

1

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 213/2024/EZ

In The Matter of:

SK. Harun

... Applicant

Versus

BEFORE THE NOTARY PUBLIC State of West Bengal.
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS

... Respondents

COMPLIANCE AFFIDAVIT OF THE RESPONDENT NO. 5, THE OFFICER-IN-CHARGE, DOMJUR POLICE STATION, HOWRAH POLICE COMMISSIONERATE

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Filed by

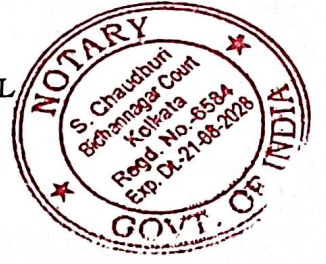
Sibojyoti Chakrabarti

SIBOJYOTI CHAKRABARTI,
ADVOCATE

For The State Of West Bengal
7, Old Post Office Street, Kolkata- 700001.
EMAIL- subho.advocate@gmail.com
M- 9007035534

22 JAN 2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 213/2024/EZ



In The Matter of:

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COMPLIANCE AFFIDAVIT OF THE RESPONDENT NO. 5, THE OFFICER-IN-CHARGE, DOMJUR POLICE STATION, HOWRAH POLICE COMMISSIONERATE

I, Shri Anudyuti Majumdar, Son of Late Amal Kr. Majumdar, aged about 51 years, by faith: Hindu, by occupation- Government Service, now posted as Officer-In-Charge, Domjur Police Station, Domjur Bazar District: Howrah, State – West Bengal, Pin No. 711405 do hereby solemnly affirm and declare as follows:-

1. That I am presently posted as the Officer-In-Charge, Domjur Police Station, Howrah within the State of West Bengal and I am competent to affirm this affidavit and I have made myself acquainted with the facts and circumstances of this case.
2. That I have received the server copy of the order dated 27.11.2024 passed in O.A. No. 213/2024/EZ by Hon'ble National Green Tribunal from Shri Sibojyoti Chakraborty, Learned Counsel for the State.

22 JAN 2025

3. That in the said order, Hon'ble Tribunal in context of the contention of the said Original Application directed the state respondents to file a counter affidavit.



4. That this Affidavit is being filed in compliance and obedience to the Solemn Order passed by the Hon'ble Tribunal dated 27.11.2024.

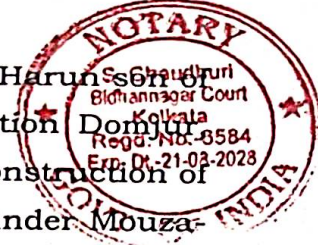
5. That the main contention in the present Original Application, is that there is an allegation regarding one Md Kalam son of Md Islam and Md Samser son of Md Sattar, Respondent Nos. 6 & 7 are also residing in village Bankra, Sardar Para, Post Office- Bankra, Police Station- Domjur, District Howrah and are forcefully and illegally filling up the Water Bodies situated in the agricultural land/ SALI Land measuring about 0.0825 at Mouza- Bankra, J.L. No. 55, Police Station - Domjur, District - Howrah, L.R. Dag No. 3065, L.R. Khatian No. 12915, R.S. Dag No. 3063, R.S. Khatian No. 423, falling within the jurisdiction of Bankra Gram Panchayet no. III, Bankra Rasikal, 28 Kamra. It is alleged that the said respondents have started development work developing a multi storied building on the said property in question.

6. That in compliance to the order of Hon'ble National Green Tribunal, direction was issued to the Officer-in-charge, Domjur Police Station by the Commissioner of Police vide Memo No. - 2000/24/Legal Cell/M.R. - 196(8) dated 10.12.2024 for taking necessary action.

Photocopy of the Memo No. - 2000/24/Legal Cell/M.R. - 196(8) dated 10.12.2024 issued by the Commissioner of Police, Howrah to the Officer-in-Charge, Domjur Police Station is annexed herewith and marked as Annexure - A.

7. That in compliance with the direction of the Commissioner of Police, Howrah an enquiry was conducted by the Officer in-Charge, Bankra Out Post under Domjur Police Station, Howrah Police Commissionerate. During

22 JAN 2025



local enquiry the concerned Officer met with the applicant Sk. Harun son of Sk. Halim of Bankra, Garpa Natun Para, Unsani, Police Station Domjur, Howrah and it could be revealed that the matter is related to construction of a multi-storied building (G+4) on a Bastu/Sali land situated under Mouza-Bankra, JL No. 55, vide R.S Dag No 3063, R.S Khatian No- 423, L.R Dag No -3065, L.R Khatian No- 12915, at Bankra Sardarpara, Rasikall, 28 Kamra, Police Station Domjur, District: Howrah without obtaining any Sanction/Building plan from the concerned authority.

