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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 88/2024/EZ

BINAY BASFORE

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

REPORT ON AFFIDAVIT FILED BY THE WEST
BENGAL POLLUTION CONTROL BOARD.

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Filed by

SIBOJYOTI CHAKRABARTI
ADVOCATE

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BENGAL POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60
years, by faith-Hindu, Occupation- Service, residing at
Narkelbagan, Gorosthan, Chinsurah, District - Hooghly, do
hereby solemnly declare and say as follows:-

16 AUG 2024

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01. That, I am the Officer on Special Duty (OSD), West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 13, to affirm this Affidavit on its behalf and as such, I am competent to do so.

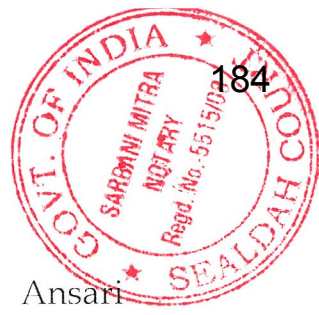
02. That, this affidavit is being affirmed in pursuant to the order passed by this Hon'ble Tribunal dated 01.05.2024.

03. That, in compliance to the order of the Hon'ble National Green Tribunal dated 01.05.2024, the official of the State Board visited the said site of Mouza -Banipur, Vill. Katshiri-Banipur, P.O. Banipur, Howrah, Pin 711304 on 02/07/2024 between 16:30 hrs. to 17:00 hrs.

04. That, from the said inspection conducted on 02.07.2024, the Inspecting official of the State Board made the following observation:

16 AUG 2024

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- Alleged land owned by Mohammad Moinuddin Ansari (Respondent no.12) is situated at Mouza -Banipur, Vill. Katshiri-Banipur, P.O. Banipur, P.S. Sankrail, Howrah, Pin 711304. As per land record shown by Mohammad Moinuddin Ansari, land particulars are LR Dag No 305/477, 305 and 306, LR Khatian No. 1128 & JL No. 32, Mouza-Banipur. Total area of said pieces of land is 0.35 acre.
- As per land record, character of the parcels of land are:
LR Dag no. 305 of area 0.2 acre is "Pukur", LR Dag No. 305/477 of area is 0.10 acre is "Pukur Par" and LR Dag no 306 of area is 0.05 acre is "Bastu".
- All the above land of Mohammad Moinuddin Ansari (Respondent no.12) demarcated by brick built boundary wall of height approx. 7 ft. The said plot is surrounded by residential houses. Local road is passing along eastern boundary of the said plot. North -Eastern side of the said land has bamboo fencing and no accumulation of water was observed at that side. The said land except North -Eastern side as mentioned above is completely filled-up with water

16 AUG 2024

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hyacinth and tall grass. It appears during inspection that no filling activity was done in recent past.

- That, further, from the inspection it came to the knowledge of the Inspecting officer of the State Board that Razia Sultana wife of Mohammad Moinuddin Ansari (Respondent no.12) that boundary wall was constructed in the year of 2021 to restrain illegal entry as well as dumping of domestic waste in the said premises.

Copy of the inspection report of the State Board is annexed herewith and marked with letter "R".

05.It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.



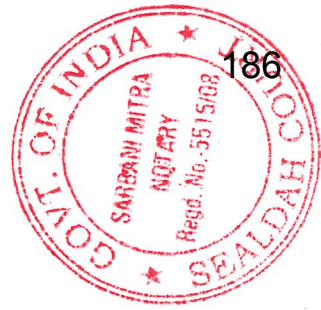
DEPONENT

16 AUG 2024



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VERIFICATION



I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 years, by Religion - Hindu, by Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District-Hooghly, do hereby solemnly declare and say as follows:-

1. That, I am the Officer on Special Duty (OSD), West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.
2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.
3. That, the statements made in paragraphs 2 to 4 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.

