

S. No. 273 Date 02 JAN 2025

BEFORE THE NOTARY PUBLIC
AT ALIPORE POLICE COURT



BEFORE THE NATIONAL GREEN TRIBUNAL

(EASTERN ZONE BENCH, KOLKATA)

Original Application No. 135/2023/EZ

Mousri Jana

Versus

The State of West Bengal & Ors.

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Filed by

(Rajib Ray)

Advocate for the State of West Bengal

Date: 02.01.2025

02 JAN 2025





BEFORE THE NATIONAL GREEN TRIBUNAL

(EASTERN ZONE BENCH, KOLKATA)

Original Application No. 135/2023/EZ

Mousri Jana

Versus

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COMPLIANCE REPORT IN THE FORM OF AFFIDAVIT OF THE
DISTRICTMAGISTRATE, 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.

02 JAN 2025





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.



02 JAN 2025



4. That the final compliance report has been submitted by the Sub-Divisional Officer, Canning vide Memo No. 4751/SDO/CNG dated 30.12.2024 which inter-alia states that out of the 06 (six) nos. of plots namely L.R plot nos. 4575, 4572, 4578, 4565, 4566 and L.R plot no. 4546 with a pucca house constructed over it, are all completely restored to their original classification, that is Doba.

The copy of the compliance report along with the photographs depicting the restoration as submitted by the Sub-Divisional Officer, Canning is annexed herewith and marked as Annexure – R-1

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.



Annilkushy

DEPONENT

District Magistrate.
South 24-Parganas

02 JAN 2025



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 2nd day of January, 2025



Sumit Gupta
 DEPONENT
 District Magistrate,
 South 24-Parganas

Identified by me

Nabakumar Mukhopadhyay
 Advocate

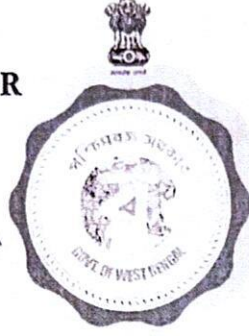
For the State of West Bengal

Nabakumar Mukhopadhyay
 Advocate
 Alipore Police Court
 Enri. No-WB/2037/1999

**Solemnly Affirmed & Declared
 before me on identification**
[Signature]
S. C. GHOSH, Notary
 Alipore Police Court, Kol-27
 Regd. No.-925/97, Govt. of India

02 JAN 2025

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: 4751 /SDO/CNG

Date: 30/12/2024

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 LR plot nos. 4575, 4572, 4564, 4565, 4566, 4580, 4560, 4550, 4554, 4546 and 4578 (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), where he stated that out of the aforementioned 11 (eleven) nos. plots, 06 (six) nos. were filled up/partially filled up, namely LR plot nos. 4575, 4572, 4565, 4566, 4546 and 4578.

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 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).

First Compliance Report

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 (enclosed herewith), 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. 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 was 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.

Meanwhile, 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 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.

Second Compliance Report

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 (enclosed herewith) 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, where there was a pucca house, and Notice was served to the Raiyat and possession-holder vide Memo No. 840/SDO/CNG, dt: 21/10/2024 by the undersigned for immediate evacuation and self-demolition. Citing incessant rainfall and that the excavation work was being done manually because the approach road was inaccessible by JCB, the BDO, Canning-I and BL&LRO, Canning-I had asked for further three months' time for completion of the restoration of the remaining plots.

Following this, the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata passed a solemn order dated 24/10/2024 where permission was granted for additional time for the purpose of completion of the restoration work, and that the next hearing was scheduled on 03/01/2025.


