

S.P. NO. 33 DT 7/12 YEAR 2024

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, FINANCE CENTRE,
3RD FLOOR, NEW TOWN, KOLKATA.

Original Application No. 133 of 2023/EZ

In the matter of:

Serajul Islam & Anr.

...Applicants

Versus

The State of West Bengal and Ors.

...Respondents



CURRENT STATUS REPORT ON AFFIDAVIT FILED ON BEHALF
OF THE RESPONDENT NO.5/THE DISTRICT MAGISTRATE,
BIRBHUM.

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Filed by,

Sudip Kumar Dutta
Advocate
Mobile No.9874782072

S. P. NO. 58 DT 2/12/2024 YEAR 2024

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, FINANCE CENTRE,
3RD FLOOR, NEW TOWN, KOLKATA.

Original Application No. 133 of 2023/EZ

In the matter of:

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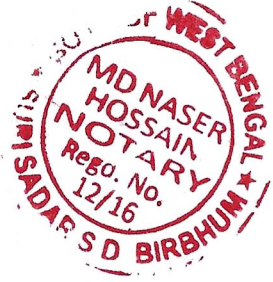
CURRENT STATUS REPORT ON AFFIDAVIT FILED ON BEHALF
OF THE RESPONDENT NO.5/THE DISTRICT MAGISTRATE,
BIRBHUM.

I, Shri. Bidhan Chandra Ray, Late Srish Chandra Ray, aged about 55 years, by faith Hindu working for gain as the District Magistrate and Collector, District- Birbhum, having my office at P.O. & P.S. Suri, District Birbhum, West Bengal , PIN 731101, do hereby solemnly affirm and say as under :-

1. That I am working as the District Magistrate and Collector, Birbhum District having my office at Suri, Post Office & Police Station- Suri, District- Birbhum, West Bengal. I am the Respondent No.5 and I have made myself acquainted with the

MD Naser Hossain
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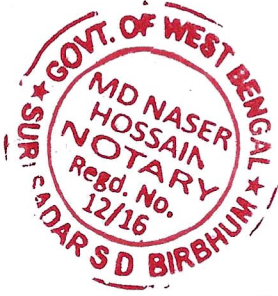
facts and circumstances of the case and as such I am competent to swear sign and affirm this affidavit.



2. That I have read a copy of the Original Application (hereafter the Application) and the connected applications thereto, and understood the contents and purports thereof.
3. That this Current Status Report is being filed by the deponent Respondent No.5 in terms of the solemn Order dated 17th September, 2024 passed by this Hon'ble Tribunal.
4. At the outset, I say that I have highest regard to every order passed by this Hon'ble Tribunal and it has been always my best endeavour to comply with direction/order of this Hon'ble Tribunal. I have taken every and all measures to prevent illegal mining in the alleged site in compliance with the solemn order dated 16th February, 2024 passed by this Hon'ble Tribunal. However, if this Hon'ble Tribunal, upon perusal of this Affidavit, comes to the conclusion that there has been any delay in compliance with the order of this Hon'ble Tribunal, I say that the same is purely unintentional, for which I tender my sincere apology before this Hon'ble Tribunal and I pray that this Hon'ble Tribunal may graciously be pleased to accept the same and condone the delay, if any.

M. Hossain
MD NASER HOSSAIN
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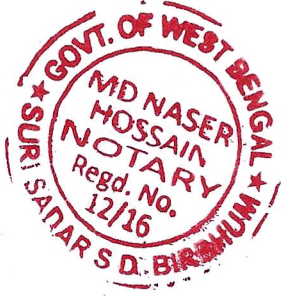
5. That, an affidavit of compliance dated 17.05.2024 has been affirmed and filed before this Hon'ble Tribunal by the District Magistrate, Birbhum, whereby the steps taken for prevention of illegal mining at the alleged site have been placed for this Hon'ble Tribunal for kind consideration.



6. That, at the cost of repetition, it is submitted that the District Magistrate, Birbhum, with a view of compliance of the solemn direction of this Hon'ble Tribunal for prevention of illegal mining at the alleged site, has constituted a Committee comprising of (i) Sub-Divisional Officer, Rampurhat, (ii) Sub-Divisional Police Officer, Rampurhat, (iii) Sub-Divisional Land & Land Reforms Officer, Rampurhat, (iv) Block Development Officer, Nalhati-I, (v) Block Land & Land Reforms Officer, Nalhati and (vi) Inspector-in-Charge, Nalhati Police Station, vide an order dated 19th April, 2024.

