

## BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No. 185 of 2024 (EZ)

Subhas Debnath &amp; Ors

....Applicants

-Versus-

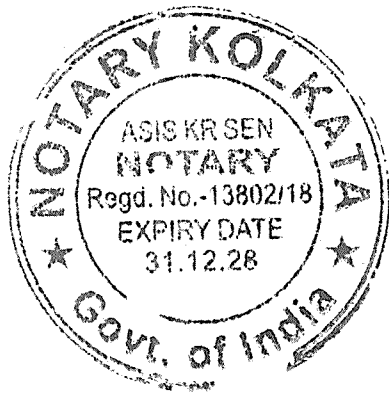
The State of West Bengal &amp; Ors.

...Respondents

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Filed by :-



Advocate

High Court, Calcutta

## BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No. 185 of 2024 (EZ)

Subhas Debnath &amp; Ors

....Applicants

-Versus-

The State of West Bengal &amp; Ors.

...Respondents

Counter Affidavit on behalf of the Respondent No. 5

in compliance of order dated 14.11.2024

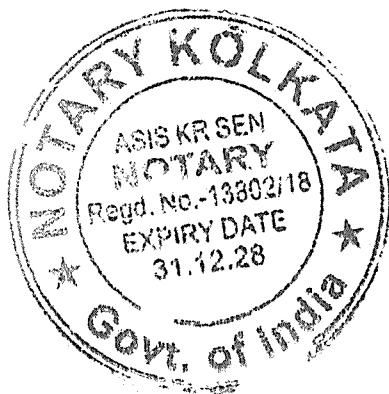
I, Samir Banerjee, Son of Sushil Kumar Banerjee, aged about 62 years, by faith- Hindu, by occupation- Business, residing at Nabadwip, Buroshibtala Road, Post office and Police Station- Nabadwip, District – Nadia, Pin- 741302, do hereby solemnly affirm and says as follows :-

1. I am the respondent no. 5 herein and as such I am well acquainted with the facts and circumstances involved in the present case and I make and affirm the present affidavit and I am competent to do so.



-X-

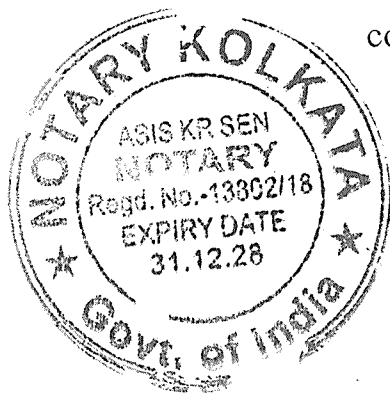
2. I say that pursuant to an order dated 14<sup>th</sup> November, 2024, the answering respondents have been added as party respondents in the present proceedings. By the self –same order, liberty was granted to the answering respondents to file counter affidavit. Subsequently, copy of the letter petition was obtained by me and I have perused the same and noted the contents and purports thereof and I beg to oppose the same in the manner appearing hereinafter.
3. I say that I have been advised to deal with such statements and/or contentions and/or allegations made in the said letter petition and save and except what are the matter of record and save and except what would appear therefrom, I deny and dispute each and every contentions made therein and I put the applicants to the strict proof thereof.
4. At the very outset, before dealing with the statements and /or allegations and/or contentions made in the said letter of petition, I crave leave of this Hon'ble Tribunal to state the following facts which are necessary for proper adjudication of the present case.
  - a. By a registered deed of conveyance dated 20<sup>th</sup> July 1963 executed between Bholanath Ghosh and Nabadwip Co-



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Operative Bricks & Pottery Society Limited and registered in the office of the District- Sub- Registrar Krishnanagar recorded in Book No. 1, Volume No. 21, pages- 26 to 28 being no. 2740 for the year 1963, the Nabadwip Co-Operative Bricks & Pottery Society Limited had purchased all that 1 acre and 35 decimal of land situated in Mouza- Bablari Dewanganj, Khatian- 290, RS & LR Dag No. 789 , Police Station – Nabadwip, District- Nadia.

