Reference coordinates of the site: 22°29'12.26"N, 88°25'19.04"E)





Government of West Bengal
Department of Environment
East Kolkata Wetlands Management Authority
Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata-700065
Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com



No: 511 -CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Reasoned Order of illegal construction of two storey building at part of R.S. Dag no. 157, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas.

Introduction:

One complaint was received from Mr. Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 violating the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with the staffs of P.S. Narendrapur conducted a field inspection on 23.06.2023. During field inspection, it had been noticed that a two storey residential building has been constructed illegally by filling up of water body at part of R.S. Dag no. 157, L.R. Dag No. 226, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas. At the time of inspection, upon preliminary enquiry the name of Sri Mrityunjoy Mal came up who is involved in the above-said illegal construction. The above said R.S. Dag no. 157 is classified as *Beel* as per Record of Rights (RoR).

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.



Government of West Bengal
Department of Environment
East Kolkata Wetlands Management Authority
Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata
Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com



No: 511 -CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Reasoned Order of illegal construction of two storey building at part of R.S. Dag no. 157, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas.

Introduction:

One complaint was received from Mr. Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 violating the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with the staffs of P.S. Narendrapur conducted a field inspection on 23.06.2023. During field inspection, it had been noticed that a two storey residential building has been constructed illegally by filling up of water body at part of R.S. Dag no. 157, L.R. Dag No. 226, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas. At the time of inspection, upon preliminary enquiry the name of Sri Mrityunjoy Mal came up who is involved in the above-said illegal construction. The above said R.S. Dag no. 157 is classified as *Beel* as per Record of Rights (RoR).

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.



In view of the above, the Chief Technical Officer, EKWMA circulated a notice through concerned police authorities and pasted the notice upon the above said illegal structure vide letter no. 404-CTO/EN/200(8)/2022-2023 dated 13.10.2023 with a direction to stop the illegal constructions and appear for hearing on 02.11.2023 and also to show cause why legal action should not be initiated against him for violating the provision(s) of the said laws. The copy of notice was also forwarded to the Inspector-in-charge, Narendrapur Police Station and Superintendent of Police, Baruipur Police District to stop the said illegal constructions. Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat was requested vide the same notice to take action to stop the illegal construction works.



Hearing:

On 02.11.2023, Sri Mrityunjoy Mal attended the hearing and admitted that he had constructed the said two storey building for residential purpose at part of R.S. Dag no. 157, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas without any permission from EKWMA as well as local panchayat body. He stated that he purchased the land at part of R.S. Dag nos. 156 & 157, Mouza- Atghara, J.L. No. 5 in the year of 2018. He also said that at the time of purchase there was an existing building structure and no water was present at the above said land. The said two-story building has been constructed by demolishing the old structure.

Existing Laws:

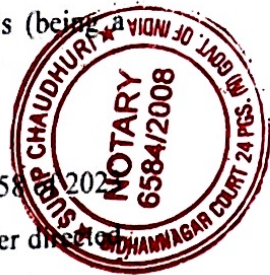
According to Section 9 of the EKW (C&M) Act of 2006 notwithstanding anything contained in any law for the time being in force, every person holding any land in the East Kolkata Wetlands shall maintain such land in a manner that its area is not diminished, or character is not changed except with the prior sanction of the Authority.

From 04.12.2010 East Kolkata Wetlands (EKW) being a Ramsar site came under the purview of the Wetlands (Conservation and Management) Rules, 2010 under the Environment (Protection) Act, 1986 notified by the Government of India.

In the year 2017, the Wetlands (Conservation and Management) Rules, 2010 were superseded by the Wetlands (Conservation and Management) Rules, 2017. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing industries and conversion for non-



wetland uses including encroachment of any kind within East Kolkata Wetlands (being a Ramsar Site) are prohibited.



The Hon'ble Calcutta High Court vide Order dated 25.07.2023 in WPA (P) 358/2022 (Priyanjana Majumder & Anr. -Vs- The State of W.B. & Ors.) in para 8 of the order directed that, " *the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the cost be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels.*"

Conclusion:

Taking into considering all the aspects, the Chief Technical Officer, EKWMA is of the opinion that the violator illegally constructed the two storey building at part of R.S. Dag no. 157, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas which falls within the EKW area without any permission from EKWMA. The afore-mentioned work is illegal and violates the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017.

