



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 64/2023/EZ

In The Matter of:

Raghunath Maity

... Applicant



Versus

The West Bengal Pollution
Control Board & Ors.

... Respondents

STATUS REPORT IN THE FORM OF AFFIDAVIT ON BEHALF OF THE
RESPONDENT NUMBER 05, EXECUTIVE ENGINEER, IRRIGATION &
WATERWAYS DIRECTORATE, PURBA MEDINIPUR.

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Filed by
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SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 64/2023/EZ

In The Matter of:

Raghunath Maity

... Applicant

Versus

The West Bengal Pollution
Control Board & Ors.

... Respondents

BEFORE THE NOTARY PUBLIC
AT DEBABRATA SARKAR
DIST. NORTH 24 PARGANAS

STATUS REPORT IN THE FORM OF AFFIDAVIT ON BEHALF OF THE
RESPONDENT NUMBER 05, EXECUTIVE ENGINEER, IRRIGATION &
WATERWAYS DIRECTORATE, PURBA MEDINIPUR.

I, Sri DEBABRATA SARKAR, S/o Suranjan Kumar Sarkar, aged about 49
years, by occupation- service and presently posted as Executive Engineer,
Irrigation and Waterways Directorate, East Midnapore Division, Tamluk,
having office at Irrigation and Waterways Directorate, East Midnapore,

Village-Abasbari, Pairatungi, P.O & P.S- Tamluk, District: Purba Midnapore, Pin: 721636, do hereby solemnly affirm and submit as follows:-

1. That I am the Executive Engineer, Irrigation and Waterways Directorate, East Midnapore Division, Tamluk, having office at Irrigation and Waterways Directorate, East Midnapore, Village-Abasbari, Pairatungi, P.O & P.S- Tamluk, District: Purba Midnapore, Pin: 721636, being respondent number 05 above-named. I, on behalf of the respondent number 05, am competent to swear and affirm this affidavit for and on behalf of myself and the Department OF Irrigation and Waterways, Government of West Bengal.
2. That this Status Report in the form of affidavit is being filed in compliance and obedience to the Solemn Order dated 23.09.2024, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That on 16.08.2024, a joint demarcation was conducted by the in respect of certain plot numbers as mentioned in the joint demarcation report including Plot Numbers 163 & 164, (which belongs to Irrigation and Waterways Directorate, Government of West Bengal) at Mouza- Meghadangar, J. L. No. 92 within Panskura block in presence of the Revenue Inspector, Ghoshpur Panskura, Sectional Officer of Irrigation and Waterways directorate, Government of West Bengal (Cossye Section) and Block Land & Land Reforms Officer, panskura and the following observations were made by the officials:
 - (i) The Biswanath Bani Mill situated over plot numbers 163 & 164 measuring an area of 630 Sq. Ft = 1.45 decimal
 - (ii) A raiyat of plot number 223, Raghunath Maity the present applicant in this original applicant himself has encroached an area of 603 Sq. Ft. = 1.38decimal in plot number 164



- (iii) The plot number 224 belongs to Collector's khatian classification as rasta (road) and this plot has also being closed by the Raghunath Maity (the applicant in the instant original application).
- (iv) The petitioner/applicant has encroached by constructing a brick wall asbestos shaded structure.

Photocopy of the Joint Demarcation Report dated 16.08.2024 is annexed herewith and marked with the letter 'R-1'.

4. That subsequently the Sub Divisional Officer Panskura (I) Sub Division No.-II, Panskura, Purba Medinipur vide letter dated 20.08.2024 had informed the Sub Divisional Officer, Tamluk, Purba Medinipur that the land having plot number 164, at Mouza-Meghadangar, J. L. No.-92, Block & P.S- Panskura, District: Purba Medinipur, is recorded in favour of Irrigation and Waterways department, Government of West Bengal which has been partly encroached by Raghunath Maity (the applicant) in the present original application and Raghunath Maity has constructed an unauthorized structure and in this connection a joint demarcation was conducted on 16.08.2024.

Accordingly the Sub Divisional Officer Panskura (I) Sub Division No.-II, Panskura, Purba Medinipur had interalia requested the Sub Divisional Officer, Tamluk, Purba Medinipur to take necessary action in terms of West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 so that the Government land may be free from illegal encroachment.

