

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 88/2024/EZ

In The Matter of:

BINAY BASFORE

... Applicant

Versus

THE STATE OF WEST BENGAL & Ors.

... Respondents

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 5, THE
DISTRICT MAGISTRATE, HOWRAH**

INDEX

SL	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-6
2.	Inspection Report of the Committee	"R-1"	7-12
3.	Direction issued to the Executive Assistant of Banupur - I Gram Panchayat	"R-2"	13
4.	Direction issued to the BL & LRO, Sankrail Development Block	"R-3"	14
5.	Direction issued to the Fisheries Extension Officer, Sankrail Development Bloc	"R-4"	15
6.	Notice issued by the Pradhan of Banupur-I Gram Panchayat to the landowner for clearing the land along with pond	"R-5"	16
7.	Notice issued by the competent authority under West Bengal Inland Fisheries Act, 1984 U/S 17 A to the pond owner for restoration of the pond in question.	"R-6"	17-19



Filed by Sri Sudip Kumar Dutta, Ld. State Advocate for the State of West Bengal.

22 JAN 2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 88/2024/EZ

In The Matter of:

BINAY BASFORE

... Applicant

Versus

Sl NO 271 DT 22/1/2025 THE STATE OF WEST BENGAL & Ors.

... Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 5, THE DISTRICT MAGISTRATE, HOWRAH:

I, Dr. Deepap Priya P., D/o. Sri I. Palraj, working as the District Magistrate, Howrah at P.O. & P.S. Howrah, District Howrah Pin-711101 do hereby solemnly affirm and submit as follows: -

1. That I have been communicated with a copy of the order in O.A. No.

88/2024/EZ from the Learned Counsel for the State associated with the instant case.

2. That this affidavit is being filed in compliance to the Solemn Order dated 06.12.2024 passed by the Hon'ble Tribunal.



22 JAN 2025

3. That in pursuance of the direction of the Hon'ble Tribunal, a committee was constituted comprising the following members: Additional District Magistrate (LR & LA) & District Land & Land Reforms Officer, Howrah, West Bengal Pollution Control Board through its Member Secretary, the Secretary, Banupur-1 Gram Panchayat under Sankrail Development Block.
4. That the Hon'ble Tribunal on 06-12-2024 passed an order directing the Committee as mentioned above to conduct a fresh inspection in the site in question & file a fresh inspection report in the form of affidavit.
5. That in pursuance of the above order of Hon'ble Tribunal, the aforesaid committee carried out a fresh inspection in the site in question on 14-01-2025.

The inspection report of such visit along with colour photographs are annexed herewith & marked as "R-1".



That the Executive Assistant of Banupur - I Gram Panchayet was directed to regularly monitor the site and to take penal action against the landowner for any illegal constructions or attempt to fill up the water body in contravention of the provisions of Rule 22 of the West Bengal Panchayat Administration Rules, 2004. He was also directed to provide technical assistance for the cleaning of the water body and also extend necessary administrative assistance for prevention of littering

22 JAN 2025

and dumping of garbage within the premises by locals. It was further directed to take necessary action under section 27(1) of the West Bengal Panchayet Act, 1973 to prevent growth of water hyacinth or other weed in the pond in question which may pollute water.

The photocopy of said direction issued to the Executive Assistant of Banupur - I Gram Panchayet is annexed herewith and marked as "R-2".

7. That the BL&LRO Sankrail was directed to clearly demarcate the various plots by referring to the Mouza Maps and delineate the Bastu area from the water body, highlighting any changes in the contours of the water body due to passage of time. Further, she was also directed to monitor and prevent any illegal pond filling activities in contravention of Section 4C of the West Bengal Land Reforms Act, 1955.

The photocopy of said direction issued to the BL&LRO Sankrail is annexed herewith and marked as "R-3".



8. That the Fishery Extension Officer of Sankrail Block was directed to assist the pond owner with technical guidance on carrying out sustainable pisciculture activities in the pond, which will also prevent further algal bloom and growth of weeds in the water body and protect the natural ecosystem of the water body. He was also directed to monitor the health of the water body and take necessary penal action

22 JAN 2025

under section 17A of the West Bengal Inland Fisheries Act ,1984 for any violations.