Hence, the violator is directed to restore the land to its original character or mode of use within 30 days of receiving the Reasoned Order and submit a completion report within next 7 days to this office or else action shall be taken in accordance with law.

This issues with the approval of Member Secretary, EKWMA.


Chief Technical Officer, EKWMA


No: S11(8) -CTO/EN/200(8)/2022-2023

Date: 22 .12.2023

Copy forwarded for your information and necessary action to:

1. Sri Mrityunjoy Mal, S/o. Sri Nirapad Mal, Shanti Park, Vill - Atghara, P.O. Dhalua, PS Narendrapur, Pin-700152.
2. District Magistrate, South 24-Parganas.
3. Block Development Officer, Sonarpur Block.
4. Superintendent of Police, Baruipur Police District.
5. The Inspector-in-Charge, P.S. Narendrapur, Baruipur Police District.
6. Pradhan, Kheadaha-II Gram Panchayat.
7. P.S. to Minister-In-Charge, Environment Department.
8. P.S. to Principal Secretary, Environment Department.




Technical Officer, EKWMA

58

Photographs of the part of RS Dag No.157, Mouza- Atghara, JL No.5, P.S. Narendrapur, Dist. South 24 Parganas
(Reference coordinates of the site: 22°29'11.52"N, 88°25'22.71"E)



NOTARY
6584/2008
SUDIP CHAUDHURI
WEST BENGAL
INDIA



Government of West Bengal
Department of Environment
East Kolkata Wetlands Management Authority
 Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106
 Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com



No: S12 -CTO/EN/200(8)/2022-2023

Date: 22 .12.2023

Reasoned Order of illegal construction of a shop and structure of a building at part of R.S. Dag no. 157, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas.

Introduction:

One complaint was received from Mr. Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 violating the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with the staffs of P.S. Narendrapur conducted a field inspection on 23.06.2023. During field inspection, it was noticed that one builders' shop namely Radhe Shyam Builders and structure of a building have been constructed by filling up water body at part of R.S. Dag no. 157, L.R. Dag No. 226, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas and a structure of a building has been going on besides the above said shops. At the time of inspection, upon preliminary enquiry the name of Sri Pabitra Sardar came up who is involved in the above-said illegal constructions. The above said R.S. Dag no. 157 is classified as *Beel* as per Record of Rights (RoR).

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the



cost thereof as arrears of land-revenue. Provided that before passing the order the authority shall give the person a reasonable opportunity of being heard.



In view of the above, the Chief Technical Officer, EKWMA circulated a notice through concerned police authorities and pasted the notice upon the above said illegal structure vide letter no. 403-CTO/EN/200(8)/2022-2023 dated 13.10.2023 with a direction to stop the illegal constructions and appear for hearing on 02.11.2023 and also to show cause why legal action should not be initiated against him for violating the provision(s) of the said laws. The copy of notice was also forwarded to the Inspector-in-charge, Narendrapur Police Station and Superintendent of Police, Baruipur Police District to stop the said illegal constructions. Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat was requested vide the same notice to take action to stop the illegal construction works.

Hearing:

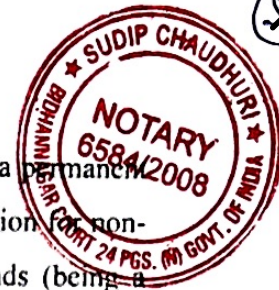
On 02.11.2023, Sri Pabitra Sardar attended the hearing and admitted that he had constructed the said shop and structure of building at part of R.S. Dag no. 157, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas without any permission from EKWMA as well as local panchayat body. He stated that he purchased the land at part of R.S. Dag nos. 156 & 157, Mouza- Atghara, J.L. No. 5 in the year of 2019 from Sri Subhas Das, Sri Tapan Panja, Sri Ripon Haoladar and Sri Shumangal Dhali and no water was present at the time of purchase.

Existing Laws:

According to Section 9 of the EKW (C&M) Act of 2006 notwithstanding anything contained in any law for the time being in force, every person holding any land in the East Kolkata Wetlands shall maintain such land in a manner that its area is not diminished, or character is not changed except with the prior sanction of the Authority.

From 04.12.2010 East Kolkata Wetlands (EKW) being a Ramsar site came under the purview of the Wetlands (Conservation and Management) Rules, 2010 under the Environment (Protection) Act, 1986 notified by the Government of India.

