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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 213/2024/EZ

SK. HARUN

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

REPORT ON AFFIDAVIT FILED BY THE WEST  
BENGAL POLLUTION CONTROL BOARD.

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Filed by

DIPANJAN GHOSH  
ADVOCATE  
HIGH COURT AT CALCUTTA

SL. NO. 51

Dt. -

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12 MAR 2025

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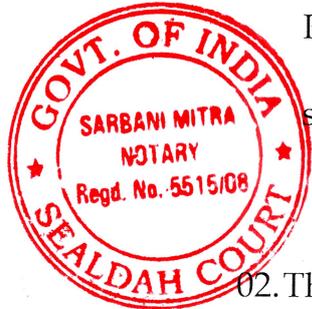
Most Respectfully Sheweth

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 years, by faith-Hindu, Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District - Hooghly, do hereby solemnly declare and say as follows:-

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01. That, I am the Officer on Special Duty (OSD), West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 3 to affirm this Affidavit on its behalf and as such, I am competent to do so.



02. That, this affidavit is being affirmed in pursuant to the orders passed by this Hon'ble Tribunal dated 27.11.2024 and 24.01.2025.

03. That, the Hon'ble Tribunal vide dated 27.11.2024, constituted a Committee comprising of the following members:

- (i) Senior Scientist, West Bengal Pollution Control Board;
- (ii) District Magistrate, District - Howrah, or his representative not below the rank of Additional District Magistrate (ADM).

The said Committee conducted an inspection on the site in question on 20.01.2025 at 12.00 noon.

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04. That, during inspection, the following was revealed:

(a) The said plot is located in a congested residential neighbourhood surrounded by houses and shops. Two under-construction buildings were found on the plot of which one was a G+4 structure which was almost completed while the other one had been constructed till the first floor and further works were ongoing.

(b) As per plot information received from the Land and Land Reforms Department, the LR plot no. 3065 corresponding to erstwhile RS plot no. 3063 is classified as Bastu/Shali. This indicates that there had never been any pond in that location since the onset of the revisional settlement land surveys in West Bengal.

(c) Interaction with the local people also revealed that there had never been any pond over the plot in question in the past, and there were tiled hutments in the spot before the construction began.

(d) The developers of the building were contacted over phone for producing sanctioned building plan and other relevant documents, but they failed to do so. The

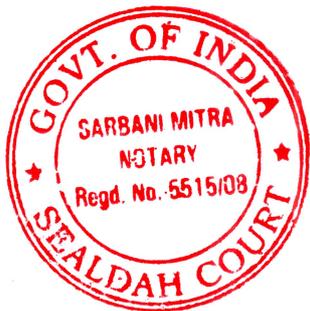


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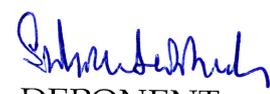
developers verbally claimed that they have received an NOC from the local Gram Panchayat.

(e) However, given that a G+4 Building has a typical height of 15-18 meters, permission of the Howrah Zilla Parishad should have been taken as per Section 160A of the West Bengal Panchayat (Amendment) Act, 2017 wherein it clearly states that any structure under a Gram Panchayat which exceeds 6.5 meters in height requires the previous permission of Zilla Parishad. Thus, prima facie there appears to be violation of building construction laws and the matter should be enquired into by competent officials and engineers from the Howrah Zilla Parishad.



Copy of the inspection report of the Committee is annexed herewith and marked with letter "R".

05. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

  
DEPONENT

12 MAR 2025

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## VERIFICATION

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 years, by Religion - Hindu, by Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District-Hooghly, do hereby solemnly declare and say as follows:-

1. That, I am the Officer on Special Duty (OSD), West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.

2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.

That, the statements made in paragraphs 2 to 4 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.



*Dipak Ghosh*  
Identified and corrected by me  
Advocate  
WBPCB

*Subrata Ghosh*  
DEPONENT

Solemnly Affirmed &  
Declared Before Me  
On Identification By .....