Sibojyoti Chakrabarti

Identified and corrected by me
Advocate
WBPCB

Sri Subrata Ghosh

DEPONENT

solemnly Affirmed &
Declared Before Me
On Identification By

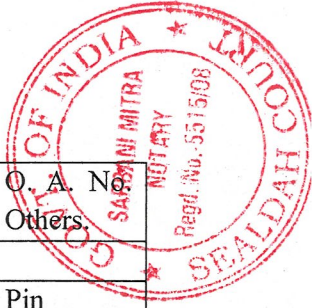
hm
SARBANI MITRA
NOTARY
Regd. No.-5515/08

16 AUG 2024

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R187

Inspection Report of filling up a Pond



Inspection Reference	: Order of Hon'ble NGT, dt. 01.05.2024 in connection with O. A. No. 88/2024/EZ -Sri Binay Basfore Vs The State of West Bengal & Others.
Name of the owner /site	: Mohammad Moinuddin Ansari (Respondent no.12)
Address	: Mouza -Banipur, Vill. Katshiri-Banipur, P.O. Banipur, Howrah, Pin 711304.
P.S.	: Sankrail
Local body	: Banipur 1 no. Gram Panchayet
Date & time of visit	: 02.07.2024; 16:30 hrs. to 17:00 hrs.
Visiting official	: Shri B.Tikader, AEE
Person met	: Razia Sultana wife of Mohammad Moinuddin Ansari (Respondent no.12)

Introduction & Background:

This is a complaint regarding illegal filling up a pond by Mohammad Moinuddin Ansari, owner of land about 20 decimals situated in LR Dag No 305/477, LR Khatian No. 1128 & JL No. 32, Mouza-Banipur, Vill. Katshiri-Banipur, P.O. Banipur, P.S. Sankrail, Howrah, Pin 711304.

Observation:

Alleged land owned by Mohammad Moinuddin Ansari (Respondent no.12) is situated at Mouza - Banipur, Vill. Katshiri-Banipur, P.O. Banipur, P.S. Sankrail, Howrah, Pin 711304. As per land record shown by Mohammad Moinuddin Ansari, land particular are LR Dag No 305/477, 305 and 306, LR Khatian No. 1128 & JL No. 32, Mouza-Banipur. Total area of said pieces land is 0.35 acre. As per land record, character of the parcels of land are given below -

- LR Dag no. 305 of area 0.2 acre is "Pukur"
- LR Dag No. 305/477 of area is 0.10 acre is "Pukur Par" and
- LR Dag no 306 of area is 0.05 acre is "Bastu"

All above land of Mohammad Moinuddin Ansari (Respondent no.12) demarcated by brick built boundary wall of height approx. 7 ft. The said plot is surrounded by residential houses. Local road is passing along eastern boundary of the said plot. North -Eastern side of the said land has bamboo fencing and no accumulation of water was observed at that side. The said land except North -Eastern side as mentioned above is completely filled-up with water hyacinth and tall grass. It appears during inspection that no filling activity was done in recent past.

Pictures taken during inspection are attached.

Other relevant information:

Razia Sultana wife of Mohammad Moinuddin Ansari (Respondent no.12) has informed during inspection that boundary wall was constructed in the year of 2021 to restrain illegal entry as well as damping of domestic waste in the said premises.

Signature of visiting official

R. Tikader
05/07/24

Pictures taken during inspection on 02.07.2024



Pic. 1 & 2 North -Eastern side of the said land where bamboo fencing



Pic. 3&4 The land is completely filled-up with water hyacinth and tall grass except North -Eastern side



Pic. 5&6 The land is demarcated by brick built boundary wall of height approx. 7 ft. and its is surrounded by residential houses


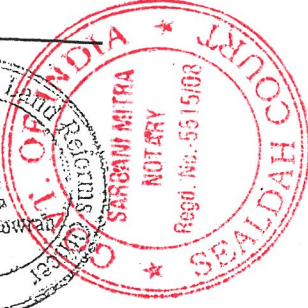
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হাওড়া খতিয়ান নং- ১১২৮ [০৫০৪০৩২]
 মোজা- বানীপুর জে.এল.নং- ৩২ খানা- সাঁকরাইল



(১) রাজস্ব- টাকা খতিয়ান ভেরির তারিখ - 06/09/2019
 (২) জমির পরিমাণ(এ)- ০.৩৫ (৩) মোট দাগের সংখ্যা- ৩