Photocopy of the letter dated 20.08.2024 written by the Sub Divisional Officer Panskura (I) Sub Division No.-II, Panskura, Purba Medinipur to the Sub Divisional Officer, Tamluk, Purba Medinipur is annexed herewith and marked with the letter 'R-2'.



5. That in the proceedings before the Sub Divisional Magistrate, Tamluk, Purba Mednipur being Case No.-07/2023 vide order dated 20.08.2024 under section 3(1) of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 it has been interalia directed by the Sub Divisional Magistrate, Tamluk, that notice be issued to Raghunath Maity and Subhankar Das being encroachers on government land to appear on 10.09.2024 with documentary evidence to establish their claims on the plots of land.

The said notices have been served upon the respective parties including the encroachers vide letter dated 22.08.2024 by the Sub Divisional Officer Panskura (I) Sub Division No.-II, Panskura, Purba Medinipur.

Photocopies of the Order dated 20.08.2024 and notices being served vide letter dated 22.08.2024 by the Sub Divisional Officer Panskura (I) Sub Division No.-II, Panskura, Purba Medinipur are collectively annexed herewith and marked with the letter 'R-3'.



6. That subsequently in the proceedings before the Sub Divisional Magistrate, Tamluk, Purba Mednipur being Case No.-07/2023 vide order dated 20.08.2024 under section 3(1) of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 when the matter again appeared it has been interalia observed by the Sub Divisional Magistrate, Tamluk, that Raghunath Maity has encroached an area of 603 Sq. Ft i. e 138 decimal of Government land in plot number 164 by constructing a brick wall asbestos shaded structure.

That for ascertaining the actual encroacher the B. L. & L.R.O, Panskura-I, has been directed to submit a fresh enquiry report over the Government plot of land being Plot numbers 163 & 164, J L. No.

92, Mouza- Meghadangar, infront of Rayat Plot No.223 within 23.09.2024.

That vide letter dated 23.09.2024 the Sub Divisional Magistrate, Tamluk had directed the Sub Divisional Officer Panskura (I) Sub Division No.-II, Panskura, Purba Medinipur to serve copy of Order sheet dated 10.09.2024 upon all encroachers and submit report thereon.

Photocopies of the Order dated 10.09.2024 and letter dated 23.09.2024 written by the by the Sub Divisional Magistrate, Tamluk to the Sub Divisional Officer Panskura (I) Sub Division No.-II, Panskura, Purba Medinipur are collectively annexed herewith and marked with the letter 'R-4'.

7. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice.

Identified by me

Sibajyoti Chakrabarti

Advocate

State of West Bengal

23.12.2024

Debabrat̄n Sarker

Deponent

Executive Engineer
East Midnapore Division
& W Dte., Tamluk

S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs.

23 DEC 2024

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BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST-NORTH 24 PARGANAS



VERIFICATION:

I, the deponent within named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information as available in the office of the Executive Engineer, Irrigation and Waterways Directorate, East Midnapore Division, Tamluk, having office at Irrigation and Waterways Directorate, East Midnapore, Village-Abasbari, Pairatungi, P.O & P.S- Tamluk, District: Purba Midnapore, Pin: 721636 and I believe that nothing material has been concealed there from.

