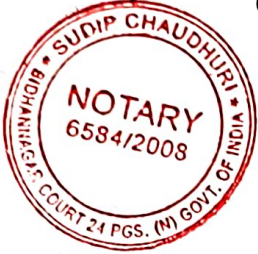


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BEFORE THE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 74/2024/EZ



Ram Gayan &amp; Ors.

Versus

The State of West Bengal &amp; Ors.

ACTION TAKEN REPORT FILED BY THE CHIEF TECHNICAL OFFICER, EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY, ENVIRONMENT DEPARTMENT, GOVERNMENT OF WEST BENGAL IN COMPLIANCE WITH ORDER DATED 13.08.2024 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA

INDEX

Sl No	Document	Annexure	Page
1.	Action Taken Report		1-7
2.	Annexure	R/1	8-9
3.	Annexure	R/2	10-11
4.	Annexure	R/3	12-13
5.	Annexure	R/4	14-15
6.	Annexure	R/5	16-17

Submitted

Advocate

Advocate,  
STATE OF WEST BENGAL

X

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 74/2024/EZ



Ram Gayan &amp; Ors.

Versus

The State of West Bengal &amp; Ors.

BEFORE THE NOTARY PUBLIC  
AT BIDHANNAGAR  
DIST.-NORTH 24 PARGANAS

ACTION TAKEN REPORT FILED BY THE CHIEF TECHNICAL OFFICER, EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY, ENVIRONMENT DEPARTMENT, GOVERNMENT OF WEST BENGAL IN COMPLIANCE WITH ORDER DATED 13.08.2024 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA

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

01 OCT 2024

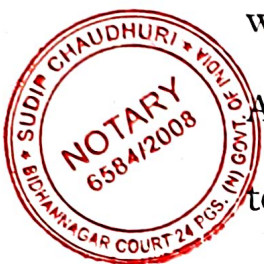
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1. That I am also holding the post of Chief Technical Officer, East Kolkata Wetlands Management Authority (hereinafter referred to as "EKWMA"), Department of Environment, Government of West Bengal. I have made myself acquainted with the facts and circumstance 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 Counter Affidavit before this Hon'ble Tribunal.

2. That this Affidavit is being affirmed pursuant to the solemn Order dated 13.08.2024 passed by this Hon'ble Tribunal.

3. It is respectfully submitted before this Hon'ble Tribunal that the EKWMA stated through the previous Counter Affidavit dt 09.08.2024 that action had already been taken against the unauthorized building constructions on RS Dag no. 440 and 447 of Mouza Bhagabanpur, JL no. 8. The EKWMA directed through the Demolition and Restoration order vide no. 388-CTO/EN/200(8)/2023-2024(Link-1) dt 27.06.2024 the District Magistrate of South 24 Parganas to undertake demolition of the unauthorized building on RS Dag no. 440 and restoration of the land to its previous status.



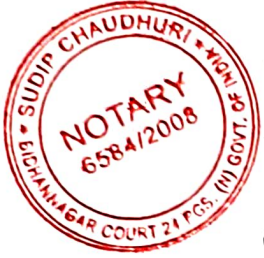
04 OCT 2024

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4. It is respectfully submitted before this Hon'ble Tribunal that the EKWMA also stated through its previous Counter Affidavit dt 09.08.2024 that the Authority had passed a Reasoned Order vide no. 389-CTO/EN/200(8)/2023-2024(Link-1) dt 27.06.2024 upon Shri Joyram Mondal with a direction to demolish the unauthorized structure of the building on RS Dag no 447 and restore the land to its original character or mode of use within 30 days. Contrarily, Shri Joyram Mondal has filed WPA No. 22417 of 2024 *Joyram Mondal Vs The State of West Bengal & Others* before the Hon'ble Calcutta High Court by challenging the Order dt 13.08.2024 passed by this Hon'ble Tribunal. He has also demanded to add him as a party respondent to the instant Original Application. The matter is awaiting hearing in the Hon'ble High Court.

