

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.141 OF 2024/EZ

ANIMESH BARMAN

.....Applicant

-Versus-

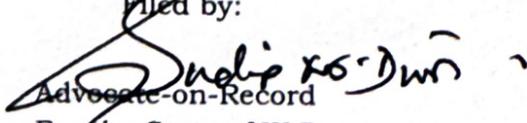
THE UNION OF INDIA AND OTHERS

...Respondents

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Filed by:


Advocate-on-Record
For the State of W.B.



13 MAR 2025

BEFORE THE NATIONAL GREEN TRIBUNAL
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...Respondents

**COMPLIANCE REPORT BY THE RESPONDENT NO.5 i.e SUB-DIVISIONAL
OFFICER SADAR COOCHBEHAR AMD EX-OFFICIO MEMBER OF
COOCHBEHAR DEBUTOR TRUST BOARD IRRIGATION**

I, Sri Kunal Banerjee, WBCS (Exe), aged about 41years, by faith – Hindu, by Occupation – Service as Sub-Divisional Magistrate, Cooch Behar Sub-Division, Government of West Bengal, working gain at Sagar Dighi, Kacharimore, Cooch-Behar, PIN- 736101 do hereby solemnly affirm and say as follows:

1. I have made myself well acquainted with the facts and circumstances of the instant case and am directed by this Hon'ble Tribunal vide order 16.07.2024 dated to file a compliance report.



2. That in compliance with direction dated 16.07.2024 of this Hon'ble Tribunal, it is humbly submitted that on receipt of the copy of Original Application, the BL&LRO, Cooch Behar-II and Executive Engineer, PWD (Roads), Cooch Behar Division have been ordered to cause an enquiry and submit the report with regards to claim of the petitioner.

3. That it has been reported by them that Sri Sudarshan Mahato, Sri Samir Biswas, Sri Rakesh Das including some other people of the locality have constructed building, temporary sheds on the lands belonging to PWD (Roads) and to that effect Executive Engineer and BL&LRO, Cooch Behar-II submitted notices against the Private respondents.

The copies of the said notices are annexed herewith and marked as **Annexure-R-1**.

4. However, on the receipt of Enquiry report as mentioned above the undersigned being the SDO and member of Debutter Trust Board requested Executive Engineer, PWD (Roads), Cooch Behar Division to take necessary action for removal of illegal construction and submit an ATR (Action Taken Report) please mention the full form.



5. Thereafter Executive Engineer has issued notice to the private respondents for removal of the unauthorized construction on the plot of land in question.

The copies of the said notices are annexed herewith and marked as **Annexure-R-2**.

6. That the Officer-in-Charge of Pundibari Police Station has been requested to take necessary action for such demolition and one Executive Magistrate (BDO, Cooch Behar-II) has been deputed for the said work.

7. That it has been reported by Block Development Officer, Cooch Behar-II being the Executive Magistrate vide memo no. 2594 dated 13.09.2024 that at the time of evacuation that is on 5th September 2024, they faced humongous agitation and protest of the local people along with shopkeeper and they created a serious Law and Order issue. According to BDO, Cooch Behar-II the private respondents said in written that they will vacate their illegal occupation as soon as possible.

The copy of the memo vide no. 2594 dated 13.09.2024 annexed herewith and marked as **Annexure-R-3**.

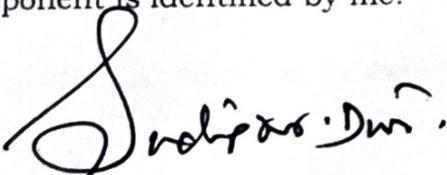
8. That since the directions passed by this Hon'ble Tribunal on 10.10.2023 has been complied with, it is humbly prayed that this Hon'ble



Tribunal may graciously be pleased to pass necessary order or orders as it deem fit and proper in the interest of justice.

9. The statements made in paragraphs 1 to 8 are based on information derived from the record which are usually kept and maintained by this answering respondent in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Deponent is identified by me.


Advocate

Deponent


Sub-Divisional Officer
Sadar, Cooch Behar

SOLEMNLY AFFIRMED
&
Declared Before me
on Identification Adv.

NOTARY
N. DAS GUPTA
C.M.M. Court
Govt. W.B.