- b. Since the date of purchase, the said Nabadwip Co-Operative Bricks & Pottery Society Limited was in peaceful possession of the said land and said land was mutated in records of the Block Land and Land Reforms Officer under the classification “Itkhola”.
- c. The land in issue was never a natural pond. The said land had always been the part of the bricks filed and soil of the said land had been used by the said Nawadip Co-operative Bricks & Pottery Society Limited for the purpose of manufacturing of bricks.
- d. Be it mentioned that by two separate registered deed of conveyance dated 24<sup>th</sup> December, 2021 registered in the

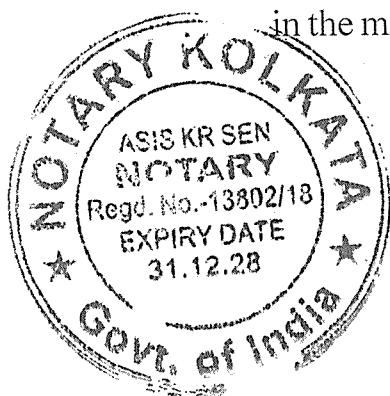


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office of the Additional District Sub- registrar, Nabadwip, Nadia, the answering respondents have purchased 91 decimal and 36 Decimal of land respectively. The said land have thereafter been mutated in the name of the answering respondents under the classification of "Itkhola" A copy of the records of revenue is annexed herewith and is marked with letter "A".

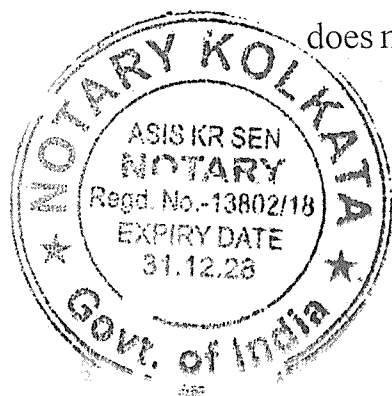
- e. It is stated that since the date of purchase or even at the time of enquiry being made prior to the purchase, the answering respondents have never found any existence of any natural pond and water body in the said land which could be the house of frog , rare variety of turtle , extinct fish and snakes.
- f. The answering respondents states that the allegations made in the said letter petition is absolutely baseless, motivated and without any merit.

5. Now without prejudice to the aforesaid but completely relying upon the said , I crave leave of this Hon'ble Tribunal to deal with the contentions and the statements made in the said letter petition in the manner appearing herein after.



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6. With reference to the contentions made in paragraph no. 1 to 4 of the said letter petition, I say that the allegations made therein does not concern with the answering respondent and as such the answering respondents does not make any comments as to the same. However, for abandon caution, I say that the contentions made therein are denied and disputed.
7. With reference to the contentions made in paragraph no. 5 to 8 of the said letter petition, I say that the contentions made therein are not admitted to be correct and as such denied in seriatim. It is denied that the land in question is average fall land and is now a pond which retain water six months and more as alleged or at all. It is further denied that the exist any reservoir and therefore the question of such reservoir being wandering field of frog, rare variety of turtle and almost extinct fish and snake does not and cannot arise at all. It is also denied that there has been any illegal pond filling and unauthorized construction. It is denied that there has been any threat to environment as alleged or at all.
8. I say that the allegations made in the said letter petition are baseless, concoctive and mala fide . I further say that the said letter petition does not warrant any cognizance as the same is completely baseless.



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9. In view of the above, it is humbly prayed that the present proceedings be dismissed.
10. The statements made in paragraph no. 1 to 7 are true to my knowledge and the rest are my humble submission before this Hon'ble Tribunal .

✓ Samir Banerjee.