In the year 2017, the Wetlands (Conservation and Management) Rules, 2010 were superseded by the Wetlands (Conservation and Management) Rules, 2017. As per Rule 4 of



the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing industries and conversion of non-wetland uses including encroachment of any kind within East Kolkata Wetlands (being a Ramsar Site) are prohibited.

The Hon'ble Calcutta High Court vide Order dated 25.07.2023 in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. -Vs- The State of W.B. & Ors.) in para 8 of the order directed that, " *the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the cost be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels.*"

Conclusion:

Taking into considering all the aspects, the Chief Technical Officer, EKWMA is of the opinion that the violator illegally constructed the shop and structure of building at part of R.S. Dag no. 157, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas which falls within the EKW area without any permission from EKWMA. The afore-mentioned work is illegal and violates the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017.

Hence, the violator is directed to restore the land to its original character or mode of use within 30 days of receiving the Reasoned Order and submit a completion report within next 7 days to this office or else action shall be taken in accordance with law.

This issues with the approval of Member Secretary, EKWMA.

Chief Technical Officer, EKWMA

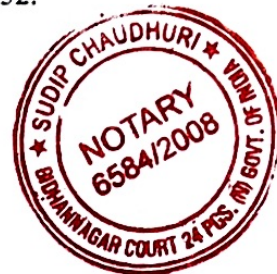


No: S12(8)-CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Copy forwarded for your information and necessary action to:

1. Sri Pabitra Sardar, S/o. Sri Pabitra Sardar, Proprietor of Radhe Shyam Builders, A/35, Sukanta Park, Vill. Atghara, P.O. Dhalua, P.S.-Narendrapur, Kolkata-700152.
2. District Magistrate, South 24 Parganas.
3. Block Development Officer, Sonarpur block.
4. Superintendent of Police, Baruipur Police District.
5. The Inspector-in-Charge, P.S. Narendrapur, Baruipur Police District.
6. Pradhan, Kheadaha-II Gram Panchayat.
7. P.S. to Minister-In-Charge, Environment Department.
8. P.S. to Principal Secretary, Environment Department.



Technical Officer, EKWMA

Photographs of the part of RS Dag No.157, Mouza- Atghara, JL No.5, P.S. Narendrapur, Dist. South 24 Parganas
(Reference coordinates of the site: 22°29'11.35"N, 88°25'24.95"E)



NOTARY
 6584/2008
 STIP CHAUDHURY
 NARENDRAPUR COURT 24 PGS.



Government of West Bengal
Department of Environment
East Kolkata Wetlands Management Authority
 Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106
 Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com



No: 513 -CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Reasoned Order of illegal construction of two numbers of three storey residential buildings at part of R.S. Dag no. 156, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas.

Introduction:

One complaint was received from Mr. Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 violating the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with the staffs of P.S. Narendrapur conducted a field inspection on 23.06.2023. During field inspection, it was noticed that two numbers of three storey residential building have been constructed by filling up water body at part of R.S. Dag no. 156, L.R. Dag No. 234, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas. At the time of inspection, upon preliminary enquiry the name of Sri Sanjib Mondal came up who is involved in the above-said illegal construction. The above said R.S. Dag no. 156 is classified as *Beel* as per Record of Rights (RoR).

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.

In view of the above, the Chief Technical Officer, EKWMA circulated a notice concerned police authorities and pasted the notice upon the above said illegal structure letter no. 409-CTO/EN/200(8)/2022-2023 dated 13.10.2023 with a direction to stop the illegal constructions and appear for hearing on 07.11.2023 and also to show cause why legal action should not be initiated against him for violating the provision(s) of the said laws. The copy of notice was also forwarded to the Inspector-in-charge, Narendrapur Police Station and Superintendent of Police, Baruipur Police District to stop the said illegal constructions. Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat was requested vide the same notice to take action to stop the illegal construction works.

Hearing:

On 07.11.2023, Sri Sanjib Mondal attended the hearing and admitted that he had constructed the said two numbers of three storey building at part of R.S. Dag no. 156, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas without any permission from EKWMA. He stated that he got sanctioned building plan from local panchayat body. However, neither sanctioned building plan nor deed and parcha was submitted at the time of hearing. Therefore, EKWMA asked to Sri Sanjib Mondal to provide sanctioned building plan, deed and parcha within seven days of hearing to this office. However, no documents have been submitted as on 21.11.2023.

