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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 111/2024/EZ

In The Matter of:  
Subhas Datta

**BEFORE THE NOTARY PUBLIC  
AT BIDHANNAGAR  
DIST.-NORTH 24 PARGANAS**

... Applicant  
Versus  
The State of West Bengal & Ors.  
... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER  
04, THE DEPARTMENT OF FOREST, GOVERNMENT OF WEST  
BENGAL.

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Filed by

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

(M): 9007035534

22 JAN 2025



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IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN BENCH AT KOLKATA  
ORIGINAL APPLICATION NO. 111/2024/EZ

IN THE MATTER OF :

Subhas Dutta

Vs

The State of West Bengal and  
Ors

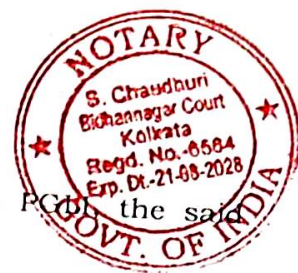
**COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT  
NO.4**

I, Sri Ranjan Kumar Das, S/o Lt. Bholanath Das, aged about 48 years, by faith- Hindu, and presently working for gain as the Joint Secretary, Department of Forest, Government of West Bengal having office at 'Arannya Bhawan', 10A, Block-LA, Sector-III, Kolkata: 700106, do hereby solemnly affirm and submit as follows:-

1. That I am presently posted as Joint Secretary in the department of Forest, Government of West Bengal and I am duly authorised by the Department of Forest, Government of West Bengal to swear this Affidavit-in-Opposition on its behalf.
2. That the Directorate of Forests, West Bengal, was directed to prepare a report regarding existence of stone crushing units which are operating 200 meters from the rivers situated within the state.
3. The Directorate of Forests after receiving the direction from this Department has submitted a report to this Department by a letter number 8411/CS/Law/7R-2(1207)/2024 Dated 10.12.2024

**22 JAN 2025**

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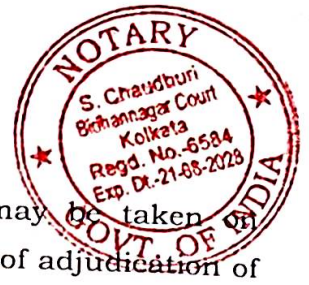
forwarded by the Chief Conservator of Forests, PCO, the said report is marked as Annexure R1.

The Deponent craves leave to refer the meaning and contents of R1 at the time of hearing if this Petition.

4. That after perusing the Report it appears that Rivers also run through non Forest Areas and there may be stone crushing units there in. However, this Department does not have any Jurisdiction regarding the existence of stone crushing units, if any, within banks of rivers in non forest areas.
5. That this Department is ready to take strict action against any stone crushing unit who is operating illegally and/or without any proper permission in the Forest Areas.
6. That the facts stated herein are based as per the reports placed by responsible officers of the Forest Directorate, West Bengal.
7. That a similar issue relating to stone crushing units is already pending before the Hon'ble High Court at Calcutta being WPA 2328 of 2022 [Subjoyoti Basu and Ors Vs The State of West Bengal] and WPA 2063 of 2022 [Durga Adhikri and Ors Vs The State of West Bengal]. A copy of some recent Orders is Annexed herewith marked as Annexure R2.
8. That it may not be out of place to mention that this Department has already affirmed the Affidavit before the Hon'ble High Court and the issues therein are similar to the present issued.

22 JAN 2025

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9. I humbly submit that the instant affidavit, may be taken on record by this Hon'ble Tribunal for the purpose of adjudication of the issues raised in the present proceedings.

10. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice.

Identified by me

*Sibajyoti Chakrabarti*  
Advocate 22.01.2025

*Ranjan Kumar Das*  
Deponent

State of West Bengal

RANJAN KUMAR DAS, WBCS (Exe.)  
Joint Secretary  
Deptt. of Forests  
Govt. of West Bengal

VERIFICATION:

I, the deponent above-named, 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 as available I the records of the office of the Forest department, Government of West Bengal and I believe that nothing material has been concealed there from.

