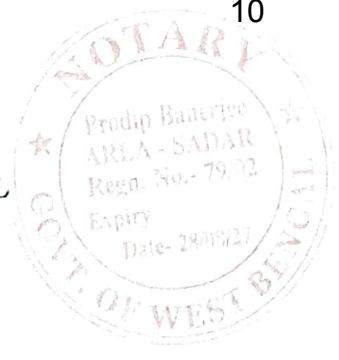


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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
 EASTERN ZONE BENCH, KOLKATA
 ORIGINAL APPLICATION NO. 185/2024/EZ

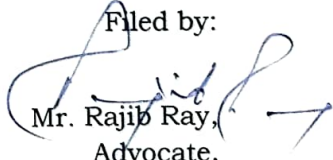


Subhas Debnath & Ors. Applicant
 - Versus -
 State of West Bengal & Ors.
 ...Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 2,
 DISTRICT MAGISTRATE AND COLLECTOR, NADIA.

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2.	Committee report	A	4-8

Filed by:

 Mr. Rajib Ray,
 Advocate,
 Bar Association Room No. 13,
 High Court, Calcutta
 Mob-9830132729/7980422764
 Email: rajib.ray23@gmail.com

×

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 185/2024/EZ



Subhas Debnath & Ors. Applicant

- Versus-

State of West Bengal & Ors.

...Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 2,
DISTRICT MAGISTRATE AND COLLECTOR, NADIA.

I, Tridib Ray, son of Late Chandi Charan Ray, aged about 54 years, by faith-Hindu, by occupation- service, now posted as Deputy District Land & Land Reforms Officer in the office of the District Magistrate, and Collector, Nadia, District- Nadia, do hereby solemnly affirm and say as follows:

1. That, I am the Deputy District Land & Land Reforms Officer, Nadia and has been duly authorized by the respondent no. 2 i.e. District Magistrate, Nadia to affirm this affidavit on his behalf. I have made myself acquainted with the facts and circumstances of this case and competent to affirm this affidavit.

2. That this affidavit is being affirmed in pursuant to the solemn order dated 27.09.2024 passed by the Hon'ble Tribunal, whereby the Hon'ble Tribunal was pleased to direct all the respondents to file counter affidavit within four weeks and further constituted a Committee comprising of the following members and the committee has been directed to visit the site in question and submit a Fact Finding Report with regard to the allegations made in the Original Application:-.

- (i) Senior Scientist, West Bengal Pollution Control Board, and
- (ii) District Magistrate or his representative of Senior rank not below the rank of Additional District Magistrate (ADM).

3. That in compliance with the said Order dated 27.09.2024, a spot enquiry/inspection of the area in question has been done on 30.10.2024 by the (i) Shri Alak Kumar Roy, Dy DL&LRO, Nadia, (ii) Shri A. Das, Asstt. Environmental Engineer, WBPCB, and (iii) Shri Nibasi Chandra Das, DFO (Co-operative), Nadia. Further on 13.11.2024 a spot enquiry/inspection of the area in question has been done by (i) Shri Pralay Raychaudhury, ADM, Nadia, and (ii) Shri Debasish Palui ADF, Nadia.

4. That the said Committee after physical verification of the area in question as per the direction of the Hon'ble Tribunal duly submitted its report on 13.11.2024.

Photocopy of the said report is annexed herewith and marked as Annexure – "A".

5. It is therefore respectfully prayed that Hon'ble Tribunal may pass such other order or orders as it deem fit and proper in the interest of justice.

6. That the statements made in paragraph 1 to 4 are based on information derived from the record which are usually kept and maintained by the answering respondent in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office

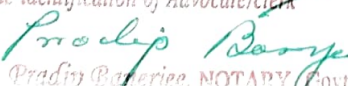

Advocate




Deponent

Identified by me
Sushanta Biswas

Govt. Pleader's Clerk
Krishnagar Nadia

Sl. No. F Solemnly affirmed before me
This 13/11 day of November, 2024, on
The identification of Advocate/clerk

Prodip Banerjee, NOTARY, Govt. of W.P
Judges' Court, Krishnagar, Nadia


Prodip Banerjee
Advocate
Notary Govt. of W. Bengal
Date 13/11/2024 Nadia.



-*-

Annexure - A



13

Inspection Report

Introduction: In compliance with the Order of the Hon'ble NGT, Eastern Zone Bench, Kolkata, vide OA No. 185/2024/EZ dated 27.09.2024, in connection to the filling of pond located at Mouza- Bablari Dewanganj, Plot No. - 789, J.L No.- 003, P.S – Nabadwip, District.- Nadia, under Bablari Gram Panchayat, of area 1.35 acres by M/s Nabadwip Co- operative Bricks & Pottery Society Limited, was inspected twice on 30.10.2024 and on 13.11.2024 by the team comprising following officials.