Existing Laws:

According to Section 9 of the EKW (C&M) Act of 2006 notwithstanding anything contained in any law for the time being in force, every person holding any land in the East Kolkata Wetlands shall maintain such land in a manner that its area is not diminished, or character is not changed except with the prior sanction of the Authority.

From 04.12.2010 East Kolkata Wetlands (EKW) being a Ramsar site came under the purview of the Wetlands (Conservation and Management) Rules, 2010 under the Environment (Protection) Act, 1986 notified by the Government of India.

In the year 2017, the Wetlands (Conservation and Management) Rules, 2010 were superseded by the Wetlands (Conservation and Management) Rules, 2017. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing industries and conversion for non-





wetland uses including encroachment of any kind within East Kolkata Wetlands (being Ramsar Site) are prohibited.



The Hon'ble Calcutta High Court vide Order dated 25.07.2023 in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. -Vs- The State of W.B. & Ors.) in para 8 of the order directed that, " *the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the cost be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels.*"

Conclusion:

Taking into considering all the aspects, the Chief Technical Officer, EKWMA is of the opinion that the violator illegally constructed the two numbers of three storey building at part of R.S. Dag no. 156, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas which falls within the EKW area without any permission from EKWMA. The aforementioned work is illegal and violates the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017.

Hence, the violator is directed to restore the land to its original character or mode of use within 30 days of receiving the Reasoned Order and submit a completion report within next 7 days to this office or else action shall be taken in accordance with law.

This issues with the approval of Member Secretary, EKWMA.


 Chief Technical Officer, EKWMA


No: 519(8) -CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Copy forwarded for your information and necessary action to:

1. Sri Sanjib Mondal, Vill. Atghara, Jelevery, P.O. Dhalua, P.S.-Narendrapur, Kolkata-700152.
2. District Magistrate, South 24 Parganas.
3. Block Development Officer, Sonarpur block.
4. Superintendent of Police, Baruipur Police District.
5. The Inspector-in-Charge, P.S. Narendrapur, Baruipur Police District.
6. Pradhan, Kheadaha-II Gram Panchayat.
7. P.S. to Minister-In-Charge, Environment Department.
8. P.S. to Principal Secretary, Environment Department.




Technical Officer, EKWMA

CS

Photographs of the part of RS Dag No.156, Mouza- Atghara, JL No.5, P.S. Narendrapur, Dist. South 24 Parganas
(Reference coordinates of the site: 22°29'08.07"N, 88°25'19.34"E)





Government of West Bengal
Department of Environment
East Kolkata Wetlands Management Authority
 Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106
 Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com



No: 519 -CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Reasoned Order of illegal construction of two storey building at part of R.S. Dag no. 157, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas.

Introduction:

One complaint was received from Mr. Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 violating the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with the staffs of P.S. Narendrapur conducted a field inspection on 23.06.2023. During field inspection, it was noticed that a two storey residential building has been constructed illegally by filling up of water body at part of R.S. Dag no. 157, L.R. Dag No. 226, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas. At the time of inspection, upon preliminary enquiry the name of Sri Subrata Mondal came up who is involved in the above-said illegal construction. The above said R.S. Dag no. 157 is classified as *Beel* as per Record of Rights (RoR).

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.



In view of the above, the Chief Technical Officer, EKWMA circulated a notice through concerned police authorities and pasted the notice upon the above said illegal structure through letter no. 402-CTO/EN/200(8)/2022-2023 dated 13.10.2023 with a direction to stop the illegal constructions and appear for hearing on 02.11.2023 and also to show cause why legal action should not be initiated against him for violating the provision(s) of the said laws. The copy of notice was also forwarded to the Inspector-in-charge, Narendrapur Police Station and Superintendent of Police, Baruipur Police District to stop the said illegal constructions. Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat was requested vide the same notice to take action to stop the illegal construction works.

Hearing:

On 02.11.2023, Sri Subrata Mondal attended the hearing and admitted that he had constructed the said two storey building for residential purpose at part of R.S. Dag no. 157, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas without any permission from EKWMA as well as local panchayat body. He stated that he purchased the land in the year of 2021 from Sri Subhas Das, Sri Tapan Panja, Sri Ripon Haoladar and Sri Shumangal Dhali. At the time of purchase, there was an existing R.T. shed structure having 100 sq.ft area no water was present at the said plot. He informed that though the land is recorded as beel in ROR the land is mentioned as bastu in his deed.

