

Before the National Green Tribunal

(Eastern Zone Bench, Kolkata)

Original Application No. 01/2024/EZ

Ankur Sharma

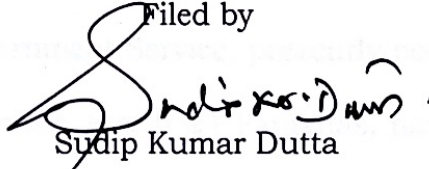
-Versus-

The State of West Bengal & Ors.

INDEX

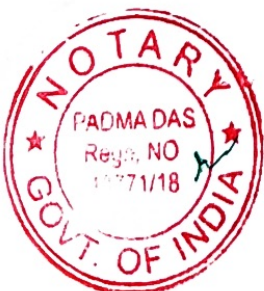
Sl No.	Particulars	Pages
1	Affidavit	1 to 7
2	Letter of E.K.W.M.A. (Annexure-R/1)	8 to 10
3	Order of District Magistrate, South 24 pgs. (Annexure- R/2)	11 to 12
4	Letter of EKWM.A to concerned Panchayat (Annexure- R/3)	13.

Filed by

  
Sudip Kumar Dutta

Advocate for the State of West Bengal

Date: 07.12.2024



07 DEC 2024

Before the National Green Tribunal

(Eastern Zone Bench, Kolkata)

Original Application No. 01/2024/EZ

Ankur Sharma

-Versus-

The State of West Bengal & Ors.

COUNTER-AFFIDAVIT SUBMITTED BY THE DISTRICT  
MAGISTRATE, SOUTH 24 PARGANAS DISTRICT, GOVERNMENT  
OF WEST BENGAL

I, Sri Sumit Gupta, son of Sri S. K. Gupta, aged about 42 years, by  
faith- Hindu, by occupation- Government Service, presently posted  
as the District Magistrate & Collector, South 24 Parganas, having  
office at New Administrative Building, Alipore, Kolkata 700027, do  
hereby solemnly affirm and say as follows:



1. That I am working for gain as the District Magistrate and Collector, South 24-Parganas, Alipore, Kolkata 700027. I have made myself well acquainted with the and circumstances of the case. I am affirming this affidavit and I am duly authorized to do so.
2. That in furtherance to the solemn Order dated 19.09.2024, the deponent is filing the Counter-Affidavit.
3. That this counter-affidavit is being solemnly affirmed and filed in view of the solemn Order dated 19.09.2024 passed by this Hon'ble Tribunal, whereby the Hon'ble Tribunal has been pleased to observe that- Mr. Sudip Kumar Dutta, learned Counsel appearing for the State Respondents informs that there is a discrepancy in the stand taken by the East Kolkata Wetlands Management Authority and the stand taken by the District Magistrate which requires clarification by the District Magistrate, Learned Counsel prays for and is granted three weeks time for filing counter-affidavit of the District Magistrate
4. That in compliance with the solemn order passed by the Hon'ble Tribunal, a joint inspection was conducted on 07.02.2024 by the learned Committee duly constituted by this Hon'ble Tribunal. The said committee submitted its report, and as per direction of the Hon'ble Tribunal, the



District Magistrate, South 24 Parganas filed a detailed report in affidavit form on 05.04.2024 before the Hon'ble Tribunal.

5. That it appears from the report of the joint committee that they have inspected the site in question bearing L.R. Dag Nos. 186, 192, 215, 223, 226, 228, 229, 230, 232 and 234, Mouza- Atghara, J.L. No. 05, Police Station- Narendrapur (erstwhile Sonarpur) District- South 24 Parganas and found that there are several buildings/houses in different categories have been raised including Godown, Health Centre, Garage, Temple etc., Bituminized road was found in most of the areas which are being maintained by the local Gram Panchayat. Electricity to various houses via electric poles were also found in the said plots. Several scheme plots were found carved from the original RS/LR plots which are mostly enclosed with boundary walls. The current physical status of every plot involved in the Original Application as submitted by the Office of the Block Land & Land Reforms Officer, Sonarpur, South 24 Parganas. A detailed report in affidavit form has already been submitted by the District Magistrate, South 24 Parganas on 05.04.2024.

