

S.L. No. 5/25

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

I.A NO. 33 OF 2025/EZ

(Arising out of ORIGINAL APPLICATION NO. 01/2025/EZ)

In the matter of :

An application for appropriate order
in connection with the instant
original application;

And

In The Matter of:

Md. Mahfuz Ansari & Ors.

..... Applicants

-Versus-

Sarbani Brahma & Ors.

..... Respondents.



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Filed by

Krishnendu Bera

Advocate

Email: 9804470595

(M):krishnendubera87@gmail.com

19 FEB 2025

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

I.A NO. OF 2025/EZ

(Arising out of ORIGINAL APPLICATION NO. 01/2025/EZ)

In the matter of :

An application for appropriate order
in connection with the instant
original application by Respondent
nos. 12, 13, 14, 15, 16 and 23;

AND

In The Matter of:

1. Md. Mahfuz Ansari, son of Late
Md. Hakim Ansari, residing at 40,
Ganga Ram Bairagi Lane, P.S &
District- Howrah, Pin- 711101.
Phone- 9339250302.

2. Sahim Ansari, son of Late Md.
Hakim Ansari, residing at 40, Ganga
Ram Bairagi Lane, P.S & District-



✕

Howrah, Pin- 711101. Phone-
7439387520.

3. Md. Karim Ansari, son of Late Md.
Hakim Ansari, residing at 40, Ganga
Ram Bairagi Lane, P.S & District-
Howrah, Pin- 711101. Phone-
9330064928.

4. Rahim Ansari, son of Late Md.
Hakim Ansari, residing at 40, Ganga
Ram Bairagi Lane, P.S & District-
Howrah, Pin- 711101. Phone-
8100460325.

5. Matin Ansari, son of Late Md.
Hakim Ansari, residing at 40, Ganga
Ram Bairagi Lane, P.S & District-
Howrah, Pin- 711101. Phone-
8910258854.



X

6. M/S MERAJ INDUSTRIES,
 managed by sole proprietor Md.
 Mahfuz Ansari, son of Late Md.
 Hakim Ansari, having it's office
 situated at 40, Ganga Ram Bairagi
 Lane, Howrah, Pin- 711101. Phone-
 9330064928, 9681228391. Email-
 meraj.indus@yahoo.com

..... Applicants

-Versus-

1. Sarbani Brahma, daughter of
 Nalini Ranjan Brahma, residing at
 278, Kalighat Road, P.S- Kalighat,
 Kolkata- 700026. Phone-
 9339208757. Email:
 sarbani.brahma.2024@gmail.com

.....Respondent no.1/

Applicant in O.A

2. State of West Bengal, service
 through the Principal Secretary,
 Department of Environment, Govt. of



X

West Bengal, Prani Sampad Bhavan,
5th Floor, LB-II, Sector- III, Salt Lake,
Kolkata- 700098. Phone: 033-2335-
2742. E-mail: psecy.env-wb@gov.in

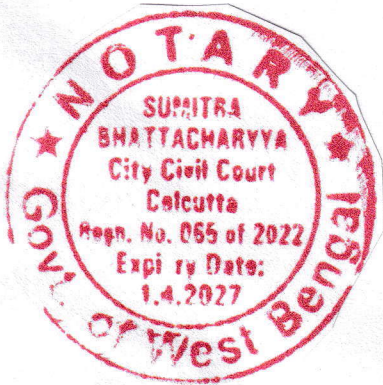
3. The Secretary, Panchayats and
Rural Development, Govt. of West
Bengal, Joint Administrative
Building, 7th Floor, Block HC, Plot no.
7, Salt Lake, Wing-B, Sector-III,
Kolkata- 700106. Phone- 033-
23356103.

Email : citizen.prd@gmail.com

4. The Pradhan, Bankra-II, Gram
Panchayat, Village & P.O- Bankra,
Howrah- 711403. Phone-
9339599026, 9143779626.

Email : bankraiigp@rediffmail.com

5. The District Magistrate & Collector,
Howrah, office of the District
Magistrate & Collector, Howrah, 3rd



✕

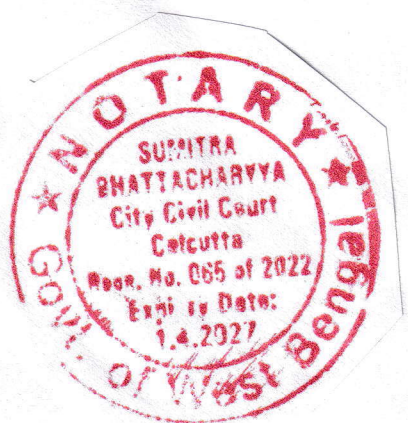
floor, New Collectorate Building, 6
Rishi Bankim Chandra Road, P.O &
P.S-Howrah, District- Howrah, Pin-
711101. Phone- 033-2641-2024

Email : dm-how-wb@nic.in

6. The District Land & Land Reform
Officer, Howrah District at 12
Nityadhan Mukherjee Road, 2nd floor,
Howrah- 711101. Phone- 033-
26701561. Email: dllrohowrah2017
@gmail.com

7. The Block Land & Land Reform
Officer, Block- Domjur, Baruipara,
near BDO, Domjur, Howrah- 711405.
Phone- 033-26701561. Email:
domjurllro@gmail.com

8. The Additional Director of Land
Records and Survey, Directorate of
Land Records and Survey, West
Bengal Survey Building, 35, Gopal



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Nagar Road, Kolkata- 700027. Mob:
9433051090. Email : dlrswb
@gmail.com, sabujskr@yahoo.com

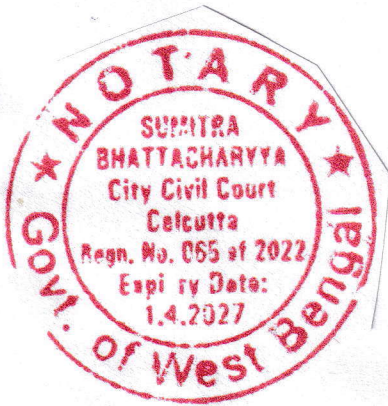
9. The Member Secretary, West
Bengal Pollution Control Board,
Paribesh Bhawan 10A, Block-LA,
Sector-III, Bidhannagar, Kolkata:
700106.

Email: : net.wbpcb-wb@bangla.gov.in

10. The Additional Chief Secretary,
Department of Fisheries, Govt. of
West Bengal, 31 GN Block, 8th Floor,
Sector V, Salt Lake, Kolkata- 700091.

Email: prsecy.fisheries@gmail.com

11. The Inspector-in-charge, Domjur
Police Station, Domjur Bazaar,
Howrah- Bargachia-Amta Road,
Domjur, Howrah- 711405. Phone-
033-2670666. Email : domjurps
@gmail.com.



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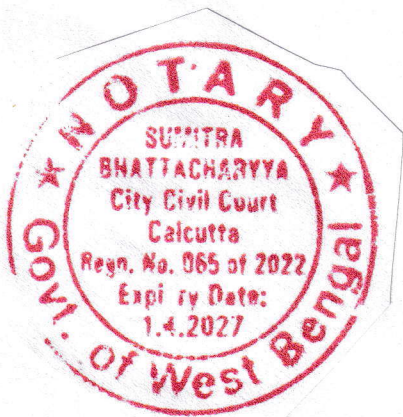
12. The In-Charge, Police Station-
Bankra Outpost (Bankra Phari)
Bankra, Howrah- 711403. Email :
bankraop@gmail.com, Phone-
8420313977.

13. Munna Driver, c/o G M Tailors of
Kabar Para, New Bastee (Baraf Kal),
Bankra, Howrah- 711403. Phone-
8777280893, 9674152378.

14. Qaiser Imam, resident of Kabar
Para, New Bastee (Baraf Kal), Bankra,
Howrah- 711403.

15. Md. Jafiruddin, resident of Kabar
Para, New Bastee (Baraf Kal), Bankra,
Howrah- 711403 also at Gram
Baghmara, Post- Mango Bandar, P.S-
Khaira, Man-gobandar, Jamui, Bihar-
811305, Phone- 6290889051.

16. Parwej Alam, c/o Asgar, residing
at 95, Cowies Ghat Road, 2nd floor,



✕

Shibpur, Howrah- 711102, Phone-
9883620045.

17. Sk. Javed, s/o Late Sk. Alam of
KabarPara, New Baste (Baraf Kal),
Bankra, Howrah- 711403.

18. Priyabrata Kar, at 40, Gangaram
Ram Bairagi Lane, Howrah- 711101.
Phone- 9830843172.

19. Ashrafi Copper and Alloys Cent
Cast, an unregistered industrial
grade workshop, managed by the sole
proprietor Md Karim Ansari son of
Late Md. Hakim Ansari, having office
situated at Babubhai Ashrafi Estate,
Bankra, KabarPara, New Basti, near
Baraf Kal, Howrah, Pin- 711403.
Phone- 9330064928.

..... Respondents.



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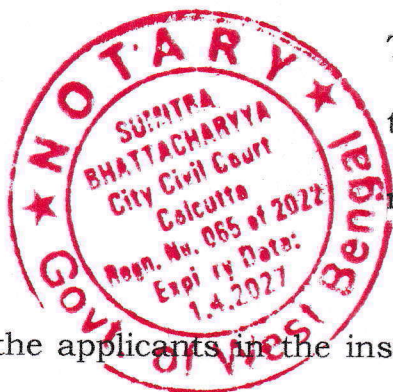
To,

The Hon'ble Chairperson and His Companion Member of the said Hon'ble Tribunal.

The Humble petition on behalf of the applicants as above named most respectfully

SHEWETH:

1. That the applicants in the instant Original Application are the respondent nos. 12, 13, 14, 15, 16 and 23 in the O.A 01 of 2025 (Sarbani Brahma -Vs- State of West Bengal & Ors.)
2. That the applicant in the said Original application moved before this Hon'ble National Green Tribunal against the illegal pond filling with rubbish, solid waste, rubbish materials industrial effluents, toxic substances at R.S Dag no. 973/LR, Dag no. 953, R.S Khatian no. 1153, L.R Khatian no. 495, 10022, 14368-14387, District- Howrah, Block- Domjur, Mouza- Bankra, Pin- 711403.
3. That before entering into the merits of the instant original application, the applicants herein challenging the



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maintainability of the said original application being O.A 01/2025 on the ground of suppression of material facts and moving before the several Hon'ble Courts on the self same issue which is involved in the said original application.

4. That the applicants state that one Buland Javed moved before the Hon'ble High Court, Calcutta by filing one writ petition being WPA 10707 of 2020 alleging unauthorized construction in a water body at R.S Dag no. 973/LR, Dag no. 953, J.L No. 55 in R.S Khatian no. 1153, Mouza- Bankra, P.S- Domjur. That after hearing all the parties Amrita Sinha on 09.02.2021 directed the Bankra-II Gram Panchayat to consider and dispose of the representation made by the petitioners thereafter after giving opportunity of hearing to all the necessary parties within a period of 12 weeks from the communication of the said order and to pass reasoned order thereafter.

Copy of the said order dated 09.02.2021 is annexed hereto and marked with the letter 'A' to this application.

5. That challenging the said order dated 09.02.2021 said petitioner moved before the Hon'ble Division Bench being M.A.T 322 of 2021 Inter-alia praying therein to pass an order of injunction



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restraining the respondent from making any further construction on the property in question.