Identified by me

*Sibajyoti Chakrabarti*  
Advocate 22.01.2025

*Ranjan Kumar Das*  
Deponent

RANJAN KUMAR DAS, WBCS (Exe.)  
Joint Secretary  
Deptt. of Forests  
Govt. of West Bengal

S. CHAUDHURI State of West Bengal

\* NOTARY \*  
GOVT. OF INDIA  
Regd. No.-6584/08  
Bidhannagar Court  
Dist.-North 24 Pgs

22 JAN 2025



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Annexure-R1



Government of West Bengal  
Directorate of Forests  
Office of the Principal Chief Conservator of Forests, Head of Forest Force  
Aranya Bhawan, Block-LA-10A, Sector-III, Salt Lake City, Kolkata-700 106  
Phone: (033) 2335 8581/7751, Fax: (033) 2335 8756, e-Mail: [pccfhoff.office-wb@gov.in](mailto:pccfhoff.office-wb@gov.in)  
Visit us at: [www.westbengalforest.gov.in](http://www.westbengalforest.gov.in)



No. 8411 /CS/LAW/7R-2(1207)/2024

Date 10 / 12 / 2024

From : The Chief Conservator of Forests,  
Public Grievances, Law and Information, West Bengal.

To : The Joint Secretary to the Government of West Bengal,  
Department of Forests.

Sub: - I.A. No. CAN 3 of 2023, CAN 5 of 2024, CAN 8 of 2024, WPA No. 2063 of 2022 in the matter  
of Durga Adhikary & Ors Vs The State of West Bengal & Ors.

With reference to the subject mentioned above kindly find enclosed herewith a copy of the letter  
issued by Additional Principal Chief Conservator of Forests, North Bengal, vide memo no. 79/3L-Law  
dated 10.12.2024, which speaks for itself, for taking necessary action from your end.

Encl: As stated above.

*Lipika Ray* 10/12/24  
(Lipika Ray, IFS)  
Chief Conservator of Forests  
Public Grievance, Law & Information.  
West Bengal.

*S.D. (S. Gov. Secy)*  
10/12/2024

R-1  
Signature.....  
in paragraph.....  
preceding.....  
m. l. c. n. g. n. u. r.  
13/12/24  
Chairman of Affidavit  
High Court, Kolkata  
Kolkata



**Government of West Bengal**  
**Directorate of Forest**  
**Office of the Addl. Principal Chief Conservator of Forests,**  
**North Bengal**  
**Forest Administrative Building, South Shanti Nagar, Dabgram II**  
**Jalpaiguri 734004 E-mail: [apccfnb-wb@nic.in](mailto:apccfnb-wb@nic.in)**

**Memo No.** 79/ 3L-Law

**Date:** 10.12.2024

**To:** The Principal Chief Conservator of Forests &  
 Head of Forest Force, West Bengal.

**Attn:** CCF/PGLI

**Sub:** 1. Order dt 04.12.24 in the High Court at Calcutta, Circuit Bench at Jalpaiguri  
 2. WPA 2063 of 2022 I.A. No. CAN3 of 2023 CAN5 of 2024 CAN8 of 2024  
 3. WPA 2328 of 2022 I.A. No. CAN1 of 2024.

On the basis of the reports received from

1. Chief Conservator of Forests/ Northern Circle,
2. Chief Conservator of Forests/ Hill Circle,
3. Chief Conservator of Forests/ North West Circle,
4. Chief Conservator of Forests/ Wildlife North,
5. Field Director/ Buxa Tiger Reserve,

This is to certify that "From the boundary of river up to 200 metre there is no crusher unit established on forest land."