Existing Laws:

According to Section 9 of the EKW (C&M) Act of 2006 notwithstanding anything contained in any law for the time being in force, every person holding any land in the East Kolkata Wetlands shall maintain such land in a manner that its area is not diminished, or character is not changed except with the prior sanction of the Authority.

From 04.12.2010 East Kolkata Wetlands (EKW) being a Ramsar site came under the purview of the Wetlands (Conservation and Management) Rules, 2010 under the Environment (Protection) Act, 1986 notified by the Government of India.

In the year 2017, the Wetlands (Conservation and Management) Rules, 2010 were superseded by the Wetlands (Conservation and Management) Rules, 2017. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing industries and conversion for non-



wetland uses including encroachment of any kind within East Kolkata Wetlands (Being a Ramsar Site) are prohibited.



The Hon'ble Calcutta High Court vide Order dated 25.07.2023 in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. -Vs- The State of W.B. & Ors.) in para 8 of the order directed that, " *the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the cost be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels.*"

Conclusion:

Taking into considering all the aspects, the Chief Technical Officer, EKWMA is of the opinion that the violator illegally constructed the two storey building at part of R.S. Dag no. 157, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas which falls within the EKW area without any permission from EKWMA. The afore-mentioned work is illegal and violates the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017.

Hence, the violator is directed to restore the land to its original character or mode of use within 30 days of receiving the Reasoned Order and submit a completion report within next 7 days to this office or else action shall be taken in accordance with law.

This issues with the approval of Member Secretary, EKWMA.

Chief Technical Officer, EKWMA


No: 511(8)-CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Copy forwarded for your information and necessary action to:

1. Sri Subrata Mondal, S/o. Sri Subhas Mondal, Vill - Atghara, P.O. Dhalua, PS Narendrapur, Pin-700152.
2. District Magistrate, South 24-Parganas.
3. Block Development Officer, Sonarpur Block.
4. Superintendent of Police, Baruipur Police District.
5. The Inspector-in-Charge, P.S. Narendrapur, Baruipur Police District.
6. Pradhan, Kheadaha-II Gram Panchayat.
7. P.S. to Minister-In-Charge, Environment Department.
8. P.S. to Principal Secretary, Environment Department.



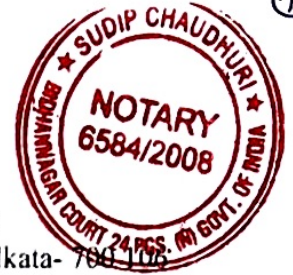

Technical Officer, EKWMA

Photographs of the part of RS Dag No.157, Mouza- Atghara, JL No.5, P.S. Narendrapur, Dist. South 24 Parganas
(Reference coordinates of the site: 22°29'07.90"N, 88°25'29.02"E)





Government of West Bengal
Department of Environment
East Kolkata Wetlands Management Authority
 Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106
 Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com



No: **SIS** -CTO/EN/200(8)/2022-2023

Date: 22.12.2023

Reasoned Order of illegal construction of two storey building at part of R.S. Dag no. 156, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas.

Introduction:

One complaint was received from Mr. Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 violating the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with the staffs of P.S. Narendrapur conducted a field inspection on 23.06.2023. During field inspection, it was noticed that a two storey residential building has been constructed illegally by filling up of water body at part of R.S. Dag no. 156, L.R. Dag No. 234, Mouza-Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas. At the time of inspection, upon preliminary enquiry the name of Sri Ujjawal Majumder came up who is involved in the above-said illegal construction. The above said R.S. Dag no. 156 is classified as *Beel* as per Record of Rights (RoR).

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.

In view of the above, the Chief Technical Officer, EKWMA circulated a notice through concerned police authorities and pasted the notice upon the above said illegal structure vide letter no. 412-CTO/EN/200(8)/2022-2023 dated 13.10.2023 with a direction to stop the illegal constructions and appear for hearing on 07.11.2023 and also to show cause why legal action should not be initiated against him for violating the provision(s) of the said laws. The copy of notice was also forwarded to the Inspector-in-charge, Narendrapur Police Station and Superintendent of Police, Baruipur Police District to stop the said illegal constructions. Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat was requested vide the same notice to take action to stop the illegal construction works.