7. That, the said Committee has made frequent and surprise visits on different dates including 02.05.2024, 03.05.2024, 07.05.2024, 10.05.2024 to the alleged quarry in issue spreading over Plot Nos. 707, 712, 713, 714, 715 and 688 in Mouza- Madna, JL No.11 under PS- Nalhati covering an area of 6.76 acres and the Committee did not find any incidence of stone excavation thereat; however, at that time of inspections, it was found by the

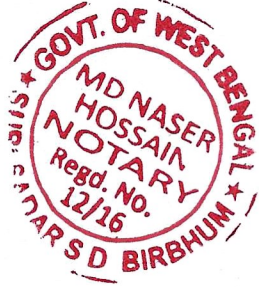
Md Naser Hossain
 MD NASER HOSSAIN
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Committee that excavation of stone over Plot Nos. 707, 712, 713 and 714 took place long time ago, but there were traces of recent extraction over Plot No. 688 and partly on Plot No. 715. Certain measures like interaction with local people sensitizing them regarding illegal stone mining and attraction of penal provisions, loudspeaker campaigns at the alleged site as well as neighbouring habitats regarding prohibition of stone mining at the alleged site, installation of iron barricades at the approach road to the alleged quarry, installation of large signboard at the alleged site, were taken in order to prevent excavation of stone from the alleged site.

8. That, despite frequent and surprise visits to the said site by the Committee as well as making enquiry with local people, the person(s), who were engaged in such illegal excavation of stone in the quarry in issue, could not yet be ascertained.
9. That, the Committee has been continuing frequent and surprise visits to the alleged site including one recent visit on 06.12.2024, when the Committee did not find that extraction of stone/stone mining has happened meanwhile in the alleged site nor any trace of recent mining extraction in the *interregnum* could be sensed thereat. The Committee further found that the alleged quarry site has been lying abandoned with no traces of mining excavation

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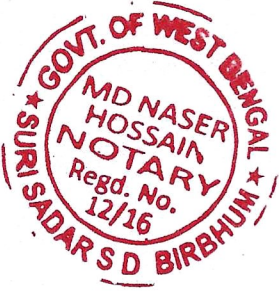
meanwhile and there has been no change of status of the alleged quarry site in so far as extraction of stone/mining operations are concerned, as it was found by the Committee during its first visit on 02.05.2024, when no stone extraction/mining activities at the alleged site were found.

10. It is respectfully submitted that illegal excavation of stone in the quarry in issue has been prevented and no such excavation of stone thereat has happened in the *interregnum*.
11. It is further submitted that with regard to the allegations against the private respondent nos. 13 to 19, during its frequent visits till date, the Committee did not find any incidence of stone mining at the alleged site by any person including the said private respondents, particularly in view of the fact that the alleged site lies abandoned without any mining operations. The Committee interacted with the landowners of the alleged plots of land namely Giden Mardi, Aslina Hasda, Sujata Hansda, Barnaban Hansda, Rajes Murmu, Namita Murmu, Rameswar Murmu and others as well as with some local people, who could not name the actual offenders who had extracted stone from the alleged site long ago. The Committee further interrogated the said private respondents who denied such allegation.

M. N. Hossain
MD NASER HOSSAIN
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12. It is further respectfully submitted that a complaint dated 07.05.2024 was lodged by the BL&LRO, Nalhati-I with Nalhati Police Station stating, inter alia, that illegal stone mining was being conducted in the alleged quarry and ascertainment of actual offender(s) could not be possibly made despite repeated surprise visits and therefore necessary enquiry and action thereof against such illegal mining be undertaken in accordance with law. The said complaint has been registered as FIR No. 239/2024 and the Police authorities have initiated the Nalhati P.S. Case No. 239/2024 u/s 379 of the IPC and enquiring into the said complaint independently. The Investigating Police Officer has examined available witnesses and recorded their statements under section 161 of the Cr.PC. He has also arranged for recording of statements of the witnesses before the Learned Court under section 164 of the Cr.PC and the said investigation is on for appropriate prosecution.

Copy of the Report dated 07.12.2024 submitted by the Committee before the deponent together with some photographs captured by the Committee during their visit to the alleged site on 06.12.2024, are collectively annexed hereto as Annexure-A.


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- 13. I most humbly submit that I have thus taken every and all steps to prevent illegal mining in the quarry in issue in compliance with the solemn order passed by this Hon'ble Tribunal.
- 14. The statements made in paragraphs 1 to 3 of the foregoing affidavit are true to my knowledge, those made in paragraphs 5 to 12 are information derived from the records and the rest are my humble submissions before this Hon'ble Tribunal.

