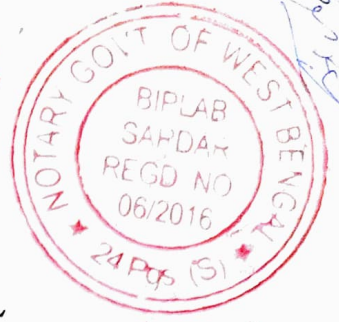


Sl. No. 64 -249 Date **23 OCT 2024**

BEFORE THE NOTARY PUBLIC  
GOVT. OF WEST BENGAL



BEFORE THE NATIONAL GREEN TRIBUNAL  
(EASTERN ZONE BENCH, KOLKATA)

Original Application No. 135/2023/EZ

Mousri Jana

Versus

The State of West Bengal & Ors.

INDEX

	Particulars	Pages
1.	Affidavit	249-254
2.	The Copy of compliance report of Sub-Divisional Officer, Canning along with the Order of the Hon'ble High Court, Calcutta dated 04.09.2024 in WPA 18252 of 2024. "(Annexure- R/1)"	<del>255-271</del>

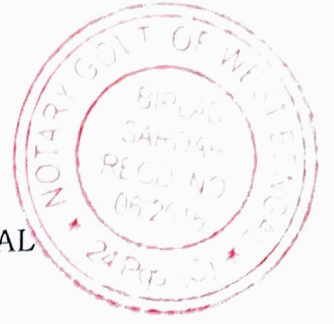
Filed by

(Rajib Ray)

Advocate for the State of West Bengal

Date:23.10.2024

**23 OCT 2024**



BEFORE THE NATIONAL GREEN TRIBUNAL  
(EASTERN ZONE BENCH, KOLKATA)

Original Application No. 135/2023/EZ

Mousri Jana

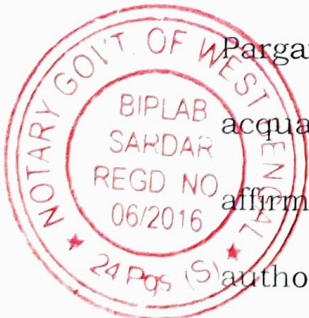
Versus

The State of West Bengal & Ors.

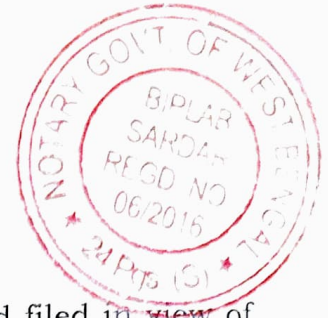
COMPLIANCE REPORT IN THE FORM OF AFFIDAVIT OF THE  
DISTRICT MAGISTRATE, SOUTH 24 PARGANAS DISTRICT,  
GOVERNMENT OF WEST BENGAL

I, Sumit Gupta, Son of Shri. S.K. Gupta, aged about 42 years, by religion - 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, South 24-Parganas, Alipore, Kolkata- 700027. I have made myself well acquainted with the facts and circumstances of the case. I am affirming this report in the form of affidavit and I am duly authorized to do so.

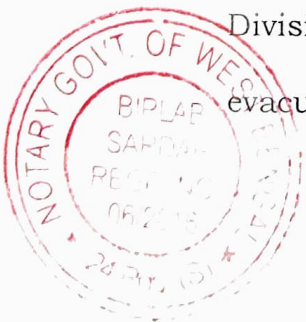


23 OCT 2024



2. That this affidavit is being solemnly affirmed and filed in view of the Order dated 10.05.2024 and 23.07.2024 passed by this Hon'ble Tribunal, whereby the Hon'ble Tribunal has been pleased to direct the District Magistrate, South 24 Parganas to file the compliance report with photographs to show that the plots in question have been restored to their original form as water body and granted three months' time to complete the process of restoration of water bodies in question.

3. That the partial compliance report has been submitted by the Sub-Divisional Officer, Canning vide Memo No. 3286/SDO/CNG dated 22.10.2024 which inter-alia states that out of the 06 (six) nos. of plots, 03 (three) nos. of plots were completely restored, namely - L.R. Plot No. 4575, 4578 and 4572, while restoration work is ongoing and near completion of 02 (two) nos. of plots, namely - L.R. Plot No. 4565 and 4566, for remaining 01 (one) nos. of plot, namely - L.R. plot No. 4546 there is a pucca house and Notice has been served to the Raiyat and possession-holder by the Sub-Divisional Officer, Canning for immediate self-demolition or evacuation.