That the Ld. Advocate on behalf of the State submitted that no construction was found to be going on at the disputed property in recent times. Ultimately after going through the record the Hon'ble Division Bench by an order dated 27.04.2021 observed that Hon'ble Single Bench was justified directing the representation filed by the petitioner to be considered and disposed of by Gram Panchayat. Accordingly the Hon'ble Division Bench extended the period fixed by the Hon'ble Single Bench for consideration and disposed of the representation by a further period of 4 weeks.

Copy of the said order dated 27.04.2021 is annexed hereto and marked with the letter 'B' to this application.

6. The applicants state that thereafter one Sarbani Brahma being the applicant in the instant Original application O.A 01 of 2025 suppressing all those facts moved before the Hon'ble High Court at Calcutta by filing one Public Interest Litigation being WPA (P) 453 of 2024 on the self same issue alleging illegal construction in a pond in R.S Dag no. 973/LR, Dag no. 953, R.S Khatian no.



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1153, L.R Khatian No. 495, 10022, 14368-14387, District-
Howrah, Block- Domjur, Mouza- Bankra.

7. That the Learned Advocate on behalf of the State in the said Public Interest Litigation placed the reliance of the order passed in WPA 10707 of 2020 where the Hon'ble Single Bench already directed to take action on the representation and also submitted that an appeal was preferred against the said order which was also dismissed. That after going through the materials on records the Hon'ble Chief Justice T.S Sivagnanam and the Hon'ble Justice Hiranmay Bhattacharyya by an order dated 09.01.2025 were pleased to dismiss the said writ petition on the ground since the matter was already seized by Hon'ble Single Bench therefore the question of entertaining the said writ petition does not arise.

Copy of the Writ petition and order dated 09.01.2025 are annexed hereto and marked with the letter 'C' to this application.

8. The applicants state that upon suppression of the said order of dismissal dated 09.01.2025 passed by Their Lordships the Hon'ble Chief Justice T.S Sivagnanam and the Hon'ble Justice Hiranmay Bhattacharyya in WPA (P) 453 of 2024 the applicant



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herein once again moved the similar application on the self same cause of action for obtaining an order over the same plots in question at R.S Dag no. 973/LR, Dag no. 953, R.S Khatian no. 1153, L.R Khatian no. 495, 10022, 14368-14387, District-Howrah, Block- Domjur, Mouza- Bankra, Pin- 711403.

9. It is respectfully submitted that by virtue of dismissal of the writ petition being WPA (P) 453 of 2024 before the Hon'ble High Court the applicant is estopped as well as barred by Res Judicata towards approaching the Hon'ble National Green Tribunal on the self same cause of action over the same plot in question at R.S Dag no. 973/LR, Dag no. 953, R.S Khatian no. 1153, L.R Khatian no. 495, 10022, 14368-14387, District-Howrah, Block- Domjur, Mouza- Bankra, Pin- 711403, when already the Hon'ble High Court entered into the merits of the same and passed specific direction upon the Pradhan, Bankra-II Gram Panchayat.

10. The applicants submits that the applicant in the instant original application not approached the Hon'ble Tribunal with clean hands as at the time of filing of the instant Original application being O.A 01 of 2025 not made any averments that



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on the self same issue she already moved before the Hon'ble High Court under Public Interest Litigation jurisdiction and tried to make forum shopping by approaching several courts on the same issue in respect of same plots of land.

11. The applicants therefore most respectfully pray for dismissal of the instant original application on the ground of Res Judicata as on similar issue and/or on self same cause of action over the same plot in question the applicant moved before the Hon'ble High Court being W.P.A (P) 453 of 2024 which has been dismissed by the Hon'ble Division Bench presides over by Hon'ble Chief Justice on the ground that the issue involved in the said matter is already seised of by Hon'ble Single Bench in WPA 10707 of 2020.
12. That this application is made bonafide and unless this application is allowed by this Hon'ble Tribunal the applicants will suffer irreparable loss and injury.

Under the above circumstances it is most humbly prayed before Your Lordships may kindly be pleased to



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dismiss the instant Original Application being O.A 01 of 2025 on the principle of Res Judicata pursuant to the dismissal of Writ petition being W.P.A (P) 453 of 2024 by the Hon'ble Division Bench presided over by the Hon'ble Chief Justice as the issue involve in the instant original application in respect of same plot in question at R.S Dag no. 973/LR, Dag no. 953, R.S Khatian no. 1153, L.R Khatian no. 495, 10022, 14368-14387, District- Howrah, Block- Domjur, Mouza- Bankra, Pin- 711403 which was the subject matter of W.P.A (P) 453 of 2024 and to pass such further Order/Orders as to this Hon'ble Tribunal may deem fit and proper for the ends of justice.



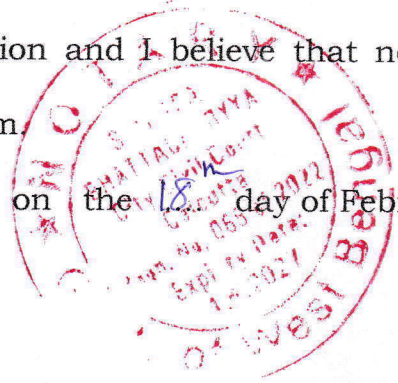
And For This Act of Kindness Your Applicant as in duty bound shall ever pray.

X

VERIFICATION:

I, Md. Karim Ansari, son of Late Md. Hakim Ansari, the applicant no.3 within 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 the 18 day of February, 2025.



Md. Karim Ansari

Identified by me

Deponent

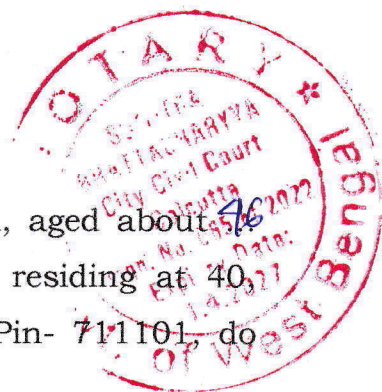
Krishmendu Bera

Advocate



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AFFIDAVIT



I, Md. Karim Ansari, son of Late Md. Hakim Ansari, aged about 46 years, by faith- Muslim, by Occupation- Business, residing at 40, Ganga Ram Bairagi Lane, P.S & District- Howrah, Pin- 711101, do hereby solemnly affirm and state as follows :-

1. That I am the applicant no.3 in the instant Interlocutory Application and well conversant with the fact and circumstance of the case and authorized by the other applicants to sign and swear the affidavit.

2. That I have read and understood the contents of the accompanying application and say that the facts stated above are true and correct as per my personal knowledge and legal advice received by me are the best of my knowledge and belief.

Md. Karim Ansari

DEPONENT

Prepared in my office

Krishnendu Bera

Advocate



Solemnly Affirmed and Declared before me U/S 139 CPC (C)

Sumitra Bhattacharyya
Notary, Govt. of W.B.
Regd. No. 065 of 2022
City Civil Court, Calcutta

19 FEB 2025

Annexure - A

18

09.02.2021
SL No.102
Court No.24
(P.M.)

WPA 10707 of 2020

**Buland Javed & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Mohit Gupta,
Mr. Chandrakant Kushwaha
... for the petitioners

Ms. Madhurima Sarkar,
Mr. Arghya Kamal Das
... for the respondent Nos. 8 & 11.

Mr. Amitava Pain
... for the respondent Nos. 7 to 16

Leave granted to the learned advocate on record of the petitioners to correct the presentation form of the writ petition.

The petitioners allege illegal and unauthorized construction in a water body being carried on at R.S. Dag No. 973/ L.R. Dag No. 953, J.L. No. 55 in R.S. Khatian No. 1153 under Mouza Bankra under Police Station Domjur.

The petitioners complain that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

As it appears that the representation of the petitioners objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.



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AB

The writ petition is accordingly disposed of by directing the respondent no. 2 being Bankra-II Gram Panchayet to consider and dispose of the representation made by the petitioners, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioners within a period of twelve weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioners immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

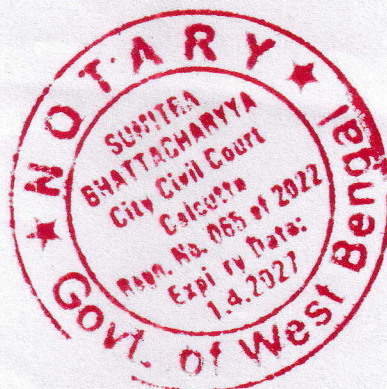
The petitioners are directed to forward a copy of the representation dated 2nd December, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

Affidavit of service filed in court is taken on record.

Writ Petition WPA 10707 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

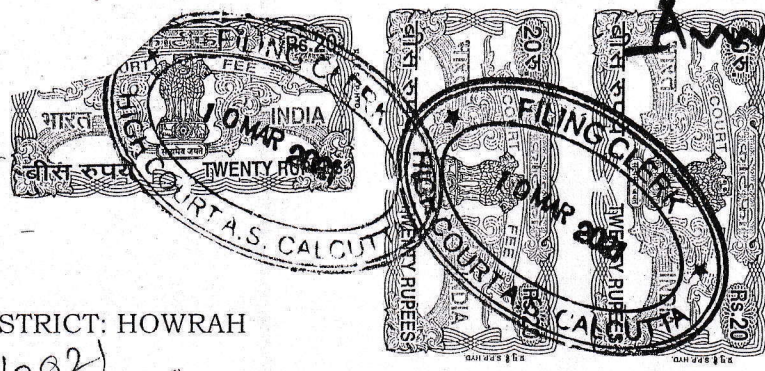
(Amrita Sinha, J.)



Amex-11-B

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Through
Chandrabhat Kuchel



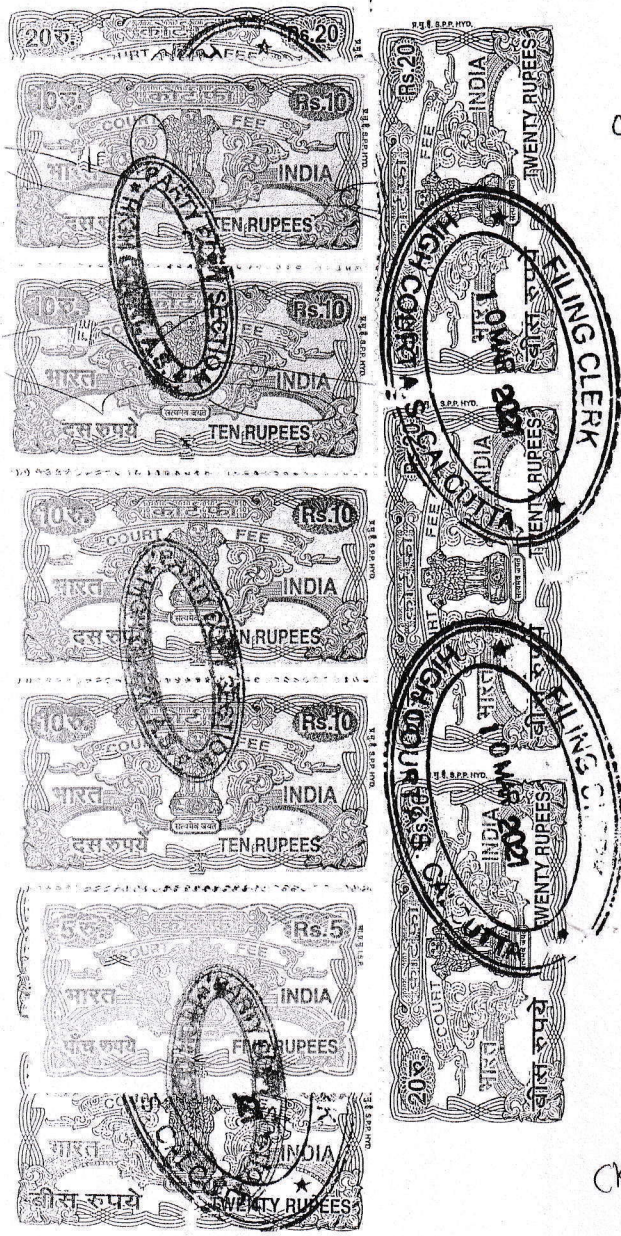
20x10 = 400/-
MAT

DISTRICT: HOWRAH

T-322/2021
08/03/2021
A 3754

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

MEMORANDUM OF APPEAL FROM THE ORIGINAL ORDER



MAT No. _____ of 2021
W.P.A No 10707 of 2020



In the matter of:-

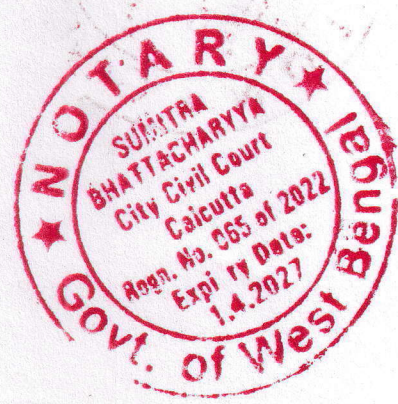
- 1. BULAND JAVED
 - 2. SHADAB SHABBIR ABBASI
- Both sons of Late Abdul Quddus,
residing at 472/9, G.T. Road, Shibpur
Howrah, PIN Code - 711102