*Sarbani Mitra*  
SARBANI MITRA  
NOTARY  
Regd. No. 5515/08

12 MAR 2025

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Report of the Committee constituted by Hon'ble National Green Tribunal, Eastern Zone Bench Kolkata vide order dated 27.11.2024 in connection with O.A. No. 213/2024/EZ in the matter between Sk. Harun - vs - State of West Bengal & Ors.

In compliance of the solemn order passed by Hon'ble NGT, Eastern Zone Bench Kolkata on 27.11.2024, an inspection on the site in question was conducted on 20.01.2025 at 12.00 noon by the committee constituted by the Hon'ble Tribunal comprising the following members:

1. Shri Azar Zia, Additional District Magistrate (L & LR), Howrah
2. Smt. Jayati Mitra, Asst. Environmental Engineer, WBPCB, Howrah Regional Office, West Bengal Pollution Control Board.

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. Shri Nirod Baran Sarkar, Joint Block Development Officer Officer, Domjur Development Block.
3. Shri Babulal Kanraar, Revenue Officer, Office of the BL&LRO, Domjur Block.
4. Shri Swapan Kumar Mondal, Revenue Officer, Office of the BL&LRO, Domjur Block.
5. Smt. Tuktuki Sk ,Pradhan , Bankra-III Gram Panchayat , Domjur Block.

During the inspection, the following was revealed:

1. The said plot is located in a congested residential neighbourhood surrounded by houses and shops. Two under-construction buildings were found on the plot of which one was a G+4 structure which was almost completed while the other one had been constructed till the first floor and further works were ongoing.
2. As per plot information received from the Land and Land Reforms Department, the LR plot no. 3065 corresponding to erstwhile RS plot no. 3063 is classified as Bastu/Shali (copy enclosed). This indicates that there had never been any pond in that location since the onset of the revisional settlement land surveys in West Bengal.



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3. Interaction with the local people also revealed that there had never been any pond over the plot in question in the past, and there were tiled hutments in the spot before the construction began.
4. The developers of the building were contacted over phone for producing sanctioned building plan and other relevant documents, but they failed to do so. The developers verbally claimed that they have received an NOC from the local Gram Panchayat.
5. However, given that a G+4 Building has a typical height of 15-18 meters, permission of the Howrah Zilla Parishad should have been taken as per Section 160A of the West Bengal Panchayat (Amendment) Act, 2017 wherein it clearly states that any structure under a Gram Panchayat which exceeds 6.5 meters in height requires the previous permission of Zilla Parishad. Thus, prima facie there appears to be violation of building construction laws and the matter should be enquired into by competent officials and engineers from the Howrah Zilla Parishad.

The Photographs taken during the course of inspection are annexed herewith.

