

S.L. No. 129 (129)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA  
ORIGINAL APPLICATION NO. 01/2024/EZ



In the matter of :

Ankur Sharma

..... Applicant

Versus

The State of West Bengal & Ors.

..... Respondents

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO  
THE THREE AFFIDAVITS FILED ON BEHALF OF THE RESPONDENT  
NOS. 09, 15 and 23.**

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Ankur Sharma

Ankur Sharma

(Applicant in person)

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18 SEP 2024

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I, Ankur Sharma, the Applicant aged about 27 years by occupation Advocate residing at 13/3, Dr. P.K. Banerjee Road, Howrah - 711101 do hereby solemnly affirm and state as under :

1. I am the Applicant in the abovementioned Original Application. I have obtained copies of all three separate Affidavits filed by the Respondent no. 09 dated 29.07.2024, Respondent no. 15 dated 15.05.2024, and Respondent no. 23 dated 29.07.2024 from the website of the Hon'ble National Green Tribunal. I have gone through the contents and purports of the same and after being satisfied that all three Affidavits are mostly same and identical I file this single Affidavit-in-Rejoinder in connection with all of them to reduce volume of records of this Original Application.
2. I deny the contents and averments made in the Affidavits on behalf of the Respondent Nos. 09, 15 and 23 that are contrary to and/or inconsistent with anything stated in the abovementioned Original Application and the present Affidavit in Rejoinder.

3. During first two hearings (after admission) on 14.02.2024 and on 08.04.2024 the same Ld. Counsel appeared for all the three Respondents viz. Respondent no. 9 the local gram panchayet, Respondent no. 15 and Respondent no. 23 the private respondents.

4. Now I shall deal with Affidavit in seriatim :

i) As regards paragraph nos. 1, 2, and 3 of all the three Affidavits I say that the statement made therein are in copy paste mode including same and identical errors in all three separate Affidavits and the same does not require any specific reply.

ii) As regards paragraph no. 4 of the said three Affidavits I deny and dispute all contents, contentions, averments, statements and allegations made therein by the Deponents of the said three Affidavits. I specifically deny the statement in all three separate Affidavits that the statements made in the Application are totally baseless, misconceived, false, mala fide calculated to harass and cause prejudice and aimed at attempting to arm twist the three respective Respondents into meeting the unjust and unlawful claims and demands of the Applicant I put each of the three concerned Respondents to strictest proof of their allegations. The Hon'ble Tribunal may graciously be pleased to direct the concerned three Respondents to produce copy of F.I.R's against the Applicant for his alleged unlawful claims and demands filed by the respective Respondents as falsely claimed by them.

I also say that the statements made therein are in copy paste mode and due to such copy paste mode the Affidavit of Respondent no. 23 contains the words 'Respondent no. 15' in line 4 of paragraph no. 4.

iii) As regards paragraph no. 5 (a) of the Affidavits filed by the Respondent nos. 15 & 23 I deny and dispute all contents, contentions, averments statements and allegations made

Respondent no. 9 I say that since there is an allegation



therein. On contrary I reiterate that they have been indulged in filling the impugned wetlands.

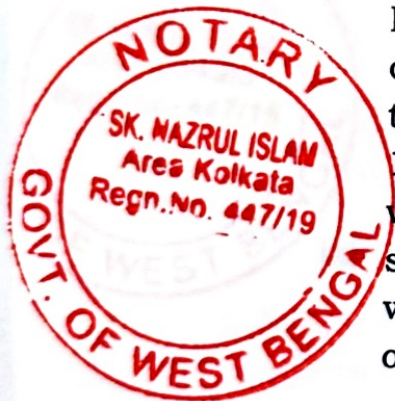
iv) As regards paragraph 5 (a) of the Affidavit filed by Respondent no. 9 I deny the statement that the Respondent no. 9 is nowhere connected with the contents of paragraph no. 1 to 7 of the Original Application. On contrary I say that the Panchayet is a functionary of the state and hence duty bound to protect wetlands and water bodies located within its jurisdiction. I also say that the Report of the committee constituted by this Hon'ble Tribunal clearly states that bituminous roads were found constructed in the impugned area and maintained by the local panchayet which proves how the Panchayet joined hands with land sharks like the Respondent nos. 15 & 23 to destroy ecology of the East Kolkata Wetlands and helped land sharks to lure probable small potential property buyers by showing bituminous access roads maintained by the Panchayet.

v) As regards paragraph no. 5 (b) of the Affidavits filed by the Respondent nos. 15 & 23 I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary I say that the name of Respondent no. 15 is very famous in the local area of the site and during the visit of the Applicant to the wetlands on 09.06.2023 he secured the name of the Respondent no. 15 from the site which was corroborated by a news article published in online edition of the Telegraph on 10.05.2017.