... Appellants

Versus

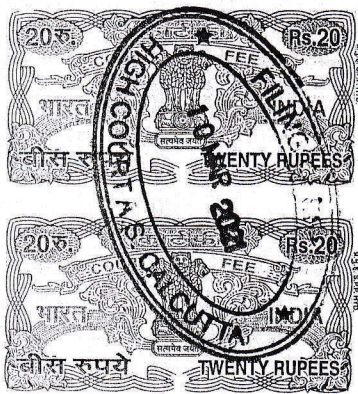
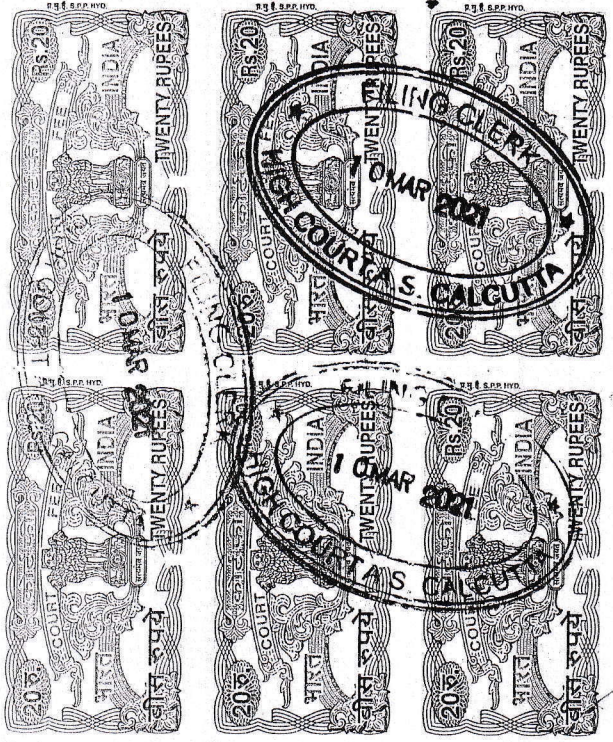
- 1. THE STATE OF WEST BENGAL,
Service through the Additional Chief
Secretary, Panchayat & Rural
Development, Government of West
Bengal, Joint Administrative Building ,
7th floor, Block HC WING B, Plot no. 7,
Sector - III, Salt Lake City, Kolkata -
700106;
- 2. BANKRA - II GRAM PANCHAYAT,
HOWRAH, Service through the
Pradhan, having his office at ~~Bankra~~ ^{SHIS}
No. ~~Gram Panchayet~~, P.O. - Bankra
Salap More

Handwritten signature and date: 22/7/21



23

CL P.S. Domjur, District - Howrah, Pin Code - 711403;



As per the leave of the court defects has been corrected
Cham Jankat Khuntia Advocate
CL

3. THE OFFICER - IN - CHARGE, Domjur Police Station, having his office at Domjur Bazaar, Howrah - Bargachia- Amta Road, Domjur, Howrah - 711405

4. DISTRICT LAND AND LAND REFORMS OFFICERS, Howrah having his office at District Level Office Building (2nd Floor), 12, Nityadhan Mukherjee Road, Howrah - 711101;

5. Block Land & Land Reform Officer having his office at Baruipara Near BDO, Domjur, District - Howrah, Pin Code - 711405.

6. The In-charge Police Station - Bankra Out post (Bankra Phasi), Bankra Howrah Pin Code - 711403

7. MD. MAHFUZ ANSARI;

8. MD. SAHIM ANSARI;

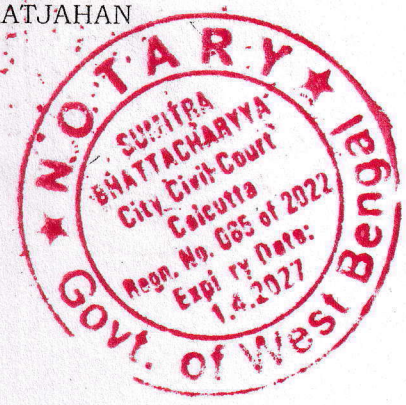
9. MD. KARIM ANSARI;

10. MD. RAHIM ANSARI;

11. MD. MATIN ANSARI;

12. MUSSARATJAHAN

22/7/21



22

~~12. SALMA ANSARI~~

13. IRFAT JAHAN

14. ~~NIKHAT JAHAN~~ SALMA ASHRAFI
W/o HAIDER ALI residing at 15C,
RNL ROAD KOLKATA - 700015

CK

15. NIKHAT JAHAN CK
residing at 40, Gangaram
Bairagi Lane
Howrah - 711101

15. NUSSARAT JAHAN
7 to 11 and 12 to 16
to 10 being sons and 11 to 16 being
daughters of Late Md. Hakim Ansari,
6 to 13
at residing at 40, Gangaram Bairagi
Lane, Police Station - Howrah, District
- Howrah, PIN Code - 711 101

... Respondents

16. NUSSARRAT JAHAN
C/o Md. Safiullah
residing at 3, Deedar
Box Lane, Kolkata - 700016

~~17.~~ 17. NASIM BANU w/o late Abdul
Quddus residing at 472/9 G T Road
Shibpur District - Howrah Pin Code -
711102

~~18.~~ 18. ARJUMENT ZAHID

~~19.~~ 19. SHAHID SHABBIR ABBASI

CK

~~20.~~ 20. QAMAR JAHAN

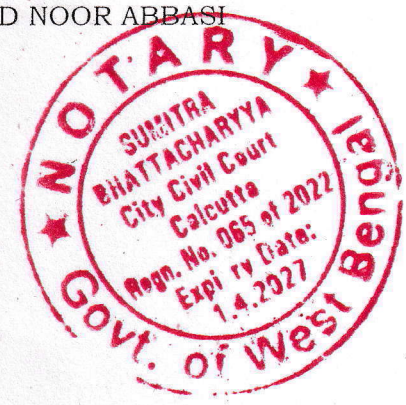
~~21.~~ 21. FURRSHED ALAM ABBASI

~~22.~~ 22. SWABA FIRDAUS

~~23.~~ 23. MUSHAHID NOOR ABBASI

As per leave of the Court
Defects has been corrected
Chandrabanti Kundu
Advocate

[Signature]
22/7/21



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4

As per leave of the Court
defects has been corrected
Chandrabhat Kunhar
Advocate

(u)

~~20.24~~ MUJAHIR HUSSAIN ABBASI
~~19 and 21~~ being daughters and ~~are~~
and daughters
rest All sons of Late Abdul Quddus,
residing at 472/9 G. T. Road Shibpur
District - Howrah Pin Code - 711102

... Proforma Respondents

Sumit
22/07/2021



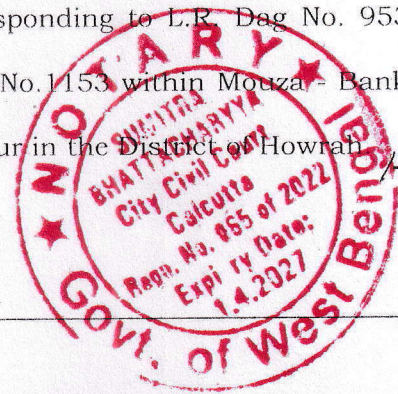
24

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		27.04.2021 Item No.3 Crt.No.11 K.B.	<p style="text-align: center;">M.A.T. 322 of 2021 with I.A. No. CAN 1 of 2021 (Through Video Conference)</p> <p style="text-align: center;">Buland Javed & Anr. -Versus- The State of West Bengal & Ors.</p> <p>Mr. Arif Ali Mr. Chandrakant Kushwaha For the appellants.</p> <p>Mr. Manash Kumar Kundu Mr. Sudip Sarkar For the State-respondents.</p> <p>Mr. Haradhan Banerjee Mr. Amitava Pain Mr. Partha Pratim Mukhopadhyay For the Private Respondents.</p> <p>With the consent of the parties, the instant appeal is taken up for hearing by treating the same as on the day's list.</p> <p>The writ petitioners have preferred the instant appeal challenging an order dated February 9, 2021 passed by a Hon'ble Single Bench in WPA No.10707 of 2020.</p> <p>In the writ petition the appellants have alleged that the Private respondents are making illegal and unauthorised construction on a water body being R.S. Dag No.973 corresponding to L.R. Dag No. 953, J.L. No.55 in R.S. Khatian No.1153 within Mouza - Bankra under Police Station Domjur in the District of Howrah.</p>

[Handwritten signature]
22/7/21



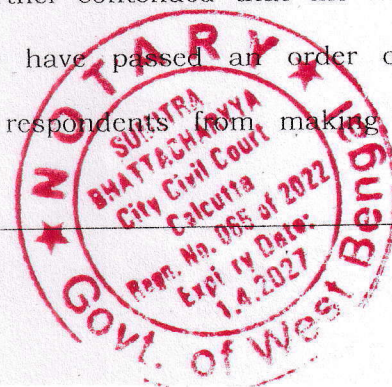
H-2

25

1. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>The appellants submitted a representation before the Prodhan of Bankra-II Gram Panchayat praying for taking immediate steps to stop the ongoing construction and for demolition of the structure which has already been constructed alleging that the construction was made without obtaining permission and in violation of the provisions of Section 23 of the West Bengal Panchayat Act, 1973.</p> <p>The Hon'ble Single Judge, by the order impugned, disposed of the writ petition by directing the Prodhan of the concerned Gram Panchayat to consider and dispose of the representation of the appellants strictly in accordance with law and by passing a reasoned order within a specified time frame.</p> <p>Being aggrieved against the aforesaid order, the writ petitioners have preferred the instant appeal.</p> <p>Mr. Ali, Learned Advocate for the appellants submits that the Hon'ble Single Judge instead of directing disposal of the representation by the Prodhan of the concerned Gram Panchayat ought to have also directed the competent authority under the Inland Fisheries Act to consider the allegation of the appellants that the Respondents herein were making construction in a portion of a water body by illegally filling up of the same.</p> <p>Mr. Ali further contended that the Hon'ble Single Judge ought to have passed an order of injunction restraining the respondents from making any further</p> <p>H.B.</p>