*Sarbani Mitra*

Assistant Environment Engineer  
Howrah Regional Office, WBPCB

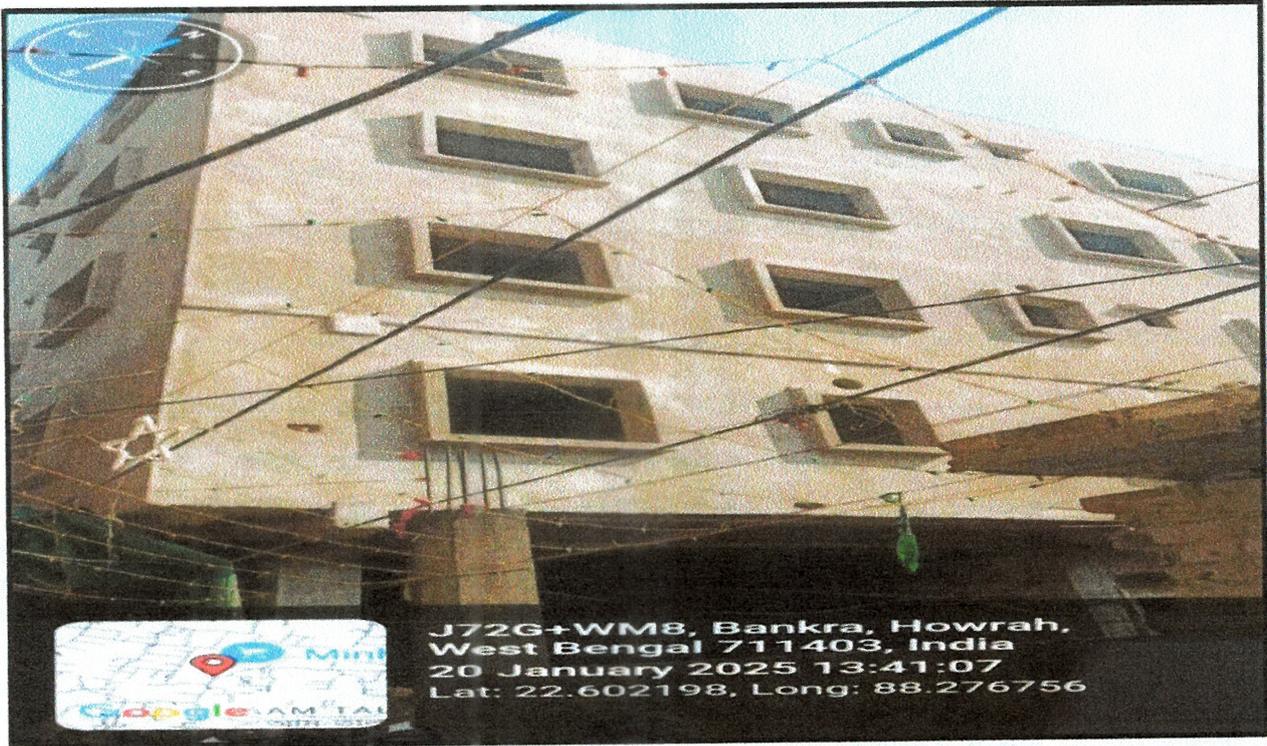
*B.*