Hearing:

On 07.11.2023, Sri Ujjawal Majumder attended the hearing and admitted that he had constructed the said two storey building for residential purpose at part of R.S. Dag no. 156, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas without any permission from EKWMA as well as local panchayat body. He stated that he purchased the land in the year of 2018 from Sri Harjit Singh Hanspal. At the time of purchase, there was no water present at the land. A tally shed structure having 100 sq.ft area was existing. He informed that though the land is recorded as beel in ROR the land is mentioned as bastu in his deed.

Existing Laws:

According to Section 9 of the EKW (C&M) Act of 2006 notwithstanding anything contained in any law for the time being in force, every person holding any land in the East Kolkata Wetlands shall maintain such land in a manner that its area is not diminished, or character is not changed except with the prior sanction of the Authority.

From 04.12.2010 East Kolkata Wetlands (EKW) being a Ramsar site came under the purview of the Wetlands (Conservation and Management) Rules, 2010 under the Environment (Protection) Act, 1986 notified by the Government of India.

In the year 2017, the Wetlands (Conservation and Management) Rules, 2010 were superseded by the Wetlands (Conservation and Management) Rules, 2017. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing industries and conversion for non-



wetland uses including encroachment of any kind within East Kolkata Wetlands (being a Ramsar Site) are prohibited.

The Hon'ble Calcutta High Court vide Order dated 25.07.2023 in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. -Vs- The State of W.B. & Ors.) in para 8 of the order directed that, "*the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the cost be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels.*"

Conclusion:

Taking into considering all the aspects, the Chief Technical Officer, EKWMA is of the opinion that the violator illegally constructed the two storey building at part of R.S. Dag no. 156, Mouza- Atghara, J.L. No. 5, P.S. Narendrapur, Dist. South 24-Parganas which falls within the EKW area without any permission from EKWMA. The afore-mentioned work is illegal and violates the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017.

Hence, the violator is directed to restore the land to its original character or mode of use within 30 days of receiving the Reasoned Order and submit a completion report within next 7 days to this office or else action shall be taken in accordance with law.

This issues with the approval of Member Secretary, EKWMA.


Chief Technical Officer, EKWMA




No: 515(8) -CTO/EN/200(8)/2022-2023

Date: 22 .12.2023

Copy forwarded for your information and necessary action to:

1. Sri Ujjawal Majumder, S/o. Sri Nirmal Majumder, Lakevillage, Vill - Atghara, P.O. Dhalua, PS Narendrapur, Pin-700152.
2. District Magistrate, South 24-Parganas.
3. Block Development Officer, Sonarpur Block.
4. Superintendent of Police, Baruipur Police District.
5. The Inspector-in-Charge, P.S. Narendrapur, Baruipur Police District.
6. Pradhan, Kheadaha-II Gram Panchayat.
7. P.S. to Minister-In-Charge, Environment Department.
8. P.S. to Principal Secretary, Environment Department.




Technical Officer, EKWMA

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Photographs of the part of RS Dag No.156, Mouza- Atghara, JL No.5, P.S. Narendrapur, Dist. South 24 Parganas
(Reference coordinates of the site: 22°29'12.33"N, 88°25'18.68"E)



INDIA
NOTARY
6584/2008
SUDIP CHAUDHURI
BIDHANNAGAR



East Kolkata Wetlands Management Authority EKWMA <ctoekwma@gmail.com>

Submission of completion report against mentioned reasoned order(s)

1 message

Arup Mandal <mandalarup86@gmail.com>

7 April 2024 at 22:52

To: "ctoekwma@gmail.com" <ctoekwma@gmail.com>

Respected sir/madam,

In reference to the order number 506-CTO/EN/200(8)/2022-2023 dated 22/12/2023 and 049-CTO/EN/200(8)/2022-2023 dated 25/01/2024 (order copies are attached), it was hereby informed that I had to demolish the residential house and restore the land in its previous condition, mentioned in the deed within 30th April, 2024.

Please find herewith the attached photos and videos from where it is confirmed that I have completed my job i.e., completely demolished my residential house within due time. You can send your representative to verify it.

In this regard, I am requesting to issue a clean chit report in favour of me and allow me to sell the land to overcome my financial crisis.