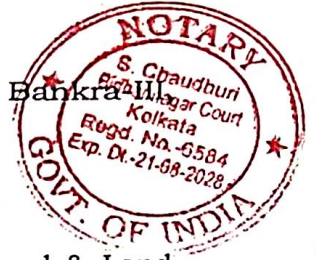
8. That during physical enquiry, it could be found that construction of a multi storied building (G+4) is going on the scheduled property under Mouza- Bankra, JL No. 55, vide R.S Dag No 3063, R.S Khatian No- 423, L.R Dag No -3065, L.R Khatian No- 12915, under Mouza-Bankra, JL No. 55, Bankra III no Gram Panchayat, Police Station Domjur, District Howrah.
9. That in course of enquiry, notice dated 20.12.2024 has been issued to the respondent (i) Md. Kalam son of Md. Islam of Village Bankra Rasikal, Police Station Domjur, Howrah and (ii) Md. Samser son of Md. Sattar of Village Bankra Sardar para, Murgi Goli, Police Station Domjur, District Howrah to produce relevant documents like Deed of Sale, Mutation Certificate, Conversion Certificate, sanction plan of the building constructed over the schedule property in question. But they unable to produced the same till now.

Photocopy of the notice dated 20.12.2024 issued to the private respondents as above referred to is annexed herewith and marked as Annexure - B.

10. That in course of further enquiry letter dated 30.12.2024 was issued to the Pradhan, Bankra-III Gram Panchayat, Domjur, Howrah for providing information whether any permission has been issued from the concerned authority regarding construction of building over the scheduled property in question. Till date no reply has been received.

12 2 JAN 2025

Photo copy of the letter dated 30.12.2024 issued to the Pradhan, Bankra-Ill Panchayet is annexed herewith and marked as Annexure - C.



11. That letter dated 31.12.2024 was also sent to the Block Land & Land Reform Officer, Domjur Development Block, Domjur, Howrah for providing necessary information regarding nature, character and ROR of the scheduled property in question with a prayer for sending a team at the scheduled property in question for physical verification and necessary action. Till date no reply has been received.

Photocopy of the letter dated 31.12.2024 sent to the B. L. & L.R.O, Domjur-I is annexed herewith and marked as Annexure - D.

12. That subsequently letter dated 31.12.2024 has been sent to the Chairman, Howrah Zilla Parisad for providing documents regarding conversion or sanction plan for construction of building over the scheduled property in question, if any with request to take necessary legal action in accordance with Law in absence of any such document. But, no reply or response has yet been received from concerned authorities over the issue.

Photocopy of the letter dated 31.12.2024 sent to the Chairman, Howrah Zilla Parishad is annexed herewith and marked as Annexure - E.

13. That presently, no construction work is going on over suit property in question and strong vigil is been maintained over the suit property to avoid any untoward incident at that area.

14. The answering respondent is also taking appropriate steps and undertakes to comply with all orders passed by this Hon'ble Tribunal in this regard.

12 2 JAN 2025

15. The statements made in paragraph 1 to 14 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.

Identified by me

Sibajyoti Chakrabarti
Advocate 22.01.2025

For the state of West Bengal

Anudyuti Majumdar
Deponent
Officer-in-Charge
DOMJUR P.S.
HOWRAH CITY POLICE



VERIFICATION

I, Shri, Anudyuti Majumdar the deponent 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 and I believe that nothing material has been concealed there from.

S. Chaudhuri
Verified at Kolkata on 22nd day of January, 2024.

Identified by me

Sibajyoti Chakrabarti
Advocate 22.01.2025

The State of West Bengal

Anudyuti Majumdar
Deponent
Officer-in-Charge
DOMJUR P.S.
HOWRAH CITY POLICE

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

12 2 JAN 2025

7

'ANNEXURE-A'

Office of the
Commissioner of Police
Howrah

Memo No. 2000/24/Legal Cell/ M.R. – 196 (8)

Dated. 10 .12.2024

To
The Officer-in-charge
Domjur Police Station
Howrah

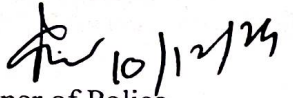
Sub :- O.A. No. 213/2024/EZ in the matter of Sk. Harun –Vs.-
State of West Bengal.

Please find enclosed herewith a copy of letter dated 02.12.2024 of Shri Sibojyoti Chakrabarti, Ld. Advocate, High Court, Calcutta along with a copy of order dated 27.11.2024 passed by Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata and a copy of the petition in c/w O.A. No. 213/2024/EZ , which speaks for itself.

You are directed to cause an enquiry in this regard and submit action taken report by 23.12.2024 to the undersigned.