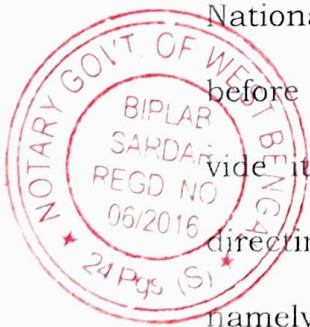
23 OCT 2024



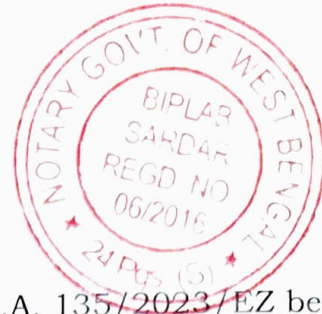
The reason for delay is incessant rainfall and that the excavation work is being done manually because the approach road is inaccessible by JCB.

In the light of the above circumstances, the BDO, Canning – I and BL & LRO, Canning – I, have requested for further three (3) months' time for completion of the restoration of the remaining plots.

That the aggrieved parties have filed a writ petition being WPA 18252 of 2024 (Uttam Das & Ors. –VS- The State of West Bengal) before the Division Bench of Hon'ble Chief Justice, T.S. Sivagnanam & Hon'ble Justice Hiranmay Bhattacharya as communicated by the Ld. Advocate of the aggrieved parties. The Ld. Advocate has also requested "not to take any coercive action against the petitioners in compliance of the direction of the Hon'ble National Green Tribunal (EZ), till disposal of the writ petition before the Hon'ble High Court at Calcutta. The Hon'ble High Court vide its order dated 04.09.2024 has disposed of the matter directing the original applicant "to implead the writ petitioners, namely Uttam Das, Pallab Sardar and Ayan Sardar as respondents



23 OCT 2024



in the instant original application being O.A. 135/2023/EZ before the Hon'ble National Green Tribunal.

The copy of the compliance report as submitted by the Sub-Divisional Officer, Canning along with the Order of the Hon'ble High Court, Calcutta dated 04.09.2024 in WPA 18252 of 2024 are annexed herewith and marked as Annexure – R/1.

4. That the undersigned prays for more three (3) months' time for completion of the entire restoration related process and submission of the compliance report for the kind perusal of the Hon'ble Tribunal.
5. That the affidavit is true and correct to the best of my knowledge and belief, which I derive from the office record including facts & figures.



  
DEPONENT

District Magistrate,  
South 24-Parganas

23 OCT 2024



VERIFICATION

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

Verified at Kolkata on this 23<sup>rd</sup> day of October, 2024.



*Sumit Gupta*  
DEPONENT  
District Magistrate,  
South 24-Parganas

Identified by me

*A. Patra*  
ARIJIT PATRA  
Advocate  
Advocate F. No. - 1569 / 2009  
Criminal And Judge's Court  
Alipore, Kol-700 027

For the State of West Bengal

Solemnly Affirmed & Declared  
before me on Identification  
*Biplab Sardar*  
BIPLAB SARDAR,  
NOTARY  
Regd. No 06/2016  
Govt. Of W Bengal

23 OCT 2024

OFFICE OF  
THE SUB-DIVISIONAL OFFICER  
CANNING  
SOUTH 24 PARGANAS



P.O: Canning  
P.S: Canning  
Dist: South 24 Parganas  
PIN: 743 329, West Bengal  
Phone: (03218) 255-340 (O)  
e-mail: sdocan@gmail.com

Memo No: 3286 /SDO/CNG

Date: 22/10/2024

To  
The Addl. District Magistrate (LR),  
South 24 Parganas

Sub: Compliance report i.c.w. OA 135/2023/EZ (Mousri Jana v/s The State of West Bengal & Ors.)

Sir,

As you are aware, in compliance with the solemn order passed by the Hon'ble National Green Tribunal, Eastern Zone Branch, dated 05/01/2024 and 21/03/2024 (ref: Case no. O.A. 135/2023/EZ - Mousri Jana v/s The State of West Bengal & Ors.) and consequent order passed by the District Magistrate bearing Memo No. 127/Con/DM, dated 02/05/2024, the BL&LRO, Canning-I was directed by the undersigned to complete the process of demarcation of R.S. Dag No. 3675, 3672, 3664, 3665, 3666, 3680, 3660, 3650, 3654, 3646 and 3678 (J.L. No. 75 under Mouza - Matla).

The BL&LRO, Canning-I submitted the concerned report after completion of the said demarcation process to the undersigned vide Memo No. 377/BL-Can-I/2024, dt: 06/05/2024 with all relevant details, including nature of the plot and details of recorded owners and existing possession-holder(s).

The concerned Raiyats and existing possession-holders so mentioned above who had allegedly filled up the waterbodies were then directed to remove the aforementioned unauthorized constructions, and also, to restore the respective plots to their original condition/nature and character within 07 (seven) days, that is, by 13/05/2024 vide Notice bearing Memo No. 788/SDO/CNG, dt: 06/05/2024, failing which, the undersigned would initiate the process of dismantling/demolition of the unauthorized constructions to restore the respective plots to their original nature and character. The BL&LRO, Canning-I served this Notice to the concerned Raiyats/possession-holders with the help of BDO, Canning-I, and he had also submitted the service return(s) to the undersigned vide Memo No. 386/BL-Can-I/2024, dt: 09/05/2024. Despite this, the concerned Raiyats/existing possession-holders (Sl No. 01 - 06 in the aforesaid Notice served vide Memo No. 814/SDO/CNG, dt: 09/05/2024) did not remove their respective unauthorized constructions.