Third and Final Compliance Report

The BDO, Canning-I and BL&LRO, Canning-I consequently continued with the restoration work, and out of the 02 (two) nos. partially restored plots, LR plot no. 4565 was completely restored while restoration of LR plot no. 4566 was near completion by November-end, 2024. A Notice was served to the Raiyat and possession-holder vide Memo No. 4522/SDO/CNG, dt: 03/12/2024 to evacuate the pucca house on LR plot no. 4546 by 04/12/2024, and that, dismantling process would commence on 05/12/2024 in compliance with the order of the District Magistrate, South 24 Parganas vide Memo No. 127/Con/DM, dated 02/05/2024. The deadline was further extended by 24 hours vide another Notice vide Memo No. 4533/SDO/CNG, dt: 04/12/2024 in due consideration of the letter received from the possession-holder citing her mother-in-law's death. Following this, an Order was issued by the undersigned for dismantling of the pucca house on LR plot no. 4546 on and from 06/12/2024 vide Memo No. 4547/SDO/CNG, dt: 05/12/2024. The aforesaid date for evacuation was further extended till 11/12/2024, and another Notice was issued by the undersigned vide Memo No. 4561/SDO/CNG, dt: 06/12/2024. By this time, LR plot no. 4566 had also been completely restored. The final Order was issued by the undersigned vide Memo No. 4606/SDO/CNG, dt: 11/12/2024, with the direction to the BDO, Canning-I and BL&LRO, Canning-I to start the dismantling of the pucca house on LR plot no. 4546 with the help of IC, Canning P.S. on and from 12/12/2024. Subsequently, the restoration work was completed on LR plot no. 4546.

The BDO, Canning-I and BL&LRO, Canning-I have sent a joint compliance report vide Memo No. 3055/BDO/CNG-I, dt: 30/12/2024 where they mention that all the 06 (six) plots, namely, LR plot no. 4575, 4578, 4572, 4565, 4566 and 4546 have now been completely restored to their original nature and character.

This is for favour of your kind information and perusal.

Yours faithfully,



Sub-Divisional Officer
Canning, South 24 Parganas

Memo No: 4751/1(7)/SDO/CNG

Date: 30/12/2024

Copy forwarded for kind information to:

1. The District Magistrate & District Collector, South 24 Parganas
2. The Addl. District Magistrate (Dev), 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
7. The I.C., Canning P.S., Baruipur P.D.


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: 3055 /BDO/CNG-I

Date: 30/12/2024

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

Sub: Regarding compliance of the Order of SDO, Canning, S24Parganas.
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 two partial compliance report vide Memo no-585/BDO/CNG-I Dated-18.07.2024 & Memo no-2541/BDO/CNG-I Dated-22/10/2024.

In our first compliance report vide Memo no-585/BDO/CNG-I Dated-18.07.2024 we reported that out of 06(six) plots we restored completely two plots i.e. L.R. Plots no 4578 & 4575 and 01(one) plot partially i.e. L.R. Plot no-4572 which measured almost 50% of the total restoration work.

After that we sent another compliance report vide Memo no-2541/BDO/CNG-I Dated-22/10/2024 where we reported that out of 06(Six), 03(three) plots i.e. L.R. Plot no-4578,4575,4572 were fully restored and 02(two) Plots i.e. L.R. no 4565,4566 were near in completion level. Another plot i.e. L.R. Plot no-4546 where exists an old pucca house, notice had been served to the house owner for the 2nd time for vacating the house. We also requested another 03(three) months for the completion of the remaining work.

Finally we have fully completed the restoration work in all the 06 (Six) Plots i.e. L.R. Plot no-4575,4578,4572,4565,4566 & 4546. Even the old Pucca dwelling house existed on L.R. Plot no-4546 fully demolished and converted into a "Doba".

Present Status of the Restoration Work with geotagged photo

L.R. Plot number- 4575

Photo-



Latitude: 22.319006
 Longitude: 88.669039
 Elevation: 12.88±3 m
 Accuracy: 6.7 m
 Time: 30-12-2024 16:24
 Note: 4575