N. DASGUPTA
Notary
Regn. No. 006/2022
3, Bankshal Street
Calcutta-700001

13 MAR 2025



Verification

I, Sri Kunal Banerjee, WBCS (Exe), aged about 41 years, by faith - Hindu, by occupation - service as Sub-Divisional Magistrate, Cooch Behar Sub-Division, Government of West Bengal do hereby solemnly affirm and verify that the contents of the statements made in the above paragraphs of the affidavit are true and correct to the best of my knowledge and belief. No part of the same is false and nothing material has been concealed there from.

Verified at Kolkata, on this the 12th day of March., 2025.

Deponent is identified by me.


Advocate

Deponent


Sub-Divisional Officer
Sadar, Cooch Behar





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Annexure-R-1

GOVERNMENT OF WEST BENGAL
OFFICE OF THE BLOCK LAND & LAND REFORMS OFFICER
COOCH BEHAR-II, PUNDIBARI
সমাষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের কারাগ, কোচবিহার ২, পুন্ডিবাড়ী
Phone:- 03582-270273; E-mail ID:- bllro.cob2@gmail.com

Memo No.: 12০৭ /BL&LRO/COB-II/2024

Date: 31.07.24

To
The Sub- Divisional Land and Land Reforms officer
Coochbehar Sadar

Sub- status report regarding unauthorized construction over Govt Land

Ref: S/2420(2) dated 23/07/24 of your kind office

Respected sir,

Sending herewith the the detailed enquiry report as submitted by the concerned Revenue Inspector regarding the illegal construction over the PWD land under Baneswar GP.

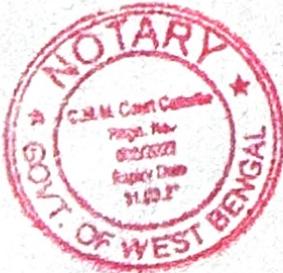
This is for the favour of your kind perusal and approval.

Enclosed:

1. RI Enquiry Report
2. Sketch Map
3. R-O-R

Yours faithfully

Block Land & Land Reforms Officer
Cooch Behar- II, Pundibari





পশ্চিমবঙ্গ সরকার
সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ
-দাগের তথ্য-

[০৮০২০০৪]

Me- কোচবিহার
মীজা- কুটিপাড়া

ব্লক- কুচবিহার ২

খানা- কোতোয়ালী

দাগ নং- ৭৪৮

জে.এল.নং- ০০৪

জমির পরিমাণ(এ)- ৩.০৪

সাবেক দাগ নং-

৪৩৮,৪৩৯,৪৪০,৪৪১,৪৪২,৪৪৩,৪৪৪,৪৪৫,৪৪৬,৪৪৭,৪৪৮,৪৪৯,৪৫০,৪৫১

শ্রেণী- ফুট

খতিয়ান নং

শ্রেণী

অংশ

অংশ পরিমাণ(এ)

নায়জের/লেসীর বিবরণ

মন্তব্য

৩৯৮/৩

ফুট

১.০০০০

৩.০৪

পশ্চিমবঙ্গ পক্ষে পথ ও পূর্ত বিভাগ।

পিতা-

সং-নিজ

১.০০০০

৩.০৪



- 8A -

Government of West Bengal
Office of the Block Land & Land Reforms Officer
Plot Information

District - Cooch Behar Block - Cooch Behar-II (0802034)

Mouza-Kutipara

J.L. No.-034

P.S. Kotwali

Plot No.-748

Class-"Foot"

Area of Land (In Acre)- 3.04

RS Plot No. 438,439,440,441,442,443,444,445,447,448,449,450,451

Khatian No.	Class	Share	Share (In Acre)	Raiyat/Leisse Details	Remarks
398/3	"Foot"	1.0000	3.04	Govt. of West Bengal, PWD Roads	
				Father - Address - Self	
		<u>1.0000</u>	<u>3.04</u>		

For Office Use Only



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To

The B.L& LRO

Pundibari, Cooch Behar II

SUB- Enquiry report regarding objections over illegal construction over PWD land under Baneswar GP.
Sir

In regards to above purpose I along with amin Ajay Barman Amin, went for a physical enquiry at below mentioned schedule of land on 11.05.2024. During enquiry it is found that some constructions are undergoing over plot no LR 748 under mouza Kutipara JL 34. It was also known from the local people present at the time of enquiry that Sudarshan Mahato, Samir Biswas and four others are engaged with the construction work.

