

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

ORIGINAL APPLICATION NO. 203/2024/EZ



In The Matter of:

Mr. Arindam Lahiri

..... Applicant

- Versus-

The West Bengal Pollution Control Board & Ors.

...Respondent(s)

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 6 I.E., THE DISTRICT
MAGISTRATE, NORTH (24) PARGANAS**

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Filed by

Sibojyoti Chakrabarti

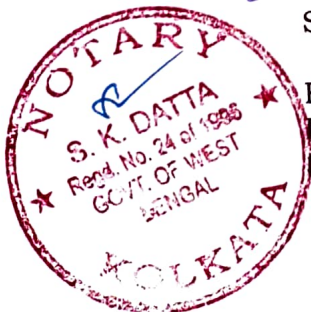
SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534





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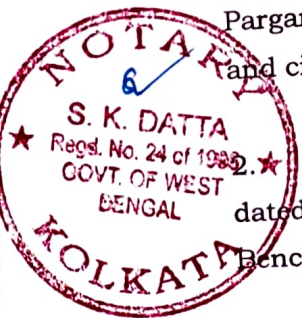
...Respondent(s)

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 6 I.E., THE DISTRICT
MAGISTRATE, NORTH (24) PARGANAS**

I, Sri Sharad Kumar Dwivedi, Son of Hriday Narayan Dwivedi, aged about 44 years, by faith-Hindu, by occupation- Government Service, now posted as District Magistrate, North (24) Parganas, having office at Katgola, bonomalipur, Administrative Building, P.O- Barasat, District- North 24 Parganas, Pin-700124, do hereby solemnly affirm and declare as follows: -

1. That I am the District Magistrate, North (24) Parganas, having office at Katgola, bonomalipur, Administrative Building, P.O- Barasat, District- North 24 Parganas, Pin-700124 and herein, I have made myself acquainted with the facts and circumstances of this case and competent to affirm this affidavit.

That this Affidavit is filed in compliance and obedience to the Solemn Order dated 03.10.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.



3. That in the said solemn Order it has been interalia observed by the Hon'ble Tribunal:

i) That the present Original Application being No. O.A 203/2024/EZ has been registered by the applicant who is stated to be a resident of Sodepur-Barasat Road, Ward No. 30, Panihati Municipality, Rabindra Nagar, Post Office: Ghola Bazar, Sodepur, Dist. North 24 Parganas.

ii) That the allegation in the original application is that adjacent to his premises a vacant piece of land measuring about 600 square feet and there is a 30 feet wide road connecting Sodepur and Barasat via Madhyamgram and thereon sometime around 2018, the Panihati Municipality started dumping garbage including biomedical waste, human waste, excrement, non- biodegradable plastic waste, food waste, rotten waste material etc. which is lying on the premises and degenerating the land day by day.

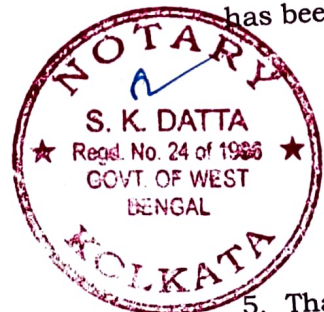
iii) It is also claimed that a mass-complaint was made in this regard to the Municipal authorities vide letter dated 04.07.2018 which was received by the municipal authorities on 05.07.2024 with a request to stop the dumping of garbage and restore the land free of garbage.

iv) It is alleged that till date nothing has been done and garbage is being dumped at the site in question which is breeding insects and mosquitoes and fouling the area and degrading the land and soil making it difficult for the residents of the adjacent premises to live a healthy life particularly children and old people who are susceptible to diseases caused by environmental pollution.

4. That on 03.10.2024, considering the allegations made, the Hon'ble Tribunal has been pleased to direct -

- I. That the District Magistrate, North 24 Parganas be impleaded in the Array of Respondents as Respondent no. 6.
- II. And all the respondents shall file their counter affidavits within four weeks.

5. That pursuant to the solemn direction of the Hon'ble Tribunal a joint field enquiry was caused by the officials of the Block Land and Land Reforms Officer,



Barrackpore-II along with the representatives of the Panihati Municipality, on instruction, at the subject plot in question on 05.12.2024 and submitted its factual report before the District Magistrate, North (24) Parganas with regard to the allegations made in the original application.