Following this, the BDO, Canning-I was directed to comply with the Order of the NGT, Eastern Zone Branch, Kolkata dated 10/05/2024 with regard to the process of dismantling/demolition of the unauthorized

constructions and also restore the respective plots to their original nature and character, and the BL&LRO, Canning-I was directed to assist him in identification of the said plots and also to arrange for logistic support, while IC, Canning P.S. was directed to arrange for adequate police personnel on each of the days during dismantling/demolition of the unauthorised constructions vide Memo No. 840/SDO/CNG, dt: 14/05/2024.

Consequently, acting upon the direction of the undersigned, the BDO, Canning-I along with BL&LRO, Canning-I started the process of restoration of the concerned plots. Both the aforesaid officers submitted a joint Action Taken Report to the undersigned vide Memo No. 1215/BDO/CNG-I, dt: 22/05/2024 (enclosed herewith for your kind perusal) where they have stated that the said plots are inaccessible for any kind of dismantling work where JCB or/and other restoration-related machineries can be used due to the narrow pathway leading to the plots. Therefore, they were left with no other option but to do the work manually. They have further stated that there's an old pucca residential house that was built almost 15 years back. Furthermore, there's no available site or space nearby for dumping the excavated soil/remnants as the said plots are bound by unfilled waterbody on two sides with a vacant private Raiyati plot on another side.

In pursuance of another letter from your end vide Memo No. 14/2890/NGT/R/2023, dt: 16/07/2024 seeking compliance report on the matter, the same was sought by the undersigned from the BDO, Canning-I and BL&LRO, Canning vide Memo No. 1450(2)/SDO/CNG, dt: 16/07/2024. The BDO, Canning-I and BL&LRO, Canning-I sent a joint report duly signed by them vide Memo No. 1585/BDO/CNG-I, dt: 18/07/2024, citing the same reasons as stated in their previous letter (bearing Memo No. 1215/BDO/CNG-I, dt: 22/05/2024) pertaining to causes for delay in the said dismantling and restoration-related work. Moreover, they have also stated that there was further delay in the work executed by the manual labourers because of the intermitten spells of monsoonal torrential rain. Out of the six (06 nos.) plots which were fully or partially filled up, that were to be restored to their original nature and character, two (02 nos.) plots had been restored completely, and one (01 no.) plot has as restored partially, thereby amounting to almost 50 % restoration work being completed. In light of the above circumstances, the BDO, Canning-I and BL&LRO, Canning-I had requested for at least three months' time for completion of the entire restoration-related process.

Following this, the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata passed a solemn order dated 23/07/2024 where permission was granted for three months' time for the purpose of completion of the restoration work.

This is to also bring to your notice that the aggrieved parties filed a writ petition against the concerned NGT order at the Calcutta High Court vide WPA No. 18252 of 2024 (Uttam Das & Ors. v/s The State of West Bengal), before the Division Bench of Hon'ble Chief Justice, T.S. Sivagnanam and Hon'ble Justice Hiranmay Bhattacharya as communicated by the Ld. Advocate Masud Karim (enclosed herewith). The Ld. Advocate has requested to "not take any coercive action against the petitioners in compliance of the direction of the Ld. NGT, Eastern Zone, till disposal of the above writ application". The said writ petition was disposed, and the order of the Hon'ble High Court, Calcutta (dated 04/09/2024) directed the original applicant "to

implead the writ petitioners, namely Uttam Das, Pallab Sardar and Ayan Sardar as respondents in Original Application No. 135/2023/EZ, dated 10/05/2024" before the Hon'ble National Green Tribunal.

The undersigned sought a report from the BDO, Canning-I and BL&LRO, Canning-I vide Memo No. 3259/SDO/CNG, dt: 21/10/2024 regarding the present status of process of removal of unauthorized construction(s) and restoration work. The BDO, Canning-I and BL&LRO, Canning-I sent a joint report to the undersigned vide Memo No. 2541/BDO/CNG-I, dt: 22/10/2024 stating that out of the 06 (six) nos. plots, 03 (three) nos. plots were completely restored – namely, LR plot no. 4575, 4578 and 4572, while restoration work was ongoing and near completion in 02 (two) nos. plots, namely LR plot no. 4565 and 4566, and for the remaining 01 (one) no. plot, namely LR plot no. 4546, there's a pucca house, and Notice has been served to the Raiyat and possession-holder by the undersigned for immediate self-demolition or evacuation. Citing incessant rainfall and that the excavation work is being done manually because the approach road is inaccessible by JCB, the BDO, Canning-I and BL&LRO, Canning-I have asked for further three months' time for completion of the restoration of the remaining plots.