Inspecting officials : Date of Inspection : 30.10.2024

1. Shri Alak Kumar Roy, Dy DL&LRO, Nadia
2. Shri A. Das, Asstt. Environmental Engineer, WBPCB
3. Shri Nibasi Chandra Das, DFO (Co-operative), Nadia

Inspecting officials : Date of Inspection : 13.11.2024

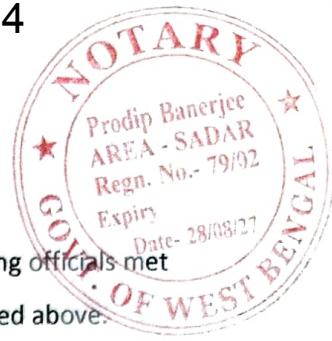
1. Shri Pralay Raychaudhury, ADM, Nadia
2. Shri Debasish Palui ADF, Nadia.

Person met during inspection: Local people as complainant

1. Shri Sambhu Nath Roy
2. Shri Goutam Debnath
3. Ms. Gita Choudhury & others

Observations:

- It was informed by the local people that earlier M/s Nabadwip Co- Operative Bricks & Pottery Society Limited operated one brick field in the name of M/S C.B.S. Brick Field over the alleged plot no. – 789 along with other plots in the same premises and later the said brick field has stopped its production about 15 years ago. The part of the alleged plot (Plot no. – 789) has been sold out by the Society to Shri Samir Banerjee and his son Soumya Banerjee. Presently the L.R. records stands in the name of 1) Nabadwip, Co- Operative Bricks & Pottery Society Limited with an area 0.0801 acres in Khatian No 551/1, 2) Soumya Banerjee S/O Samir Banerjee with an area 0.3599 acres in Khatian No 5736 and 3) Samir Banerjee S/O-Sushil Kumar Banerjee with an area

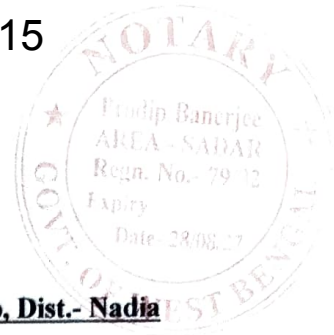


0.9100 Acres in Khatian No 5739. At the time of inspection, the inspecting officials met Shri Samir Banerjee one of the land owner and other complainants as stated above.

- The alleged site is under Bablari Gram Panchayat. It is located just the jurisdiction border of Bablari Gram Panchayat and Nabadwip Municipality (ward no.- 1). The alleged plot (plot no. – 789) is surrounded by in Eastern and Northern Side - residential area of ward no.- 1 of Nabadwip Municipality, in Western Side - vacant other plot of the brick field and in Southern Side - road (Bablari Road).
- During the inspection of the alleged plot, which is approximately 135 decimal in area, the following observations are made:
 - **Front Portion (towards Bablari Road):** This part of the plot has been filled with earth and now appears to be a plain, level land surface. It seems likely that this portion has been artificially raised by filling earth over time.
 - **Back Portion (towards the rear of the plot):** The remaining part of the plot, particularly the area along with the portion adjoining Bablari Road, is identified as a low-lying area. This section is currently covered with water hyacinth and other aquatic plants, indicating that it is prone to standing water and has poor drainage.
- Local people informed that some waste water of the locality is being discharged to this low lying water area.
- No construction over the alleged plot was observed.
- Existence of aquatic life in the low lying area could not be ascertained as the area was full of water hyacinth and other aquatic plants.
- As per the LR record it is found that the plot no. 789 is recorded as 'Itkhola'.
- Both ADF, Nadia and BL&LRO, Nabadwip are directed to take appropriate steps as per Statute.


 Asstt. Environmental Engineer,
 West Bengal State Pollution Control Board.


 Additional District Magistrate
 &
 District Land and Land Reforms Officer, Nadia.

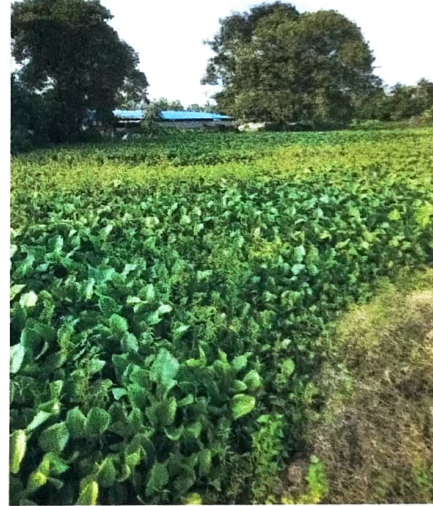


- X -

Photographs of the site at Plot No. - 789, J.L No.- 003, P.S – Nabadwip, Dist.- Nadia
taken during inspection on 30.10.2024