A.D.M. (LR) & D.L. & L.R.O.  
Howrah

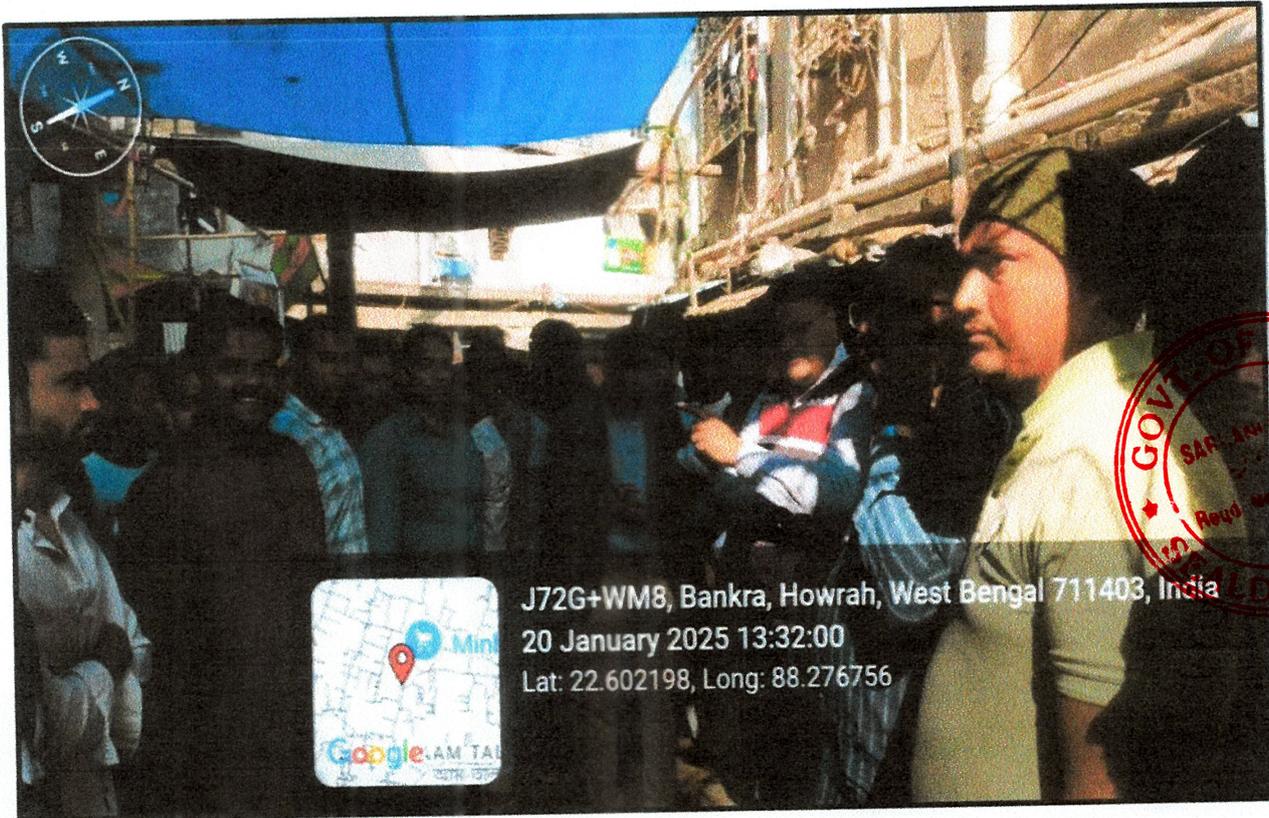
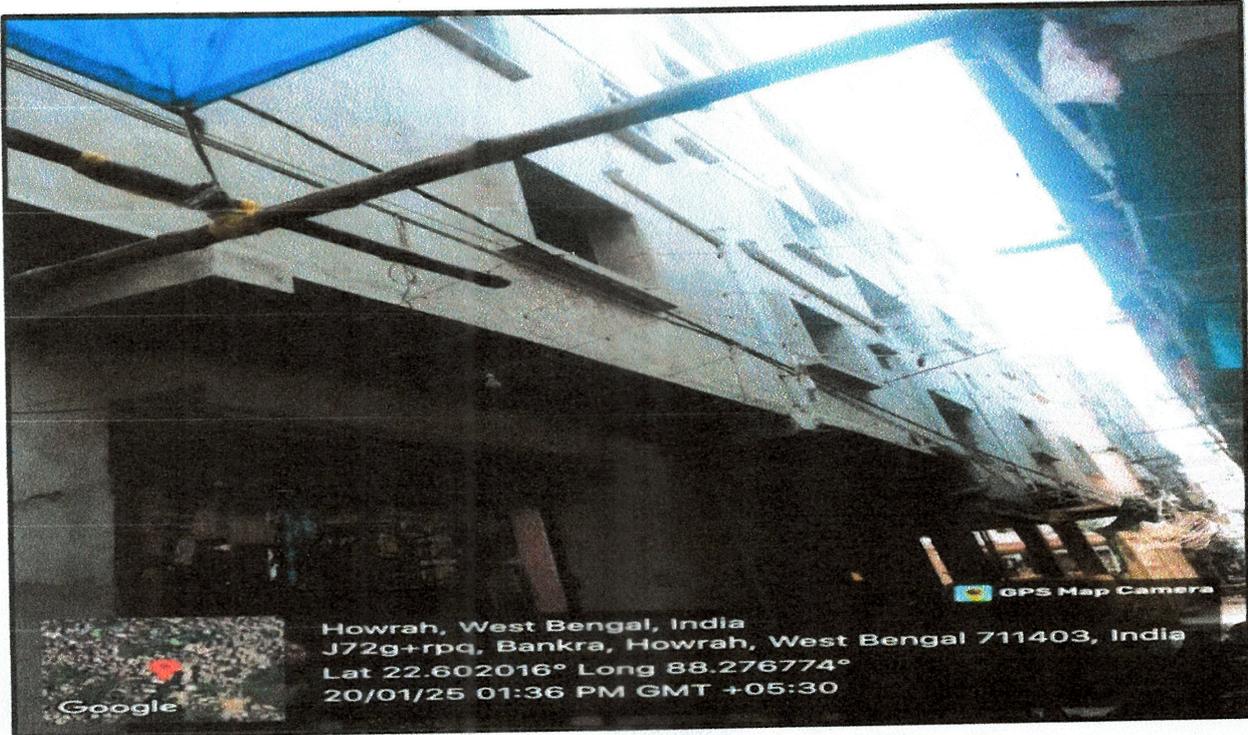