This is for favour of your kind information and perusal.

Yours faithfully,

*Mb*  
22/10/24  
Sub-Divisional Officer  
Canning, South 24 Parganas

Memo No: 3286 /SDO/CNG

Date: 22 / 10 /2024

Copy forwarded for kind information to:

1. The District Magistrate & District Collector, South 24 Parganas
2. The SDPO, Canning, Baruipur P.D.
3. The SDL&LRO, Canning, South 24 Parganas
4. The BDO, Canning-I, South 24 Parganas
5. The BL&LRO, Canning-I, South 24 Parganas
6. The I.C., Canning P.S., Baruipur P.D.

*Mb*  
24/10/24  
Sub-Divisional Officer  
Canning, South 24 Parganas



**GOVERNMENT OF WEST BENGAL**  
**OFFICE OF THE BLOCK DEVELOPMENT OFFICER**  
**CANNING-I DEV. BLOCK, SOUTH 24 PARGANAS**  
☎ PH NO : 033-255205 | email: bdocng12014@gmail.com

Memo No: 2541/BDO/CNG-I

Date: 22/10/2024

To  
The Sub-Divisional Officer  
Canning Sub-Division  
S24 Parganas

**Sub:** Regarding compliance of the Order of SDO, Canning, S24 Parganas.  
**Ref:** Memo No. 3259(2)/SDO/CNG Dated 21.10.2024.

Respected Sir,

In pursuant to the direction as communicated vide memo no. 840/1(9)/SDO/CNG Dated 14.05.2024 and following the order of Hon'ble NGT (Eastern Zone) in OA no. 135 /2023/EZ (Mousri Jana vs the State of West Bengal and ors.), we the undersigned officers proceeded to comply with the Solemn order and earlier sent a partial compliance report on 18.07.2024 vide Memo no-585/BDO/CNG-I.

In our last report , we mentioned that out of 06 (Six) plots which to be restored as per the Order of Hon'ble NGT( Eastern Zone) we restored 02 (two) Plots and 01 (one) plot partially.

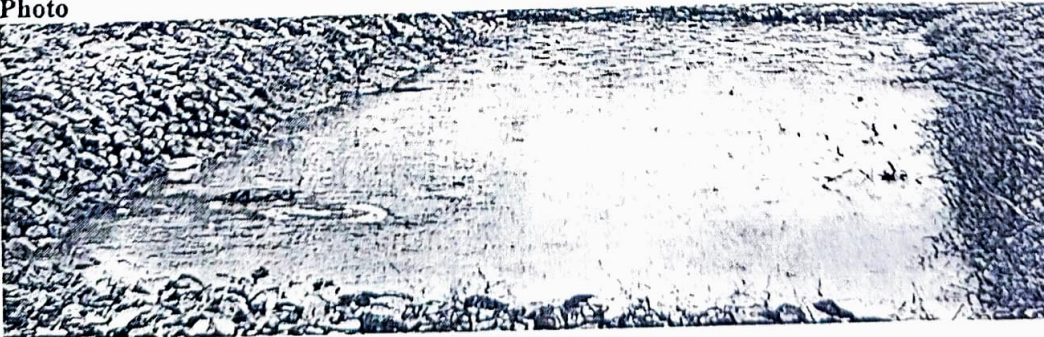
After that we started the restoration work again for the rest plots but we faced difficulties to continue the work on regular basis as monsoon season has already started. Due to incessant rainfall the execution work has been badly hampered as the excavation work has been performed manually as the said plots are totally inaccessible by JCB & other restoration related machineries due to narrow entrance road.

Presently out of 06 (six) plots, 03 (three) plots i.e. L.R. Plot no-4575, 4578 & 4572 is fully restored and 02 (two) plots i.e. L.R. Plot no-4565 & 4566 is in near completion and the restoration process is ongoing. Another notice has been served to the possession holder of LR Plot no-4546 where an old pucca dwelling house exists. We further need **another three months** for the completion of the remaining work.

**Present Status of the Restoration Work**

**L.R. Plot number- 4575**

Photo



Present Status of the Restoration Work related to NGT OA 135/2023/EZ (Mousri Jana v/s The State of West Bengal & Ors.)

L.R. Plot number- 4575

Photo-



L.R. Plot number- 4578

Photo-



*Mb*  
22/10/24  
Regional Office

L.R. Plot number- 4572

Photo-



L.R. Plot number- 4565

Photo-



L.R. Plot number- 4566

Photo-



*VB*  
22/10/24  
Sub-Divisional Officer  
Canning, South 24 Pps

**L.R. Plot number- 4546**

Another Notice has been served to the possession holder where a pucca dwelling house exists.

Photo-



This is for your kind information.