Bidhan Chandra Ray.

Deponent.

District Magistrate
Birbhum

*Identified by me
SK. Alauddin
Advocate
07.12.2024
S.C. No. MB-1528/1983*

MD NASER HOSSAIN
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Solemnly affirmed on
day of 07/12 2024
by deponent: *Bidhan Chandra Ray*
Identified by
SK. Alauddin Advocate.

M. Hossain
MD NASER HOSSAIN
NOTARY
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Current Status Report in compliance to the solemn order passed by the Hon'ble National Green in O.A No. 133/2023/EZ in the matter of Serajul Islam & Anr. -Vs- The State of West Bengal & Ors.

To comply with the solemn order dated 16.02.2024 passed by the Hon'ble National Green Tribunal in O.A. No. 133/2023/EZ, the District Magistrate, Birbhum has constituted a Committee comprising of the following officers:

1. The Sub Divisional Officer, Rampurhat;
2. The Sub Divisional Police Officer, Rampurhat;
3. The Sub Divisional Land & Land Reforms Officer, Rampurhat;
4. The Block Development Officer, Nalhati-I Dev. Block, Nalhati;
5. The Block Land & Land Reforms Officer, Nalhati-I Block, Nalhati Birbhum;
6. The Inspector- In Charge, Nalhati Police Station.

In pursuance thereto, the Committee paid repeated visits to the alleged site and submitted a report dated 15.05.2024 before the District Magistrate, Birbhum stating, inter alia, that alleged quarry spreads over Plot Nos. 707, 712, 713, 714, 715 & 688 in Mouza-Madna, JL No.11 under PS- Nalhati and during repeated visits, the Committee did not find extraction of stone thereat; however, it was noticed that extraction of stone happened long time ago over Plot Nos. 707, 712, 713 & 714 and traces of recent extraction (nearly about few months ago) over Plot No. 688 & partly on Plot No. 715 was sensed.

The Committee further took the following steps, amongst others, to prevent stone mining at the alleged site:

- (i) Local people were sensitized that mining without lease/licenses granted by the State Government is illegal and it attracts penal prosecution;
- (ii) Miking campaigns were made at the alleged site as well as neighboring habitats that any extraction of stone from the alleged site is illegal and attracts penal prosecution;
- (iii) Iron barricades were installed in the access road to the alleged site to prevent transportation of stone therefrom;

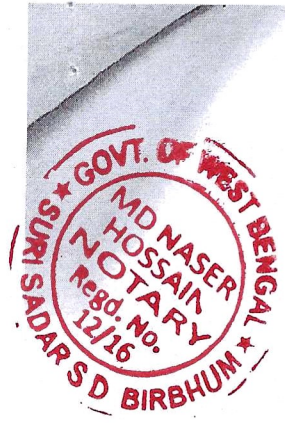


- (iv) Large signboard was installed at the alleged site, inter alia, that any kind of extraction of stone thereat is illegal and is liable to be prosecuted strictly in accordance with law;
- (v) Interaction with local habitants were made;

However, the Committee has been continuing frequent visits to the alleged site. On 06.12.2024, the Committee undertook one such visit to the alleged site and found that no extraction of stone/stone mining has happened meanwhile in the alleged site nor any trace of recent mining extraction in the *interregnum* could be sensed thereat. The Committee, on its visit on 06.12.2024, found that the alleged quarry remains abandoned without any trace of mining extraction/activities meanwhile, and thus the Committee finds that there has been no change of status of the alleged site in so far as extraction of stone/mining operations are concerned, as it was found by the Committee during its first visit on 02.05.2024, when no stone extraction/mining activities at the alleged site were found.

With regard to the issue of involvement of the private respondent nos. 13 to 19, the Committee, during its frequent visits till date, did not find any incidence of stone mining at the alleged site by any person including the said private respondents, particularly in view of the fact that the alleged site lies abandoned without any mining operations. The Committee interacted with the landowners of the alleged plots of land namely Giden Mardi, Aslina Hasda, Sujata Hansda, Barnaban Hansda, Rajes Murmu, Namita Murmu, Rameswar Murmu and others as well as with some local people, who could not name the actual offenders who had extracted stone from the alleged site long ago. The Committee further interrogated the said private respondents who denied such allegation of their involvement at the alleged site.