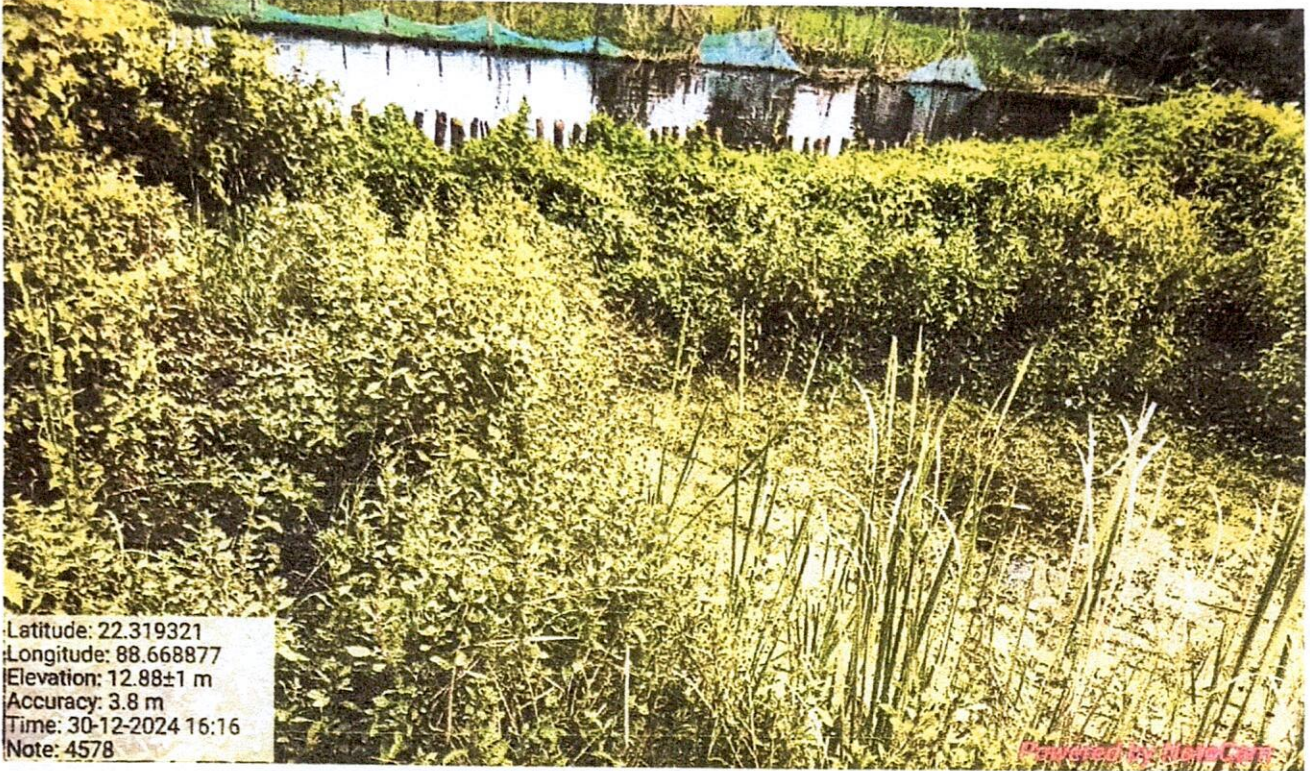
Balendu
 30/12/24

Powered by NoteCam

B
 Block Development Officer
 Canning-I Dev. Block
 South 24 Pgs.

L.R. Plot number- 4578

Photo-



Latitude: 22.319321
Longitude: 88.668877
Elevation: 12.88±1 m
Accuracy: 3.8 m
Time: 30-12-2024 16:16
Note: 4578

Powered by NoteCam

L.R. Plot number- 4572

Photo-



Latitude: 22.319006
Longitude: 88.66913
Elevation: 12.78±6 m
Accuracy: 3.8 m
Time: 30-12-2024 16:22
Note: savapati

Powered by NoteCam

Barkar
30/12/24

P. Di.
30.12.24
Block Development Officer
Canning-I Dev. Block
South 24 Pgs.

L.R. Plot number- 4565

Photo-



Latitude: 22.31886
 Longitude: 88.669414
 Elevation: 12.88±21 m
 Accuracy: 3.8 m
 Time: 30-12-2024 16:33
 Note: 4565

Powered by NoteCam

L.R. Plot number- 4566

Photo-



Latitude: 22.318854
 Longitude: 88.669567
 Elevation: 13.28±5 m
 Accuracy: 4.6 m
 Time: 30-12-2024 16:35
 Note: 4566

Powered by NoteCam

Bank on
30/12/24

P. Das
30.12.24

Block Development Officer
Canning-I Dev. Block
South 24 Pgs.

L.R. Plot number- 4546

Photo-



Latitude: 22.318379
Longitude: 88.670347
Elevation: 14.6857 m
Accuracy: 5.3 m
Time: 30-12-2024 16:41
Note: 4546

Powered by Napsat

This is for your kind information.

Sarkar
30/12/2024

Block Land & Land Reforms Officer
Canning-I, South 24 Pgs

Your's faithfully

P. Bis
30.12.24

Block Development Officer
Canning-I Development Block
South 24 Pgs
Block Development Officer
Canning-II Dev. Block
South 24 Pgs.