The photocopy of said direction issued to the BL&LRO Sankrail is annexed herewith and marked as **"R-4"**.

9. That the Block Development Officer, Sankrail has been directed to ensure compliance of the above directions and ensure inter-departmental coordination in this matter.

10. That the Pradhan of Banupur -I Gram Panchayat issued a notice to the landowner on 14-01-2025 for clearing the land along with pond in recommendation of the Committee during the inspection.

The Photocopy of the aforesaid notice of the Pradhan, Banupur-I Gram Panchayat is annexed herewith & marked as **"R- 5"**.

11. That the Competent Authority under the West Bengal Inland Fisheries Act ,1984 issued a notice on 17-01-2025 to the pond owner under section 17A of the West Bengal Inland Fisheries Act ,1984 as amended from time to time for restoration of the pond to its original position at his own cost in recommendation of the Committee during the inspection.

The Photocopy of the aforesaid notice is annexed herewith and marked as **"R- 6"**.



22 JAN 2025

12. That the statements made in the above paragraphs are true to my knowledge are belief of the record as available in the office of the deponent and the rest are humble submissions before the Hon'ble Tribunal.

13. 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


Deponent

**District Magistrate
Howrah**

Advocate
State of West Bengal



22 JAN. 2025

- 6 -

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 and I believe that nothing material has been concealed there from.

Verified at Kolkata on 22nd day of January, 2025.

Identified by me

Sanjay K. Das
Advocate
State of West Bengal

Deponent

[Signature]

District Magistrate
Howrah



IN IDENTIFICATION OF ADVOCATE
OLEMNLY AFFIRMED BEFORE

Swapna Das
SWAPNA DAS
NOTARY GOVT. OF INDIA
Regn. No. 13814/18
Judges' Court, Howr

22 JAN 2025

Report of the Committee constituted by Hon'ble National Green Tribunal, Eastern Zone Bench Kolkata vide order dated 06.12.2024 in connection with O.A. No. 88/2024/EZ in the matter between Binay Basfore - vs - State of West Bengal & Ors.

In compliance of the solemn order passed by Hon'ble NGT, Eastern Zone Bench Kolkata on 06.12.2024, a fresh inspection on the site in question was conducted in presence of both the Applicant and the land holder Mr. Moinuddin Ansari, on 14.01.2025 at 11.00 A.M. by the committee constituted by the Hon'ble Tribunal comprising the following members:

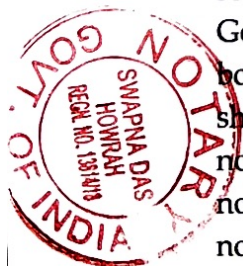
1. Shri Azar Zia, Additional District Magistrate (L & LR), Howrah
2. Shri Bhim Tikader, Asst. Environmental Engineer, WBPCB, Howrah Regional Office
3. Shri Gopal Chakrabarty, Executive Assistant, Banupur-I Gram Panchayat, Sankrail

The following officials were also present to facilitate the inspection by the aforementioned Committee:

1. Shri Partha Pratim Sadhukhan, Officer-in-Charge, Environment Section, District Administration, Howrah.
2. Smt Pampa Das, Block Land & Land Reforms Officer, Sankrail.
3. Shri Dhruvajyoti Sen, Fisheries Extension Officer, Sankrail Development Block.

During the inspection, the following was revealed:

1. The said plots are located in a congested area surrounded by residential houses. Local Panchayat Road is passing along eastern boundary of the said plots and there appear to be narrow bye-lanes on the northern and western boundaries of the said plot. There are metal gates located at the North-East, North-West and South-West corners of the plot and the remaining portion of the plot is surrounded by a brick boundary wall.
2. As per sketch map provided by the Land Department officials, the Bastu plot is situated on the northern side and the Pukur Par is situated on the western side of the pond, while the pond is situated in the central portion of the plot.
3. As per available records, the Pond was cleaned and restored to its original position in the month of August, 2024 as per order of the Hon'ble Tribunal dated 10.07.2024 under supervision of the Block Land & Land Reforms Officer, Sankrail for which necessary assistance and logistic support was rendered by the Block Development Officer, Sankrail Block.
4. The picture of the restored pond captured on 12.08.2024 which was attached in the Action Taken Report submitted by the Block Land & Land Reforms Officer, Sankrail seems to be corroborated by the historical satellite imagery of the plot obtained from Google Earth for the month of October, 2024 (Annexed herewith) wherein the water body is found to be free of vegetation. It appears that the pictures of the aforesaid plot shared by the applicant dated 28.10.2024 with the Hon'ble Court were clicked from the north-west and north-east sides of the plot which mainly captured the Bastu area on the northern side which was full of wild vegetation. The images shared by the applicant do not appear to capture the actual pond area in its entirety.