It may be pertinently mentioned that a complaint dated 07.05.2024 was lodged by the BL&LRO, Nalhati-I with Nalhati Police Station stating, inter alia, that illegal stone mining was being conducted in the alleged quarry and ascertainment of actual offender(s) could not be possibly made despite repeated surprise visits and therefore necessary enquiry and action thereof against such illegal mining be undertaken in accordance with law. The said complaint has been registered as FIR No. 239/2024. The Police authorities have initiated the Nalhati P.S. Case No. 239/2024 u/s 379 of the IPC and enquiring into the said complaint independently. So far information is received from the Police authorities, the Investigating Police Officer examined available witnesses and recorded their statements under section 161



of the Cr.PC. Arrangements for recording statements of the witnesses before the Learned Court under section 164 of the Cr.PC have been made by the Police Investigating Officer. The investigation is underway for prosecution.

It is submitted that the Committee is constantly vigilant over the alleged site by making frequent and surprise visits on regular basis to ensure that mining operations at the alleged site are not resumed by the offenders.

Some photographs captured during the visit on 06.12.2024 to the alleged site, are enclosed.

Submitted by,



[Signature] 7/12/24
Sub Divisional Officer
~~Sub Divisional Officer~~
Rampurhat, Birbhum

[Signature] 7/12/24
Sub Divisional Police Officer
~~Sub Divisional Police Officer~~
Rampurhat * Birbhum

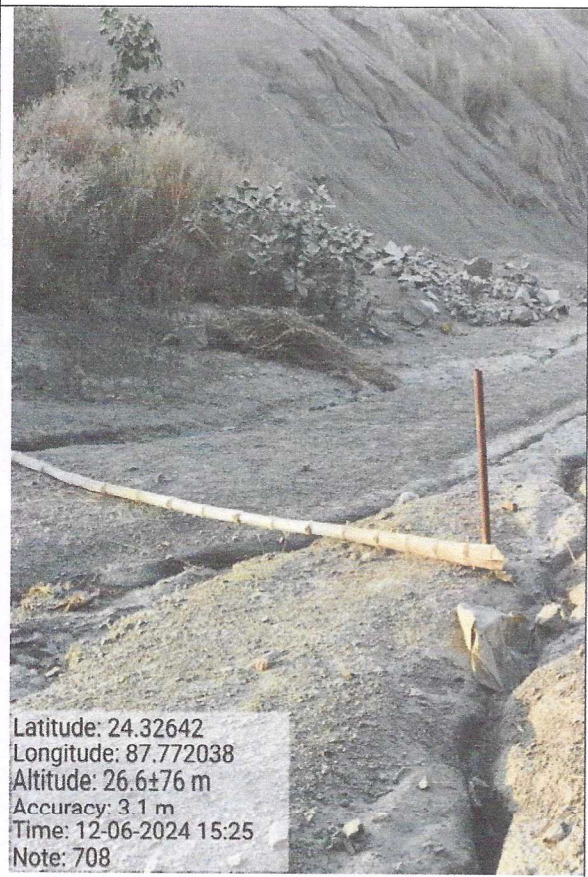
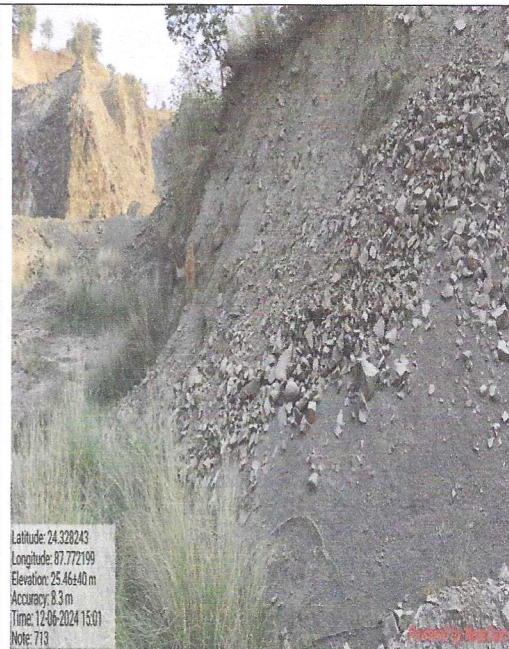
[Signature] 07/12/24
Sub Divisional Land & Land Reforms Officer
Rampurhat Sub-Division
S.D.L & L.R.O.
Rampurhat, Birbhum

[Signature] 7/12/24
Block Development Officer
Nalhati-I Block
~~Block Development Officer~~
Nalhati-I Development Block
Nalhati, Birbhum