(Rajesh Kumar, IFS)

Addl. Principal Chief Conservator of Forests, North Bengal

Government of West Bengal  
Directorate of Forests

Office of the Chief Conservator of Forests, Northern Circle, West Bengal  
S.J.D.A. Complex, P.O. Danguajhar, Dist. Jalpaiguri-735121

e-mail: [ccfnc-wb@nic.in](mailto:ccfnc-wb@nic.in)

Visit: <https://westbengalforest.gov.in/>

Memo No. 1802 / 2M-1

Dated, Jalapiguri. 10/12/2024

To  
The Additional Principal Chief Conservator of Forests,  
North, West Bengal

Sub: Stone Crusher-Certificate -reg.

Sir,

Based on the reports of Divisional Forest Officer, Jalpaiguri, Baikunthapur & Coochbehar this is to certify that "from the boundary of river up to 200 metre there is no crusher unit established on forest land under this circle.

This is for your kind information and perusal.

(S.K. Mollay, IFS)  
Chief Conservator of Forests,  
Northern Circle, West Bengal



**Government of West Bengal**  
**Directorate of Forests**  
**Office of the Chief Conservator of Forests, Hill Circle, West Bengal**

Medow Bank Road, Darjeeling  
 Phone : Office - 2234-1855, 2225-7487, 2234-1856,  
 e-mail : [ccfhwbg@gmail.com](mailto:ccfhwbg@gmail.com), [ccfhc.frd-wb@bangla.gov.in](mailto:ccfhc.frd-wb@bangla.gov.in)



No. 1816 / C2-28

Dated, Darjeeling the 10.12.2024

To The Additional Chief Conservator of Forests  
 North Bengal.

Sub : Report regarding the presence of active stone crushers within 200m. from river  
 bed within the jurisdiction of Hill Circle, West Bengal.

Ref : Hon'ble High Court of Calcutta ( Circuit Bench at Jalpaiguri ) WPA 2063 of 2022  
 + CAN 3 of 2023+ CAN 5 of 2024 + CAN 8 of 2024 - Durga Adhikari & Ors Vs  
 State of West Bengal & Ors with WPA 2328 of 2022 + CAN 1 of 2024 - Subhajibyoti  
 Basu & Ors.Vs State of West Bengal & Ors.

Sir,

Based on the reports received from Divisional Forest Officers of  
 Darjeeling, Kurseong and Kalimpong Forest Divisions, this is to certify that ,  
 "from the boundary of river upto 200 metre" there is no crusher unit  
 established on the recorded forest land , under the jurisdiction of the  
 respective divisions.

(S.Gajamer, IFS)  
 Chief Conservator of Forests  
 Hill Circle WB

No. 1816 /C2-28

Dated, Darjeeling the 10.12.2024

Copy forwarded for kind information to :

The Divisional Forest Officers, of Darjeeling, Kurseong and Kalimpong Forest Divisions.

(S.Gajamer, IFS)  
 Chief Conservator of Forests  
 Hill Circle WB



Government of West Bengal  
 Directorate of Forests  
 Office of the Conservator of Forests  
 North-West Circle, West Bengal  
 6, C.V Raman Sarani, College Para, Siliguri-734001  
 Dist. - Darjeeling, Email: [cfnw-wb@nic.in](mailto:cfnw-wb@nic.in)



Memo No.: 1148 /NW/ 2M-1

Dated. 10.12.2024

To: The Addl. Principal Chief Conservator of Forests,  
 North Bengal.

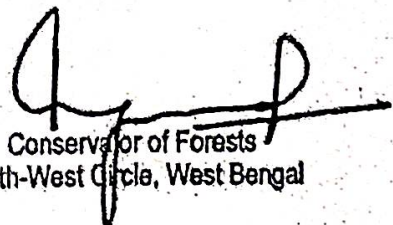
Sub: Report on Stone Crusher.

Ref: Direction on whatsapp dt. 09.12.2024

Sir,

With reference to the above, as per reports of Raiganj & Malda Division, this is to certify that from the boundary of river upto 200 meters there is no crusher unit established on the forest land.

This is for your kind information and necessary action.