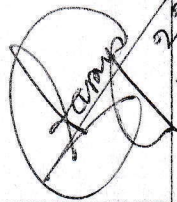
22/7/21



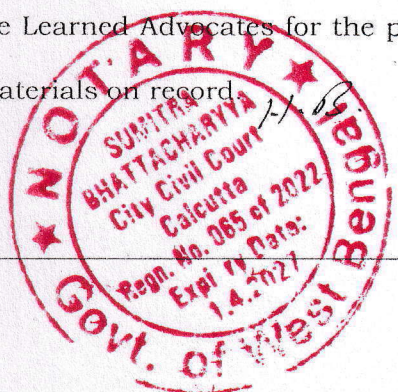
26

A. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>construction on the property in question till a decision is taken by the concerned authorities on the representation of the appellants.</p> <p>Mr. Banerjee, Learned Advocate appearing for the Private Respondents raised a preliminary objection with regard to the maintainability of the instant appeal as, according to him, the impugned order cannot be said to be a "judgement" against which an appeal lies under Clause 15 of the Letters Patent.</p> <p>Mr. Banerjee relied upon a judgement of the Hon'ble Supreme Court of India in the case of <i>Shah Babulal Khimji vs. Jayaben D. Kania and Another</i> reported at (1981) 4 <i>Supreme Court Cases</i> 8 in support of his aforesaid contention.</p> <p>Mr. Kundu, Learned Advocate appears for the State and submits, on instructions, that no construction was found to be going on at the disputed property in recent times.</p> <p>In reply, Mr. Ali submits that since the writ petition was finally disposed of by the order impugned, the same falls within the expression "final judgement". As such, according to Mr. Ali, an appeal lies before the Hon'ble Division Bench under Clause 15 of the Letters Patent against such order.</p> <p>We have heard the Learned Advocates for the parties and have perused the materials on record.</p>



 22/7/21

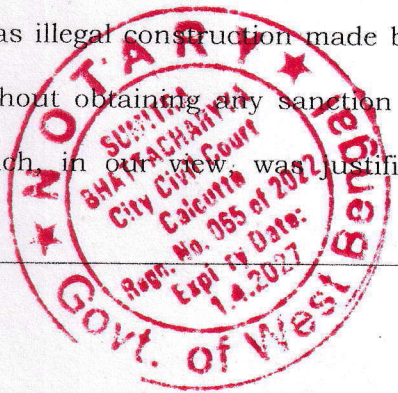


27

A. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>The Hon'ble Supreme Court in Shah Babulal Khimji (supra) held that if any order has the effect of finally determining any controversy forming the subject matter of the litigation, such an order will normally constitute "judgement" within the meaning of Clause 15 of the Letters Patent to be appealable under the provisions thereof.</p> <p>Upon perusing the order impugned, we are of the concerned view that the order impugned did not finally determine the controversies between the parties to the writ petition and, therefore, such order cannot be said to constitute "judgement" under Clause 15 of the Letters Patent to be appealable under the provisions thereof.</p> <p>Furthermore, it is evident from the materials on record that a suit being Title Suit No.844 of 2020 is pending before the Learned Civil Judge, 4th Court at Howrah with regard to the rights of the private parties in respect of the property which is the subject matter of the instant writ petition. From the materials placed it further appears that the Civil Court has passed an order of status quo in respect of the property in question. Thus the Hon'ble Single Bench was justified in not passing an order of injunction in respect of the property which was the subject matter of the writ petition.</p> <p>Since the principal allegation of the appellants herein before the writ Court was illegal construction made by the private respondents without obtaining any sanction plan, the Hon'ble Single Bench, in our view, was justified in</p> <p style="text-align: center;">H.B</p>

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 22/07/2021



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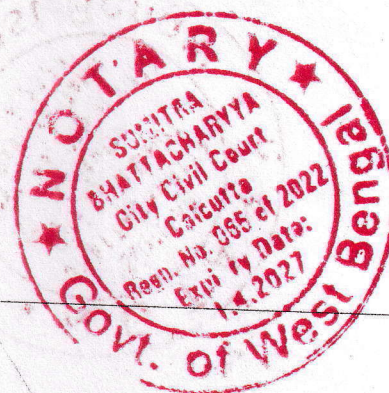
M. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>directing the representation to be considered and disposed of by the concerned Gram Panchayat. The impugned order thus calls for no interference by this Court.</p> <p>We, however, extend the period fixed by the Hon'ble Single Bench for consideration and disposal of the representation by a period of four weeks from the date of passing of this order since a substantial period of the time allowed by the Hon'ble Single Bench has expired in the meantime on account of pendency of the instant appeal.</p> <p>With the aforesaid directions, the appeal being MAT 322 of 2021 with IA No. CAN 1 of 2021 are disposed of. There shall, however, be no order as to costs.</p> <p>All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.</p> <p>Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.</p>

Sd/ Hiranmay Bhattacharyya, J.
(Hiranmay Bhattacharyya, J.)

Sd/ Subrata Talukdar, J.
(Subrata Talukdar, J.)

Stamp
22/07/2021



Annexure - C

23

GIASUL ISLAM

BALLB, LL.M. Advocate
Calcutta High Court
Bar Association, Room No.18
Kolkata - 700001

Mobile : 9433014080

Email : adv.giasul@gmail.com

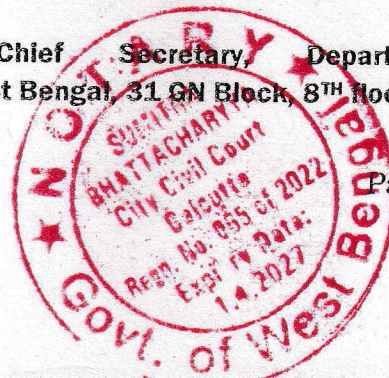
Chamber :

13/H/20 Braunfeld Row,
4th Floor
Post Office -- Alipore
Kolkata -- 700027

Date : 21.10.2024

TO

1. The Secretary, Panchayat and Rural Development, Joint Administrative Building, 7th Floor, Wing B, Block HC, Plot no 7, Salt Lake, Sector-III, Kolkata-700106. Phone: 033-2335-6103. Email: secyprd@gmail.com, secy.prd-wb@bangla.gov.in
2. The Pradhan, Bankra-II Gram Panchayat, Village + Post Office - Bankra, Howrah-711403. Email: bankrailgp@rediffmail.com Phone no: 03326534209
3. The District Magistrate & Collector, Howrah District, Office of the District Magistrate & Collector, Howrah, 3rd Floor, New Collectorate Building, at 6, Rishi Bankim Chandra Road, Post + PS + District - Howrah, Pin-711 101. Email: dm-how-wb@nic.in Phone: 033-2641-2024
4. The District Land & Land Reform Officer, Howrah District, at 12 Nityadhan Mukherjee Road, 2nd Floor, Howrah - 711101. Email: dilrohowrah2017@gmail.com Phone no - 033-26412749
5. The Block Land & Land Reform Officer, Block - Domjur, Baruipara, Near B D O, Domjur, Howrah - 711405. Email: domjurblro@gmail.com Phone no - 03326701561
6. The Additional Director of Land Records and Survey, Directorate Of Land Records And Survey, West Bengal Survey Building, at 35 Gopal Nagar Road, Kolkata-700027. Mobile: 9433051090. Phone: 033-2479 5726/5727/5991. Email: dlrswb@gmail.com, sabujskr@yahoo.com, britishbarman2013@gmail.com
7. The Chairman, West Bengal Pollution Control Board, at 10A, Block-LA Sector III, Salt Lake City, Kolkata-700098. Phone: 033-22023000. Email: net.wbpcb-wb@bangla.gov.in
8. The Additional Chief Secretary, Department of Fisheries, Government of West Bengal, 31 GN Block, 8TH floor, Sector V,



GIASUL ISLAM

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13/H/20 Braunfeld Row,
4th Floor
Post Office – Alipore
Kolkata – 700027

Salt Lake, Kolkata-700091. Phone: 033- 23570077
Email: prsecy.fisheries@gmail.com

9. The Municipal Commissioner, Howrah Municipal Corporation, at 4 Mahatma Gandhi Road, Howrah- 711101. Phone: (+91-33) 26383211/ 3212/3213. Email: commissioner.howrah@gmail.com, amrut.howrah.wb@gmail.com, citizen.care@myhmc.in

10. The Mayor, Howrah Municipal Corporation, at 4, Mahatma Gandhi Road, Howrah- 711101. Mobile:033-2660-3211/3214, 9830177722. Email:mhowrah@yahoo.com

11. The Executive Engineer, Howrah Municipal Corporation, Building Department at 4, Mahatma Gandhi Road, Howrah- 711101. Mobile: 9883330904 . Email: commissioner.howrah@gmail.com, amrut.howrah.wb@gmail.com, citizen.care@myhmc.in

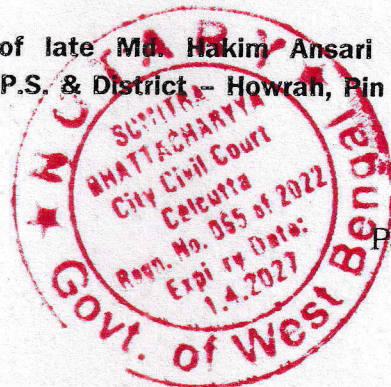
12. The Assistant Engineer & Officer-In-Charge, Howrah Municipal Corporation, Borough-III at 50, Panchanantala Road, Howrah-711101. Mobile: 9062534565, 033-26405059. Email: borough3hmc@gmail.com

13. The Commissioner of Police, Howrah Police Commissionerate at 28 No. Nityadhyan Mukherjee Road, Howrah-711101. Phone: 033-2637-4761. Email:commhowrah@gmail.com, croomhcp@gmail.com

14. The Inspector-In-Charge, Domjur Police Station, Domjur Bazaar, Howrah-Bargachia-Amta Road, Domjur, Howrah-711405. Phone no. 033-26706666. Email: domjurps@gmail.com

15. The In-Charge, Police Station – Bankra Outpost (Bankra Phari), Bankra, Howrah – 711403. Email: bankraop@gmail.com Phone no – 8420313977

16. Mahfuz Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District – Howrah, Pin – 711101. Phone: 9339250302



34

GIASUL ISLAM

BALLB, LL.M. Advocate
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Chamber :

13/H/20 Braunfeld Row,
4th Floor
Post Office – Alipore
Kolkata – 700027

17. Sahim Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District – Howrah, Pin – 711101. Phone: 743938752

18. Karim Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District – Howrah, Pin – 711101. Phone: 9330064928

19. Rahim Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District – Howrah, Pin – 711101. Phone: 8100460325

20. Matin Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District – Howrah, Pin – 711101. Phone: 8910258854

21. Munna Driver c/o G M Tailors of KabarPara, New Baste (Baraf Kal), Bankra, Howrah – 711403. Phone:8777280893, 9674152378

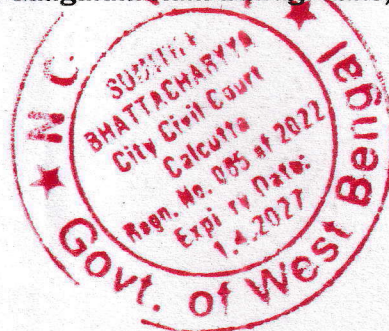
22. Qaiser Imam Resident of KabarPara, New Baste (Baraf Kal), Bankra, Howrah – 711403.