	(৪) অগ্রস্বয়ের দখলকারের বিবরণ	(৫) স্বয়ং	(৬) মন্তব্য
নাম-	মইনুদ্দিন আনসারী	বায়ত	 
পিতা-	মহঃ হারিক		
ঠিকানা-	নিজ		

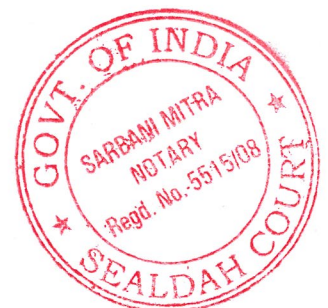
(৭) অগ্রস্বয়ের নিজ দখলীয় জমি

দাগ নং	জমির শ্রেণী	মন্তব্য	দাগের মোট পরিমাণ(এ)	দাগের মধ্যে অগ্রস্বয়ের অংশ	দাগের মধ্যে অগ্রস্বয়ের জমির অংশের পরিমাণ	একর	হেক্টর
৩০৫	পুকুর	আগত খং নং - 420	০.২০	১.০০০০	০.২০		
৩০৫/৪৭৭	পুকুর পাড়	আগত খং নং - 420	০.১০	০.৯৯৯৬	০.১০		
৩০৬	বাস্ত	আগত খং নং - 420 ঘর-1	০.০৫	০.৯৯৯৬	০.০৫	→ 4.778	2189

মোট দাগের সংখ্যা- তিন মাত্র

Authenticated
 Revenue Officer
 Sankrail, Howrah

District : Howrah		Khatian No. 1128		[0504032]		
Mouza – Banipur		J.L. No. 32		P.S. Sankrail		
1. Tax – Rs.		Khatian created on 06/09/2019				
2. Area of the Land – 0.35		3. Total Dag No. 3				
4. Description of the Possessor			5. Right		6. Remarks	
Name	Moinuddin Ansari		Raiyat			
Father/Husband	Md. Harik					
Address	Own					
7. Description of the Possessor						
Plot no.	Nature of land	Remarks	Total land Acre	Share of present Raiyat	Share of the land of the Raiyat	
					Acre	Hector
305	Pukur		0.20	1.000	0.20	
305/477	Pukur Par	Prev. Khatian No.420	0.10	0.9996	0.10	
306	Bastu	Prev. Khatian No.420	0.05	0.9996	0.05	
		Prev. Khatian No.420				
Total Dag Nos. 3						



X

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হাওড়া খতিয়ান নং- ১১২৮ [০৫০৪০৩২]
 মোজা- বানীপুর জে.এল.নং- ৩২ খানা- সাঁকরাইল



(১) রাজস্ব- টাকা খতিয়ান তৈরির তারিখ - 06/09/2019

(২) জমির পরিমাণ(এ)- ০.৩৫ (৩) মোট দাগের সংখ্যা- ৩

	(৪) অত্রস্বত্বের দখলকারের বিবরণ	(৫) স্বত্ব	(৬) মন্তব্য
নাম-	মইনুদ্দিন আনসারী	রায়ত	
পিতা-	মহঃ হারিক		
ঠিকানা-	নিজ		

(৭) অত্রস্বত্বের নিজ দখলীয়া জমি

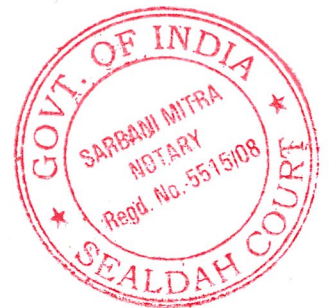
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৩০৫	পুকুর		০.২০	১.০০০০	০.২০		
৩০৫/৪৭৭	পুকুর পাড়	আগত খং নং - 420	০.১০	০.৯৯৯৬	০.১০		
৩০৬	বাস্ত	আগত খং নং - 420	০.০৫	০.৯৯৯৬	০.০৫		
		ঘর-১					

মোট দাগের সংখ্যা- তিন মাত্র



Authenticated
 Revenue Officer
 Sankrail, Howrah

District : Howrah		Khatian No. 1128		[0504032]		
Mouza – Banipur		J.L. No. 32		P.S. Sankrail		
1. Tax – Rs.		Khatian created on 06/09/2019				
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