Your's faithfully

*M/S*  
*24/10/24*  
Sub-Divisional  
Officer Canning Sub-  
division  
South 24 Pgs

259

OFFICE OF  
THE SUB-DIVISIONAL OFFICER  
CANNING  
SOUTH 24 PARGANAS



P.O: Canning  
P.S: Canning  
Dist: South 24 Parganas  
PIN: 743 329, West Bengal  
Phone: (03218) 255-340 (O)  
e-mail: sdocan@gmail.com

Memo No: 3259 (2)/SDO/CNG

Date: 21 / 10 / 2024

To

- 1) The BDO, Canning-I, South 24 Parganas
- 2) The BL&LRO, Canning-I, South 24 Parganas

Sub: Compliance report i.c.w. OA 135/2023/EZ (Mousri Jana v/s The State of West Bengal & Ors.)

Apropos to the referenced subject, please send a compliance report on the present status of process of removal of unauthorized constructions and restoration of filled up/partially filled up plots in connection with the mentioned NGT case, that is, OA 135/2023/EZ (Mousri Jana v/s The State of West Bengal & Ors.).

This is for favour of your information and taking necessary information.

*Mt*  
21/10/24

Sub-Divisional Officer  
Canning, South 24-Parganas

Memo No: 3259 (2)/1(3)/SDO/CNG

Date: 21 / 10 / 2024

Copy forwarded for kind information to:

1. The District Magistrate & District Collector, South 24 Parganas
2. The ADM (LR), South 24 Parganas
3. The SDL&LRO, Canning, South 24 Paragans

*Mt*  
21/10/24

Sub-Divisional Officer  
Canning, South 24-Parganas

OFFICE OF  
THE SUB-DIVISIONAL OFFICER  
CANNING  
SOUTH 24 PARGANAS



2625  
P.O: Canning  
P.S: Canning  
Dist: South 24 Parganas  
PIN: 743 329, West Bengal  
Phone: (03218) 255-340 (O)  
e-mail: sdocan@gmail.com

**NOTICE**

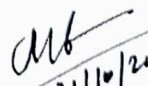
The original petition filed before the Hon'ble National Green Tribunal bearing case no. O.A. 135/2023/EZ – (Mousri Jana v/s The State of West Bengal & Ors.) had alleged that the pond/waterbody at Mouza – Matla, JL No. 75, being part of RS Plot No. 3646 and LR Plot no. 4546, amounting to 04 dec. of land (one out of the 11 nos. plots) have been illegally filled up, thereby changing the nature and character of the said plot.

In compliance with the order passed by the Hon'ble National Green Tribunal, Eastern Zone Branch, dated 05/01/2024 and 21/03/2024 and consequent order passed by the District Magistrate bearing Memo No. 127/Con/DM, dated 02/05/2024, the BL&LRO, Canning-I was directed by the undersigned to complete the process of demarcation of the said plot. The BL&LRO, Canning-I then submitted the concerned report after completion of the said demarcation process to the undersigned vide Memo No. 377/BL-Can-I/2024, dt: 06/05/2024 with all relevant details, including nature of the plot and details of recorded owner and existing possession-holder, according to which, 06 nos. plots out of the 11 nos. plots were fully or partially filled up. As per the said report, RS Plot No. 3646 and LR Plot no. 4546 (Mouza – Matla, JL no. 75) is presently a pucca house, and the recorded owner is Ajit Kumar Dey, while the possession-holder is Premlata Sha.

The concerned Raiyat and existing possession-holder so mentioned above who had allegedly filled up the waterbody were then directed to remove the aforementioned unauthorized construction, and also, to restore the respective plot to its original condition/nature and character within 07 (seven) days, that is, by 13/05/2024 vide Notice bearing Memo No. 788/SDO/CNG, dt: 06/05/2024, failing which, the undersigned would initiate the process of dismantling/demolition of the unauthorized construction to restore the respective plot to its original nature and character. The BL&LRO, Canning-I served this Notice to the concerned Raiyat/possession-holder with the help of BDO, Canning-I. Despite this, the concerned Raiyat/existing possession-holder did not remove their respective unauthorized construction, in this case, a pucca house.

Following this, the BDO, Canning-I was directed to comply with the Order of the NGT, Eastern Zone Branch, Kolkata dated 10/05/2024 with regard to the process of dismantling/demolition of the unauthorized construction and also restore the respective plot to its original nature and character, and the BL&LRO, Canning-I was directed to assist him in identification of the said plot and also to arrange for logistic support vide Memo No. 840/SDO/CNG, dt: 14/05/2024.

Now that the dismantling/demolition and consequent restoration work is being carried out since then (of the 05 nos. other plots), the aforementioned plot, that is, RS Plot No. 3646 and LR Plot no. 4546 is yet to be restored. The owner/possession-holder of the aforementioned plot is hereby being given a final Notice to demolish/dismantle the pucca house and restore it to its original nature or character within 14 days upon receipt of this, failing which, the undersigned shall initiate the said process.