It appears that the learned committee conducted a physical inspection of the said plots and prepared their report based on what they observed during the said inspection. The East Kolkata Wetlands Management Authority is the competent authority, that can only say whether the aforesaid-structures are unauthorized encroachments over the said wetlands or not.



Affidavit affirmed by the district magistrate on behalf of the learned committee records the number of structures presently in existence in the subject plots of land involved in the original application as per the record submitted by the office of the Block land and land reforms officer, Sonarpur.

On the other hand, the affidavit of East Kolkata Wetlands Management Authority list out the number of plots where demolition order after due process of hearing has been passed by them. Both distinctly are separate and there exists no discrepancy in either of the two affidavits.

6. That the District Magistrate, South 24 Parganas received a letter from the Chief Technical Officer, East Kolkata Wetlands Management Authority (EKWMA), Govt. of West Bengal bearing Memo No. 234-CTO/EN/200(8)/2022-23 dated 23.04.2024 in connection with O.A 01/2024/EZ in the matter of Ankur Sharma -Vs- State of West Bengal & Ors. for demolition of illegal building raised at part of RS Dag No. 153 and 157, Mouza- Atghara, J.L. No. 05 under P.S.- Narendrapur, District- South 24 Parganas.

The copy of the said Memo No. 234-CTO/EN/200(8)/2022-23 dated 23.04.2024 is annexed herewith and marked as Annexure-R/1.

7. That an order vide Memo No.27/NGT/5125/(3)R/2024 dated 13.11.2024 was issued from the Office of the District



Magistrate, South 24 Parganas in connection with the said letter of East Kolkata Wetlands Management Authority (EKWMA), Govt. of West Bengal, wherein a direction was issued to the Sub-Divisional Officer, Baruipur Sub-Division for dismantling the illegal building at R.S. Dag No. 156 & 157, Mouza- Atghara, J.L. No. 05 under P.S.- Narendrapur, District- South 24 Parganas on 13.11.2024. A direction was also issued in the said order to the Superintendent of Police, Baruipur Police District, South 24 Parganas for taking necessary measures to deploy adequate police force to maintain law and order situation.

The copy of the order dated 13.11.2024 is annexed herewith and marked as Annexure- R/2.

8. That it appears from the record that the East Kolkata Wetlands Management Authority (EKWMA), Govt. of West Bengal issued a letter to the Panchayat Pradhan of Kheadaha-II Gram Panchayat, District- South 24 Parganas dated 24.10.2024 for providing information about the sanctioned building plans on R.S. Dag Numbers of Mouza- Atghara as mentioned in the Joint Committee Report dated 04.04.2024.

The copy of the letter dated 24.10.2024 is annexed herewith and marked as Annexure- R/3.

9. That in view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Tribunal may



graciously be pleased to pass such further order or orders as deemed fit and proper in the interest of justice.

10. That the Statement made in paragraph 1 is true to my knowledge and those made in paragraphs 2 to 8 hereof are based on information derived from the records including facts and figures which I verified and believe to be true to the best of my knowledge and belief and rest are my humble submissions before the Hon'ble Tribunal.

*Annilkush*

DEPONENT

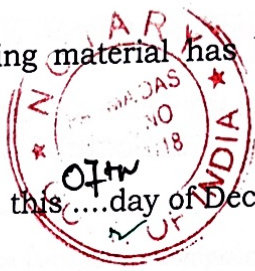
District Magistrate,  
South 24-Parganas



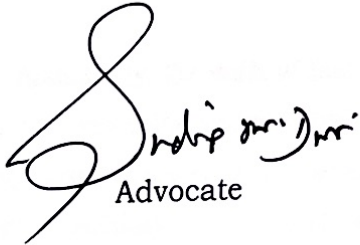
VERIFICATION

I, Sumit Gupta, District Magistrate, South 24 Parganas, do hereby verify that the contents of the counter-affidavit are true and correct to the best of my knowledge and belief. No part of the counter-affidavit is false and nothing material has been concealed there from.