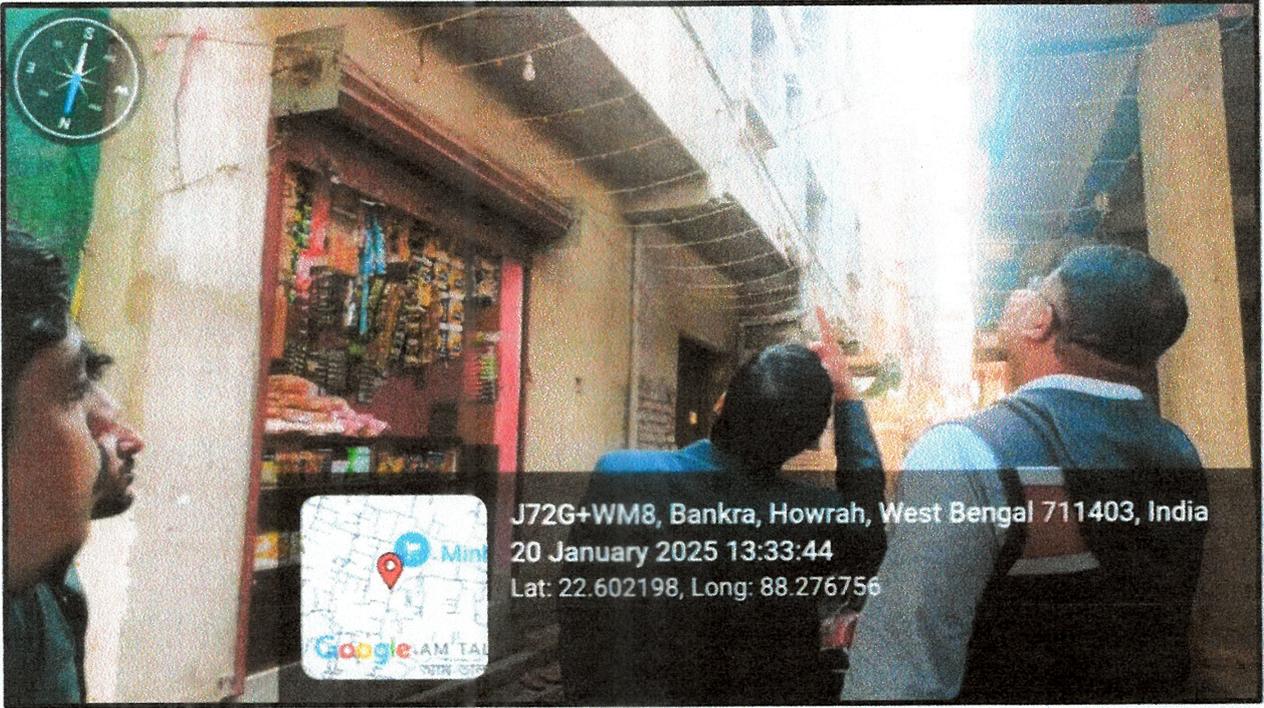
Glimpses of the Inspection held on 20-01-2025 in connection with Hon'ble NGT, Eastern Zone Bench, Kolkata, OA No. 213/2024/EZ



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