23. Md. Jafiruddin resident of KabarPara, New Baste (Baraf Kal), Bankra, Howrah – 711403 also at Gram Baghmara, Post - Mango Bandar, Thana – Khaira, Man-gobandar, Jamui, Bihar – 811305. Phone : 6290889051

24. Parwej Alam C/o Asgar residing at 95, Cowies Ghat Road, 2nd Floor, Shibpur Howrah – 711102 . Phone : 9883620045

25. Sk. Javed s/o late Sk. Alam of KabarPara, New Baste (Baraf Kai), Bankra, Howrah – 711403.

26. Priyabrata Kar (Senior Development Manager at Babubhai Ashrafi Estate) at 40, Gangaram Ram Bairagi Lane, Howrah – 711101. Phone:9830843172.



32

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Mobile : 9433014080

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Chamber :

13/H/20 Braunfeld Row,
4th Floor
Post Office – Alipore
Kolkata – 700027

27. The Learned Government Pleader, High Court at Calcutta,
Kolkata-700001. Email: lrgphc@gmail.com

IN THE HIGH COURT AT CALCUTTA
REF: WPA(P) No. 453 of 2024
SARBANI BRAHMA...Petitioner

-Versus-

**THE SECRETARY, PANCHAYAT AND RURAL
DEVELOPMENT, JOINT ADMINISTRATIVE
BUILDING AND ORS....Respondents**

Sir(s)

Enclosed please find herewith a copy of Writ Petition which has been filed before the Hon'ble High Court at Calcutta, and the same is expected to appear before Hon'ble Chief Justice T.S Sivagnanam & Hon'ble Justice Hiranmay Bhattacharyya on 07.11.2024 or so soon thereafter when the business of the Hon'ble Court permits. Please note that the matter will be taken up for listing under the "UPGRADED" category on every date of mentioning until the matter gets listed under the "UPGRADED" category. Kindly acknowledge the receipt and make it convenient to appear at the time of hearing, and on every date of mentioning before the Hon'ble court having the determination.

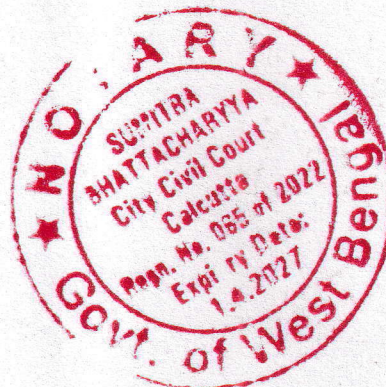
Thanking you,

With Regards,



GIASUL ISLAM, Advocate

Enclosed: Photocopy of Writ Petition with enclosures



32

DISTRICT: HOWRAH

IN THE HIGH COURT AT CALCUTTA
 CONSTITUTIONAL WRIT JURISDICTION
 APPELLATE SIDE

W.P.A.(P) 453 of 2024

In the matter of:
 An application under Article 226
 of the Constitution of India;

Subject Matter relation to:
 Group-IX, Head-() of the
 classification list.

Computer Code: 121000

CAUSE TITLE

SARBANI BRAHMA

...Petitioner

-Versus-

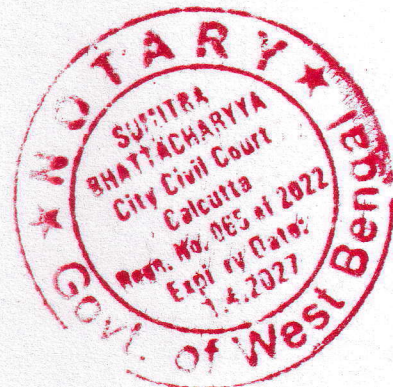
THE SECRETARY, PANCHAYAT
 AND RURAL DEVELOPMENT &
 OTHERS

...Respondents

Advocate-on-Record

s/d- Giasul Islam

Mr. GIASUL ISLAM
 Advocate
 High Court at Calcutta,
 Bar Association Room No.18
 Kolkata- 700001.
 Mobile 9433014080
 Email: adv.giasul@gmail.com



34

DISTRICT: HOWRAH

IN THE HIGH COURT AT CALCUTTA
 CONSTITUTIONAL WRIT JURISDICTION
 APPELLATE SIDE

W.P.A. (P) 453 of 2024

In the matter of:

An application under Article 226
 of the Constitution of India;

-AND-

In the matter of:

SARBANI BRAHMA

...Petitioner

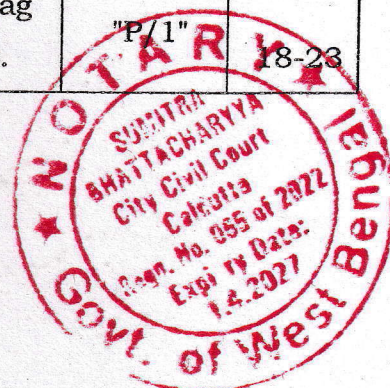
-Versus-

THE SECRETARY, PANCHAYAT
 AND RURAL DEVELOPMENT &
 OTHERS

.....Respondents

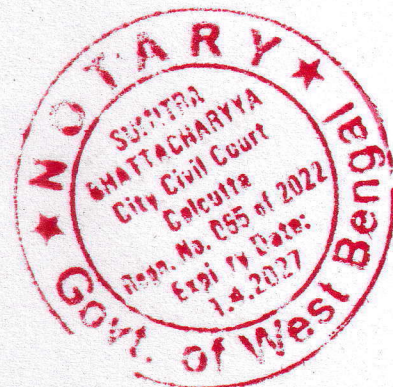
INDEX

Sl. No.	Particulars	Annexure	Pages
1.	Writ Petition with affidavit		1 -17
2	Photocopy of the Land information at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos.	"P/1"	18-23



35

	No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387		18-23
3	Photography of the illegal filling up of pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387	"P/2"	24-26
4	Photography of the illegal building constructions/Pucca structure on the aforesaid pond	"P/3"	27
5	Photography of the gradual illegal pond filling and illegal building constructions/Pucca structure on the aforesaid pond from the Google Earth images	"P/4"	28-31
6	Photocopy of the complaint of the petitioner by email dated 27.07.2024	"P/5"	32— 41



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DISTRICT: HOWRAH

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P.A. (P) 453 of 2024

In the matter of:

An application under Article 226 of
the Constitution of India;

-AND-

In the matter of:

SARBANI BRAHMA

...Petitioner

-Versus-

THE SECRETARY, PANCHAYAT
AND RURAL DEVELOPMENT &
OTHERS ...Respondents

LIST OF DATES

27.07.2024: Petitioner made complain by email on 27.07.2024 to all the concerned authority. The petitioner also served hardcopy of the complaint to respondents to state respondents.



37

DISTRICT: HOWRAH

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P.A. (P) 453 of 2024

In the matter of:

An application under Article 226
of the Constitution of India;

-AND-

In the matter of:

SARBANI BRAHMA

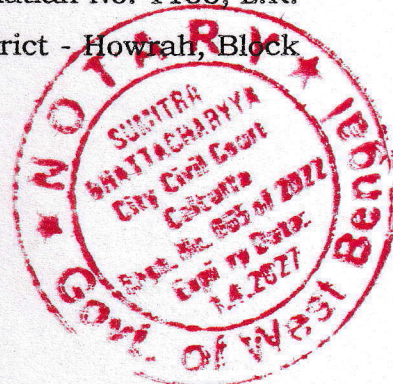
...Petitioner

-Versus-

THE SECRETARY, PANCHAYAT
AND RURAL DEVELOPMENT &
OTHERS ...Respondents

POINTS OF LAW

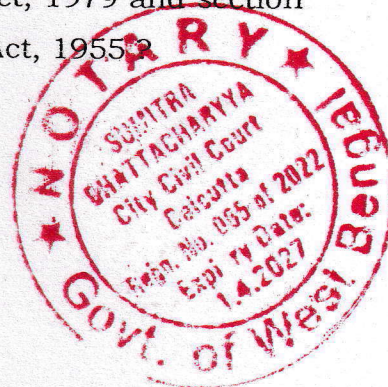
- 1) Whether the respondent Nos.1 to 4 hereof and their men, agents and subordinates and each one of them should completely demolish all the illegal building constructions on the pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block



38

- Domjur, Mouza - Bankra Pin - 711403 ?

- II) Whether the respondents more particularly the respondent Nos.1 to 4 hereof and their men, agents and subordinates and each one of them permit conversion of the pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 into a Bastu land ?
- III) Whether the illegal filling up the pond with solid waste rubbish materials & industrial effluents, and gradual illegal building constructions on the pond, is in violation of section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979 and section 23 of the West Bengal Gram Panchayat Act, 1973 and 4C and 4D of the West Bengal Gram Panchayat Act, 1955 ?
- IV) Whether the illegal filling up the pond with solid waste rubbish materials & industrial effluents, and gradual illegal building constructions on the pond by the private respondents constitutes criminal offence punishable under sections 326(a) read with section 324, 279, 280, 292, 270 of the Bharatiya Nyaya Sanhita, 2023, section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979 and section 4C & 4D of the West Bengal Land Reforms Act, 1955?



38

DISTRICT: HOWRAH

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. (P) 453 of 2024

In the matter of:

An application under section 226 of
the Constitution of India;

-And-

In the matter of:

Sarbani Brahma daughter of Nalini
Ranjan Brahma residing at 278,
Kalighat Road, P.S. Kalighat,
Kolkata-700026.

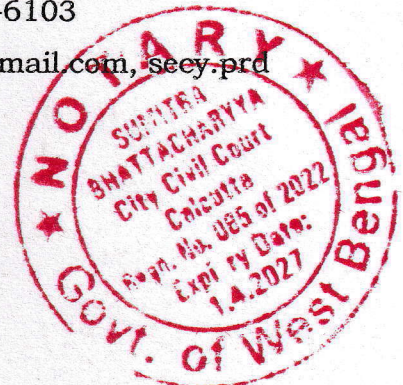
Phone: 9339208757

Email: sarbani.brahma.2024@gmail.com

...Petitioner

-Versus-

1. The Secretary, Panchayat and Rural
Development, Joint Administrative
Building, 7th Floor, Wing B, Block
HC, Plot no 7, Salt Lake, Sector-III,
Kolkata-700106,
Phone: 033-2335-6103
Email: secyprd@gmail.com, secy.prd



- 2 -

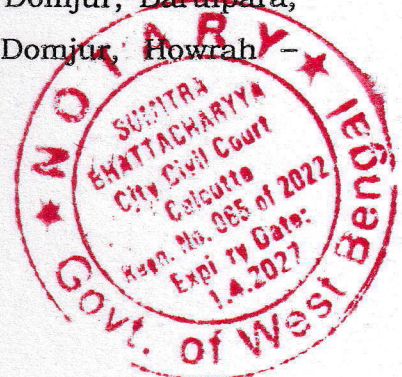
-wb@bangla.gov.in

2. The Pradhan, Bankra-II Gram Panchayat, Village + Post Office - Bankra, Howrah-711403.
Email: bankraiigp@rediffmail.com
Phone no: 03326534209

3. The District Magistrate & Collector, Howrah District, Office of the District Magistrate & Collector, Howrah, 3rd Floor, New Collectorate Building, at 6, Rishi Bankim Chandra Road, Post + PS + District - Howrah, Pin-711 101.
Email: dm-how-wb@nic.in
Phone: 033-2641-2024

4. The District Land & Land Reform Officer, Howrah District, at 12 Nityadhan Mukherjee Road, 2nd Floor, Howrah - 711101.
Email: dllrohowrah2017@gmail.com
Phone no - 033-26412749

5. The Block Land & Land Reform Officer, Block - Domjur, Baruipara, Near B D O, Domjur, Howrah -



4A

- 3 -

711405.