Verified at Kolkata on this 07<sup>th</sup> day of December, 2024



Identified by me

  
Advocate

For the State of West Bengal

  
DEPONENT  
District Magistrate.  
South 24-Parganas



SOLEMNLY AFFIRMED AND DECLARED  
BEFORE ME ON IDENTIFICATION

  
PADMA DAS  
NOTARY

07 DEC 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, Fax: 91-33-2335 6403, Email: [ctokwma@gmail.com](mailto:ctokwma@gmail.com)

No: 234 -CTO/EN/200(8)/2022-2023

Date: 23.04.2024

From: Chief Technical Officer,  
East Kolkata Wetlands Management Authority

To: The District Magistrate,  
South 24-Parganas

**DEMOLITION AND RESTORATION ORDER**

**Sub: Demolition of illegal constructions by filling up of water body at R.S.Dag Nos. 156 and 157, Mouza Atghara, J.L.No. 5 under P.S. Narendrapur, Dist.- South 24 Parganas.**

Sir,

It had come to the notice of this office through one complaint letter received from Sri Ankur Sharma against illegal drying up and filling up of water bodies at Mouza Atghara, J.L. No. 5 under P.S. Narendrapur, Dist.- South 24-Parganas violating the provision(s) of Section 9 of the East Kolkata Wetlands (Conservation & Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017. Mouza Atghara, J.L. No. 5 falls under the jurisdiction of East Kolkata Wetlands as per the above mentioned Act, 2006.

Accordingly, the staffs of East Kolkata Wetlands Management Authority (EKWMA) along with local police authority conducted an inspection of the concerned site on 23.06.2023. During field inspection, it was noticed that several constructions of two or three storey residential buildings, go-down, shops have been undertaken by filling up of water body at part of R.S. Dag nos. 156 & 157, Mouza Atghara, J.L. No. 5 under P.S. Narendrapur, Dist. South 24-Parganas. Photographs with co-ordinates of the above-said constructions are attached herewith.

Any change of character or mode of use of land within the East Kolkata Wetlands is not permitted as per Section 9 of the East Kolkata Wetlands (Conservation & Management) Act, 2006. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing



industries and conversion for non-wetland uses including encroachment of any kind within East Kolkata Wetlands (being a Ramsar Site) are prohibited. So these above-mentioned construction works are noted to have been done illegally by violating provision(s) of the above said laws.

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.

Nine notices vide no. 402-CTO/EN/200(8)/2022-2023, 403-CTO/EN/200(8)/2022-2023, 404-CTO/EN/200(8)/2022-2023, 405-CTO/EN/200(8)/2022-2023, 408-CTO/EN/200(8)/2022-2023, 409-CTO/EN/200(8)/2022-2023, 410-CTO/EN/200(8)/2022-2023, 411-CTO/EN/200(8)/2022-2023 and 412-CTO/EN/200(8)/2022-2023 dated 13.10.2023 were circulated and pasted upon the above said structures by the staffs of EKWMA along with the help local police authority with a direction to stop the illegal construction and appear for hearing on 02.11.2023 and 07.11.2023 and also to show cause why legal action should not be initiated against them for violating the provision(s) of the said laws. The copy of notices were also forwarded to the Inspector-in-charge, Narendrapur Police Station, Superintendent of Police, Baruipur Police District to identify the violators and serve the notice and stop the said illegal construction works. Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat were requested vide the same notice to take action to stop the illegal construction works.


On 02.11.2023 and 07.11.2023 the persons namely Sri Deo Kumar Shah, Sri Goutam Das, Sri Jagannath Pal, Sri Jitendra Khera, Sri Mritunjay Mal, Sri Pabitra Sarkar, Sri Sanjib Mondal, Sri Subrata Mondal, Sri Ujjal Majumdar attended the hearing and admitted that they had constructed the illegal buildings, go-down and shops at part of concerned R.S. Dag Nos. 156 and 157, Mouza Atghrara, J.L. No. 5 under P.S. Narendrapur, Dist.- South 24 Parganas without any permission from EKWMA.