5. It is respectfully submitted before this Hon'ble Tribunal that the EKWMA has conducted a field inspection on RS Dag no. 437, 438 and 439 of Mouza Bhagabanpur. Upon visiting RS Dag no. 437 it has been observed that a considerable portion of the said RS Dag number contains some water and weeds.

04 OCT 2024



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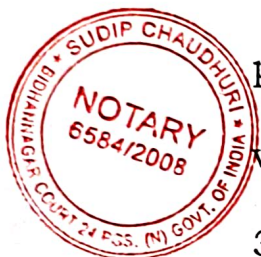
A copy of the field inspection report vide no. 071/FLD/EKWMA/2024 dt 24.09.2024 is annexed herewith and marked as Annexure **R/1**.

6. The EKWMA has conducted a field inspection on RS Dag no. 438 of Mouza Bhagabanpur and noticed that an unauthorized one-storey building has been constructed at part of the said RS Dag number. Through the hearing notice vide no. 615-CTO/EN/200(8)/2023-2024(Link-1) dt 30.09.2024 the EKWMA has provided an opportunity of hearing on 23.10.2024 to the violator/s of RS Dag no. 438 under Section 11 of East Kolkata Wetlands (Conservation and Management) Act, 2006.

A copy of the field inspection report no. 072/FLD/EKWMA/2024 dt 24.09.2024 and the hearing notice no. 615-CTO/EN/200(8)/2023-2024(Link-1) dt 30.09.2024 are annexed herewith and marked as Annexure **R/2** and Annexure **R/3** respectively.

7. It is respectfully submitted before this Hon'ble Tribunal that during the field inspection an unauthorized two-storey building has been found constructed over parts of three RS Dag nos. 438, 439 and 441 of Mouza Bhagabanpur. Through

04 OCT 2024



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the hearing notice vide no. 616-CTO/EN/200(8)/2023-2024(Link-1) dt 30.09.2024 the EKWMA has provided an opportunity of hearing on 23.10.2024 to the violator/s under Section 11 of East Kolkata Wetlands (Conservation and Management) Act, 2006.

A copy of the field inspection report no. 073/FLD/EKWMA/2024 dt 24.09.2024 and the hearing notice no. 616-CTO/EN/200(8)/2023-2024(Link-1) dt 30.09.2024 are annexed herewith and marked as Annexure **R/4** and Annexure **R/5**.

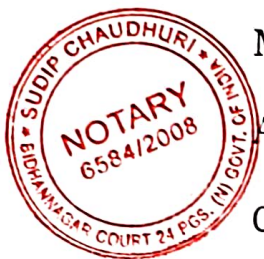
8. That the reply is true to my knowledge and belief, which I derive from the office records.

Identified by me  
*Sibajyoti Chakrabarti*  
 Advocate.  
 STATE OF WEST BENGAL 04.10.2024

*Tripti Saha*  
 04/10/24.  
 DEPONENT

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

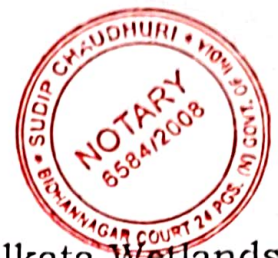
04 OCT 2024



SL. NO. 1151/20-24 X

BEFORE THE NOTARY PUBLIC  
AT BIDHANNAGAR  
DIST.-NORTH 24 PARGANAS

VERIFICATION



I, Mrs. Tripti Sah, Chief Technical Officer, East Kolkata Wetlands Management Authority, Department of Environment, Government of West Bengal do hereby verify that the statements made in paragraph no. 1 and 2 of this affidavit are true to the best of my knowledge and belief and the statements in paragraph nos. 3 to 8 of this affidavit are the information derived from the records of the office of East Kolkata Wetlands Management Authority, which I believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.

Verified at Kolkata this 04<sup>th</sup> day of October, 2024.

