

Serial No. dt. 28.03.25

IN THE BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA,
ORIGINAL APPLICATION NO.135 OF 2023/EZ
(Under Section 18(1) read with Sections 14, 15 of National Green
Tribunal Act. 2010)

In the matter of :
Mousri Jana
.....Applicant
-Versus-
The State of West Bengal & Ors.
.....Respondents

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28 MAR 2025

BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA,
ORIGINAL APPLICATION NO.135 OF 2023/EZ
(Under Section 18(1) read with Sections 14, 15 of National Green
Tribunal Act. 2010)

In the matter of :

Mousri Jana,
daughter of Mr. Nitai Jana
78/1, Baruipara Lane, Police
Station - Dakshineswar, Post
Office - Alambazar, Kolkata -
700035.

.....Applicant

-Versus-

1. The State of West Bengal,
service through the Principal
Secretary, Department of
Environment, Pranisampad
Bhawan, 5th Floor, Block LB-II,
Salt Lake, Sector - III,
Bidhannagar, Kolkata - 700106;
Email : psey.env-wb@gov.in

2. West Bengal Pollution Control
Board, service through the
Chairman, Paribesh Bhawan,
10A, Block - LA, Sector -III,
Bidhannagar, Kolkata - 700106.

Email: chrnmn.wbpcb-wb@bangla.Gov.in



28 MAR 2025

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

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

4. West Bengal Fisheries Department, service through the Secretary, having office at Benfish Tower, 8th Floor, 31, GN Block, Salt Lake, Sector -V, Kolkata - 700091.

Email : prsecy.fisheries@gmail.com

5. Block Land and Land Reforms Officer, Block - Canning-I, Post Office - Canning Town, Police Station - Canning, near Canning Bazar, Baruipur Canning Road, Malda, District - South 24 Parganas, PIN - 743329.

Email : bdocng12014@gmail.com

6. The Executive Officer, Canning-I Panchayat Samity, Canning, South 24 Parganas, Pin - 743329.

Email : sdocan@gmail.com



7. The Sub-Divisional Officer,
Canning, Canning-Basanti Road,
Matla, Post Office - Canning
Town, District - South 24
Parganas, West Bengal, Pin -
743329.

Email : sdocan@gmail.com

8. Pradhan, Canning -I, Gram
Panchayat, Post Office - Canning,
Police Station - Canning, PIN -
743329.

Email : sdocan@gmail.com

9. District Magistrate, South 24
Parganas, having office at
Alipore, South 24 Parganas,
Kolkata - 700027.

Email : dm.s24pgs@gmail.com

10. Secretary Land Reforms and
Revenue, Department of Land
Reforms, having office at
Nabanna, 325, Sarat Chatterjee
Road, Mandirtala, Shibpur,
Howrah - 711102.

Email : seclr@wb.gov.in

.....Respondents

11. Uttam Das,
son of Late Bihari Lal Das,



of Village - Mithakhali, Post Office - Canning Town, Police Station - Canning, Sub-Registry Office - Matla, District - South 24 Parganas, Pin - 743329.

12. Pallab Sardar, son of Pranab Sardar, of Village - Mithakhali, Post Office and Police Station - Canning, District - South 24 Parganas, Pin - 743329.

13. Ayan Sardar,
Son of Gopal Sardar, Nationality - Indian, by faith - Hindu, Profession - Business, of Village - Mithakhali, Post Office and Police Station - Canning, District - South 24 Parganas, Pin - 743329.

....Added Respondents

Additional Affidavit-in-Reply to the compliance Report by the District Magistrate, South 24 Parganas, Government of West Bengal.