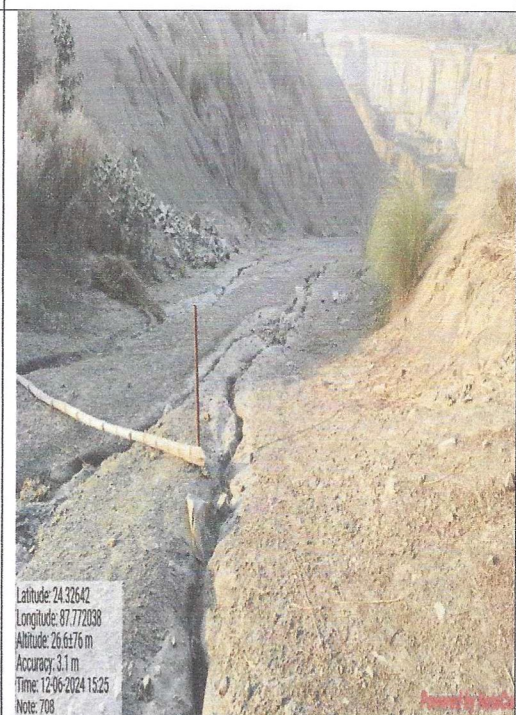
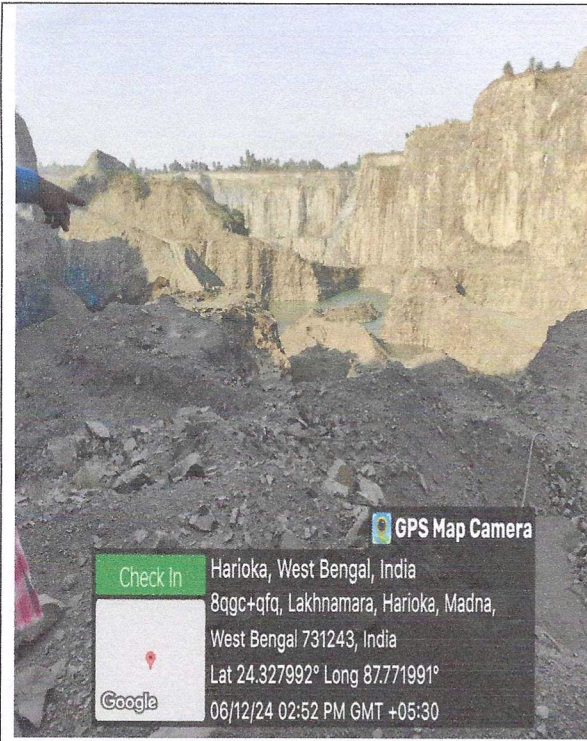
[Signature] 7/12/24
Block Land & Land Reforms Officer
Nalhati-I Block
B.L. & L.R.O.
Nalhati-I, Birbhum

[Signature] 7/12/24
Inspector-in-Charge
Nalhati P.S.
~~Inspector-in-Charge~~
Nalhati P.S.
Birbhum

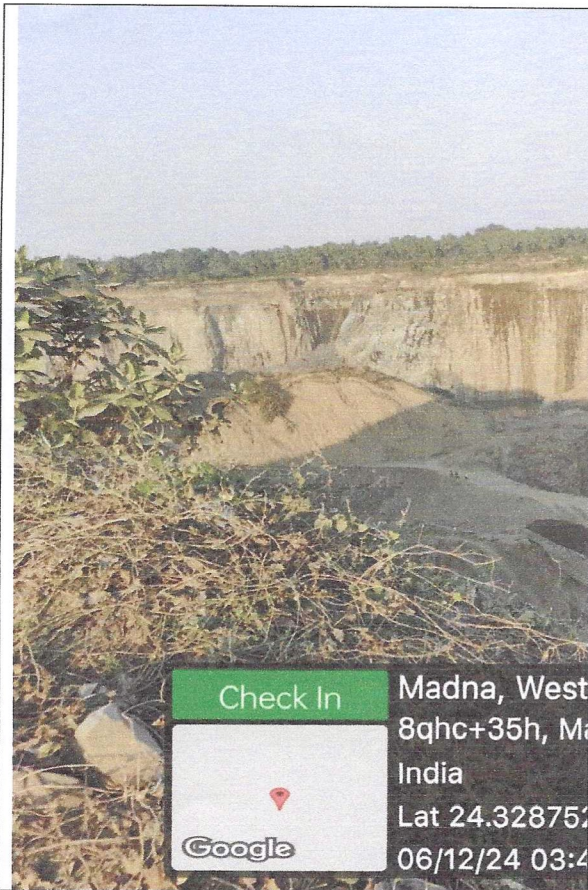
Photographs captured during visit of the Committee on 06.12.2024