*[Faint signature of Tripti Sah]*

*Tripti Sah*  
DEPONENT

*Sibajyoti Chakrabarti*  
Identified and corrected by me 04.10.2024  
Advocate  
East Kolkata Wetlands Management Authority

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

04 OCT 2024

**EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY**  
ENVIRONMENT DEPARTMENT, GOVT. OF WEST BENGAL,  
Pranisampad Bhavan, 5<sup>th</sup> Floor, LB-2, Sector-III, Salt Lake, Kolkata- 700106

No. 071/FLD/EKWMA/2024

Date: 24.09.2024

Ref: Complaint was received from Ram Gayen and others, Vill. Uchhepota regarding water body filling and illegal construction on 18.01.2024

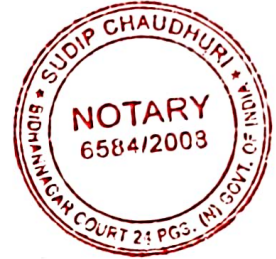
**FIELD INSPECTION REPORT**

**Inspection Date:** 20.09.2024

**Location:** RS Dag No.437, Mouza Bhagabanpur, JL No.8 under P.S. Narendrapur, Dist. South 24 Parganas. (Reference coordinates of the site: 22°30'18.91"N, 88°25'29.84"E)

**Persons Present during field inspection:**

- 1) Shri Shyamal Das, Technical Assistant, EKWMA
- 2) Shri Sanjay Mandal, Technical Assistant, EKWMA
- 3) Dilip Mondal, ASI of P.S. Narendrapur and his team



**Land Classification:**

<u>RS Dag No.</u>	<u>RoR</u>	<u>EKW(C&amp;M) Act, 2006</u>
437	Pukur	Urban/Rural settlement area (full)

**Observation:**

During the field inspection, it was observed that a considerable portion of RS Dag No. 437, Mouza Bhagabanpur, JL No. 8, under P.S. Narendrapur, Dist. South 24 Parganas, contains some water and weeds.

The whole Mouza Bhagabanpur is within East Kolkata Wetlands.

Shyamal Das  
Technical Assistant

Sanjay Mandal  
Technical Assistant

Encl: Relevant photographs of the site

-X-

Photographs of the site at part of RS Dag No. 437, Mouza Bhagabatpur,  
JL No.8 under P.S. Narendrapur, Dist. South 24 Parganas  
(Reference coordinates of the site: 22°30'18.91"N, 88°25'29.84"E)  
(Reference field report no. 071/FLD/EKWMA/2024 dated 24.09.2024)



- 10 -

Annexure R/2

**EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY**  
 ENVIRONMENT DEPARTMENT, GOVT. OF WEST BENGAL  
Pranisampad Bhavan, 5<sup>th</sup> Floor, LB-2, Sector-III, Salt Lake, Kolkata- 700106

No. 072/FLD/EKWMA/2024

Date: 24.09.2024

**Ref:** Complaint was received from Ram Gayen and others, Vill. Uchhepota regarding water body filling and illegal construction on 18.01.2024

FIELD INSPECTION REPORT



**Inspection Date:** 20.09.2024

**Location:** RS Dag No. 438, Mouza Bhagabanpur, JL No.8 under P.S.Narendrapur, Dist. South 24 Parganas. (Reference coordinates of the site: 22°30'20.27"N, 88°25'29.37"E)

**Persons Present during field inspection:**

- 1) Shri Shyamal Das, Technical Assistant, EKWMA
- 2) Shri Sanjay Mandal, Technical Assistant, EKWMA
- 3) Dilip Mondal, ASI of P.S. Narendrapur and his team

**Land Classification:**

<u>RS Dag No.</u>	<u>RoR</u>	<u>EKW(C&amp;M) Act. 2006</u>
438	Pukur	Urban/Rural settlement area (full)

**Observation:**

During the field inspection, it has been noticed that an unauthorized one-storey building has been constructed at part of RS Dag no.438, Mouza Bhagabanpur, JL no. 8, P.S. Narendrapur, Dist. South 24 Parganas.