I, Mousri Jana, daughter of Mr. Nitai Jana, aged about 28 years, by faith -Hindu, by Profession- Practicing Lawyer, residing at 78/1, Baruipara Lane, Police Station - Dakshineswar, Post Office - Alambazar, Kolkata - 700035, do hereby solemnly affirm and say as follows:-



1. That I have gone through the affidavit filed by the report of the District Magistrate dated 02.01.2025 and humbly submit that I repeat and reiterate that the work conducted by the concerned respondents are not at all to restore the ponds in its natural and ideal condition but just a deliberate false attempt to try to convince This Hon'ble Tribunal that work has been finished which is not the situation.

2. That the matter was filed by the petitioner to address the problem of ecological impacts of indiscriminate filling up of ponds/Beels (Larger Ponds) making a natural water channel mainly in and around the Matla River and partially also of Vidhyadhari River which is a contributory River to Matla River.

3. That on 21st October, 2024 the Block Land and Land Reforms Officer, Canning -I vide Memo No.3259/SDO/CNG as well as Block Development Officer vide Memo No.2541/BDO/CNG-I dt. 22nd October, 2024 stated that some plot in an around that area has been restored but some of them could not be completed due to different reason.

4. However, in the 3rd and final compliance report dated 02.01.2025 it is mentioned that all 6 plots being LR Plot No.4575, 4578, 4572, 4565, 4566 & 4546 has now been completely restored to there original nature and character.

5. Your Petitioner states that the extent of the work is ascertainable and your petitioner is attaching some photographs which shall show the extension of work and the perfunctory actions taken by the respondents.



The photographs of the excavation done is annexed hereto as Annexure "A".

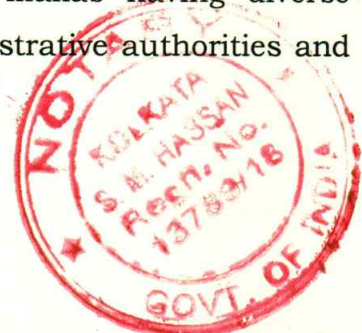
6. That from the photographs attached here by your petitioner it can be clearly seen that in the name of the restoration the respondent Government authorities has done perfunctory work and to hoodwink this Hon'ble Tribunal efforts has been made and some shallow excavation has been done.

7. The interconnection of the pond is a sine qua none as your petitioner has already stated that the downward stream of the already filled up the Rivers cause inundation of the entire area at the time of monsoon and this ponds/beels which were interconnected was natural water disperser of canning-I area, which has been clogged by indiscriminate filling up of natural water resources, such as the ponds and Beels (Larger ponds) for which the ecological balance of the area has already been destroyed.

8. That short sided and lackadaisical work of the District Magistrate and Block Land and Land Reforms Officer and Block Development Officer has not at all address the problem and it will take only 2 to 3 days to fill up those ponds/beels through an excavator and an entire area will be inundated in the monsoon season.

9. That the persons responsible are land mafia's in the area filling up ponds. They will change the nature of the land anytime they may find any opportunity.

10. That the respondent authorities are unwilling to do proper work due to various pressures from local land mafias having diverse connections in almost every sphere of administrative authorities and



unless the excavations are done properly the nature and natural resources of the area shall be in severe ecological imbalance.

11. That as per the direction of the Learned Tribunal the petitioner filed this exception to the compliance Report by the District Magistrate, South 24 Parganas, Government of West Bengal in the form of affidavit which was already served before the Learned Advocate appearing on behalf of the respondents.

Photostat copy of the order dated 27.02.2025 and the copy of the Email sending report are annexed hereto and collectively marked as annexure "B".

12. That the statements made in paragraph No.1 to 8 are knowledge and rest are my humble submission before this Learned Tribunal.

