

S.L. No. 4/2024

BEFORE THE NATIONAL GREEN TRIBUNAL,
Eastern Zone Bench,
K O L K A T A



In the matter of :

Original Application No. 64/2023/ EZ.

And

In the matter of :

Shri Raghunath Maity.

... Applicant,

- v _ e _ r _ s _ u _ s -

The West Bengal Pollution Control Board,
and others.

... Respondents.

COUNTER-AFFIDAVIT on behalf of the respondent no. 6 to
the Affidavit filed on behalf of the respondent no. 5.

I, SUBHANKAR DAS son of late Dipak Kumar Das of village
Bakhrabaj, Post Office Meghadangor, Police Station Panskura,
District Purba Medinipur, Pin-721 152, aged about 26 years, by
faith Hindu, by occupation unemployed do hereby solemnly affirm
and say as follows :

1. That a copy of the affidavit on behalf of the respondent
no. 5, Executive Engineer, Irrigation and Water Ways Directorate,
Purba Medinipur affirmed by one Sri Debabrata Sarkar was served

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continued /

upon my learned Advocate. I have gone through the same and understood the purported meaning and contents thereof.

I have been advised by my learned Advocate to deal with those portion of the said Affidavit which are material for the disposal of the case.

2(a). That before dealing with the statements and allegations in the said Affidavit in seriatim, I with the kind leave of this Hon'ble Tribunal beg to make the following statements and submissions for the kind consideration of the Hon'ble Tribunal.

(b). That the father of this deponent late Dipak Kumar Das being a poor landless person like many other persons including the applicant Raghunath Maity set up the Husking machine by the side of the river bank (as embankment), which was lying follow at long distance from the Road under mouza Meghadangar, P. S. Panskura, District Purba Medinipur in the year 2003. Nobody or no authority ever raised any objection against such Husking machine run by late Dipak Kumar Das, except Raghunath Maity.

(c). That Raghunath Maity out of bias and jealousy filed the case against late Dipak Kumar Das. Similar other persons are running the business on the bank of the river. No State authority has taken any step against such encroachment of public land.

Unfortunately respondent no. 6 was sorted out and his

business was closed and ultimately Dipak Kumar Das died a pre-matured death.

(c). That the business was closed long ago and the small room is just lying abandoned. No pollution, no disturbance and no nuisance to anybody or authority.

3. That the as regards the statements made in paragraphs 1 to 7 of the said Affidavit I say those are matters of record and I do not admit anything beyond record.

4. That it is most respectfully submitted that if the small room of the respondent no.6 is removed, similar other rooms structures and business centres of their persons including Raghunath Maity who is also an encroacher may also be removed and to that effect this Hon'ble Tribunal may be pleased to pass orders and/or directions upon the Irrigation and Water-ways Department, Government of West Bengal.

5. This affidavit is made bonafide and for the ends of justice.

Identified by me.
Abdullah Hussain
Advocate,
for respondent no.6.

Solemnly Affirmed and
Declared before me U/S 139
CPC, (C)

Sumitra Bhattacharya
Notary

Subhankar Das
Deponent.

Sumitra Bhattacharya
Notary, Govt. of W.B.
Regd. No. 065 of 2022
City Civil Court, Calcutta

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