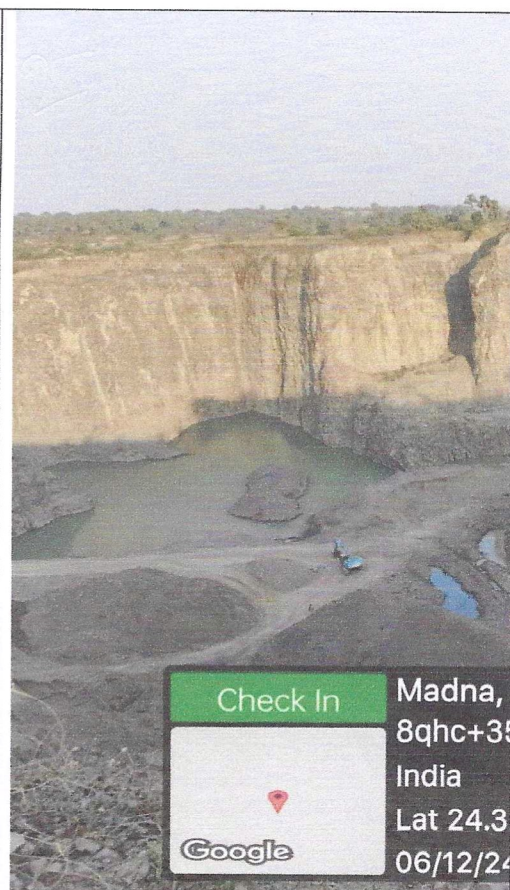
GOVT. OF WEST BENGAL
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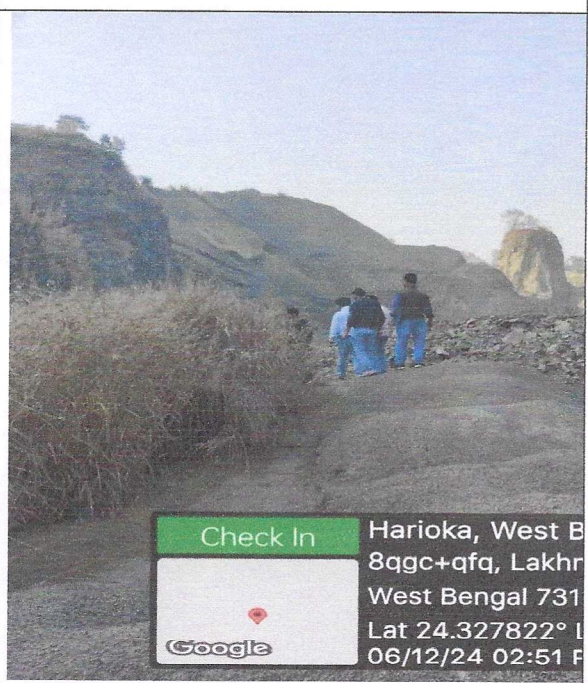
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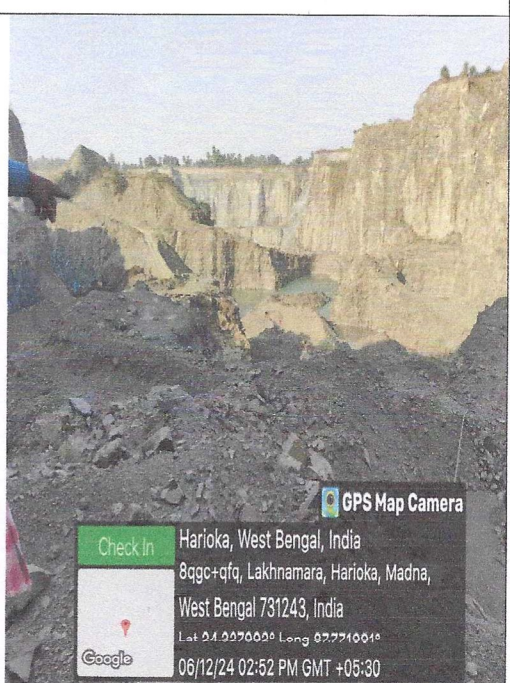
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GOVT. OF WEST BENGAL
 MD NASER HOSSAIN
 NOTARY
 Regd. No. 12/16
 SIRI SADAR S D BIRBHUM

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