22 JAN 2025

5. As on the date of inspection, the pond was found to be covered by water hyacinth and other vegetation. The Bastu classified plot was also covered by wild grass and vegetation as well as littered with garbage in some parts alongside the boundary walls.
6. The land-owner alleged that garbage was routinely dumped by some local people in the neighbourhood from nearby residential areas and that he was threatened by local miscreants if he tried to stop them. He also expressed concerns of illegal trespass into his property by local goons by jumping over the boundary wall, for which he requested police and administrative assistance. He was advised to take necessary security measures for safeguarding of his property as per extant laws, in consultation with local panchayat and police authorities, and file complaints with the local police station against miscreants and illegal trespassers, if deemed necessary.
7. As this is a private water body, the Committee directed the Landowner to immediately take necessary measures to clear the pond of all vegetation under the supervision of the Banupur - I Gram Panchayat and initiate sustainable pisciculture practices to protect the natural ecosystem of the water body at his own cost. He is at liberty to seek technical guidance from the Panchayat officials as well as officials of Fisheries Department. The land owner has prayed for two months' time to restore the health of the water body to its natural condition for which he was advised to submit his prayer before the Hon'ble NGT.
8. The following directives were given to administrative officials:
 - a. The Executive Assistant, Banupur-I Gram Panchayat was directed to regularly monitor the site and to take penal action against the landowner for any illegal constructions or attempt to fill up the water body in contravention of the provisions of Rule 22 of the West Bengal Panchayat Administration Rules, 2004. He was also directed to provide technical assistance for the cleaning of the water body and also extend necessary administrative assistance for prevention of littering and dumping of garbage within the premises by locals.
 - b. The BL&LRO Sankrail was directed to clearly demarcate the various plots by referring to the Mouza Maps and delineate the Bastu area from the water body, highlighting any changes in the contours of the water body due to passage of time. Further, she was also directed to monitor and prevent any illegal pond filling activities in contravention of Section 4C of the West Bengal Land Reforms Act, 1955. Further, it was also directed to take necessary action under Section 27(1) of the West Bengal Panchayat Act, 1973 to prevent growth of water hyacinth or other weed which may pollute water.
 - c. The Fishery Extension Officer of Sankrail Block was directed to assist the pond owner with technical guidance on carrying out sustainable pisciculture activities in the pond, which will also prevent further algal bloom and growth of weeds in the water body and protect the natural ecosystem of the water body. He was also directed to monitor the health of the water body and take necessary penal action under section 17A of the West Bengal Inland Fisheries Act, 1984 for any violations.
 - d. The Block Development Officer, Sankrail has been directed to ensure compliance of the above directions and ensure inter-departmental coordination in this matter.



22 JAN 2025

- 9 -


The Photographs taken during the course of inspection as well as the directions to the respective administrative officials are annexed herewith.

Rhim Jikar.

Gopal Chatterjee

Executive Assistant,
Banupur - I G.P.

Assistant Environment Engineer
Howrah Regional Office, WBPCB


ADM (LR) & DL&LRO
Howrah



22 JAN 2025

Glimpses of the Inspection held on 14-01-2025 in connection with Hon'ble NGT, Eastern Zone Bench, Kolkata , OA No. 88/2024/EZ



NOTIFIED
 SWAPNA DAS
 HOWRAH
 REGD. NO. 1301/18
 GOVT. OF INDIA



22 JAN 2025



NOTA
 SWAPNA
 HOVRAH
 REGD. NO. 1391419
 GOVT. OF INDI



22 JAN. 2025

October 2024

Mauddin House (Mauddin)

SHAMSUL HAQUE HOUSE

NOTARY
SWAPNA DAS
MOHRAN
REGD. NO. 123456

22 JAN 2025

Google Earth

20 m



Imagery © 2024 Airbus



GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE & DISTRICT COLLECTOR
HOWRAH
(ENVIRONMENT CELL)

Memo No.: 11/1/Env./Howrah

Date: 14/01/2025

To: The Executive Assistant
Banupur-I Gram Panchayet
Sankrail Development Block.