The name of Respondent no. 23 is clearly mentioned in the Deed attached with the Original Application and showing how he is selling the wetlands on behalf of the owners by falsely stating in the deed wetland as "bastu" land. I reiterate that they have been indulged in filling the impugned wetlands.

A photocopy of the said news article is annexed herewith and marked by the letter and figure 'A-1'.

vi) As regards paragraph 5 (b) of the Affidavit filed by Respondent no. 9 I say that since there is an allegation



against the respondent no. 9 of extending illegal favour to land sharks by maintaining bituminous roads upon the wetlands making themselves an offender I did not choose to lodge the complaint with the offender itself.

- vii) As regards paragraph no. 5 (c) of the Affidavits filed by the Respondent nos. 15 & 23 I deny and dispute all contents, contentions, averments, statements and allegations made therein. On contrary I say that they have again adopted copy paste mode. The Respondent nos. 15 & 23 are well connected with the allegation made in paragraph nos. 13 to 30 of the Original Application since they are filling up and selling wetlands as solid bastu land.
- viii) As regards paragraph no. 5 (c), 5(d) and 5(e) of the Affidavit filed by Respondent no. 9 I deny and dispute all contents, contentions, averments, statements and allegations made therein. On contrary I say that the report of the Committee clearly states that bituminous roads were found at the site which were maintained by the local panchayet. The Respondent no. 9 is also silent how numerous buildings were constructed under its nose tip by filling wetlands forming part of East Kolkata Wetlands with or without their sanctioned building plan.
- ix) As regards paragraph no. 6 of the Affidavit filed by the Respondent nos. 15 & 23 I deny and dispute all contents, contentions, averments, statements and allegations made therein. On contrary I reiterate that the Respondent no. 15 & 23 are filling up wetlands. The Committee already discovered upon inspection at the impugned site that the wetlands are being rampantly filled up and constructions are made. Therefore, mere filling and their selling off is no way less illegal in nature than raising constructions on disputed wetlands.
- x) Due to copy paste method adopted by the Respondent no. 09 the deponent missed to note that she skipped writing paragraph no. 6 and straight away jumped to paragraph no. 7 after paragraph no. 5.



xi) As regards paragraph nos. 7 & 8 of all the three Affidavits filed by the Respondent nos. 09, 15 and 23 I reiterate that same copy paste method has been adopted by Respondent nos. 9, 15 and 23. I deny that the Respondents are nowhere connected with the Original Application.

In view of what is stated herein above, I humbly pray before this Hon'ble Tribunal to pass necessary orders.

Solemnly affirmed at Kolkata

On this 18<sup>th</sup> day of September, 2024

Ankur Sharma  
Applicant



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

*[Signature]*  
Notary

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

Identified by  
Ayushi Kakarasia  
F/498/371/2021

VERIFICATION

18 SEP 2024

I, Ankur Sharma, the abovenamed Applicant do hereby verify that the contents of the above Affidavit in Rejoinder are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

Verified at Kolkata on this day of 18<sup>th</sup> day of September, 2024.

Ankur Sharma  
Applicant

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# The Telegraph *online*

Wednesday, 18 September 2024

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Home / West Bengal / 11 held for water body fill-up

## 11 held for water body fill-up

Eleven people were arrested today on the charge of illegally filling up a huge water body within the East Calcutta Wetlands area, where a Calcutta High Court order prohibits any change in land use.

Jayanta Basu

Published 10.05.17, 12:00 AM



# The Telegraph *online*



**May 9:** Eleven people were arrested today on the charge of illegally filling up a huge water body within the East Calcutta Wetlands area, where a Calcutta High Court order prohibits any change in land use.

**Metro** had on May 8 (see picture) reported that the 15-acre water body - Heder Bheri - behind the Rabindranath Tagore International Institute of Cardiac Sciences in Mukundapur, off the Bypass, had been filled to create hundreds of plots for sale under a realty project called Prothoma Garden by Biswajit Enterprises.