S. Chaudhuri
Verified at Kolkata on the ^{23rd} Day of December, 2024.

Identified by me

Sibojyoti Chakrabarti
Advocate 23.12.2024
State of West Bengal

Debabrata Sarkar

Deponent

Executive Engineer
East Midnapore Division
& W Dto., Tamluk

S. Chaudhuri
S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs.

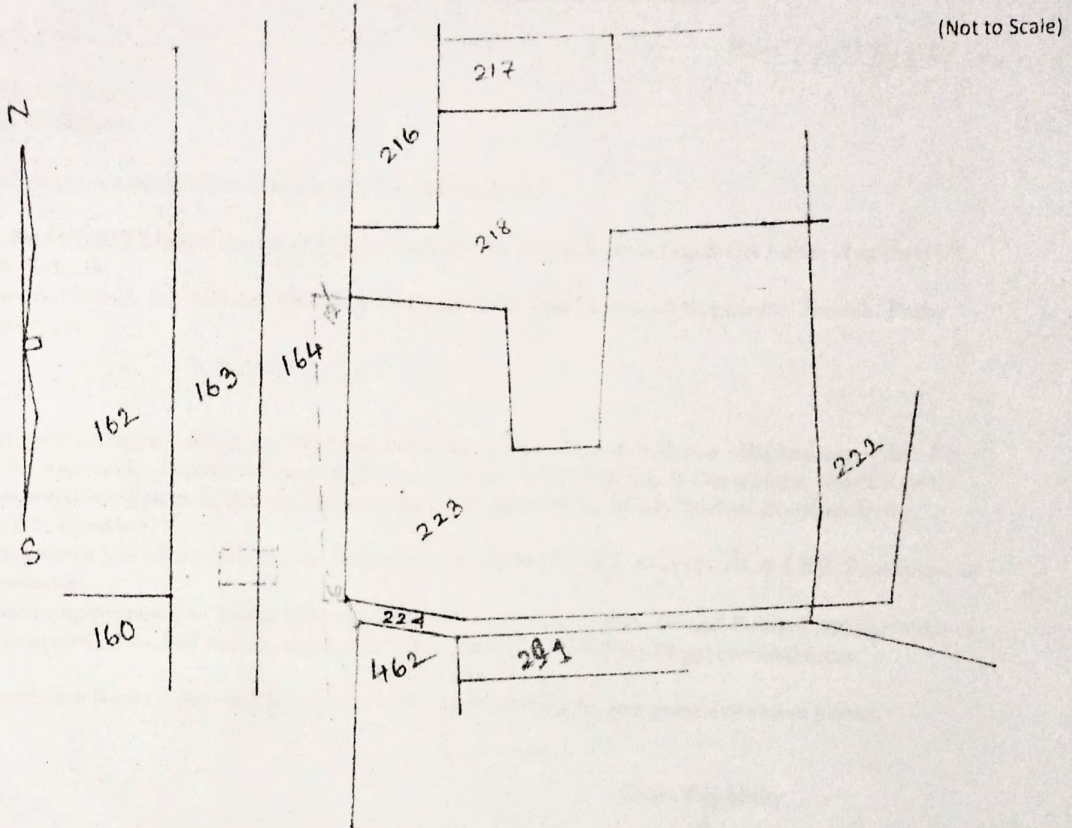
23 DEC 2024

Joint Demarcation

Sub:- Regarding joint demarcation of Govt. Land belongs to I & W Dte. of plot no - 163 & 164 at mouza - Meghadangar, JL No - 92 under Panskura Block

Ref:- (i) Memo No of Sub-Divisional Officer of I&W Dte. Pans(I) Sub-Division No -II - 667^E, date - 07.08.2024,
 (ii) O.A. No. 64/2023EZ in the matter of Raghunath Maity & Dipak Kumar Das & Ors before Hon'ble NGT EZB Kolkatta
 (iii) Case No - 7/2023 U/S 3(1) Act 1962 Hon'ble court of Sub-Divisional Magistrate Tamruk, Purba Medinipur

Hand Sketch Map



Joint demarcation conducted on 16.08.2024 at above noted plot Nos in presence of Revenue Inspector, Ghoshpur, Panskura and Sectional Officer of I&W Dte. (Cossye Section). The Raghunath Maity, the petitioner of this case with his Surveyor were present there but they are refused to sign over attendance sheet

After demarcation the field shows that

- (1) The Biswanath Bani mill situated over plot 163 and 164 measuring an area 630 sq.ft. = 1.45 decimal
- (2) A raiyat of plot No 223, Raghunath Maity has encroached an area 603 sq.ft. = 1.38 decimal, of plot No 164
- (3) The plot no 224 belongs to collectors khatian classification Rasta, this plot also closed by Raghunath Maity.
- (4) The petitioner has encroached by constructed a brick wall asbestos shaded structure.

Signature
 16.08.24
 Revenue Inspector

Signature
 16/08/2024
 Sectional Officer
 Cossye Irrigation Section
 Panskura, Purba Medinipur

Counter Signature
 Signature
 16/08/24
 Block Land & Land Reforms Officer
 Panskura, Purba Medinipur



Annexure - R-2

Government of West Bengal,
Irrigation and Waterways Directorate,
Office of the Sub-Divisional Officer,
Panskura Irrigation Sub-Division No. II,
Panskura, Purba Medinipur-721139.

Phone: 03228-252220

e-mail: sdoidpanskura2@gmail.com

Memo No.: 693E
To
The Sub-Divisional Officer,
Tamluk, Purba Medinipur.