A sketch map drawn by amin is attached with enquiry report.

Schedule of land

Mouza Kutipara

J.L - 34

Plot No-748

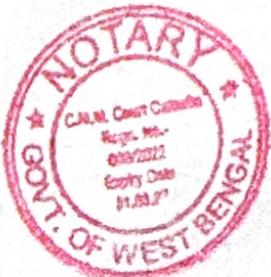
Khatian No- 398/3

Classification - Foot.

Encroachment Area-Approx.0.15 acre.

11.05.24
revenue inspector
Sadar Municipal Area
Cooch Behar

Sen
Revenue Officer
Block Land & Land Reforms Office
Pundibari, Cooch Behar II





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Annexure-R-2

GOVERNMENT OF WEST BENGAL
OFFICE OF THE EXECUTIVE ENGINEER
COOCHBEHAR HIGHWAY DIVISION
P.W (ROADS) DIRECTORATE COOCHBEHAR,
Email : cobhighway@yahoo.in

Memo No.

To,

Date:

1. Sudarshan Mahato, Baneswar, Cooch Behar.
2. Samir Biswas, Baneswar, Cooch Behar.
3. Rakesh Das, Cooch Behar

Sub:- Notice for Removal of unauthorized encroachment on Govt. Road Side Land in front of L.R plot No-748, LR Kahtian No. 398/3, Mouza- Kutipara (Baneswar), J.L No- 34, P.S- Pundibari, Dist- Cooch Behar.

Ref :- (i) Application No. 141/2024/EZ, before the National Green Tribunal Eastern Zone Bench, Kolkata. Animesh Barman Vs The Union of India, Representative through ministry of Environment, Forest & Climate change and others.

(ii) Demarcation report of BL&LRO, Cooch Behar-II, Pundibari vide memo No. 1209/BL&LRO/COB-II/2024 dated 31.07.2024.

(iii) Memo No. S/2551 dated 01.08.2024 of the Sub Divisional Officer, Sadar, Cooch Behar.

Dear Sir,

In reference to the above mentioned subject this is to inform you that you have encroached upon Govt. land beside the Cooch Behar-Baneswar-Alipurduar Road in front L.R plot No-748, L.R Khatian No- 398/3, Mouza- Kutipara (Baneswar), J.L No- 34, P.S- Pundibari Dist- Cooch Behar as per Demarcation made by the personnel of B.L. & L.R.O, Cooch Behar-II, Pundibari on 11.05.2024 and report received vide memo no- 1209/BL&LRO/COB-II/2024 Dtd- 31.07.2024 and it is found that you have encroached the Govt. land without obtaining permission from this Department. As a result of which you have been made yourself liable to prosecution under W.B Highway Act 1964 Section-10, Sub Section-01

So, you are hereby noticed to remove the aforesaid illegal encroachment within 2 (Two) days from the date of receipt of this notice, failing which necessary action will be taken against you on the basis of the W.B Highway Act 1964 Section-10, Sub Section- 02.

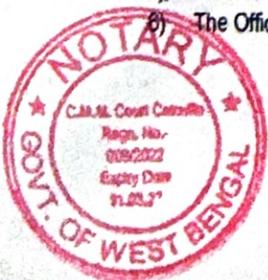
Sd/- S. Sarkar
Executive Engineer,
Cooch Behar Highway Division
P.W. (Roads) Directorate.

Memo No. 1327(6)/1(6)

Date: 01.08.2024

Copy forwarded to-

- 1) The District Magistrate, Cooch Behar (J.M Section) for kind information.
- 2) The Sub Divisional Officer, Sadar Cooch Behar for kind information.
- 3) The Block Development Officer, Cooch Behar-II Development Block. For information and n/a.
- 4) The B.L.&L.R.O, Cooch Behar II, Pundibari for kind information
- 5) The Assistant Engineer, Cooch Behar Highway Sub Division-I for information and n/a
- 6) The Officer in Charge, Pundibari police station, for information and n/a.