  
21/10/24  
Sub-Divisional Officer  
Canning, South 24 Parganas

Memo No: 3260 (7)/SDO/CNG

Date: 21/10/2024

Copy forwarded for kind information to:

1. The District Magistrate & District Collector, South 24 Parganas
2. The ADM (LR), South 24 Parganas
3. The SDPO, Canning, Baruipur P.D.
4. The SDL&LRO, Canning, South 24 Paragans
5. The BDO, Canning-I, South 24 Parganas
6. The BL&LRO, Canning-I, South 24 Parganas, with the direction to serve the Notice to the Raiyat/possession-holder
7. The I.C., Canning P.S., Baruipur P.D.

*MB*  
*21/10/24*  
Sub-Divisional Officer  
Canning, South 24 Parganas



GOVERNMENT OF WEST BENGAL  
Office of the Block Land & Land Reforms Officer  
Canning – I, South 24-Parganas  
Email ID: blrocann1@gmail.com

MD  
ML

265

Memo. No 880 /BL-Can-I/2024

Dated: 22/10/2024

To  
The Sub-Divisional Officer  
Canning, South 24 Parganas

**Sub:** Submission of the service returned in connection with the case no. 135/2023/EZ, in the matter of Mousri Jana v/s The State of W.B

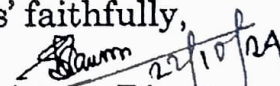
**Ref:** Your office memo no. 3260(7)/SDO/CNG, dt. 21.10.2024

Sir,

In connection with the above mentioned subject and reference this is to be mentioned here that Premlata Sha refused to receive the notice. In that case notice was hung on the spot.

This is for your kind information.

Yours' faithfully,

  
Assistant Director

And

Block Land & Land Reforms Officer  
Canning – I, South 24-Parganas

04.09.2024  
Item No.39  
gd/ssd

WPA/18252/2024  
UTTAM DAS AND ORS.  
VS  
STATE OF WEST BENGAL AND ORS.  
IA NO: CAN/1/2024

Mr. Masud Karim,  
Ms. Anushika Bharati  
Mr. Rashed Rashid  
..for the Petitioners.

Mr. Jahar Lal De,  
Mr. Rudranil De  
..for the State.

Mr. Arjun Ray Mukherjee  
..for the Respondent Nos.2 and 3.

Mr. Soumya Dasgupta  
..for the Respondent No.11.

1. This writ petition has been filed challenging the order passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No.135/2023/EZ dated 10.05.2024.

2. We failed to understand as to how the petitioners would be aggrieved by the impugned order since the Hon'ble Tribunal had directed affidavits to be filed and has yet to decide the matter.

3. The other ground canvassed by the learned advocate for the petitioners is that the petitioners were not made parties to the Original Application before the Hon'ble Tribunal.

20/11

4. Nothing prevents the petitioner from seeking to implead himself in the proceeding. Therefore, this is also not a ground to entertain the writ petition.

5. In any event the Hon'ble Tribunal is functioning under a specialized statute and the petitioner cannot be permitted to bypass the procedure laid down under the Act and file a writ petition.

6. For the above reasons, the writ petition is dismissed.

7. However, in order to have a binding adjudication we direct the Original Applicant before the Hon'ble Tribunal, namely, Mousri Jana, who is the 11<sup>th</sup> respondent in this writ petition to implead the writ petitioners, namely, Uttam Das, Pallab Sardar and Ayan Sardar as respondents in Original Application No.135/2023/EZ dated 10.05.2024.

8. Such application for impleadment shall be filed within a week from the date of the server copy of this order after which it will be open to the petitioners to enter appearance before the tribunal and place his submissions before the Hon'ble Tribunal.

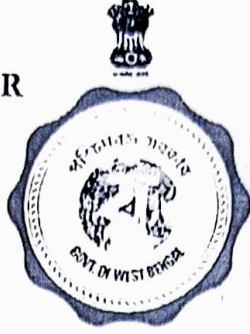
9. It is made clear that this court has not gone into the merits of the matter which will be decided by the Hon'ble Tribunal.

(T. S. SIVAGNANAM)  
CHIEF JUSTICE

268

**(HIRANMAY BHATTACHARYYA, J.)**

OFFICE OF  
THE SUB-DIVISIONAL OFFICER  
CANNING  
SOUTH 24 PARGANAS



269  
P.O: Canning  
P.S: Canning  
Dist: South 24 Parganas  
PIN: 743 329, West Bengal  
Phone: (03218) 255-340 (O)  
e-mail: sdocan@gmail.com