Email: domjurbllro@gmail.com

Phone no - 03326701561

6. The Additional Director of Land Records and Survey, Directorate Of Land Records And Survey, West Bengal Survey Building, at 35 Gopal Nagar Road, Kolkata-700027.
Mobile: 9433051090.
Phone: 033-2479 5726/5727/5991,
Email: dlrswb@gmail.com,
sabujskr@yahoo.com,
britishbarman2013@gmail.com
7. The Chairman, West Bengal Pollution Control Board, at 10A, Block-L.A Sector III, Salt Lake City, Kolkata-700098.
Phone: 033-22023000
Email: net.wbpcb-wb@bangla.gov.in
8. The Additional Chief Secretary, Department of Fisheries, Government of West Bengal, 31 GN Block, 8TH floor, Sector V, Salt Lake, Kolkata-700091.



- 4 -

Phone: 033- 23570077

Email: prsecy.fisheries@gmail.com

9. The Municipal Commissioner,
Howrah Municipal Corporation, at 4
Mahatma Gandhi Road, Howrah-
711101. Phone: (+91-33) 26383211/
3212/3213.

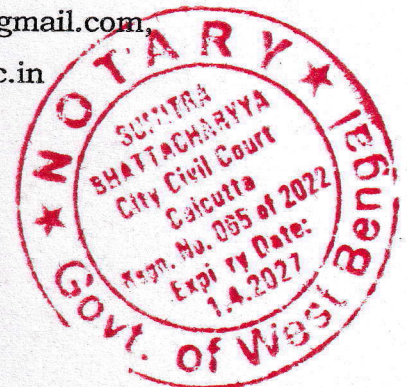
Email: commissioner.howrah@gmail.com,
amrut.howrah.wb@gmail.com,
citizen.care@myhmc.in

10. The Mayor, Howrah Municipal
Corporation, at 4, Mahatma
Gandhi Road, Howrah- 711101.
Mobile:033-2660-3211/3214,
9830177722.

Email:mhowrah@yahoo.com

11. The Executive Engineer, Howrah
Municipal Corporation, Building
Department at 4, Mahatma
Gandhi Road, Howrah- 711101
Mobile: 9883330904

Email: commissioner.howrah@gmail.com,
amrut.howrah.wb@gmail.com,
citizen.care@myhmc.in



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- 5 -

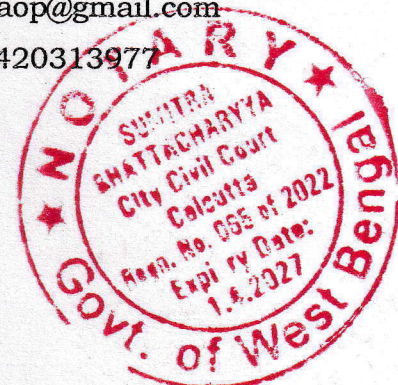
12. The Assistant Engineer & Officer-In-Charge, Howrah Municipal Corporation, Borough-III at 50, Panchanantala Road, Howrah-711101. Mobile: 9062534565, 033-26405059.

Email: borough3hmc@gmail.com

13. The Commissioner of Police, Howrah Police Commissionerate at 28 No. Nityadhyan Mukherjee Road, Howrah-711101. Phone: 033-2637-4761. Email: commhowrah@gmail.com, croomhcp@gmail.com

14. The Inspector-In-Charge, Domjur Police Station, Domjur Bazaar, Howrah-Bargachia-Amta Road, Domjur, Howrah-711405. Phone no. 033-26706666
Email: domjurps@gmail.com

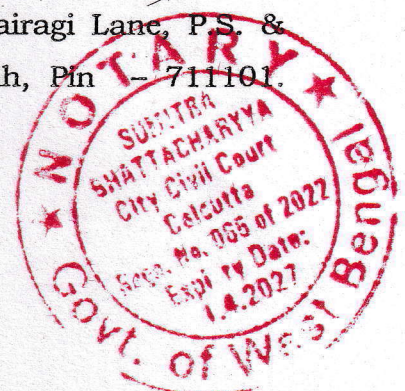
15. The In-Charge, Police Station - Bankra Outpost (Bankra Phari), Bankra, Howrah - 711403.
Email: bankraop@gmail.com
Phone no - 8420313977



- 6 -

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- ✓ 16. Mahfuz Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District - Howrah, Pin - 711101. Phone: 9339250302
- ✓ 17. Sahim Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District - Howrah, Pin - 711101. Phone: 743938752
- ✓ 18. Karim Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District - Howrah, Pin - 711101. Phone: 9330064928
- ✓ 19. Rahim Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District - Howrah, Pin - 711101. Phone: 8100460325
- ✓ 20. Matin Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District - Howrah, Pin - 711101.



- 7 -

Phone: 8910258854

21. Munna Driver c/o G M Tailors of
KabarPara, New Bastee (Baraf Kal),
Bankra, Howrah - 711403.

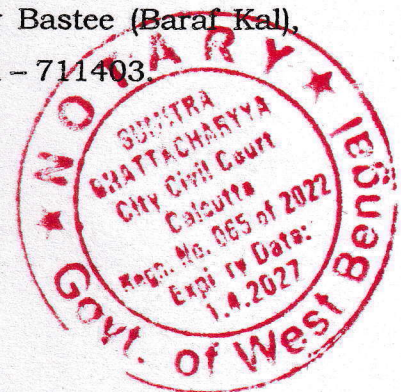
Phone: 8777280893, 9674152378

22. Qaiser Imam Resident of
KabarPara, New Bastee (Baraf Kal),
Bankra, Howrah - 711403.

23. Md. Jafiruddin resident of
KabarPara, New Bastee (Baraf Kal),
Bankra, Howrah - 711403 also at
Gram Baghmara, Post - Mango
Bandar, Thana - Khaira, Man-
gobandar, Jamui, Bihar - 811305.
Phone : 6290889051

24. Parwej Alam C/o Asgar residing
at 95, Cowies Ghat Road, 2nd Floor,
Shibpur Howrah - 711102
Phone : 9883620045

25. Sk. Javed s/o late Sk. Alam of
KabarPara, New Bastee (Baraf Kal),
Bankra, Howrah - 711403.



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- 8 -

26. Priyabrata Kar (Senior Development Manager at Babubhai Ashrafi Estate) at 40, Gangaram Ram Bairagi Lane, Howrah - 711101
Phone: 9830843172.

...Respondents

To

The Hon'ble T. S. Sivagnanam, Chief Justice And His Companion Justices of the said Hon'ble Court.

The humble petition on behalf of the petitioner above named:-

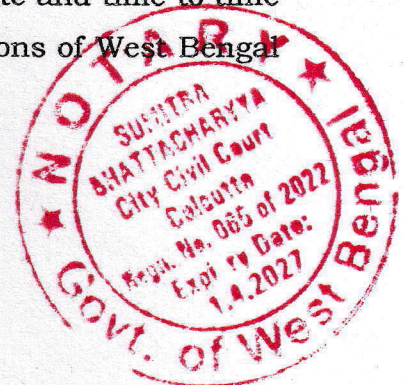
Most respectfully Sheweth:

1. The petitioner is a Law-abiding citizen of India, having permanent residence at the address mentioned in the cause title.

2. The Respondents No. 1 to 6 are the creatures of the statute and time to time they have been following the relevant provisions of West Bengal Panchayat. Act, 1973.

The Respondents No. 7 is the creature of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 and Rules made there under.

The respondent No. 8 is the creature of statute and time to time they have been following the relevant provisions of West Bengal Inland Fisheries Act, 1984.



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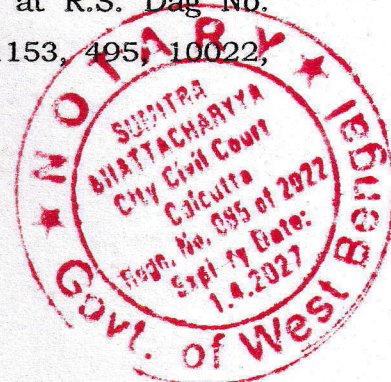
The respondent No. 9 to 12 are the Body Corporate having been framed under the relevant provisions of the Howrah Municipal Corporation Act, 1980.

The respondent No. 13 to 15 are the Body Corporate having been framed under the relevant provisions of the Police Regulation Bengal, 1943 as well as the Police Act, 1861 and carried business inter alia in their respective administrative sectors providing administrative assistance to the society of people at large. It is needless to mention that the aforesaid Respondents are Administrative wings of the State and they function to the extent of their statutory obligation and duties and to provide safety and security to the inhabitants residing within its local limit in accordance with Law.

Hence, all of their actions are amenable to the Writ Jurisdiction of this Hon'ble Court. The said Respondents 1 to 15 are all therefore 'state' within the purview of the Article 12 of the Constitution of India, 'person' or 'authority' within the meaning of Article 226 of the Constitution of India thereof.

3. That the Petitioner states that this Public Interest Litigation (PIL) under Article 226 of the Constitution of India seeks redressal against the illegal filling up of a natural pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387, District Howrah, Block Domjur, Mouza Bankra, Pin 711403.

Photocopy of the Land information at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022,



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14368-14387 is annexed and marked as Annexure-"P/1".

3. The Petitioner, a public-spirited individual, is deeply concerned about the environmental degradation caused by such illegal activities that are being carried out without statutory clearances, which adversely affect the ecology, biodiversity, and natural water resources of the area.

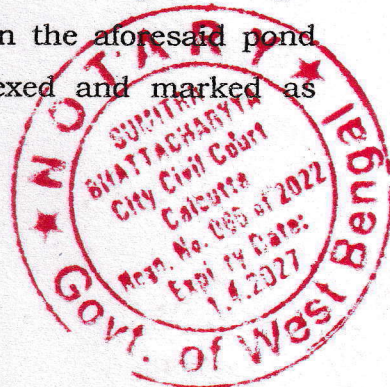
Photography of the illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387 is annexed and marked as Annexure-"P/2".

4. The petitioner states that the private respondents constructed illegal building and Pucca structures on the aforesaid pond by illegally filling up of the aforesaid pond.

Photography of the illegal building constructions/Pucca structure on the aforesaid pond is annexed and marked as Annexure-"P/3".

5. The petitioner states that there has been gradual illegal pond filling and illegal building constructions/Pucca structure on the aforesaid pond which is evident from the Google Earth images dated 24/09/2017, 07/11/2017, 22/11/2020, and 31/3/2021.

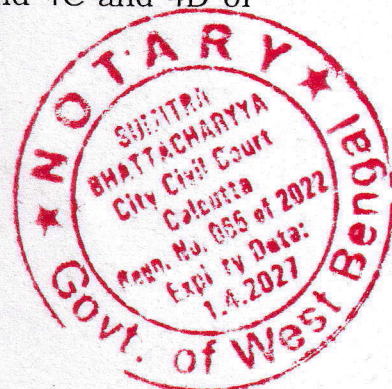
Photography of the gradual illegal pond filling and illegal building constructions/Pucca structure on the aforesaid pond from the Google Earth images are annexed and marked as



- 11 -

Annexure-"P/4".