**Sub: - Regarding Hon'ble National Green Tribunal, Eastern Zone Bench,
Kolkata OA No. 88/2024/EZ.**

Ref: - Inspection held on 14-01-2024 on the site in question in the instant
O.A.

With reference to the subject captioned above, this to request you to regularly monitor the site and to take penal action against the landowner for any illegal constructions or attempt to fill up the water body in contravention of the provisions of Rule 22 of the West Bengal Panchayat Administration Rules, 2004 and issue notice under section 27(1) of the West Bengal Panchayat Act, 1973 to prevent growth of water hyacinths or other weed in the pond in question which may pollute water.

This is for your information and taking necessary action.


Addl. District Magistrate (Environment)
&
District Land & Land Reforms Officer
Howrah.

Memo No.: 11/1/1(2)/Env./Howrah

Date: 14/01/2025

Copy forwarded for information and taking necessary action to:

- (1) The Block Development Officer, Sankrail Development Block with request to ensure compliance of the above directions and ensure inter-departmental coordination in this matter.
- (2) The Pradhan, Banupur-I Gram Panchayat, Sankrail Development Block.


Addl. District Magistrate (Environment)
&
District Land & Land Reforms Officer
Howrah.




22 JAN 2025



GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE & DISTRICT COLLECTOR
HOWRAH
(ENVIRONMENT CELL)

Memo No.: 11/2/Env./Howrah

Date: 14/01/2025

To: The Block Land & Land Reforms Officer
Sankrail Development Block.

**Sub: - Regarding Hon'ble National Green Tribunal, Eastern Zone Bench,
Kolkata OA No. 88/2024/EZ.**

Ref: - Inspection held on 14-01-2024 on the site in question in the instant
O.A.

With reference to the subject captioned above, this to request you to clearly demarcate the various plots by referring to the Mouza Maps and delineate the Bastu area from the water body, highlighting any changes in the contours of the water body due to passage of time. Further, she was also directed to monitor and prevent any illegal pond filling activities in contravention of Section 4C of the West Bengal Land Reforms Act, 1955.

This is for your information and taking necessary action.


Addl. District Magistrate (Environment)
&
District Land & Land Reforms Officer
Howrah.

Memo No.: 11/2/1(2)/Env./Howrah

Date: 14/01/2025

Copy forwarded for information and taking necessary action to:

The Block Development Officer, Sankrail Development Block with request to ensure compliance of the above directions and ensure inter-departmental coordination in this matter.




Addl. District Magistrate (Environment)
&
District Land & Land Reforms Officer
Howrah.

22 JAN 2025



GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE & DISTRICT COLLECTOR
HOWRAH
(ENVIRONMENT CELL)

Memo No.: 11/23/Env./Howrah

Date: 14/01/2025

To: The Fisheries Extension Officer
Sankrail Development Block.

**Sub: - Regarding Hon'ble National Green Tribunal, Eastern Zone Bench,
Kolkata OA No. 88 /2024/EZ.**

Ref: - Inspection held on 14-01-2024 on the site in question in the instant
O.A.

With reference to the subject captioned above, this to request you to assist the pond owner with technical guidance on carrying out sustainable pisciculture activities in the pond, which will also prevent further algal bloom and growth of weeds in the water body and protect the natural ecosystem of the water body. He was also directed to monitor the health of the water body and take necessary penal action under section 17A of the West Bengal Inland Fisheries Act, 1984 for any violations.

This is for your information and taking necessary action.


Addl. District Magistrate (Environment)
&
District Land & Land Reforms Officer
Howrah.