6. That on careful perusal of the of the enquiry report furnished by the Block land and Land Reforms Officer, Barrackpore II and the Executive Officer, Panihati Municipality the following facts has been observed and the same are brought to the kind judicial knowledge of the Hon'ble Tribunal:-

A. The subject plot has been identified as plot no. 2848 in Mouza: Natagarh J.L No 15 classified as 'Nayanjuli' has been recorded in favour of the District Board (erstwhile Zila Parishad) under the State Government.

Photocopy of relevant ROR in respect of the subject plot is annexed as "R-1".

B. That approximately a parcel of the subject land admeasuring 60ft in length and 30ft in width on the side of the Sodepur Barasat Road is reported to be utilized by the Panihati Municipality by way of dumping garbage.

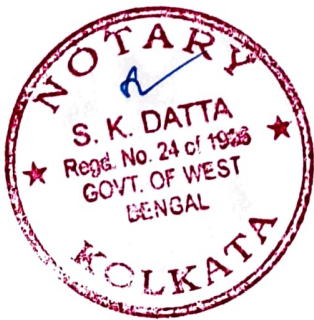
C. It has been learnt from the report submitted by the Municipal Authorities that the Panihati Municipality and KMDA are taking a joint effort to resolve the acute problem having been faced regarding dumping of Municipal Solid Waste at Ramchandrapur trenching ground due to public agitation and resistance from one "Bhaggar Ucched Committee" an organized effort for eradication of dumping of waste by local inhabitants since 04.01.2024. Since then, dumping of municipal waste in the above said designated site had been totally closed, resulting which Panihati Municipality is said to have no other alternative but to dump the collected municipal waste in make shift or stop-gap arrangement in five temporary dumping locations, the



subject plot being one of them, referred to as "Basak Bedding Site" in the report of the Municipal Authority.

Photocopy of the Inspection report of the Municipal Authorities is annexed as "R-2".

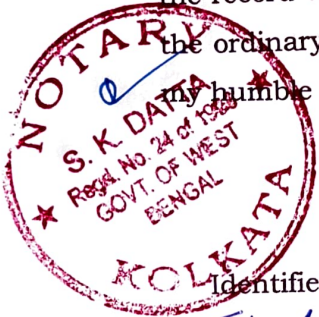
- D. It has been further reported that the municipality with its own arrangement collect waste from all the 35 wards under its municipal jurisdiction weighing about 120-130 Metric Ton on daily basis and temporarily dumped the same at five such locations in the vicinity namely- 1) Raja Road Crossing on B.T.Road 2) In front of Duckbag factory 3) Go-Shala Point 4) Basak Bedding on Sodepur Madhyamgram Road 5) Amravati Ground.
- E. That due to acute space crunch fresh waste so collected at five points are reported to have been transported to Dhapa Dumping ground under KMC on regular basis by dumpers each containing average of 10-12 MT of solid municipal waste.
- F. One agency namely Eastern Organic Fertilizer Pvt is reported to have been engaged by KMDA for transporting Municipal solid waste by tipper trucks by means of loading and unloading round the clock from Panihati area to Dhapa dumping ground under Kolkata Municipal Corporation.
- G. It has also been submitted by the municipal authority that lifting of daily waste from the alleged points are supposed to be done regularly i.e on the very next day it is dumped but in case of logistic problem or absence of transporting machinery for a single day due to either festival holiday or no-entry embargo for administrative reasons in that densely populated area, wastes may have been accumulated in that place temporarily and the municipal authority is said to be very much in line with the concern and a rapid solution is in the pipeline in the government scheme and once it is finalized it would resolve the problem permanently.



7. That the deponent expresses uttermost veneration for the Hon'ble Tribunal and shall ever be bounded by the order (s) passed by the Hon'ble Tribunal in the matter as deem fit by the Hon'ble Tribunal.

8. That the statements made in paragraph 1 to 5 is true to my knowledge and paragraph 2 to 5 and part of paragraph 5 are based on information derived from the record which are usually kept and maintained by the answering respondent in the ordinary course of business and which I believe to be true and rest thereof are

my humble submission before this Hon'ble Tribunal.