[Note: Hard copy will also be submitted in your department within few working days]

With regards,

Arup Mandal

S/o. Banshi Dhar Mandal

Lake Village 2

Vill- Atghara, P.O. Dhalua, PS Narendrapur

Kolkata-700152



My new address of correspondence: mail- mandalarup86@gmail.com

phone- 9475977545

17 attachments



3.jpg
122K



Government of West Bengal
Department of Environment
East Kolkata Wetlands Management Authority
 Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106
 Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com

No: 234 -CTO/EN/200(8)/2022-2023

Date: 23 .04.2024

From: Chief Technical Officer,
 East Kolkata Wetlands Management Authority

To: The District Magistrate,
 South 24-Parganas



DEMOLITION AND RESTORATION ORDER

Sub: Demolition of illegal constructions by filling up of water body at R.S.Dag Nos. 156 and 157, Mouza Atghara, J.L.No. 5 under P.S. Narendrapur, Dist.- South 24 Parganas.

Sir,

It had come to the notice of this office through one complaint letter received from Sri Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 under P.S. Narendrapur, Dist.- South 24-Parganas violating the provision(s) of Section 9 of the East Kolkata Wetlands (Conservation & Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

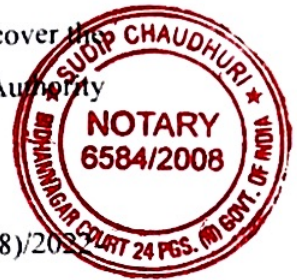
Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with local police authority conducted an inspection of the concerned site on 23.06.2023. During field inspection, it was noticed that several constructions of two or three storey residential buildings, go-down, shops have been undertaken by filling up of water body at part of R.S. Dag nos. 156 & 157, Mouza Atghara, J.L. No. 5 under P.S. Narendrapur, Dist. South 24-Parganas. Photographs with co-ordinates of the above-said constructions are attached herewith.

Any change of character or mode of use of land within the East Kolkata Wetlands is not permitted as per Section 9 of the East Kolkata Wetlands (Conservation & Management) Act, 2006. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing



industries and conversion for non-wetland uses including encroachment of any kind within East Kolkata Wetlands (being a Ramsar Site) are prohibited. So these above-mentioned construction works are noted to have been done illegally by violating provision(s) of the above said laws.

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.



Nine notices vide no. 402-CTO/EN/200(8)/2022-2023, 403-CTO/EN/200(8)/2022-2023, 404-CTO/EN/200(8)/2022-2023, 405-CTO/EN/200(8)/2022-2023, 408-CTO/EN/200(8)/2022-2023, 409-CTO/EN/200(8)/2022-2023, 410-CTO/EN/200(8)/2022-2023, 411-CTO/EN/200(8)/2022-2023 and 412-CTO/EN/200(8)/2022-2023 dated 13.10.2023 were circulated and pasted upon the above said structures by the staffs of EKWMA along with the help local police authority with a direction to stop the illegal construction and appear for hearing on 02.11.2023 and 07.11.2023 and also to show cause why legal action should not be initiated against them for violating the provision(s) of the said laws. The copy of notices were also forwarded to the Inspector-in-charge, Narendrapur Police Station, Superintendent of Police, Baruipur Police District to identify the violators and serve the notice and stop the said illegal construction works. Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat were requested vide the same notice to take action to stop the illegal construction works.

On 02.11.2023 and 07.11.2023 the persons namely Sri Deo Kumar Shah, Sri Goutam Das, Sri Jagannath Pal, Sri Jitendra Khera, Sri Mritunjay Mal, Sri Pabitra Sarkar, Sri Sanjib Mondal, Sri Subrata Mondal, Sri Ujjal Majumdar attended the hearing and admitted that they had constructed the illegal buildings, go-down and shops at part of concerned R.S. Dag Nos. 156 and 157, Mouza Atghrara, J.L. No. 5 under P.S. Narendrapur, Dist.- South 24 Parganas without any permission from EKWMA.