Memo No.: 11/3/1(2)/Env./Howrah

Date: 14/01/2025

Copy forwarded for information and taking necessary action to:

- (1) The Block Development Officer, Sankrail Development Block with request to ensure compliance of the above directions and ensure inter-departmental coordination in this matter.
- (2) The Assistant Director of Fisheries, Howrah.


Addl. District Magistrate (Environment)
&
District Land & Land Reforms Officer
Howrah.



22 JAN. 2025

OFFICE OF THE BANUPUR-1 GRAM PANCHAYAT



বানুপুর (১) গ্রাম পঞ্চায়েত

POST : BANIPUR, P.S.: SANKRAIL, DIST.: HOWRAH

E-mail : banupur1gp@gmail.com

Upa-Prodhan
Raj Kumar Gupta

Prodhan
Anjali Kumari Ram

Ref. No. Banu-1/291/2024-25

o/c
নোটিশ

Date 14.01.2025

প্রতি,
মহম্মদ মইনুদ্দিন আনসারী,
পিতা- মঙ্গল ঞারিক,
বানীপুর, মধ্যপাড়া,
থানা- সাকরাইল,
জেলা- হাওড়া-৭১১৩০৪



বিষয়ঃ আপনার নিজস্ব পুকুর ও জমিটি আগামী দশ দিনের মধ্যে জরুরী ভিত্তিক পরিষ্কার করার জন্য বলা হইতেছে।

মহাশয়,
আপনাকে জানানো যাইতেছে যে, বানীপুর মৌজা, জে.এল. নং ৩২ অধীন বানীপুর মধ্যপাড়ায় অবস্থিত আপনার দেওয়া বাউন্ডারির মধ্যে যে, পুকুর ও জমি রহিয়াছে তাহা খুবই অস্বাস্থ্যকর অবস্থায় আছে। তাই আপনাকে ১০ দিনের মধ্যে উক্ত জায়গা (পুকুর ও জমি) পরিষ্কার করার জন্য বলা হইল।

আদেশানুসারে,

received
Contents Not Verified
Sankrail Development Block
Sankrail, Howrah.

Anjali
প্রধান

DOCKET NO 162/2025
DATE 14/01/2025
Banupur-1 Gram Panchayat
Sankrail, Howrah



প্রতিলিপি প্রেরণ করা হইলঃ-

- ১) মাননীয়, এ.ডি.এম (এল.আর), হাওড়া।
- ২) মাননীয়, বি.ডি.ও, সাকরাইল ব্লক, হাওড়া।
- ৩) মাননীয়, বি.এল. এন্ড এল. আর. ও, সাকরাইল ব্লক, হাওড়া।

Received the same copy
on 14/01/25 at: 4.50 P.M.
[Signature]

CONTENTS NOT
VERIFIED
14/1/25
RECEIVING OFFICE
SANKRAIL HOWRAH

22 JAN 2025

GOVERNMENT OF WEST BENGAL
Office of the District Magistrate & Collector, Howrah

Email: dm-how-wb@nic.in

Memo No. *DM/ADF/Enquiry/10/2*

Dated: *17/01/2025*

To
Mainuddin Ansari, S/o MD. Harik of Banipur (Kath Ciri), Sankrail, Howrah, (Owner of the waterbody)

Sub: Notice U/S 17A OF THE WEST BENGAL INLAND FISHERIES ACT, 1984, in respect of complaint alleging illegally filling up a pond Plot No-305 J.L No-32 Khatian No-1128 Mouza Banipur, Sankrail Howrah.

Ref: Enquiry Report in connection with the matter.

Whereas it has been noticed that the water body described above under your control is being filled up and the water body is excessively infested with aquatic weeds making it not congenial for Pisciculture and as per provisions made under Section 17A of the West Bengal Inland Fisheries Act, 1984 and amended from time to time, you, being the owner of the water body, are hereby directed to take necessary steps to restore the water body to its original position at your own cost within 15 days from the date of the receipt of this notice and report to this office immediately after completion of work failing which you will be liable for legal action as per the provision laid down in the Inland Fisheries Act, 1984 and amended from time to time.


District Magistrate,
Howrah

Memo No. *DM/ADF/Illegal Filling/02/1(5)*

Dated: *17/01/2025*

Copy forwarded for kind information and taking necessary action to:

1. The Director of Fisheries, West Bengal.
2. The Additional District Magistrate (LR), Howrah.
3. The Additional District Magistrate (Panchayat).
4. The Assistant director of Fisheries, Howrah.
5. The Block Dev Officer, Sankrail Dev Block, Howrah.