6. That the pond, situated on the land described above, has historically served as a crucial ecological feature, providing groundwater recharge, natural habitat for aquatic life, and serving the needs of local communities for water supply. It is a protected natural resource that must be safeguarded.
7. That over the past several months, illegal dumping of solid waste materials, rubbish, and industrial effluents by the private individuals/entities has led to the gradual destruction and filling of this pond, which has resulted in severe environmental damage. This illegal activity is being carried out without any statutory clearances or permissions, in violation of environmental laws and regulations, including the West Bengal Inland Fisheries Act, 1984.
8. The petitioner states that the activities of the private respondents pertaining to the illegal filling up of the pond with solid waste rubbish materials & industrial effluents, and gradual illegal building constructions on the pond, is in violation of section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country(Planning and Development) Act, 1979 and section 23 of the West Bengal Gram Panchayat Act, 1973 and 4C and 4D of the West Bengal Gram Panchayat Act, 1955.



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- 12 -

9. The petitioner states that the activities of the private respondents pertaining to the illegal filling up of the large pond with solid waste rubbish materials & industrial effluents and gradual illegal building constructions on the pond, constitutes criminal offence punishable under sections 326(a) read with section 324, 279, 280, 292, 270 of the Bharatiya Nyaya Sanhita, 2023. The offence is also punishable under section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979 and section 4C & 4D of the West Bengal Land Reforms Act, 1955.

10. That despite complaint by email dated 27.07.2024 and by hardcopy of the complaint to all the concerned authority, no concrete action has been taken to prevent the illegal filling up of the pond and/or to restore it to its natural state.

Photocopy of the complaint of the petitioner by email dated 27.07.2024 is annexed herewith and marked as Annexure-"P/5"

11. That the inaction on the part of the authorities has led to an irreversible loss of ecological balance, threatening not only the immediate environment but also the overall health of the local community. The illegal pond filling is likely to lead to flooding, disruption of natural drainage and loss of biodiversity, as well as harm to the local water table.



SA

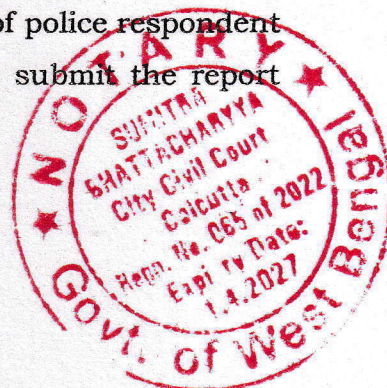
12. That the petitioner states and submits that until and unless order, as most humbly requested for herein, is passed, the petitioners and local inhabitants will suffer irreparable loss and injury. That the petitioners state that she did not move before any Court of Law on the self same cause of action.

13. That the petitioners states that there is no other efficacious, alternative remedy available to the petitioner other than to move the instant Writ Petition.

14. That the petition is made bonafide for the ends of justice.

Under facts and the circumstances set forth herein above, the Petitioner most humbly seeks that this Hon'ble High Court would graciously be pleased enough to issue:

a) writ of or in the nature of mandamus do issue commanding the respondents more particularly the respondent Nos.1 to 6 hereof and their men, agents and subordinates and each one of them to completely demolish all the illegal building constructions on the pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, with the assistance of police respondent No. 13 and 15, and submit the report



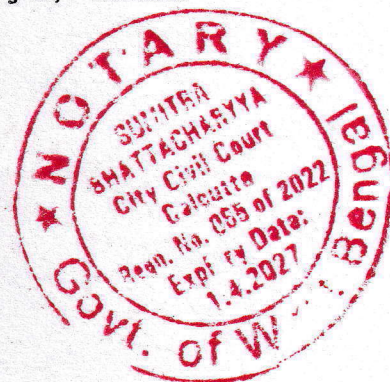
- 14 -

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before this Hon'ble Court;

b) writ of or in the nature of mandamus do issue commanding the respondents more particularly the respondent Nos.1 to 6 hereof and their men, agents and subordinates and each one of them not to permit conversion of the pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 into a Bastu land;

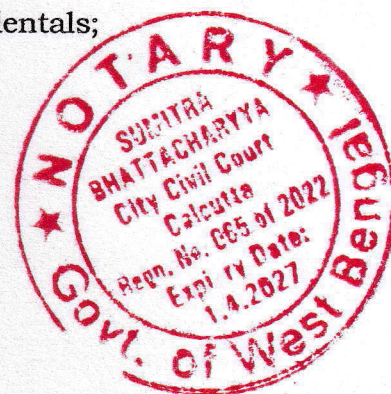
c) writ of or in the nature of mandamus do issue commanding the respondents more particularly the respondent Nos.1 to 6 hereof and their men, agents and subordinates and each one of them not to grant any building sanction plan on the pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403;



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- d) writ of and/or in the nature of certiorari directing the concerned respondents being respondents to transmit and/or produce all relevant records lying with them before this Hon'ble Court so that conscionable justice may be administered therein;
- e) Rule NISI in terms of prayers (a), (b), (c), and (d) as above;
- f) An interim order restraining the private respondents from making any further building construction on the pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403;
- g) An ad-interim order in terms of prayer (a), (b), (c), and (d) as above;
- h) Rule be made absolute;
- i) Costs and incidentals;

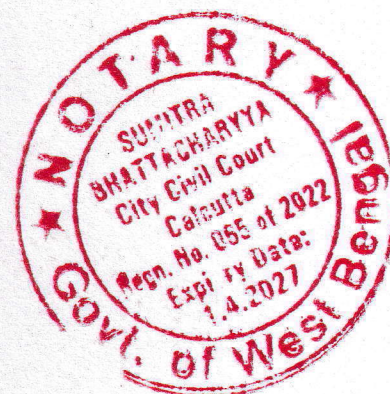


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j) And to pass such other or further order or orders as your Hon'ble Court may deem and proper;

And for this act of kindness your petitioner, as in duty bound, shall ever plead.



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S/S

AFFIDAVIT

I, Sarbani Brahma D/O Nalini Ranjan Brahma by faith hindu, by occupation service, aged about years, residing at premises No. 278 Kalighat Road, P.S. Kalighat, Kolkata-700026, do hereby solemnly affirm and say as follows:-

1. That I am the petitioner herein as such I am well acquainted with the facts and circumstances of this case. Hence, I am competent enough to affirm this Affidavit.
2. That the statements contained in Paragraph Nos. 1 to are true to my knowledge and belief and rest are my respectful submissions before this Hon'ble Court.

Prepared in my office

s/d - Giasul Islam
GIASUL ISLAM, Advocate

BCI No. WB/2474/2010

s/d - Giasul Islam

I certify that all the annexure are legible with 05 annexure

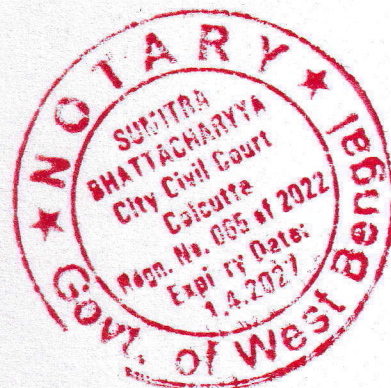
GIASUL ISLAM, Advocate

Solemnly affirmed before me on
this 05th day of ~~September~~ ^{October}, 2024

Commissioner

s/d - Sarbani Brahma
The deponent is known to me

s/d - Giasul Islam
GIASUL ISLAM, Advocate



56

Through
Girish
Advocate

DISTRICT: HOWRAH

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. (P) 453 of 2024

In the matter of:

An application under section 226 of
the Constitution of India;

-And-

In the matter of:

Sarbani Brahma daughter of Nalini
Ranjan Brahma residing at 278,
Kalighat Road, P.S. Kalighat,
Kolkata-700026.

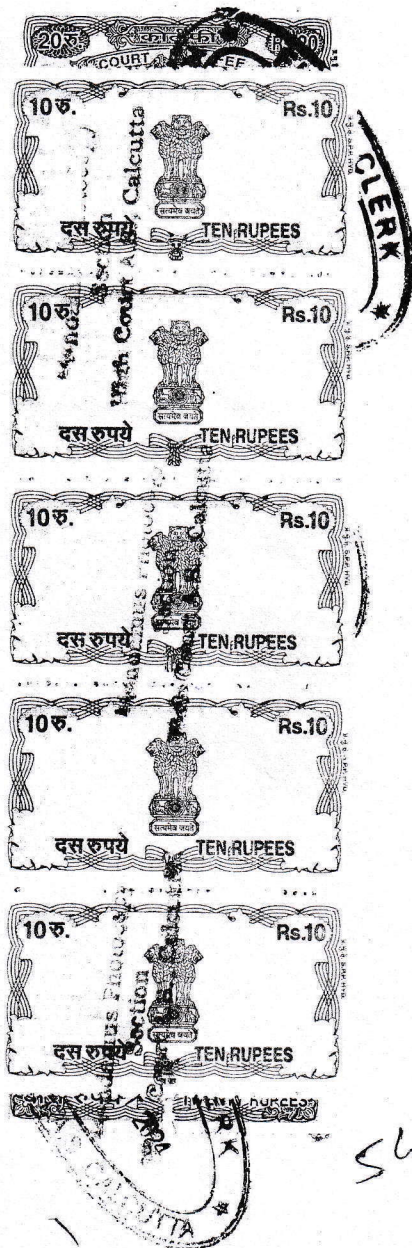
Phone: 9339208757

Email: sarbani.brahma.2024@gmail.com

...Petitioner

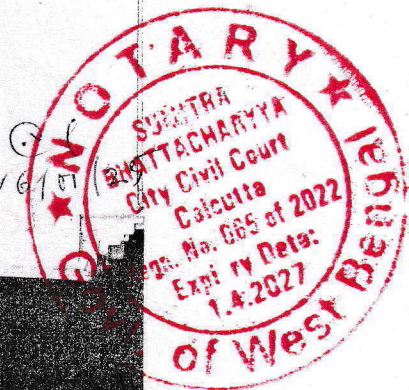
-Versus-

1. The Secretary, Panchayat and Rural
Development, Joint Administrative
Building, 7th Floor, Wing B, Block
HC, Plot no 7, Salt Lake, Sector-III,
Kolkata-700106,
Phone: 033-2335-6103
Email: secyprd@gmail.com, secy.prd



WITHOUT TRANSLATION

6/1/24
Commissioner



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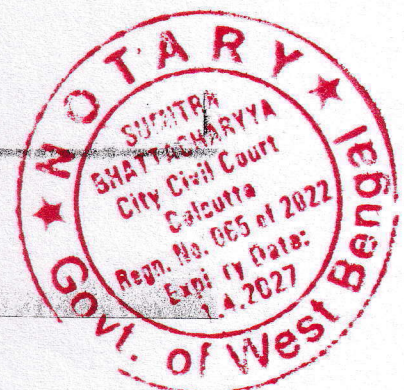
- 2 -

-wb@bangla.gov.in



2. The Pradhan, Bankra-II Gram Panchayat, Village + Post Office - Bankra, Howrah-711403.
Email: bankraigp@rediffmail.com
Phone no: 03326534209
3. The District Magistrate & Collector, Howrah District, Office of the District Magistrate & Collector, Howrah, 3rd Floor, New Collectorate Building, at 6, Rishi Bankim Chandra Road, Post + PS + District - Howrah, Pin-711 101.
Email: dm-how-wb@nic.in
Phone: 033-2641-2024
4. The District Land & Land Reform Officer, Howrah District, at 12 Nityadhan Mukherjee Road, 2nd Floor, Howrah - 711101.
Email: dllrohowrah2017@gmail.com
Phone no - 033-26412749
5. The Block Land & Land Reform Officer, Block - Domjur, Baruipara, Near B D O, Domjur, Howrah -

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16/01/25



- 3 -



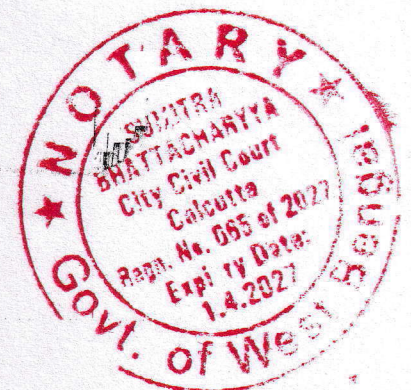
711405.