After giving the hearing opportunity, EKWMA issued a Reasoned Order in the name of above said persons vide no. 507-CTO/EN/200(8)/2022-2023, 508-CTO/EN/200(8)/2022-2023, 509-CTO/EN/200(8)/2022-2023, 510-CTO/EN/200(8)/2022-2023, 511-CTO/EN/200(8)/2022-2023, 512-CTO/EN/200(8)/2022-2023, 513-CTO/EN/200(8)/2022-2023, 514-CTO/EN/200(8)/2022-2023 and 515-CTO/EN/200(8)/2022-2023 dated 22.12.2023 with a direction to restore the land to its original character or mode of use within 30 days of receiving the Reasoned Order. Till date, the Reasoned Orders are not complied with by the above-mentioned persons.

In view of the above, I am directed to request you to undertake the demolition of the said illegal constructions and restoration of the land to its original status within 60 days from the date of revoking the order of model code of conduct and recover the cost from the violators as arrears of land-revenue. You are also requested to send a compliance report to this office for intimation.

Yours faithfully,


Chief Technical Officer, EKWMA

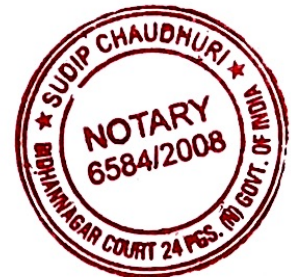
Encl: As stated above.

No: 234 (7) -CTO/EN/200(8)/2022-2023

Date: 23.04.2024

Copy forwarded for your information and necessary action to:

1. Secretary, Panchayat and Rural Development Department.
2. Superintendent of Police, Baruiapur Police district.
3. Inspector-in-Charge, Narendrapur Police.
4. Block Development Officer, Sonarpur Block.
5. Pradhan, Kheadaha II Gram Panchayat.
6. P.S. to Minister-In-Charge, Environment Department.
7. P.S. to Additional Chief Secretary, Environment Department.




Technical Officer, EKWMA



2024, 13:00

Gmail - Request to provide with information about RS Dag Nos. 152(LR Dag no. 223) and 159(LR Dag no. 228) of Mouza Atg...



East Kolkata Wetlands Management Authority EKWMA <ctoekwma@gmail.com>

Request to provide with information about RS Dag Nos. 152(LR Dag no. 223) and 159(LR Dag no. 228) of Mouza Atghara, JL no. 5

1 message

East Kolkata Wetlands Management Authority EKWMA <ctoekwma@gmail.com>
To: Bllro Sonarpur <bllrosnp@gmail.com>
Cc: "Cc:" <ps.mic.env.wb@gmail.com>, psecy.env-wb@gov.in

2 July 2024 at 17:36

Sir/Madam,
please find the attached document.

—
Chief Technical Officer
East Kolkata Wetlands Management Authority



 **Letter No. 405.pdf**
354K



**Government of West Bengal
Department of Environment**

East Kolkata Wetlands Management Authority

Pranisampad Bhaban, 5th Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106

Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com

No: 405-EN/3C-05/2024

Date: 02.07.2024

From: Tripti Sah, IFS
Chief Technical Officer

To: The Block Land & Land Reforms Officer
Sonarpur
PS Narendrapur
Kolkata-700150
Email: blrosnp@gmail.com



Ref: 1. OA 01 No. 01/2024/EZ Ankur Sharma Vs. The State of West Bengal & Others
2. Committee Report vide Memo No. 662/BLR-SNP/2023 dt. 16.02.2024


Sub: Request to provide with information about RS Dag nos. 152 (LR Dag no. 223) and 159 (LR Dag no. 228) of Mouza Atghara, JL no. 5

Sir,

With reference to the above this is to inform you that East Kolkata Wetlands Management Authority (EKWMA) has initiated action against the illegal constructions mentioned in the Committee Report dt. 16.02.2024 in Mouza Atghara, JL no. 5 in a phase-wise manner.

From the said Report it transpires that there are several illegal constructions in each of the Dag number. Thus, in the first phase, you are requested to provide the EKWMA with the name of the owners, geographic coordinates of the plots of violations and photographs of the illegal constructions that are mentioned in the Committee Report against the RS Dag no. 152 (corresponding LR Dag no. 223) and RS Dag no. 159 (corresponding LR Dag no. 228) within seven days for further necessary action at this end.

Yours sincerely,


Chief Technical Officer

Date: 02.07.2024

No: 405-EN/3C-05/2024

Copy to:

1. The PS to the Hon'ble Minister-in-Charge, Environment Department
2. The PS to Additional Chief Secretary, Environment Department


Chief Technical Officer