District Magistrate,
Howrah



22 JAN 2025

উন্নয়ন আধিকারিকের করণ
সাঁকরাইল ব্লক
আরগোড়ি, আন্দুল - মৌরী, থানা- সাঁকরাইল,
জেলা- হাওড়া, পিন- ৭১১৩০২, পশ্চিমবঙ্গ
ফোন নং- ০৩৩ ২৬৬৯ ০২২০, ৮৩৩৫০৭৯১০৬



OFFICE OF THE BLOCK DEVELOPMENT OFFICER
Sankrail Block
Argori, Andul - Mouri, P.S.- Sankrail
Dist.- Howrah, Pin.- 711302, West Bengal
E-mail : bdosankrail365@gmail.com

Memo no: 215

Date: 16.01.2025

To
The Assistant Director of Fisheries
Howrah


Sub: Inspection report regarding field inspection in Kathsiri Mouja, Banipur I Gram Panchayat

Sir,

This is to inform you that as per the above mentioned subject the undersigned is forwarding the enquiry report reg. field inspection in Kathsiri Mouja, Banipur I Gram Panchayat.

This is for your information and taking necessary action please.

Encl: As stated


Block development Officer
Sankrail Development Block
Sankrail, Howrah


Memo No:

Date:

Copy forwarded for information to:

1. The Additional District Magistrate(Enviornment), Howrah




Block Development Officer
Sankrail Development Block, Howrah

22 JAN 2025

Enquiry Report

As per the instruction of the Block Development Officer, Sankrail Dev. Block in accordance with the letter of the Additional District Magistrate(Envirnment), Howrah vide memo no.8/1(2)/Env./Howrah dated 10.01.2025 an Field inspection was carried out by the Fishery Extension Officer, Sankrail Dev. Block in the kath siri locality under Banupur-I gram Panchayet on 14.01.2025 around 12 noon. The spot enquiry report is as follows-

Record of the land details collected from the BL & LRO Office as follows:

Recorded in the name of: Mainuddin Ansari S/O- Md. Harik

- Mouza : Banipur
- J.L. No : 32
- dag No : 305
- Khatian : 1128
- Classification : Pond
- Area : 0.20 acre

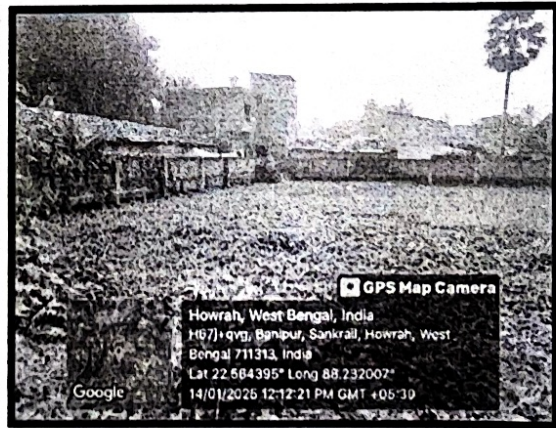
The spot inspection reveals that the land in question is a pond physically and totally covered with aquatic weeds.

No pisciculture activity found at the time of inspection.

This pond is in derelict condition for long period.

Currently this pond is not suitable for aquaculture due to its derelict condition and heavily weeds infestation.

Photographs taken at the said inspected site are furnished below:



Submitted to The Block Development Officer, Sankrail Development Block for his kind information.

Shankarjit Das
16/01/25
Fishery Extension Officer
Sankrail Development Block

Seen

[Signature]
Block Development Officer
Sankrail Development Block

22 JAN 2025

HON'BLE NATIONAL GREEN
TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O. A. NO. 88/2024

In The Matter of:

BINAY BASFORE

... APPLICANT

VERSUS

THE STATE OF WEST BENGAL & Ors.

... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE
RESPONDENT No. 05, DISTRICT
MAGISTRATE, HOWRAH.

Mr. Sudip Dutta,

Ld. State Advocate

For The State of West Bengal