Encl :- As stated above.

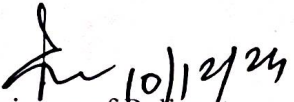
Memo No. 2000/12/3(3) /24/Legal Cell/ M.R. – 196 (8)


Commissioner of Police
Howrah
Howrah Police Commissionerate
Dated. 10 .12.2024

Copy to :-

- 1) Assistant Commissioner of Police, South – I, H.P.C.
- 2) Additional Deputy Commissioner of Police, South, H.P.C.
- 3) Dy. Commissioner of Police, South, H.P.C.

--- For information---


Commissioner of Police
Howrah
Howrah Police Commissionerate



8

'ANNEXURE - B'

**Order under Section 94 of the Bharatiya Nagarik Suraksha Sanhita
for produce Documents/Others Things.**

To,

- (i) Md. Kalam
S/O- Md. Islam
Of Bankra Rasikal, PS- Domjur, Howrah (Mob:- 9831435902)
- (ii) Md. Samsar
S/O- Md. Sattar
Of Bankra Sardar Para, Murgigoli, PS- Domjur, Howrah (Mob:-
9163146390)

**Ref:- Original Application No- 213/2024/EZ, before The National Green Tribunal
Eastern Zone Bench, Kolkata (Sk. Harun v/s State of West Bengal)**

Whereas it appears to the undersigned that the production of the under mentioned documents are necessary for the sake of enquiry of the above noted reference and there is ground believed to be in your possession.

You are hereby directed/requested to produce or cause to be produced the bellow noted original documents/allied papers before the enquiry officer of Bankra Out Post under Domjur Police Station, Howrah to verify the documents within three days.

Particulars of the documents/Other things to be produced:-

- (i) Original Deed of Sale of the land vide R.S Dag No 3063, R.S Khatian No- 423, L.R Dag No -3065, L.R Khatian No- 12915, J.L-55, Mouza- Bankra, P.S- Domjur, Dist- Howrah.
- (ii) Original Certificate of mutation of the aforesaid land.
- (iii) Original Certificate of conversion of the aforesaid land.
- (iv) Original Sanction Plan of the building constructed on the aforesaid land, sanctioned by concerned authority.
- (v) Original Deed of Developed Agreement of the aforesaid land.
- (vi) Original Pollution under control Certificate.
- (vii) Original Certificate of Fire License.

Enquiry Officer (EO)
Fazlu Mondal
ASI Fazlu Mondal
Bankra OP, PS- Domjur
Howrah City Police
Date- 20/12/24.

Md. Kalam



9.

'ANNEXURE - C'

To
The Pradhan
Bankra III Gram Panchayat
Bankra, Domjur, Howrah.

Ref:- Original Application No- 213/2024/EZ, before The National Green Tribunal Eastern Zone Bench, Kolkata (Sk. Harun v/s State of West Bengal)

Sub: Kindly arrange to provide a report on the unauthorized/illegal construction/ Filling being carried out within the pond/was made or going on at Bankra Sardar Para Rasikall 28 Kamra, PS Domjur, Dist. Howrah.

Respected Sir/ Ma'am,

In reference to the above, I beg to state that during enquiry of above noted reference I had been to Mouza- Bankra, J.L No. 55 , PS Domjur, Dist.- Howrah and found that a construction has already made over/work is going on the scheduled property vide R.S Dag No 3063, R.S Khatian No-423, L.R Dag No -3065, L.R Khatian No- 12915, under Mouza-Bankra, JL No. 55, PS-Domjur, Dist. Howrah.

So, you are requested, to provide whether any permission/order have been given from your end for making construction into the above mention property or not.

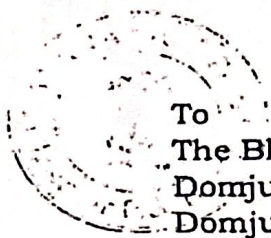
Your early response is highly solicited for the purpose of enquiry.

Pazhu Mondal
Enquiry Officer (EO)
Bankra OP, PS- Domjur
Howrah City Police
Date-

30/12/24
RECEIVED
But Not Verified
Bankra III No. G.P.
Bankra, Domjur, Howrah

10

'ANNEXURE-D'



To
The Block Land & Land Reform Officer
Domjur Block Development Office
Domjur, Howrah.

Ref: - Original Application No- 213/2024/EZ, before The National Green Tribunal Eastern Zone Bench, Kolkata (Sk. Harun v/s State of West Bengal)

Sub:- Kindly arrange to provide the records, nature and character of the bellow mention property under Mouza- Bankra, JL No. 55, vide R.S Dag No 3063, R.S Khatian No- 423, L.R Dag No -3065, L.R Khatian No-12915, under Mouza-Bankra, JL No. 55, PS-Domjur, Dist. Howrah and also requested to send a team to verify the present status of the land in question.