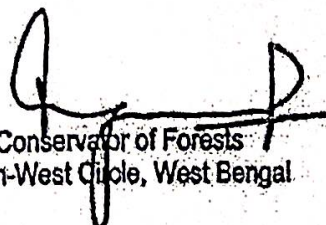
  
 Conservator of Forests  
 North-West Circle, West Bengal

Dated. 10.12.2024

Memo No. 1148(2)/NW/2M-1

Copy forwarded for kind information to:

1. The Divisional Forest Officer, Malda Division.
2. The Divisional Forest Officer, Raiganj Division

  
 Conservator of Forests  
 North-West Circle, West Bengal



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Government of West Bengal  
 Directorate of Forests  
 Office of the Chief Conservator of Forests, Wildlife North, West Bengal  
 Forest Administrative Building (Block-D), South Shantinagar  
 Dabgram-II, P.O. Dabgram, Dist. Jalpaiguri, Pin- 734004  
 e-mail : ccfwil-wb@nic.in



Date : 10/12/2024

Memo 3399/2M-15(C)/NGT.

To

The Chief Conservator of Forests,  
 PGLI, West Bengal.

Subject- WPA 2063 of 2022 I.A. No. CAN 3 of 2023 CAN 5 of 2024 CAN 8 of 2024 Durga  
 Adhikari & Ors. -Vs State of West Bengal & Ors.

Madam,

Based on the reports of DFO Jaldapara Wildlife division, Gorumara Wildlife Division and  
 Darjeeling Wildlife division, this is to certify that "from the boundary of river up to 200 metre there is  
 no crusher unit established on forest land."

(Bhaskar. J.V. IFS)  
 Chief Conservator of Forests  
 Wildlife North



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Government of West Bengal  
 Directorate of Forests  
 Office of the Chief Conservator of Forests & Field Director,  
 Buxa Tiger Reserve  
 Alipurduar Court \* Alipurduar \* West Bengal - 736 122  
 ☎ 03564-256333 (Office), 03564-255577 (Fax)  
 E-mail: fdbtrwb@gmail.com / ccffd-wb@nic.in

No. 2481/28-87

Dated 10.12.2024

To :

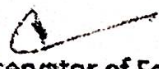
The Addl Principal Chief conservator of Forests, North Bengal

Sub-Report on Stone Crusher related to the order dated 04.12.2024 of Hon'ble High Court at Calcutta, Circuit Bench at Jalpaiguri.

Ref- Letter no 4809/15-230 dated 10.12.2024 & 3192/18-5 dated 10.12.2024 of DFD, BTR East & West, respectively.

Sir,

In reference to the subject mentioned based on the report of DFD, BTR East & DFD, BTR West this is to certify that \*from the boundary of river up to 200 mt, there is no stone crusher unit established on forest land of Buxa Tiger Reserve.


  
 Chief Conservator of Forests &  
 Field director, Buxa Tiger Reserve

No. 2481/28-87

Dated 10.12.2024

Copy forwarded for information to-

1. The Principal Chief conservator of Forests, Wildlife & CWLW, WB.
2. The Chief Conservator of Forests, PGLJ, West Bengal.

  
 Chief Conservator of Forests &  
 Field director, Buxa Tiger Reserve

4  
Annexure-R-2

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04.12.2024  
Item Nos.6 & 7  
Court No.2  
Aj.

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
CONSTITUTIONAL WRIT JURISDICTION**

**WPA 2063 of 2022**

I.A. No. CAN 3 of 2023

CAN 5 of 2024

CAN 8 of 2024

**Durga Adhikari & Ors.**

-Vs-

**State of West Bengal & Ors.**With**WPA 2328 of 2022**

I.A. No. CAN 1 of 2024

**Subhajyoti Basu & Ors.**

-Vs-

**The State of West Bengal & Ors.**

Mr. Biswaroop Bhattacharyya,  
Mr. Arnab Saha,  
Ms. Sayani Das.

...for the petitioners in  
WPA 2063 of 2022.