Date: 20.08.2024.

Sub: Illegal encroachment of Govt. Land by Sri Raghunath Maity.

Ref: i) O.A No.64/2023EZ in the matter of Rghunath Maity Vs. Dipak Kumar Das & Ors before Hon'ble NGT, EZB, Kolkata.
ii) Case No-07/2023. U/S 3(I) Act-1962 Hon'ble Court of the Sub-Divisional Magistrate, Tamluk, Purba Medinipur.

Sir,

The undersigned is going to inform you that Govt. Land having Plot No.164 of Mouza -Meghadangar, J.L. No. - 92, Block & P.S - Panskura, District - Purba Medinipur recorded in favour of I & W Department, which is partly encroached and constructed an unauthorised structure by Sri Raghunath Maity S/o Bibhuti Bhushan Maity, Meghadangar, P.S- Panskura.

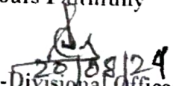
In this connection a joint demarcation was conducted on 16.08.2024 with help of the BL & LRO, Panskura-I in presence of encroacher.

Now you are being requested to kindly take necessary action in terms of West Bengal Public Land (Eviction of unauthorised occupants) Act-1962 so that, the Government land will be free from illegal encroachment.

Joint Demarcation report is enclosed herewith for your kind information and necessary action please.

Yours Faithfully

Encl.:As stated


20/08/24
Sub-Divisional Officer
Panskura (I) Sub-Division No-II
Panskura :: Purba Medinipur

Date

Memo no.

Copy submitted for his kind information to:-

The Executive Engineer, East Midnapore Division (I&W.Dte.) Tamluk, Purba Medinipur.

Sd/- S.K. Das
Sub-Divisional Officer
Panskura (I) Sub-Division No-II
Panskura :: Purba Medinipur

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Annexure - R-3

**IN THE COURT OF SUB-DIVISIONAL MAGISTRATE
TAMLUK, PURBA MEDINIPUR.**

**ORDER SHEET
(RULE 129 OF THE RECORDS MANUAL 1917)**

Case No.- 07/2023 u/s 3(1) of West Bengal Public Land (Eviction of unauthorized occupants) Act, 1962

Order sheet, Dated : 20/08/2024

Nature of the Case: Eviction of unauthorized occupants from Government land of Plot No. 163 and 164, J.L No. 92, Mouza-Meghadangar, P.S- Panskura belongs to Irrigation & Waterways Department, Purba Medinipur, West Bengal.

Serial No & date of Order	Order and signature of Officer	Note of action taken on Order
8 20/08/2024	<p>Appeared the Sub-Divisional Officer, Panskura(I) Sub-Division No.-II, Panskura, Purba Medinipur (I & W.) Directorate, Soumen Paul, Revenue Officer on behalf of the BL&LRO, Panskura-I and the private respondent Sri Subhankar Das.</p> <p>Whereas it appears from the Memo 190E, dated 10/03/2023 issued by the Sub-Divisional Officer, Panskura(I) Sub-Division No.-II, Panskura, Purba Medinipur (I & W. Department), that the plot no 163 and 164 of Mouza- Meghadangar, JI No- 92 is unauthorizedly encroached by Sri Subhankar Das, S/O- Late Dipak Kumar Das.</p> <p>As per order of the undersigned dated 18.07.2024, received a joint demarcation report from BL&LRO Panskura-I, Revenue Inspector & Sectional Officer, Cossye Irrigation Section, Panskura, Purba Medinipur, with due endorsement by the Sub-Divisional Officer, Panskura(I) Sub-Division No.-II, Panskura, Purba Medinipur (I & W.) Directorate vide memo no- 693E dated-20.08.2024.</p> <p>As per joint demarcation report the plot nos. 163 and 164 of Mouza- Meghadangar, JI No- 92 are Govt. land and recorded in favour of I & W Department and the private respondent Sri Subhankar Das, S/O- Late Dipak Kumar Das has encroached an area 630 sq. ft. i.e. 1.45 decimal of the Govt. plot nos.- 163 & 164 by Biswanath Bani Mill.</p> <p>During the demarcation time it is also found out that an another encroacher name Sri Raghunath Maity has encroached an area 603 sq. ft. i.e. 1.38 decimal of the Govt. plot no.-164 by constructing a brick wall asbestos shaded structure</p> <p>Hence, a notice is issued to the parties mentioned below to appear before the undersigned in his office chamber on 10/09/2024 at 1:00 p.m. with necessary documentary evidence to establish their claim on the plots of land in question.</p> <ol style="list-style-type: none">1. The Sub-Divisional Officer, Panskura(I) Sub-Division No.-II, Panskura, Purba Medinipur (I & W.) Directorate.2. The Block Land & Land Reforms Officer, Panskura-I, Purba Medinipur, is directed to appear before the court on fixed for next date of hearing positively.3. Sri Raghunath Maity, S/O- Bibhuti Bhushan Maity.4. Sri Subhankar Das, S/O- Late Dipak Kumar Das. <p>Let this copy be served to all concerned.</p>	