SANTOSH KUMAR DATTA
NOTARY
90/1A, Hari Ghosh Street
Kolkata - 700 006
Regn. No -24 of 1996

Sharad Kumar Dwivedi
Deponent
DISTRICT MAGISTRATE
NORTH 24 PARGANAS
BARASAT

Identified by me
Sibajyoti Chakrabarti
Advocate
State of West Bengal
08.01.2025

Solemnly Affirmed
&
Declared before me
on identification of Advocate

S.L. NO. 02/08/01/..2025

Verification

08 JAN 2025

S.K. DATTA
S. K. DATTA
NOTARY
08.01.2025



I, Sharad Kumar Dwivedi, son of Sri Hriday Narayan Dwivedi, District Magistrate and District Collector, North 24 Parganas, having my office at Barasat, North 24 Parganas do hereby solemnly affirm and verify that the contents of the statements made in the above paragraphs of the affidavit are true and correct to the best of my knowledge and belief. No part of the same is false and nothing material has been concealed therefrom.

h
Adv Verified at Kolkata, on this the *8th* day of January 2025

Sharad Kumar Dwivedi
Deponent
DISTRICT MAGISTRATE
NORTH 24 PARGANAS
BARASAT

Identified by me
Sibajyoti Chakrabarti
Advocate
State of West Bengal
08.01.2025

Translated & Legible Copy

Mouza: Natagar Dist: North 24 Parganas Panihati Municipality		Re Sa No. 101 Pargana: Kolkata P.S. Khardah		J.L.No.15 Khatian No.850, Touzi No.41			
In respect of Superior Right		Payable in respect of this right		Cess	Remarks	Under section and from date	
Khatian No.	Particulars & Possessor in brief	Respective Share	Rent			Khajna	Cess
	Govt. of West Bengal	10000					
Group No	Particulars & Possessor of this right	Share	Particulars and possessors Of this right	Class of this right and special rule and appendix			
1	Path of Government Preserved by District Board on behalf of Govt of West Bengal	10000		Recorded Owner			
Khatian NO.850			Land in khas possession in this right				

Plot no.		Possessor in Northern precinct		Classification	Remarks	Total area(Acre)		Share	Area(Acre)	
						Acre	Decimal			
***	****	****	****	****	****	*****	*****	*****	*****	****
***	****	****	****	****	****	*****	*****	*****	*****	****
***	****	****	****	****	****	*****	*****	*****	*****	****
***	****	****	****	****	****	*****	*****	*****	*****	****
***	***	*****	****	****	****	*****	*****	*****	*****	****
***	***	*****	****	****	****	*****	*****	*****	*****	****
2848	2848		Naynjuli	For the use ordinary person		*****	*****	*****	*****	1.58
Total area of the land under own possession										
Khatian Number of the recipient of rent					List of different khatian of subordinate right					
Total area under subordinate right										
Grand Total										

West Bengal Form No. 5183.

ফর্ম নং ১০

তারিখ

ক্রমাংক ২৪

কেন্দ্রিক নং ২০০

তারিখ ৪

থানা

স্বাক্ষর

প্রথম

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ATTESTED
Self Attested
Date 11.5.55

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B.L. & L.R.O.
Barackpore
24 Pgs.

স্বাক্ষর

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under proviso to sub para 2 of para 4 of
schedule C of the W.B.P.A. Rules

(Vide Case no. 1170)

Bhattacharya
26.7.55

Office of
The Municipal Councillors of
Panihat

Panihat, North 24 Parganas, Pin - 700 114

Website-www.panihatimunicipality.in

E-mail - panihatimunicipality@yahoo.co.in

Phone: 2553-2909; 2563-4457; Fax: 033-2553-1487

No:PM/Genl/Misc./2024-25/259

Date: 04.12.2024

To
The District Magistrate,
North 24 Parganas, Barasat.

Subject: O.A. No.-203/2024/EZ (Pending before the National Green Tribunal, Eastern Zone, Kolkata)

Mr. Arindam LahiriApplicant

- VS -

WB Pollution Control Board & Others Respondents

Sir,

With reference to the aforesaid captioned subject matter regarding alleged dumping/accumulation of garbage including biomedical waste, solid waste, human waste etc which is lying on the said premises and degenerating the land day by day as alleged in the said O.A application in the Panihat Municipal area of ward no.-30, connecting/ beside Sodepur- Madhyamgram Road namely Basak Beding site and other allegations/ statement made in the said petition, are partial true but not absolute.

In this context, a short notes in the shape of report are stated herein below for your kind information:-