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.  
Mr. Samim Ahmed,  
Mr. Arijit Ghosh,  
Ms. Gulsanwara Parvin.

...for the petitioners in  
WPA 2328 of 2022.

Mr. Joyjit Choudhury, Ld. A.A.G.,  
Mr. Subir Kumar Saha, Ld. A.G.P.,  
Mr. Hirak Barman,  
Mr. Nabankur Paul.

...for the State in  
WPA 2063 of 2022.

Mr. Joyjit Choudhury, Ld. A.A.G.,  
Mr. Hirak Barman,  
Mr. Anirban Banerjee.

...for the State in  
WPA 2328 of 2022.

Mr. Ajoy Kumar Singhanian.

...for the Union of India  
(in both matters).

These two matters, by consent of the parties, are taken up for analogous consideration as the issues are identical.

Mr. Joyjit Choudhury, learned Additional Advocate General files a preliminary compliance report of the order of the National Green Tribunal ("Tribunal" in short) dated May 30, 2022. He also files a report of the *Conservator of Forests & Field Director*, Buxa Tiger Reserve dated July 12,

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2022 and a report of the *District Magistrate*, Jalpaiguri dated November 26, 2024; the said reports be kept with the record.

The State, on the next date of hearing, shall file a report in the form of affidavit, to be affirmed by the *Additional Chief Secretary*, Department of Forest, Government of West Bengal disclosing the number of Stone-Crusher units still operating within 200 meters from the river(s) situated within the jurisdiction of this Court.

Mr. Bikash Ranjan Bhattacharyya, learned senior advocate submits that the impugned order of the Tribunal dated May 30, 2022 is *non est* for lack of appropriate Coram.

The issue would be addressed at the time of final disposal of the matters.

Both the matters be treated as "**Part Heard**".

Matters be listed in the **Principal seat** of this Court on **December 16, 2024** under the heading "**To Be Mentioned**"

Department is directed to send all records of both the cases to the Principal Bench.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

**(Biswajit Basu, J.)**

23.12.2024  
Item Nos.1 & 2  
Court No19  
Aj.

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**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
CONSTITUTIONAL WRIT JURISDICTION**

**WPA 2328 of 2022**

I.A. No. CAN 1 of 2024

**Subhajyoti Basu & Ors.**

**-Vs-**

**The State of West Bengal & Ors.**

**with**

**WPA 2063 of 2022**

I.A. No. CAN 3 of 2023

CAN 5 of 2024

CAN 8 of 2024

**Durga Adhikari & Ors.**

**-Vs-**

**State of West Bengal & Ors.**

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.

Mr. Samim Ahmed,

Mr. Arka Maiti,

Ms. Ambiya Khatun,

...for the petitioners in WPA 2328 of 2022.

Mr. Biswaroop Bhattacharyya,

Mr. A.N. Bhattacharyya,

Mr. Varun Kothari,

Mr. Priyabrata Thakur,

Ms. Sayani Das,

Ms. Sreetama Biswas,

Mr. Arya Bhattacharyya,

Ms. Ivey Bhattacharya,

Mr. Amit Ghosh.

....for the petitioners in WPA 2063 of 2022.

Mr. Ansar Mandal,

Mr. Rajarshi Basu,

Mr. Kushal Das,

Mr. Tanweer J. Mandal.

....for the State (in both writ petitions).

Mr. Biswabrata Basu Mallick, Ld. A.G.P.,

Mr. Debangshu Dinda.

....for the Department of Tourism.

Mr. Moulinath Moitra.

....for the W.B. Pollution Control Board.

The applicant Mr. Subhas Datta is absent, his presence is necessary for effective adjudication of the writ petitions, therefore, the petitioners in both the writ petitions are directed to issue a notice intimating Mr. Datta that the matters will be taken up on **January 10, 2025** under the same heading.

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The petitioners in both the writ petitions are required to communicate this order to the Union of India.