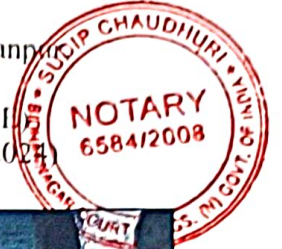
The whole Mouza Bhagabanpur is within East Kolkata Wetlands.

Shyamal Das  
 Technical Assistant

Sanjay Mandal  
 Technical Assistant

Encl: Relevant photographs of the site

Photographs of the site at part of RS Dag No. 438, Mouza Bhagabann  
JL No.8 under P.S. Narendrapur, Dist. South 24 Parganas  
(Reference coordinates of the site: 22°30'20.27"N, 88°25'29.37"E)  
(Reference field report no. 072/FLD/EKWMA/2024 dated 24.09.2024)





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



No: 615 -CTO/EN/200(8)/2023-2024 (Link-1)

Date: 30 . 09 . 2024

From: Chief Technical Officer,  
East Kolkata Wetlands Management Authority

To: Occupiers/ Violators/ Owners of unauthorised one-storey building at RS Dag No. 438, Mouza Bhagabanpur, JL No.8 under P.S.Narendrapur, Dist. South 24 Parganas.

**TO WHOM IT MAY CONCERN**

This is to inform you that the unauthorised one-storey building at **RS Dag No. 438, Mouza Bhagabanpur, JL No.8** under P.S.Narendrapur, Dist. South 24 Parganas. (Co-ordinates of the violation site: **22°30'20.27"N, 88°25'29.37"E**) is within the East Kolkata Wetlands area and are governed by the East Kolkata Wetlands (Conservation and Management) Act, 2006 [EKW(C&M) Act, 2006] and the Wetlands (Conservation and Management) Rules, 2017.

Any change of character or mode of use of land within the East Kolkata Wetlands is not permitted as per Section 9 of the EKW(C&M) Act, 2006 and it is a cognizable and non-bailable offence. Further as per 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 within East Kolkata Wetlands (being a Ramsar Site) are prohibited. This activity is noted to have been done illegally by violating provision(s) of the above said laws.

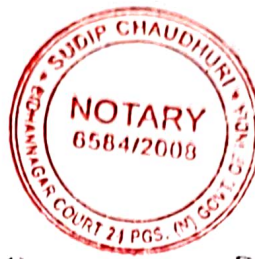
In this regard, you are directed to **stop the illegal work immediately** on the said site and you are hereby Show Caused on why legal action should not be initiated against you for violating the provision(s) of the said laws. Further, as per Section 11 of the EKW(C&M) Act, 2006, you are given an opportunity of hearing which is scheduled on **23 / 10 / 2024** at 11:30 a.m at the Conference Hall of Environment Department, Government of West Bengal, 5th floor, Pranisampad Bhavan, LB-2, Sector-III, Salt Lake, Kolkata-700106.

You are requested to attend the hearing along with relevant document(s) if any to justify your action as per law mentioned above, failing which, this office will be forced to presume that you have committed the offence and action will be taken in accordance with the law.

It is noted that you or your authorised representative along with proof of identity may only take part in the hearing.

Yours faithfully,

  
Chief Technical Officer, EKWMA



No: 615 /1(2)- CTO/EN/200(8)/ 2023-2024(Link-1)

Date: 30.09.2024

Copy forwarded with a request for serving this notice and **stop the illegal work immediately**. Accordingly, photographs and co-ordinate of the site are attached herewith for your ready reference:

1. Superintendent of Police, Baruipur Police District.
2. Inspector-in-charge, Narendrapur Police Station.

Chief Technical Officer, EKWMA

No: 615 /2(3)- CTO/EN/200(8)/2023-2024(Link-1)

Date: 30.09.2024

Forwarded with a request to **stop the illegal work immediately** and to preserve the character of wetlands as per EKW (C&M) Act, 2006. Accordingly, photographs and co-ordinate of the site are attached herewith for your ready reference:

1. Secretary, Panchayats & Rural Development Department.
2. Block Development Officer, Sonarpur Block.
3. Pradhan, Kheadaha-II Gram Panchayat.