Memo No: 1464/SDO/CNG

Date: 18/07/2024

To  
The Addl. District Magistrate (LR),  
South 24 Parganas

- Ref: 1) Memo No. 14/2890/NGT/R/2023, dt: 16/07/2024 of the ADM (LR), South 24 Parganas  
2) Memo No. 127/Con/DM, dt: 02/05/2024 of the District Magistrate, South 24 Parganas  
3) Memo No. 377/BL-Can-I/2024, dt: 06/05/2024 of the BL&LRO, Canning-I, South 24 Parganas  
4) Memo No. 788/SDO/CNG, dt: 06/05/2024 of this office  
5) Memo No. 386/BL-Can-I/2024, dt: 09/05/2024 of the BL&LRO, Canning-I, South 24 Parganas  
6) Memo No. 814/SDO/CNG, dt: 09/05/2024 of this office  
7) Memo No. 840/SDO/CNG, dt: 14/05/2024 of this office  
8) Memo No. 1215/BDO/CNG-I, dt: 22/05/2024 of the BDO, Canning-I, South 24 Parganas  
9) Memo No. 932/SDO/CNG, dt: 14/05/2024 of this office  
10) Memo No. 1450(2)/SDO/CNG, dt: 16/07/2024 of this office  
11) Memo No. 1585/BDO/CNG-I, dt: 18/07/2024 of the BDO, Canning-I, South 24 Parganas

Sub: Compliance report i.c.w. OA 135/2023/EZ (Mousri Jana v/s The State of West Bengal & Ors.)

Sir,

As you are aware, in compliance with the solemn order passed by the Hon'ble National Green Tribunal, Eastern Zone Branch, dated 05/01/2024 and 21/03/2024 (ref: Case no. O.A. 135/2023/EZ - Mousri Jana v/s The State of West Bengal & Ors.) and consequent order passed by the District Magistrate bearing Memo No. 127/Con/DM, dated 02/05/2024, the BL&LRO, Canning-I was directed by the undersigned to complete the process of demarcation of R.S. Dag No. 3675, 3672, 3664, 3665, 3666, 3680, 3660, 3650, 3654, 3646 and 3678 (J.L. No. 75 under Mouza - Matla).

The BL&LRO, Canning-I submitted the concerned report after completion of the said demarcation process to the undersigned vide Memo No. 377/BL-Can-I/2024, dt: 06/05/2024 with all relevant details, including nature of the plot and details of recorded owners and existing possession-holder(s).

The concerned Raiyats and existing possession-holders so mentioned above who had allegedly filled up the waterbodies were then directed to remove the aforementioned unauthorized constructions, and also, to restore the respective plots to their original condition/nature and character within 07 (seven) days, that is, by 13/05/2024 vide Notice bearing Memo No. 788/SDO/CNG, dt: 06/05/2024, failing which, the undersigned would initiate

270

the process of **dismantling/demolition of the unauthorized constructions to restore the respective plots to their original nature and character**. The BL&LRO, Canning-I served this Notice to the concerned Raiyats/possession-holders with the help of BDO, Canning-I, and he had also submitted the **service return(s)** to the undersigned vide **Memo No. 386/BL-Can-I/2024, dt: 09/05/2024**. Despite this, the concerned Raiyats/existing possession-holders (Sl. No. 01 – 06 in the aforesaid Notice served vide Memo No. 814/SDO/CNG, dt: 09/05/2024) did not remove their respective unauthorized constructions.

Following this, the BDO, Canning-I was directed to comply with the Order of the NGT, Eastern Zone Branch, Kolkata dated 10/05/2024 with regard to the process of dismantling/demolition of the unauthorized constructions and also restore the respective plots to their original nature and character, and the BL&LRO, Canning-I was directed to assist him in identification of the said plots and also to arrange for logistic support, while IC, Canning P.S. was directed to arrange for adequate police personnel on each of the days during dismantling/demolition of the unauthorized constructions vide **Memo No. 840/SDO/CNG, dt: 14/05/2024**.

Consequently, acting upon the direction of the undersigned, the BDO, Canning-I along with BL&LRO, Canning-I started the process of restoration of the concerned plots. Both the aforesaid officers have submitted a **joint Action Taken Report** to the undersigned vide **Memo No. 1215/BDO/CNG-I, dt: 22/05/2024** (enclosed herewith for your kind perusal) where they have stated that the said plots are inaccessible for any kind of dismantling work where **JCB or/and other restoration-related machineries can be used due to the narrow pathway leading to the plots**. Therefore, they were left with no other option but to **do the work manually**. They have further stated that there's an old pucca residential house that was built almost **15 years back**. Furthermore, there's no available site or space nearby for dumping the excavated soil/remnants as the said plots are bound by unfilled waterbody on two sides with a vacant private Raiyati plot on another side.