Sd/- S. Sarkar
01.08.24
Executive Engineer,
Cooch Behar Highway Division
P.W. (Roads) Directorate.



GOVERNMENT OF WEST BENGAL
OFFICE OF THE BLOCK DEVELOPMENT OFFICER, COOCH BEHAR-II
 P.O. Pundibari, Dist. Cooch Behar, PIN- 736165, West Bengal
 Phone : (03582) 270890 Fax : (03582) 270221 email : bdo.coochbeharii@gmail.com

Memo No.: 2594

Date: 13/9/24

From: The Block Development Officer,
 Cooch Behar – II Development Block,
 Dist. – Cooch Behar

To: The Sub-Divisional Officer,
 Sadar, Cooch Behar

Subject: Report regarding removal of illegal encroachment at Kutipara, Baneswar.

Sir,

As per your order vide Order No. – 153, dated: 04/09/2024 and communication Memo No. – S/2954(4), dated: 04/09/2024, an attempt of evacuation of illegal encroachment was conducted at the Plot No. – 748 (L.R.) with Khatiyon No. – 398/3 of Kutipara Mouza (JL No. – 034), under Cooch Behar – II Development Block on 5th September, 2024 by the Block Administration with help of Police.

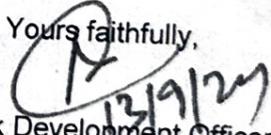
At the time of evacuation, we faced humongous agitation and protest of the local people along with shopkeepers and they created a serious law and order issue. They said in written that they will vacate their illegal occupation within one month, for this reason they were not evacuated forcibly on that day and they were given one month time for their removal voluntarily.

After one month, the matter will be investigated on the spot and necessary actions will be taken accordingly.

This is submitted to you for your information and for necessary action from your end.

Thank you.

Yours faithfully,


 Block Development Officer
 Cooch Behar – II Development Block

Enclosure:

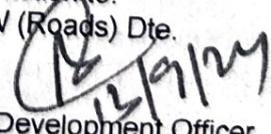
1. Written Report from Pundibari Police Station
2. Prayer letter of local people

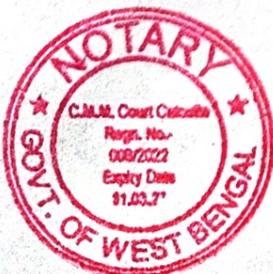
Memo No.: 2594/1(1)

Copy forwarded for information and with request to take necessary action to:

1. The Executive Engineer, Cooch Behar Highway Division, PW (Roads) Dte.

Date: 13/9/24


 Block Development Officer
 Cooch Behar – II Development Block



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To,
The BDO,
Cooch Behar II
Pundibari, Cooch Behar

Ref: Memo No. 2508 Dated- 09.09.2024.

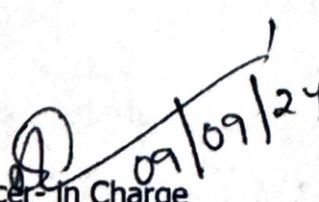
Sub: Information Note.

Sir,

With due respect I am to apprise you the following information:-

As per order of Sub- Divisional Officer, Sadar, Cooch Behar vide order No. 153 Dated- 04.09.2024 adequate forces and officers were deployed on 05.09.2024 at Kuthipara, Baneswar PS- Pundibari, Cooch Behar on duty of removal of unauthorized encroachments from Govt. Road side land. SDO, Sadar, Cooch Behar and BDO , Cooch Behar-II, Cooch Behar both were present at the spot. Myself along with force is also present at the spot. At the time of removal near about 300 people and the shop keepers of that area were agitated and opposed by giving threats of committing suicide, road blockade which may create a serious law and order in the area. Despite of several attempts made by SDO, Sadar, Cooch Behar and BDO, Cooch Behar- II the operation was in vain. At last the shop keepers submitted a prayer before the SDO, Sadar, Cooch Behar for providing them one month time. This refers to Pundibari PS GDE No. 255 Dated- 05.09.2024.

This is for favour of your kind information and perusal.


09/09/24
Officer-In Charge
Pundibari PS, Cooch Behar
Officer-In-Charge
Pundibari Police Station
Dist.-Cooch Behar