D & C by me


Sub-Divisional Magistrate,
Tamluk, Purba Medinipur


Sub-Divisional Magistrate
Tamluk, Purba Medinipur.

মহকুমাশাসকের কার্যালয়, তামলুক

পূর্ব মেদিনীপুর

পো+ থানা : তামলুক ; জেলা : পূর্ব মেদিনীপুর

পিন : ৭২১৬৩৬

ফোন নং : ০৩২২৮ ২৬৩২২০, ফ্যাক্স : ০৩২২৮ ২৬৩৫০০



सत्यमेव जयते

Office of the Sub-Divisional Officer, Tamluk
Purba Medinipur

PO+ PS : Tamluk ; Dist : Purba Medinipur

Pin : 721636

Phone No : 03228 263220(O) / 263500(Fax)

Email: sdotamluk@gmail.com /

sdmotamluk@gmail.com

Memo No : 1276 /SDO-T(Gen)

Dated : 22/08 / 2024

To
The Sub-Divisional Officer, (I & W Dte.)
Panskura (I) Sub-Division No.- II
Panskura, Purba Medinipur.

Sub.- Serve the order dated 20/08/2024 in connection with Case No. 07/2023 regarding removal of unauthorized structure from Govt. land (Plot No. 163 and 164 of Mouza- Meghadangar, JI No- 92, P.S- Panskura).

Enclosed herewith the order passed by the undersigned dated 20/08/2024 in connection with Case No 07/2023 regarding removal of unauthorized structure from Govt. land (Plot No. 163 and 164 of Mouza- Meghadangar, JI No- 92, P.S- Panskura). which will speak for itself.

You are hereby directed to serve the notice in sl. no. 03 & 04 of the enclosed order sheet and send S/R to the Office of the Sub-Divisional Officer, Tamluk, Purba Medinipur on or before 10/09/2024.

Fixed for hearing date on 10/09/2024 at 1:00 p.m.

Necessary action be taken as per the said order immediately.

Encl.- As stated.


Sub-Divisional Magistrate
Tamluk, Purba Medinipur

Memo No : 1276/1(2) / SDO-T(Gen)

Dated : 22/08 / 2024

Copy forwarded for information to:-

- 1) The Executive Engineer, East Midnapore Division, (I & W Dte.), Tamluk, Purba Medinipur.
- 2) The Block Land & Land Reforms Officer, Panskura-I, Purba Medinipur. You are requested to attend the hearing on 10/09/2024 at 1:00 p.m. positively.


Sub-Divisional Magistrate
Tamluk, Purba Medinipur

B

Annexure - R-4



**IN THE COURT OF SUB-DIVISIONAL MAGISTRATE
TAMLUK, PURBA MEDINIPUR.**

**ORDER SHEET
(RULE 129 OF THE RECORDS MANUAL 1917)**

Case No.- 07/2023 u/s 3(1) of West Bengal Public Land (Eviction of unauthorized occupants) Act, 1962

Order sheet, Dated : 10/09/2024

Nature of the Case: Eviction of unauthorized occupants from Government land of Plot No. 163 and 164, J.L No. 92, Mouza-Meghadangar, P.S- Panskura belongs to Irrigation & Waterways Department, Purba Medinipur, West Bengal.