After giving the hearing opportunity, EKWMA issued a Reasoned Order in the name of above said persons vide no. 507-CTO/EN/200(8)/2022-2023, 508-CTO/EN/200(8)/2022-2023, 509-CTO/EN/200(8)/2022-2023, 510-CTO/EN/200(8)/2022-2023, 511-CTO/EN/200(8)/2022-2023, 512-CTO/EN/200(8)/2022-2023, 513-CTO/EN/200(8)/2022-2023, 514-CTO/EN/200(8)/2022-2023 and 515-CTO/EN/200(8)/2022-2023 dated 22.12.2023 with a direction to restore the land to its original character or mode of use within 30 days of receiving the Reasoned Order. Till date, the Reasoned Orders are not complied with by the above-mentioned persons.

In view of the above, I am directed to request you to undertake the demolition of the said illegal constructions and restoration of the land to its original status within 60 days from the date of revoking the order of model code of conduct and recover the cost from the violators as arrears of land-revenue. You are also requested to send a compliance report to this office for intimation.

Yours faithfully,

  
Chief Technical Officer, EKWMA

Encl: As stated above.

No: 234 (7) -CTO/EN/200(8)/2022-2023

Date: 23.04.2024

Copy forwarded for your information and necessary action to:

1. Secretary, Panchayat and Rural Development Department.
2. Superintendent of Police, Baruipur Police district.
3. Inspector-in-Charge, Narendrapur Police.
4. Block Development Officer, Sonarpur Block.
5. Pradhan, Kheadaha II Gram Panchayat.
6. P.S. to Minister-In-Charge, Environment Department.
7. P.S. to Additional Chief Secretary, Environment Department.

  
Technical Officer, EKWMA



OFFICE OF THE  
DISTRICT MAGISTRATE & COLLECTOR  
SOUTH 24 PARGANAS

Office: 12, Biplabi Kanai Bhattacharya Sarani, Alipore, Kolkata – 700027  
Phone: 033-2449 9944 / 2479 1694, Fax: 033-2448 7871  
Email: dm.s24pgs@gmail.com, dm-ali@nic.in

Annexure - R/2



- 11 -

**ORDER**

Whereas, a letter was received from the Chief Technical Officer, East Kolkata Wetlands Management Authority (EKWMA), Govt. of West Bengal vide Memo. No- 234-CTO/EN/200(8)/2022-23 dated 23.04.2024 in the matter of Ankur Sharma vs State of West Bengal & Ors. bearing case no. O.A 01/2024/EZ, for demolition of illegal building raised at part of RS Dag No. 156 and 157, Mouza – Atghara, JL No. 5 under P.S. Narendrapur, District – South 24 Parganas i.e, on the land of Deo Kumar Shah, Goutam Das, Jagannath Pal, Jitendra Khera, Mritunjay Mal, Pabitra Sarkar, Sanjib Mondal, Subrata Mondal and Ujjal Majumder wherein they were directed by East Kolkata Wetlands Management Authority (EKWMA) to demolish the said illegal building within 30 days from the date of receipt of the Reasoned Order vide memo No. 507-CTO/EN/200(8)/2022-23, 508-CTO/EN/200(8)/2022-23, 509-CTO/EN/200(8)/2022-23, 510-CTO/EN/200(8)/2022-23, 511-CTO/EN/200(8)/2022-23, 512-CTO/EN/200(8)/2022-23, 513-CTO/EN/200(8)/2022-23, 514-CTO/EN/200(8)/2022-23 and 515-CTO/EN/200(8)/2022-23 dated 22.12.2023. But they have not complied with the direction given through the Reasoned Order.