View of land portion & low-lying area



Low lying area with full of water hyacinth and other aquatic plants

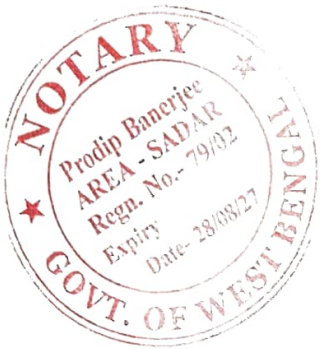


পশ্চিমবঙ্গ সরকার
সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ
-দাগের তথ্য-



জেলা- নদীয়া	ব্লক- নবদ্বীপ	[১৩১১০০৩]
মোজা- বাবলারী দেওয়ানগঞ্জ	জে.এল.নং- ০০৩	থানা- নবদ্বীপ
দাগ নং- ৭৮৯	শ্রেণী- গড়লায়েক পতিত	জমির পরিমাণ(এ)- ১.৩৫০০
সাবেক দাগ নং- ৭৮৯		

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	রায়তের/লেসীর বিবরণ	মন্তব্য
৫৫১/১	ইটখোলা	০.০৫৯৩	০.০৮০১	নবদ্বীপকো,অপারেটিভ ব্রীকস& পটারী পিতা-সোসাইটি লিমিটেড সাং-পক্ষে সম্পাদক	4-2(ক)ও 4-2(খ) ধারা প্রযোজ্য
৫৭৩৬	ইটখোলা	০.২৬৬৬	০.৩৫৯৯	সৌম্য ব্যানার্জী পিতা-সমীর ব্যানার্জী সাং-নিজ	4-2(ক)ও 4-2(খ) ধারা প্রযোজ্য
৫৭৩৯	ইটখোলা	০.৬৭৪১	০.৯১০০	সমীর ব্যানার্জী পিতা-সুশীল কুমার ব্যানার্জী সাং-নিজ	4-2(ক)ও 4-2(খ) ধারা প্রযোজ্য
			১.০০০০	১.৩৫	



Government of West Bengal
Block Land and Land Reforms Office



-Plot Information-

District- Nadia	Block- Nabadwip	[1311003]
Mouza- Bablari Deyanganj	J.L. No. 003	P.S- Nabadwip
LR Plot No. 789	Classification-Garalayek Patit	Share Area (a)- 1.3500
RS Plot No. 789		

Khatian No.	Classification	Share	Share Area (a)-	Rayat/Lessee Name	Remarks
551/1	Ithkhola	0.0593	0.0801	Nabadwip, Co-Operative Bricks & Pottery S/o- Soceity Limited Vill- Pokkhe Sompadak	

4-2(a) or 4-2(b) applicable u/s

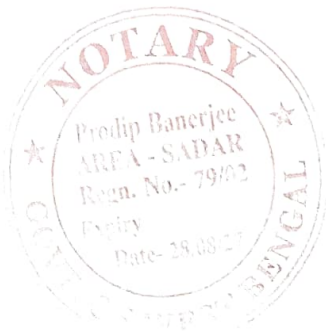
5736	Ithkhola	0.2666	0.3599	Soumya Banerjee S/o- Samir Banerjee Vill- Nij	
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4-2(a) or 4-2(b) applicable u/s

5739	Ithkhola	0.6741	0.9100	Samir Banerjee S/o- Sushil Kumar Banerjee Vill- Nij	
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4-2(a) or 4-2(b) applicable u/s

1.0000	1.35
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Government of West Bengal
Office of the District Magistrate, Nadia
1st Floor, A-Block, Administrative Building,
P.O. Krishnagar, Dist. Nadia, W.B.

Memo No. 6537/

Date. 13-11-2024.

To,
The Ld. State Advocate

**Sub: Authorization in respect of filing Affidavit on behalf of
the District Magistrate, Nadia in connection with OA No.
185/2024/EZ**

With reference to above, this is to inform you that Sri Tridib Ray, Deputy District Land & Land Reforms Officer, Nadia is hereby authorized to file Affidavit on behalf of the District Magistrate, Nadia.


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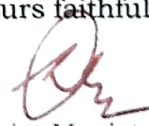
Signature of Sri Tridib Ray


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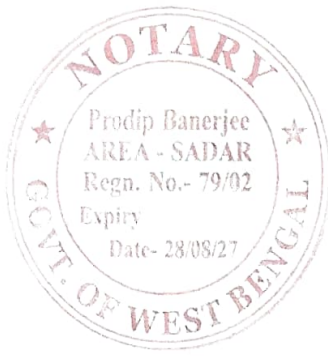
Signature attested

District Magistrate ,
Nadia

Yours faithfully,


District Magistrate,
Nadia

X



BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O. A. NO. 185/2024/EZ

In the matter of:

Subhas Debnath & Ors.

...Applicant

-Vs-

State of West Bengal & Ors.

... Respondents.

Affidavit on behalf of the respondent
no.2, District Magistrate, and
Collector, Nadia.

RAJIB RAY

Advocate

Bar Association Room No. 13,

High Court, Calcutta

Mob-9830132729/7980422764

Chamber: 28, Fakir Chand Mitra
Street, Kolkata- 700009.

Email: rajib.ray23@gmail.com