Serial No & date of Order	Order and signature of Officer	Note of action taken on Order
<p align="center">9 10/09/2024</p> <p>D & C by me</p>  <p>Sub-Divisional Magistrate, Tamluk, Purba Medinipur</p>	<p>Appeared the Sub-Divisional Officer, Panskura(I) Sub-Division No.-II, Panskura, Purba Medinipur (I & W.) Directorate, the BL&LRO, Panskura-I. The Private Respondent Raghunath Maity with his Ld. Advocate appeared.</p> <p>The other private respondent Sri Subhankar Das was absent at the hearing time.</p> <p>Heard all of them.</p> <p>As per joint demarcation report that the plot no.-163 & 164 are Govt. land and recorded in favour of I & W Department and the adjacent plot no.-223, J.L no.- 92 of Mouza- Meghadangar is a rayat land which is recorded in favour of Chandi Charan Manna, Raghunath Maity, Tanmoy Maity and Shankar Manna. Raghunath Maity has encroached an area 603 sq. ft. i.e. 1.38 decimal of the Govt. plot no.-164 by constructing a brick wall asbestos shaded structure.</p> <p>At the hearing time the private respondent Raghunath Maity and his Ld. Adv. states that he has not constructed a brick wall asbestos shed and in this respect he submitted a written objection.</p> <p>To ascertain the name of actual encroacher, the BL&LRO Panskura-I is further directed to submit a fresh enquiry report over the Govt. land of plot no.- 163 & 164, J.L no.- 92 of mouza-Meghadangar, in front of Rayat plot no.- 223, with hand sketch map within 23.09. 2024 positively and specifically demarcate the Govt. land. In this respect notice of demarcation shall be issued to all parties and service return of that notice shall be submitted to this office with enquiry report.</p> <p>All concern parties will be inform after receiving the enquiry report from the BL&LRO Panskura-I and matter will be disposed of thereafter.</p>  <p>Sub-Divisional Magistrate Tamluk, Purba Medinipur.</p>	

মহকুমাশাসকের কার্যালয়, তামলুক
পূর্ব মেদিনীপুর
শো + থানা : তামলুক ; জেলা : পূর্ব মেদিনীপুর
পিন : ৭২ ১৬৩৬
ফোন নং : ০৩২২৮ ২৬৩২২০, ফ্যাক্স : ০৩২২৮
২৬৩৫০০



সত্যমেব জয়তে

Office of the Sub-Divisional Officer, Tamluk
Purba Medinipur
PO+ PS : Tamluk ; Dist : Purba Medinipur
Pin : 721636
Phone No : 03228 263220(O) / 263500(Fax)
Email: sdotamluk@gmail.com /
sdmotamluk@gmail.com

Memo No : 1427 /SDO-T(Gen)

Dated : 23/ 09/ 2024

To
The Sub-Divisional Officer, (I & W Dte.)
Panskura (I) Sub-Division No.- II
Panskura, Purba Medinipur.

Sub.- Serve the order dated 10/09/2024 in connection with Case No. 07/2023 regarding removal of unauthorized structure from Govt. land (Plot No. 163 and 164 of Mouza- Meghadangar, JI No- 92, P.S- Panskura).

Enclosed herewith the order passed by the undersigned dated 10/08/2024 in connection with Case No 07/2023 regarding removal of unauthorized structure from Govt. land (Plot No. 163 and 164 of Mouza- Meghadargar, JI No- 92, P.S- Panskura). which will speak for itself.

You are hereby directed to serve the order sheet upon all encroacher and send S/R to the Office of the Sub-Divisional Officer, Tamluk, Purba Medinipur.

Necessary action be taken as per the said order immediately.

Encl.- As stated.


Sub-Divisional Magistrate
Tamluk, Purba Medinipur

Memo No : 1427 /1(2) / SDO-T(Gen)

Dated : 23 / 09 / 2024

Copy forwarded for information to:-

- 1) The Executive Engineer, East Midnapore Division, (I & W Dte.), Tamluk, Purba Medinipur.
- 2) The Block Land & Land Reforms Officer, Panskura-I, Purba Medinipur for compliance the order.


Sub-Divisional Magistrate
Tamluk, Purba Medinipur

BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH,
KOLKATA

ORIGINAL APPLICATION NO.
64/2023/EZ

In The Matter of:

Raghunath Maity

... Applicant

Versus

The West Bengal Pollution
Control Board & Ors.

... Respondents

STATUS REPORT IN THE FORM
OF AFFIDAVIT ON BEHALF OF
THE RESPONDENT NUMBER 05,
EXECUTIVE ENGINEER,
IRRIGATION & WATERWAYS
DIRECTORATE, PURBA
MEDINIPUR.

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534.