- i) That the land in question is owned and being used by the Municipal authority for the public purpose and interest.
- ii) That Panihat Municipality and KMDA are taking a joint effort to resolve the acute problem having been faced regarding dumping of Municipal solid wastes at Ramchandrapur trenching ground due to agitation and resistance from "Bhagar Uchched Committee" since 04-01-2024, dumping at Ramchandrapur Trenching ground, had been totally closed and as such, Panihat Municipality had no other alternative but to dump the MSW in makeshift or stop-gap arrangement in five temporary dumping location. The said alleged premises (dumping site) namely "Basak Bedding site" is one of such five locations.
- iii) That having space-crunch and on temporary basis fresh waste dumped at those five points, are being transported it to the Dhapa at KMC by dumpers each containing average of 10-12 MT MSW, where average 120-130 MT fresh waste per day produces under this ULB. Hence, as these places are having space-crunch and are on temporary basis, there would not be possible to be kept for long and as such these wastes are shifted elsewhere.
- iv) That Municipality with its own arrangement collect waste from all 35 wards for dumping at such five locations such as 1) Raja Road crossing on B. T. Road, 2) in front of Duckback

factory, 3) Go-shala point, 4) Basak Bedding on Sodepur Madhyamgram Road and 5) Amaravati Ground. Through Tender on agency namely Eastern Organic Fertilizer Pvt. has been engaged by KMDA for transporting Municipal solid waste by tipper Trucks (dumpers) by means of loading and unloading round the clock from Panihati area to Dhapa dumping ground under KMC.

The complainant must acknowledge or made to be acquainted that lifting of daily wastes from the alleged point is lifted by dumpers on daily basis and again dumped at the same location on the very next day. In case of logistical problem or absence of transporting machinery for one day due to either festival holiday or no-entry embargo for administrative reasons, wastes get accumulated in that short-space which is made on purely temporary basis. Panihati Municipality is very much in line with the concern and a rapid solution is in the pipeline in the Govt. scheme and once it is finalised it would resolve the problem forever.



Bisnu
Executive Officer 04/12/2024
Panihati Municipality
Executive Officer
Panihati Municipality



Government of West Bengal
Block Land & Land Reforms Office, Barrackpore-II
95, BT Road, Kolkata- 700114, North 24 Parganas
[Telephone : 03325658552] Email : [bllobkp2alternate@gmail.com]

Memo No. 4132 /BL&LRO/BKP-II/24

Dated : 12/12/2024


To
The Additional District Magistrate
&
District Land & Land Reforms
Officer, North 24 Parganas.

Sub: Field enquiry report regarding allegation of dumping garbage.
Ref Memo No. Law/FNGT/71/(24)/4482(2)/DL&LRO(N)/2024 dated 27.01.2024.

Reference above a joint filed inspection was conducted on 05.12.2024 in presence of concerned Revenue Inspector and with the representative of Panihati Municipality. It appears from the RI enquiry report that garbage dumped by the Panihati Municipality beside the PWD Road (Sodepur Barasat Road). The suit area is lying over the RS & LR Plot no. 2848 of Mouza- Natagar, J.L. No. 15.

In this context, R.I. enquiry report along with RS ROR as CLR is not updated is being forwarded to your kind end for information and perusal.

Enclosure : As stated


Block Land & Land Reforms Officer
Barrackpore- II, North 24 Parganas.
B.L. & L.R.O.
Barrackpore-II
Sodepur, (N) 24 Pgs.

To
The B.L & L.R.O
Barrackpore-II
North 24 Parganas.

Sub:- Enquiry Report regarding allegation of dumping garbage .

Ref:- A letter from the office of DL & LRO, North 24 Parganas, Barasat vide memo no. Law/F
NGT 71/24/4482(2)/DL&LRO(N)/2024 dated 27.01.2024


Madam.

As per your order I, the undersigned Revenue Inspector of B.L & L.R.O, Barrackpore-II
have caused a joint enquiry with the representative of Panihati municipality in connection with
the above stated subject matter on 05.12.2024.

During inspection undersigned visited the spot and found, that approx. 60 ft. in length and 30
ft. in width, area has been dumped by garbage beside the PWD Road (Sodepur Barasat Road).
During enquiry it is found that this garbage has been dumped by Panihati Municipality.

After identification of the plot, undersigned found, that this suit area is lying in R.S & L.R
Plot No. 2848 of Mouza-Natagar, J.L No. 15,

The enquiry report is sending herewith for favour of your kind information and taking
necessary action.

Seal

B.L. & L.R.O.
Barrackpore-II
Sodepur, (N) 24 Pgs.

Devdutta Seal (Roy).
Devdutta Seal (Roy)
Revenue Inspector, B.L & L.R.O, Barrackpore-II

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

O. A. NO. 203/2024/EZ

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... Applicant

Versus

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... Respondents

AFFIDAVIT ON BEHALF OF THE
RESPONDENT NUMBER 06,
DISTRICT MAGISTRATE &
COLLECTOR, NORTH (24)
PARGANAS.

SIBOJYOTI CHAKRABARTI
Advocate

For The State of West Bengal
Email: subho.advocate@gmail.com
(M): 9007035534.