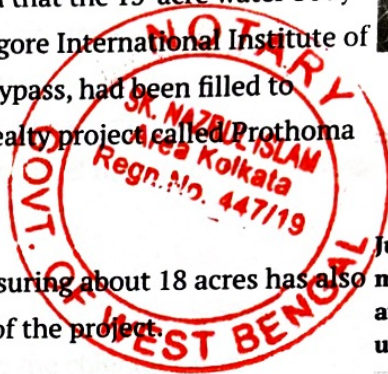
An adjacent piece of agricultural land measuring about 18 acres has also been illegally converted into plots as part of the project.

"We have rounded up 11 people linked to the illegal filling up of a water body and sale of plots created through the landfill," said Paresh Chandra Roy, officer-in-charge, Sonarpur police station.

Roy said the 11 had been held under Section 18 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 - a cognisable and non-bailable section with a provision of a maximum of three years' imprisonment and/or fine of up to Rs 1 lakh.

Two other accused, Motilal Mondal and Biswajit Biswas, have been absconding since the report on the landfill appeared, the police said.

Mondal and Biswas were named in an FIR the East Calcutta Wetlands Management Authority, chaired by environment minister and mayor Sovan Chatterjee, had filed at Sonarpur police station on April 24.



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"We will take the required action," Chatterjee had told this newspaper.

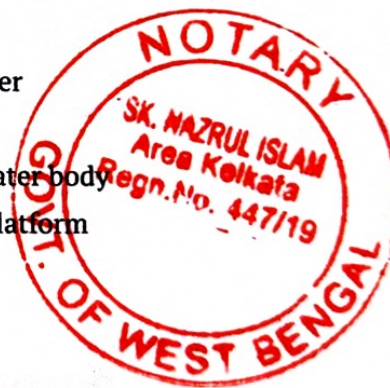
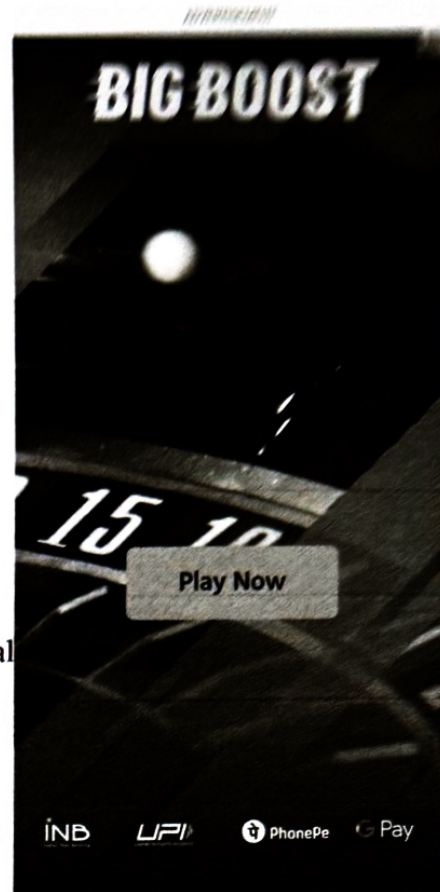
Apart from the high court order, the Prothoma Garden project violates the stipulation of the wetlands act that a water body can only be filled up if a water body of equivalent dimension is created with the permission of the authority.

Residents of the area said the filling up of Heder Bheri had started in 2016 and the plots were being readied since the end of last year.

When **Metro** visited the area recently posing as a prospective buyer, it found the project site surrounded by an 8ft-high wall. Members of a local club said the plots were being sold at Rs 7 lakh a cottah and promised a "hassle-free" construction as the promoters would arrange all requisite documents.

More than 2,000 school children, calling themselves "Amateur Ecologists", wrote to the environment minister today opposing the filling up of water bodies and illegal construction within the wetlands, reminding him of his promise of not allowing a single water body to disappear from the area. The children mentioned the Heder Bheri fill-up in the letter.

"The Mukundapur violation shows that the entire system is either corrupt or ineffective. We will soon write to the chief minister, requesting her to intervene in the matter and ensure that the water body is restored at the earliest," said Naba Dutta, secretary of green platform Sabuj Mancha.



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