Email: domjurbllo@gmail.com

Phone no – 03326701561

6. The Additional Director of Land Records and Survey, Directorate Of Land Records And Survey, West Bengal Survey Building, at 35 Gopal Nagar Road, Kolkata-700027.
Mobile: 9433051090.
Phone: 033-2479 5726/5727/5991,
Email: dirswb@gmail.com,
sabujskr@yahoo.com,
britishbarman2013@gmail.com
7. The Chairman, West Bengal Pollution Control Board, at 10A, Block-L.A Sector III, Salt Lake City, Kolkata-700098.
Phone: 033-22023000
Email: net.wbpcb-wb@bangla.gov.in
8. The Additional Chief Secretary, Department of Fisheries, Government of West Bengal, 31 GN Block, 8TH floor, Sector V, Salt Lake, Kolkata-700091.

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- 4 -

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Phone: 033- 23570077

Email: prsecy.fisheries@gmail.com

9. The Municipal Commissioner,
Howrah Municipal Corporation, at 4
Mahatma Gandhi Road, Howrah-
711101. Phone: (+91-33) 26383211/
3212/3213.
Email: commissioner.howrah@gmail.com,
amrut.howrah.wb@gmail.com,
citizen.care@myhmc.in

10. The Mayor, Howrah Municipal
Corporation, at 4, Mahatma
Gandhi Road, Howrah- 711101.
Mobile:033-2660-3211/3214,
9830177722.
Email:mhowrah@yahoo.com

11. The Executive Engineer, Howrah
Municipal Corporation, Building
Department at 4, Mahatma
Gandhi Road, Howrah- 711101
Mobile: 9883330904
Email: commissioner.howrah@gmail.com,
amrut.howrah.wb@gmail.com,
citizen.care@myhmc.in

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- 5 -

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12. The Assistant Engineer & Officer-
In-Charge, Howrah Municipal
Corporation, Borough-III at 50,
Panchanantala Road, Howrah-
711101. Mobile: 9062534565, 033-
26405059.

Email: borough3hmc@gmail.com

13. The Commissioner of Police,
Howrah Police Commissionerate at
28 No. Nityadhyan Mukherjee Road,
Howrah-711101. Phone: 033-2637-
4761. Email: commhowrah@gmail.com,
croomhpc@gmail.com

14. The Inspector-In-Charge, Domjur
Police Station, Domjur Bazaar,
Howrah-Bargachia-Amta Road,
Domjur, Howrah-711405.
Phone no. 033-26706666
Email: domjurps@gmail.com

15. The In-Charge, Police Station -
Bankra Outpost (Bankra Phari),
Bankra, Howrah - 711403.
Email: bankraop@gmail.com
Phone no - 8420313977

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- 6 -

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16. Mahfuz Ansari son of late Md.
Hakim Ansari residing at
40,GangaRam Bairagi Lane, P.S. &
District - Howrah, Pin - 711101.
Phone: 9339250302

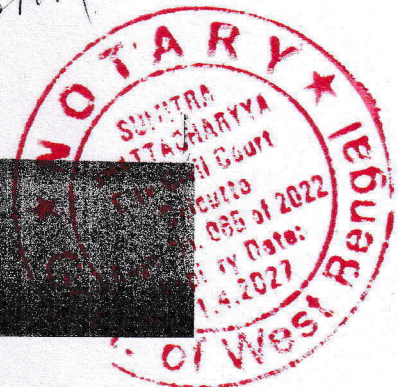
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District - Howrah, Pin - 711101.
Phone: 9330064928

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Hakim Ansari residing at
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16/07/25

OR

- 7 -

Phone: 8910258854

21. Munna Driver c/o G M Tailors of
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22. Qaiser Imam Resident of
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23. Md. Jafiruddin resident of
KabarPara, New Bastee (Baraf Kal),
Bankra, Howrah - 711403 also at
Gram Baghmara, Post - Mango
Bandar, Thana - Khaira, Man-
gobandar, Jamui, Bihar - 811305.
Phone : 6290889051

24. Parwej Alam C/o Asgar residing
at 95, Cowies Ghat Road, 2nd Floor,
Shibpur Howrah - 711102
Phone : 9883620045

25. Sk. Javed s/o late Sk. Alam of
KabarPara, New Bastee (Baraf Kal),
Bankra, Howrah - 711403.

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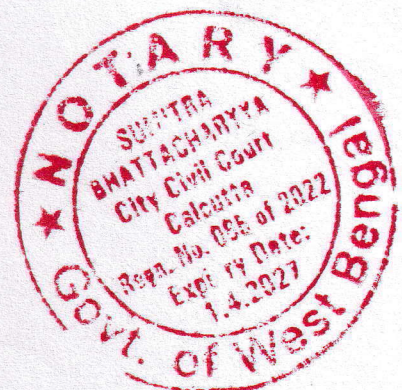
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26. Priyabrata Kar (Senior
Development Manager at Babubhai
Ashrafi Estate) at 40, Gangaram
Ram Bairagi Lane, Howrah - 711101
Phone: 9830843172.

...Respondents

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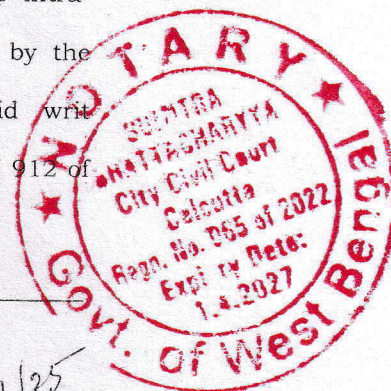
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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		09.01.2025 Item No.6 PG/KS Ct. No.1	<p style="text-align: center;">W.P.A.(P) 453 of 2024</p> <p style="text-align: center;">Sarbani Brahma Versus The Secretary, Panchayat and Rural Development & ors.</p> <p>Mr. Gausul Islam Mr. Aktaruzzamanfor the petitioner</p> <p>Mr. Sandipan Banerjee Mr. Ankit Surekha.....for the Howrah Municipal Corporation</p> <p>Mr. Sk. Md. Galib Mr. Abu Siddique Mallik.....for the State</p> <p>Ms. Manideepa (Paul) Roy.....for the respondents 16 to 20</p> <p>1. This is a writ petition filed as a public interest litigation by a person, who is a resident of Kalighat alleging that there is illegal construction in a pond in R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No.-495,10022,14368-14387, District-Howrah, Block-Domjur, Mouza-Bankra by the respondent nos. 13 and 15.</p> <p>2. Mr. Galib, learned Government Counsel submitted that in respect of the same property, another writ petition was filed in W.P.A. 10707 of 2020 in which direction was issued to the Pradhan to take action on the representation and as against that order, an intra-Court appeal was filed, which was dismissed by the Hon'ble Division Bench. Thereafter the said writ petitioner has filed a contempt petition in CPAN 912 of</p>

H/A

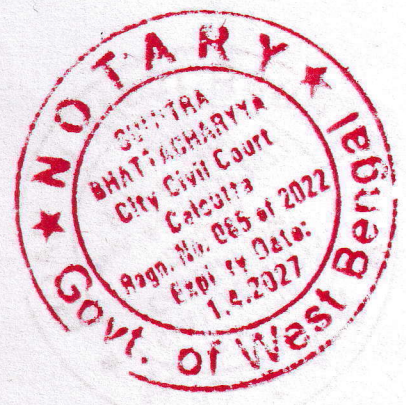
18/01/25



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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>2021 and by order dated December 6, 2024 service of copies of the affidavit has been directed.</p> <p>3. Since the matter is already seised of by a learned Single Bench, the question of entertaining this writ petition that too at the behest of a resident of Kalighat does not arise.</p> <p>4. Accordingly, the writ petition is dismissed.</p> <p>5. No costs.</p> <p>6. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.</p> <p style="text-align: center;">sdt- T. S. Sivagnanam (T.S SIVAGNANAM) CHIEF JUSTICE</p> <p style="text-align: center;">sdt- H. Bhattacharyya, J. (HIRANMAY BHATTACHARYYA, J.)</p>

16/01/25



Md. Mahfuz Ansari
 Md. Faruk Ansari
 Md. Salim Ansari
 Md. Faruk Ansari
 Md. Mahfuz Ansari
 M/S MEERAJ INDUSTRIES
 PROPRIETOR

"VAKALATNAMA"

In the Hon'ble National Green Tribunal at
 Before Ld _____ Judge at 2015
 I.A Suit/Case No. O.A. of 2025
 Sarbani Brahma & ors.
 -VS-
 State of West Bengal & ors.

Signature
 Plaintiff
 Applicant
 Appellant
 Defendant
 Opp. Party
 Respondent

KNOW ALL MEN by these

that I/We do hereby in my / our name and my / (our behalf constitute and appoint Sri Krishnendu Bera, Advocate, Reg. No. 12, 13, 14, 15, 16 & 23 true and lawful Pleader / Advocate & Attorneys to appear and act for me / us in the matter noted above to the suit written statement, conduct suit, appeal from original suit order etc. and for that purpose to do all acts and things, whatsoever in that connection including compromise of the above matter disposing in or withdrawing money from filling or taking out of appeal, document and payment order from Court referring matters in dispute between the parties here to arbitration, withdrawing the above matters with liberty title fresh suit, sending properties released from attachment filing execution or Miscellaneous cases and other petitions, bidding at execution sale, obtaining payment from us our Court. Withdrawing custody and other fees and doing on my / our behalf such other acts in the above matters as are necessary and proper

I / We hereby agreeing to ratify and confirm all acts so done by the said Advocate or Attorneys as my / our own acts and as it done by me / us to all intents and purposes.

Date 17.02.2025

ADVOCATES—
 Krishnendu Bera,
 Advocates High Court, Calcutta,
 Email - krishnenduberabera87@gmail.com.
 Enrol. No. P/5864/2010
 Mob: 9804470535

Received the valuations from my clients and accepted by me.

Krishnamoorti Bera

Advocate.

1952

Krishnamoorti Bera
Advocate

AUTHORIZATION

We, the undersigned being Md. Mahfuz Ansari, Sahim Ansari, Rahim Ansari, Matin Ansari and M/s Meraj Industries do hereby duly authorize, Md. Karim Ansari, the applicant no. 3 to sign and swear the Interlocutory application on our behalf in connection with the Original Application 01 of 2025, before the Hon'ble National Green Tribunal.



Md. Mahfuz Ansari

Md. Matin Ansari

Md. Rahim Ansari

Md. Sahim Ansari

M/S MERAJ INDUSTRIES

Md. Mahfuz Ansari

PROPRIETOR

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA,
WEST BENGAL

I.A. NO. of 2025
(Arising out of ORIGINAL
APPLICATION NO. 01/2025/EZ)



In the matter of :
Md. Mahfuz Ansari & Ors.
.....Applicants
-Versus-
Sarbari Brahma & Ors.
....Respondents.

INTERLOCUTORY
APPLICATION ON BEHALF OF
RESPONDENT NO. 12, 13, 14,
15, 16 and 23

Krishnendu Bera
Advocate.
280, Gopal Lal Thakur Road,
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