In pursuance of another letter from your end vide **Memo No. 14/2890/NGT/R/2023, dt: 16/07/2024** seeking compliance report on the matter, the same was sought by the undersigned from the BDO, Canning-I and BL&LRO, Canning vide **Memo No. 1450(2)/SDO/CNG, dt: 16/07/2024**. The BDO, Canning-I and BL&LRO, Canning-I have sent a joint report duly signed by them vide **Memo No. 1585/BDO/CNG-I, dt: 18/07/2024**, citing the same reasons as stated in their previous letter (bearing **Memo No. 1215/BDO/CNG-I, dt: 22/05/2024**) pertaining to **causes for delay in the said dismantling and restoration-related work**. Moreover, they have also stated that there is further delay in the work executed by the manual labourers because of the **intermittent spells of monsoonal torrential rain**. Out of the six (06 nos.) plots which are fully or partially filled up, that are to be restored to their original nature and character, two (02 nos.) plots have been restored completely, and one (01 no.) plot has been restored partially, thereby amounting to almost 50 % restoration work being completed.

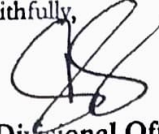
In light of the above circumstances, the BDO, Canning-I and BL&LRO, Canning-I have requested for at least **three months' time** for completion of the entire restoration-related process.

277

Moreover, this is to bring to your notice that the aggrieved parties filed a writ petition against the concerned NGT order at the Calcutta High Court vide WPA No. 18252 of 2024 (Uttam Das & Ors. v/s The State of West Bengal), which shall appear before the Division Bench of Hon'ble Chief Justice, T.S. Sivagnanam and Hon'ble Justice Hiranmay Bhattacharya on 22/07/2024 or soon thereafter, as communicated by the Ld. Advocate Masud Karim (enclosed herewith). The Ld. Advocate has also requested to "not take any coercive action against the petitioners in compliance of the direction of the Ld. NGT, Eastern Zone, till disposal of the above writ application". Therefore, your instruction is solicited on whether the BDO, Canning-I and BL&LRO, Canning-I shall continue with their restoration-related work or not.

This is for favour of your kind information and perusal.

Yours faithfully,



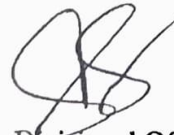
**Sub-Divisional Officer  
Canning, South 24 Parganas**

Memo No: 1464/1(6)SDO/CNG

Date: 18 / 07 / 2024

Copy forwarded for kind information to:

1. The District Magistrate & District Collector, South 24 Parganas
2. The SDPO, Canning, Baruipur P.D.
3. The SDL&LRO, Canning, South 24 Parganas
4. The BDO, Canning-I, South 24 Parganas
5. The BL&LRO, Canning-I, South 24 Parganas
6. The I.C., Canning P.S., Baruipur P.D.



**Sub-Divisional Officer  
Canning, South 24 Parganas**



272

GOVERNMENT OF WEST BENGAL  
OFFICE OF THE BLOCK DEVELOPMENT OFFICER  
CANNING-I DEV. BLOCK, SOUTH 24 PARGANAS  
☎ PH NO : 033-255205 | email: bdocng12014@gmail.com

Memo No: 1585/BDO/CNG-I

Date: 18/07/2024

To  
The Sub-Divisional Officer  
Canning Sub-Division  
S24 Parganas

Sub: Regarding compliance report of the Order of SDO, Canning, S24 Parganas  
Ref: Memo No. 840/1(9)/SDO/CNG Dated 14.05.2024 and Memo No-1450(2)/SDO/CNG  
Dated -16/07/2024

Respected Sir,

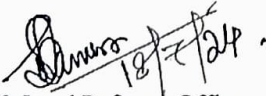
In pursuant to the direction as communicated vide memo no. 840/1(9)/SDO/CNG Dated 14.05.2024 and following the order of Hon'ble NGT (Eastern Zone) in OA no. 135 /2023/EZ (Mousri Jana vs the State of West Bengal and ors.), we the undersigned officers proceeded to comply with the solemn order.

Presently out of 06 plots which will be restored as per the Order of Hon'ble NGT (Eastern Zone) we have restored 02 plots completely and 01 plot partially i.e. almost 50% of the total restoration work has been completed till date.

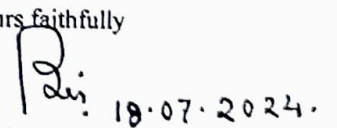
During the execution of the aforementioned restoration work, we are facing several difficulties as we have already informed you in our earlier communication also that the said plots are totally inaccessible by JCB & other restoration related machineries due to narrow entrance/approach pathway and the depth of the filling soil is very high which is to be removed from the filled up water bodies. Moreover, there is no available site nearby for dumping the excavated soil as the plot is bound by unfilled water body on two sides and by solid vacant private Raiyati land. Presently we are digging out the soil manually by engaging labourers. Therefore, as manual labourers have been engaged to restore the said plots, the process of restoration will take more time. Moreover, it may also be taken into consideration that there are intermittent spells of torrential rain because of the onset of monsoon season, which is further delaying the restoration process.

Hence, we pray for at least three months more to complete the above said process.

Yours faithfully

  
18/7/24

Block Land & Land Reforms Officer  
Canning-I Development Block  
South 24 Parganas

  
18.07.2024  
Block Development Officer  
Canning-I Development Block  
South 24 Parganas