Chief Technical Officer, EKWMA

No: 615 /3(2)- CTO/EN/200(8)/2023-2024(Link-1)

Date: 30.09.2024

Copy forwarded with a requested to attend the hearing:

1. Senior Law Officer, Environment Department, Govt. of West Bengal.
2. Environment Officer, Environment Department, Govt. of West Bengal.

Chief Technical Officer, EKWMA

No: 615 /4(2)- CTO/EN/200(8)/2023-2024(Link-1)

Date: 30.09.2024

Copy forwarded for your kind information:

1. PS to Hon'ble MoS (IC), Environment Department, Govt. of West Bengal.
2. PS to Principal Secretary, Environment Department, Govt. of West Bengal.

Chief Technical Officer, EKWMA

**EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY**  
ENVIRONMENT DEPARTMENT, GOVT. OF WEST BENGAL  
Pranisampad Bhavan, 5<sup>th</sup> Floor, LB-2, Sector-III, Salt Lake, Kolkata- 700106

No. 073/FLD/EKWMA/2024

Date: 24.09.2024

**Ref:** Complaint was received from Ram Gayen and others, Vill. Uchhepota regarding water body filling and illegal construction on 18.01.2024

**FIELD INSPECTION REPORT**



**Inspection Date:** 20.09.2024

**Location:** RS Dag Nos. 438, 439 and 441, Mouza Bhagabanpur, JL No.8 under P.S.Narendrapur, Dist. South 24 Parganas. (Reference coordinates of the site: 22°30'20.60"N, 88°25'29.23"E)

**Persons Present during field inspection:**

- 1) Shri Shyamal Das, Technical Assistant, EKWMA
- 2) Shri Sanjay Mandal, Technical Assistant, EKWMA
- 3) Dilip Mondal, ASI of P.S. Narendrapur and his team

**Land Classification:**

<u>RS Dag No.</u>	<u>RoR</u>	<u>EKW(C&amp;M) Act. 2006</u>
438	Pukur	Urban/Rural settlement area (full)
439	Doba	Urban/Rural settlement area (full)
441	Bastu	Urban/Rural settlement area (full)

**Observation:**

During the field inspection, it has been noticed that an unauthorized two-storey building has been constructed at part of RS Dag Nos. 438, 439 and 441, Mouza Bhagabanpur, JL No.8 under P.S. Narendrapur, Dist. South 24 Parganas.

The whole Mouza Bhagabanpur is within East Kolkata Wetlands.

Shyamal Das  
Technical Assistant

Sanjay Mandal  
Technical Assistant

Encl: Relevant photographs of the site

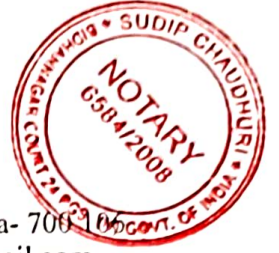
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Photographs of the site at part of RS Dag Nos. 438, 439 and 441, Mouza Bhagabampur,  
JL No.8 under P.S. Narendrapur, Dist. South 24 Parganas  
(Reference coordinates of the site: 22°30'20.60"N, 88°25'29.23"  
(Reference field report no. 073/FLD/EKWMA/2024 dated 24.09.2024)





**Government of West Bengal**  
**Department of Environment**  
**East Kolkata Wetlands Management Authority**  
Pranisampad Bhaban, 5<sup>th</sup> Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700106  
Ph: 91-33-2335 3003, 91-33-2335 6403, Email: ctoekwma@gmail.com



No: 616 -CTO/EN/200(8)/2023-2024 (Link-1)

Date: 30 . 09 . 2024

From: Chief Technical Officer,  
East Kolkata Wetlands Management Authority

To: Occupiers/ Violators/ Owners of unauthorised two-storey building at RS Dag No. 438,439 and Mouza Bhagabanpur, JL No.8 under P.S.Narendrapur, Dist. South 24 Parganas.