And

Whereas, in view of the above, the East Kolkata Wetlands Management Authority (EKWMA) has further directed the undersigned to demolish the said illegal building construction and to restore the subject land to its previous status and to recover the cost as arrear of land revenue from the violators.

Hence the Sub-Divisional Officer, Baruipur sub-division is directed for dismantling the illegal building at RS Dag No. 156 & 157, Mouza – Atghara, JL No. 5 under P.S. Narendrapur, District – South 24 Parganas and



OFFICE OF THE  
DISTRICT MAGISTRATE & COLLECTOR  
SOUTH 24 PARGANAS


-12-



Office: 12, Biplabi Kanai Bhattacharya Sarani, Alipore, Kolkata - 700027  
Phone: 033-2449 9944 / 2479 1694, Fax: 033-2448 7871  
Email: dm.s24pgs@gmail.com, dm-all@nic.in

restoration of the area into its original status and to submit the compliance report to this end within Six (06) weeks of the receipt of this order.

The Superintendent of Police, Baruipur Police District, South 24 Parganas is requested to take necessary measures to deploy adequate police force therein to maintain law and order situation.

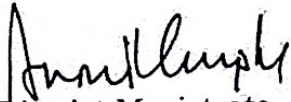
  
District Magistrate  
South 24 Parganas

Memo No. 27/NGIT/5125BR/2024

Date: 13.11.2024

Copy forwarded for information & necessary action to :-

1. The Chief Technical Officer, EKWMA for information.
2. Sub-Divisional Officer, Baruipur for taking necessary action.
3. The Superintendent of Police, Baruipur Police District, South 24 Parganas

  
District Magistrate  
South 24 Parganas





Annexure - 2/3  
- 13 -

**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, Fax: 91-33-2335 6403, Email: [ctoekwma@gmail.com](mailto:ctoekwma@gmail.com)

No. -EN/3C-05/2024

Date: .10.2024

From: Chief Technical Officer  
East Kolkata Wetlands Management Authority

To: The Panchayat Pradhan  
Kheadaha-II Gram Panchayat, Vill. Dargatala  
PO Kheadaha, PS Narendrapur  
Dist. South 24 Parganas-700150  
Email: mitanaskar123@gmail.com

Sub: Request to provide information about the sanctioned building plans on RS Dag numbers of Mouza Atghara as mentioned in the Joint Committee Report dt 04.04.2024 filed before the Hon'ble National Green Tribunal

Ref: OA No. 01/2024/EZ in which you are Respondent no. 9

Sir,

Being Respondent No. 9 of the above referred matter you are aware of the directions of the Hon'ble National Green Tribunal against several illegal constructions in Mouza Atghara, JL no. 5. East Kolkata Wetlands Management Authority (EKWMA) has already started taking steps against the illegal constructions on RS Dag nos. 156 and 157 of Mouza Atghara, which the EKWMA has already informed the Hon'ble NGT through affidavit.

However, it is necessary to take action against the illegal constructions on all the RS Dag numbers of Mouza Atghara as mentioned in the Joint Committee Report dt 04.04.2024, which was submitted before the Hon'ble NGT. Now, the EKWMA requires to get information about the building plans sanctioned by Kheadaha-II Gram Panchayat on all the RS Dag numbers of Mouza Atghara as mentioned in the said Joint Committee Report after coming into effect of East Kolkata Wetlands (Construction and Management) Act, 2006 i.e. from 16.11.2005 to date. Or else, if anybody has undertaken any construction illegally, please inform this office the action taken against those violators by your office.

You are requested to provide the aforesaid information as early as possible so that the EKWMA can proceed to take necessary steps in this regard and also can submit a report on the same before the Hon'ble NGT.

Yours faithfully,

Sd/-

CTO, EKWMA

Date: 24.10.2024

No. 639(2)EN/3C-05/2024

Copy for information and necessary action to:

- Secretary, Panchayats and Rural Development Department  
Govt. of West Bengal
- District Magistrate  
South 24 Parganas



*(Signature)*