Sir,
In reference to the above, I beg to state that during enquiry of above noted reference I had been to Bankra Sardar Para Rasikall 28 Kamra area, PS Domjur, Dist. Howrah and found that a construction has already made over/work is going on the scheduled property under Mouza- Bankra, JL No. 55, vide R.S Dag No 3063, R.S Khatian No- 423, L.R Dag No -3065, L.R Khatian No- 12915, under Mouza-Bankra, JL No. 55, Bankra III no Gram Panchayat, PS-Domjur, Dist. Howrah.

So, you are requested, to provide the records, nature and character of the above mentioned scheduled property for further course of enquiry and also also requested to send a team to verify the present status of the land in question and provide necessary details of the present status of the land.

Your early response is highly solicited for the purpose of enquiry.

Yours faithfully
Perlu Mondal
(Enquiry Officer)
Bankra OP. under
Domjur PS, HPC
Dated:

Forwarded
Perlu
31/12/24

Officer-in-Charge
Bankra Out Post
Domjur PS, H.P.C
DIR 845/24
31/12/24

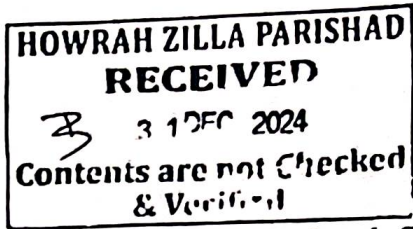
যাচাই না করিয়া
৩১/১২/২৪
সি.এ.সি.
সি.এ.সি.
সি.এ.সি.
সি.এ.সি.

11

'ANNEXURE - E'



The Chairman,
Howrah Zilla Parishad,
PO & PS - Howrah
Dist.- Howrah, Pin - 711101.



Ref: - Original Application No- 213/2024/EZ, before The National Green Tribunal Eastern Zone Bench, Kolkata (Sk. Harun v/s State of West Bengal).

Sub: Prayer for taking necessary action regarding any illegal/ unauthorized construction of G+4 storied building going on Mouza- Bankra, JL No. 55, vide R.S Dag No 3063, R.S Khatian No- 423, L.R Dag No -3065, L.R Khatian No- 12915, under Mouza-Bankra, JL No. 55, PS-Domjur, Dist. Howrah.

Sir,

With due respect, I beg to state that during enquiry of above noted reference, I had to Bankra Sardar Para Rasikall 28 Kamra area, PS Domjur, Dist. Howrah, and observed that construction of G+4 storied building has going on the scheduled property Mouza- Bankra, JL No. 55, vide R.S Dag No 3063, R.S Khatian No- 423, L.R Dag No -3065, L.R Khatian No- 12915, under Mouza-Bankra, JL No. 55, PS-Domjur, Dist. Howrah. Accordingly, issued notice to the Owner/developer of the aforesaid property to produce necessary documents regarding construction of the building i.e. Original Deed of Sale, Mutation Certificate, Conversion Certificate, Sanction Plan, Developed Agreement of the concern authority.

The owner/developer of the said land produce document regarding the ownership of the said land & also produce Mutation Certificate, Conversion Certificate & from which it revealed that the nature of the land "BASTU"/ "SALLI. (copy enclosed)

Therefore, I kindly request you to provide information whether any permission or order has been issued from your end for the construction of G+4 storied building on the above mentioned property.

In the absence of any such permission, I request you to take necessary action against the owner/developer of the unauthorized construction, in accordance with the law.

Your kind co-operation & early response in this regard is highly appreciated.

Yours faithfully

Fazlu Mondal
(ASI Fazlu Mondal)
Bankra OP under
Domjur PS, HPC
Dt:

Forwarded
ASAS
31/12/24

Officer-in-Charge
Bankra Out Post
Domjur PS, HPC

DIR-646/24
31/12/24,

7



BEFORE THE HONBLE NATIONAL
GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA

O. A. NO. 213/2024/EZ

IN THE MATTER OF:-

SK HARUN

....APPLICANT

VERSUS.

THE STATE OF WEST BENGAL & Ors.

....RESPONDENTS

COMPLIANCE AFFIDAVIT OF THE
RESPONDENT NO. 5, THE OFFICER IN-
CHARGE, DOMJUR POLICE STATION,
HOWRAH POLICE COMMISSIONERATE

SIBOJYOTI CHAKRABARTI
ADVOCATE
FOR THE STATE OF WEST BENGAL
7, OLD POST OFFICE STREET,
KOLKATA- 700001.
EMAIL: subho.advocate@gmail.com
M- 9007035534

22 JAN 2025