The District Magistrate, Alipurduar is directed to submit a report on the next date of hearing disclosing as to whether any stone crushing unit is operating in and around the river beds of the district.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

**(Biswajit Basu, J.)**

10.01.2025  
(S/L 01-02)  
Ct.-19  
(Susanta)

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**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
CONSTITUTIONAL WRIT JURISDICTION**

**WPA 2328 of 2022**

I.A. No. CAN 1 of 2024

**Subhajyoti Basu & Ors.**

-Vs-

**The State of West Bengal & Ors.**

with

**WPA 2063 of 2022**

I.A. No. CAN 3 of 2023

CAN 5 of 2024

CAN 8 of 2024

**Durga Adhikari & Ors.**

-Vs-

**State of West Bengal & Ors.**

Mr. Samim Ahmed,

Mr. Arka Maiti,

Ms. Ambiya Khatun,

....for the petitioners in WPA 2328 of 2022.

Mr. Biswaroop Bhattacharyya,

Mr. A.N. Bhattacharyya,

Mr. Varun Kothari,

Mr. Priyabrata Thakur,

Ms. Sayani Das,

Ms. Sreetama Biswas,

Mr. Arya Bhattacharyya,

Ms. Ijee Bhattacharyya,

Mr. Amit Mukherjee.

....for the petitioners in WPA 2063 of 2022.

Mr. Ansar Mandal, Ld. AGP, (Virtually)

Mr. Rajarshi Basu,

Mr. Kushal Das,

....for the State (in both writ petitions).

Mr. Biswabrata Basu Mallick, Ld. A.G.P.,

Mr. Debangshu Dinda.

....for the Department of Tourism.

Mr. Kumar Jyoti Tewari, Ld. Sr. Adv.,

Ms. Amrita Pandey,

....for the Union of India.

Mr. Laxmi Kumar Gupta, Ld. Sr. Adv.,

Mr. Arjun Ray Mukherjee,

....for the *Amicus Curiae*.

Mr. Subhas Dutta,

.....appearing in person.

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To assist the Court in these two matters, this Court appoints Mr. Laxmi Kumar Gupta, learned senior advocate as *Amicus Curiae*, and for his assistance, Mr. Arjun Ray Mukherjee, learned advocate is also appointed.

Mr. Biswaroop Bhattacharyya, learned advocate for the petitioner in WPA 2063 of 2022 files affidavit-of-service and a supplementary affidavit; let the said affidavits be kept with the record.

None appears on behalf of the Union of India in spite of service; under such circumstances, this Court appoints Mr. Kumar Jyoti Tewari, learned senior advocate, and his junior Smt. Amrita Pandey, learned advocate to represent the Union of India; their appointments be regularized.

Parties are directed to supply copy of the pleading(s)/report(s) to Mr. Ray Mukherjee, Mr. Subhas Dutta, the applicant before the National Green Tribunal and Smt. Pandey.

Mr. Ansar Mandal, learned Additional Government Pleader prays extension of time to file report as directed by the order dated December 23, 2024.

Prayer is allowed; such report be filed on the next date of hearing.

The records relating to the *Original Application No. 136/2015/EZ* along with *M.A No. 191/2017/EZ* disposed of by the Special Bench of the National Green Tribunal on May 30, 2022 be transmitted to this Court on the next date of hearing. The department is directed to take necessary steps.

Matter will be taken up for further consideration at **2.00 p.m. on January 28, 2025.**

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

**(Biswajit Basu, J.)**

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



O. A. NO. 111/2024/EZ  
In The Matter of:  
Subhas Datta

... APPLICANT

VERSUS

The State of West Bengal & Ors.

... RESPONDENT(S)

COUNTER AFFIDAVIT- ON  
BEHALF OF THE RESPONDENT  
No. 04, DEPARTMENT OF  
FOREST, GOVERNMENT OF  
WEST BENGAL.

SIBOJYOTI CHAKRABARTI  
Advocate  
For The State of West Bengal  
Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)  
(M): 9007035534.

22 JAN 2025