**TO WHOM IT MAY CONCERN**

This is to inform you that the unauthorised two-storey building at **RS Dag No. 438, 439 and 441 Mouza Bhagabanpur, JL No.8** under P.S.Narendrapur, Dist. South 24 Parganas. (Coordinates of the violation site: **22°30'20.59"N, 88°25'29.39"E**) is within the East Kolkata Wetlands area and are governed by the East Kolkata Wetlands (Conservation and Management) Act, 2006 [EKW(C&M) Act, 2006] and the Wetlands (Conservation and Management) Rules, 2017.

Any change of character or mode of use of land within the East Kolkata Wetlands is not permitted as per Section 9 of the EKW(C&M) Act, 2006 and it is a cognizable and non-bailable offence. Further as per 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 within East Kolkata Wetlands (being a Ramsar Site) are prohibited. This activity is noted to have been done illegally by violating provision(s) of the above said laws.

In this regard, you are directed to **stop the illegal work immediately** on the said site and you are hereby Show Caused on why legal action should not be initiated against you for violating the provision(s) of the said laws. Further, as per Section 11 of the EKW(C&M) Act, 2006, you are given an opportunity of hearing which is scheduled on **28 / 10 / 2024** at 11:30 a.m at the Conference Hall of Environment Department, Government of West Bengal, 5th floor, Pranisampad Bhaban, LB-2, Sector-III, Salt Lake, Kolkata-700106.

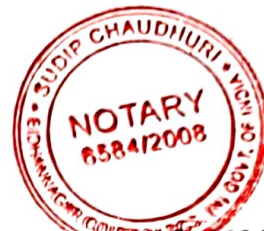
You are requested to attend the hearing along with relevant document(s) if any to justify your action as per law mentioned above, failing which, this office will be forced to presume that you have committed the offence and action will be taken in accordance with the law.

It is noted that you or your authorised representative along with proof of identity may only take part in the hearing.

Yours faithfully,

  
Chief Technical Officer, EKWMA

- Xf -



No: 616 /1(2)- CTO/EN/200(8)/2023-2024(Link-1)

Date: 30.09.2024

Copy forwarded with a request for serving this notice and **stop the illegal work immediately**. Accordingly, photographs and co-ordinate of the site are attached herewith for your ready reference:

1. Superintendent of Police, Baruipur Police District.
2. Inspector-in-charge, Narendrapur Police Station.

  
Chief Technical Officer, EKWMA

No: 616 /2(3)- CTO/EN/200(8)/2023-2024(Link-1)

Date: 30.09.2024

Forwarded with a request to **stop the illegal work immediately** and to preserve the character of wetlands as per EKW (C&M) Act, 2006. Accordingly, photographs and co-ordinate of the site are attached herewith for your ready reference:

1. Secretary, Panchayats & Rural Development Department.
2. Block Development Officer, Sonarpur Block.
3. Pradhan, Kheadaha-II Gram Panchayat.

  
Chief Technical Officer, EKWMA

No: 616 /3(2)- CTO/EN/200(8)/2023-2024(Link-1)

Date: 30.09.2024

Copy forwarded with a requested to attend the hearing:

1. Senior Law Officer, Environment Department, Govt. of West Bengal.
2. Environment Officer, Environment Department, Govt. of West Bengal.

  
Chief Technical Officer, EKWMA

No: 616 /4(2)- CTO/EN/200(8)/2023-2024(Link-1)

Date: 30.09.2024

Copy forwarded for your kind information:

1. PS to Hon'ble MoS (IC), Environment Department, Govt. of West Bengal.
2. PS to Principal Secretary, Environment Department, Govt. of West Bengal.

  
Chief Technical Officer, EKWMA

- 18 -

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 74/2024/EZ

RAM GAYAN & ORS.

....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

RESPONDENTS

COUNTER AFFIDAVIT FILED BY EAST KOLKATA WETLANDS  
MANAGEMENT AUTHORITY

SIBOJYOTI CHAKRABORTY  
ADVOCATE