Deponent

Solemnly affirmed and declared  
before me on identification

*ASIS KUMAR SEN*  
ASIS KUMAR SEN  
City Civil Court, Kolkata  
Notary  
No -13802/18

IDENTIFIED BY ME  
*Advocate*  
ADVOCATE

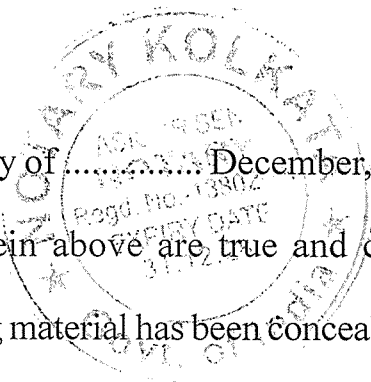
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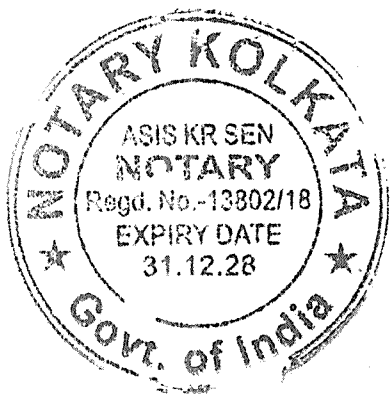
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**Verification**

Verified at Kolkata on this the day of ..... December, 2024 that the averments and facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.



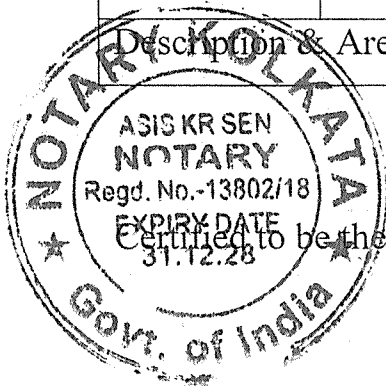
✓ Samir Banerjee.  
Deponent



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ANNEXURE - A

(Live Data As On 16/07/2023, 11:30:37)				
J. L. No. : 003, P.S. : Nabadwip				
Khatian No. :		551/1		
Owner Name :		Nabadwip Cooperative Bricks Pottery		
Father/Husband :		Society Limited		
Address :		Through Secretary		
Total Land :		7.3015 Acre		
Total Plot :		10		
Plot No.	Classification	Share	Share Area (Acre)	Remarks
775	Brick kiln	0.4922	0.6265	Nil
776	Brick kiln	0.4553	0.7280	Nil
777	Brick kiln	0.4899	0.6057	Nil
778	Brick kiln	0.4811	0.6827	Nil
779	Brick kiln	0.8731	0.8940	Nil
780	Brick kiln	0.0427	0.1510	Nil
781	Brick kiln	0.9877	0.0536	Nil
788	Brick kiln	0.1250	0.6100	Nil
789	Brick kiln	0.0593	0.0800	Nil
790	Brick kiln	0.9357	0.9700	Nil
Description & Area of this dag				



Certified to be the correct English translation of a form in Bengali.

J. Ganguli  
3.12.24

Interpreting Officer (Court),  
High Court, Original Side  
Calcutta

Jamir Banerjee

-X-

(Live Data As On 16/07/2023, 11:30:37)  
 জে.এল নং (J.L. No.): 003 থানা (P.S.): নবদ্বীপ

খতিয়ান নং (Khatian No):	551/1
রায়তের নাম (Owner Name):	নবদ্বীপকো, অপারেটিভ ব্রীকস পট্টারী
পিতা/স্বামী (Father/Husband):	সোসাইটি/স্বামী
ঠিকানা (Address):	পক্ষে সম্পাদক
জমির পরিমাণ (Total Land):	7.3015(একর/Acre)
দাগের সংখ্যা (Total Plot):	10

Plot No. দাগ নং	Classification শ্রেণী	Share অংশ	Share Area(Acre) অংশ পরিমাণ(একর)	Remarks মন্তব্য
775	ইটখোলা			Nil
776	ইটখোলা	0.4553	0.7280	Nil
777	ইটখোলা			Nil
778	ইটখোলা	0.4811	0.6827	Nil
779	ইটখোলা			Nil
780	ইটখোলা	0.0427	0.1510	Nil
781	আউশ	0.9877	1.0536	Nil
788	ইটখোলা	0.1250	0.6100	Nil
789	ইটখোলা	0.0593	0.0800	Nil
790	ইটখোলা	0.9375	1.9700	Nil

অত্রস্থলের দাগের বিবরণ ও পরিমাণ:

Samir Banerjee,