Prepared in my office

Tarunta Guiray
Advocate

Mousri Jana
DEPONENT

Identified by me :

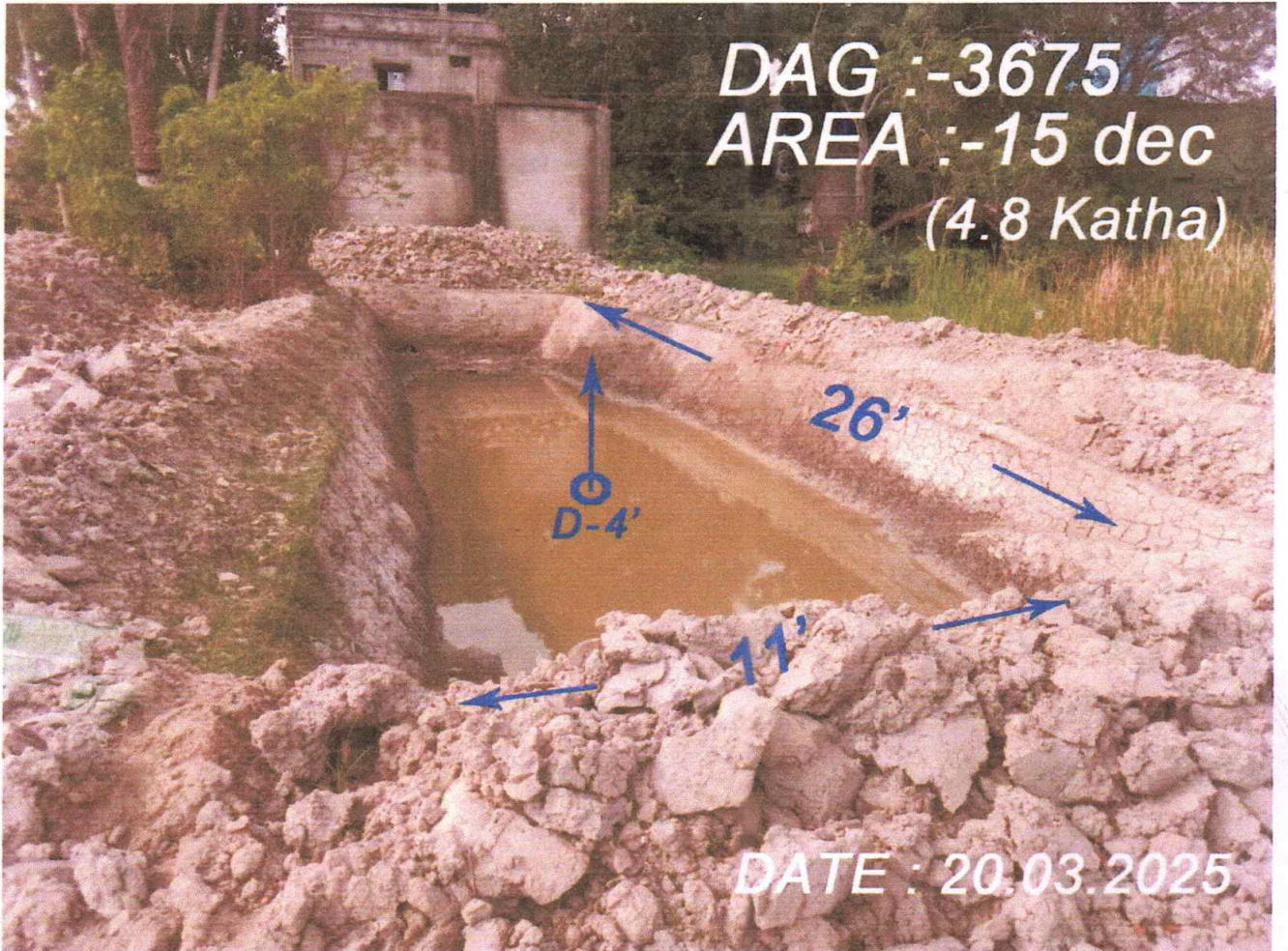
Tarunta Guiray
Advocate

SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME ON IDENTIFICATION

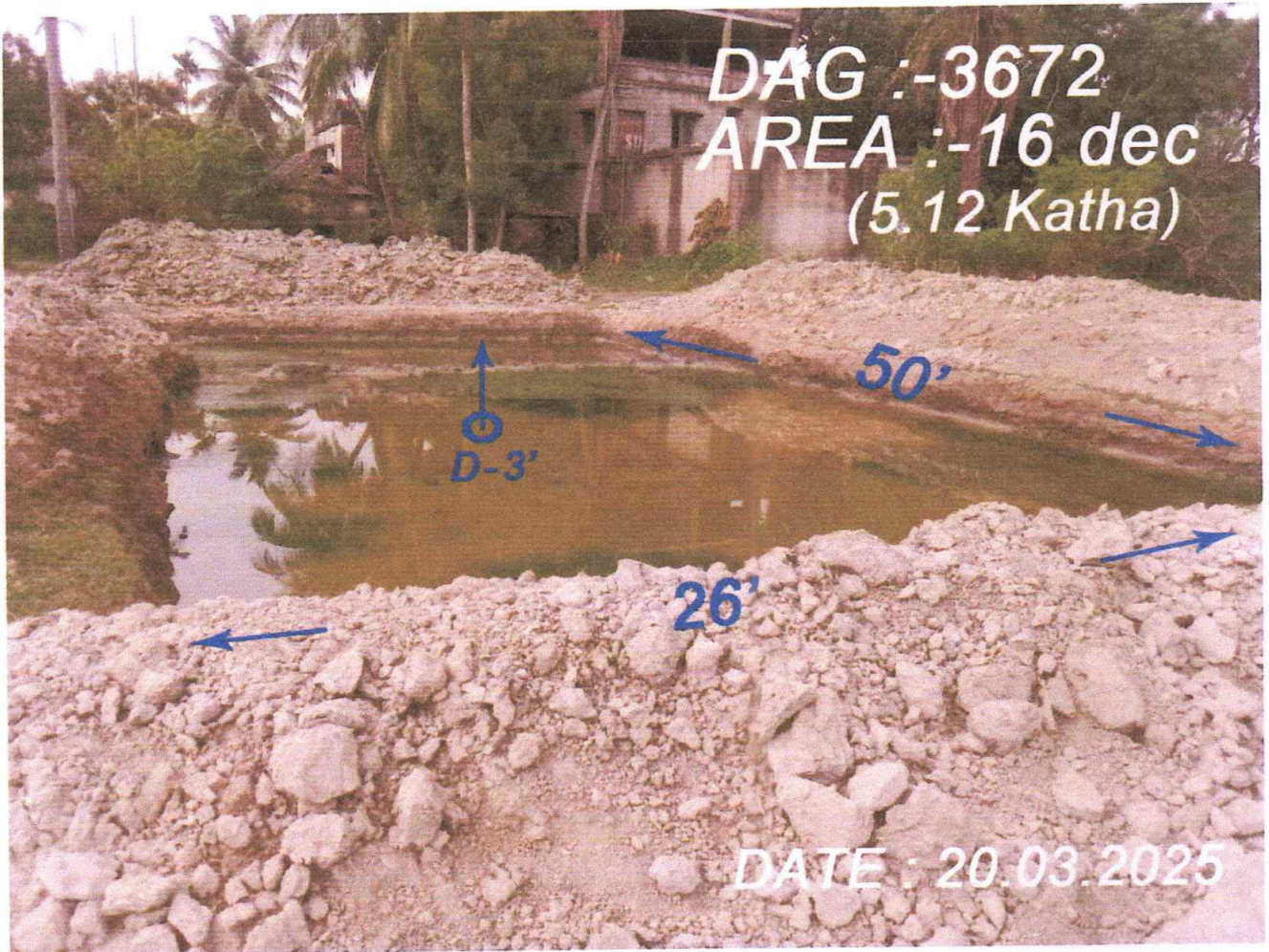
S. M. Hassan
S. M. HASSAN
NOTARY

28 MAR 2025





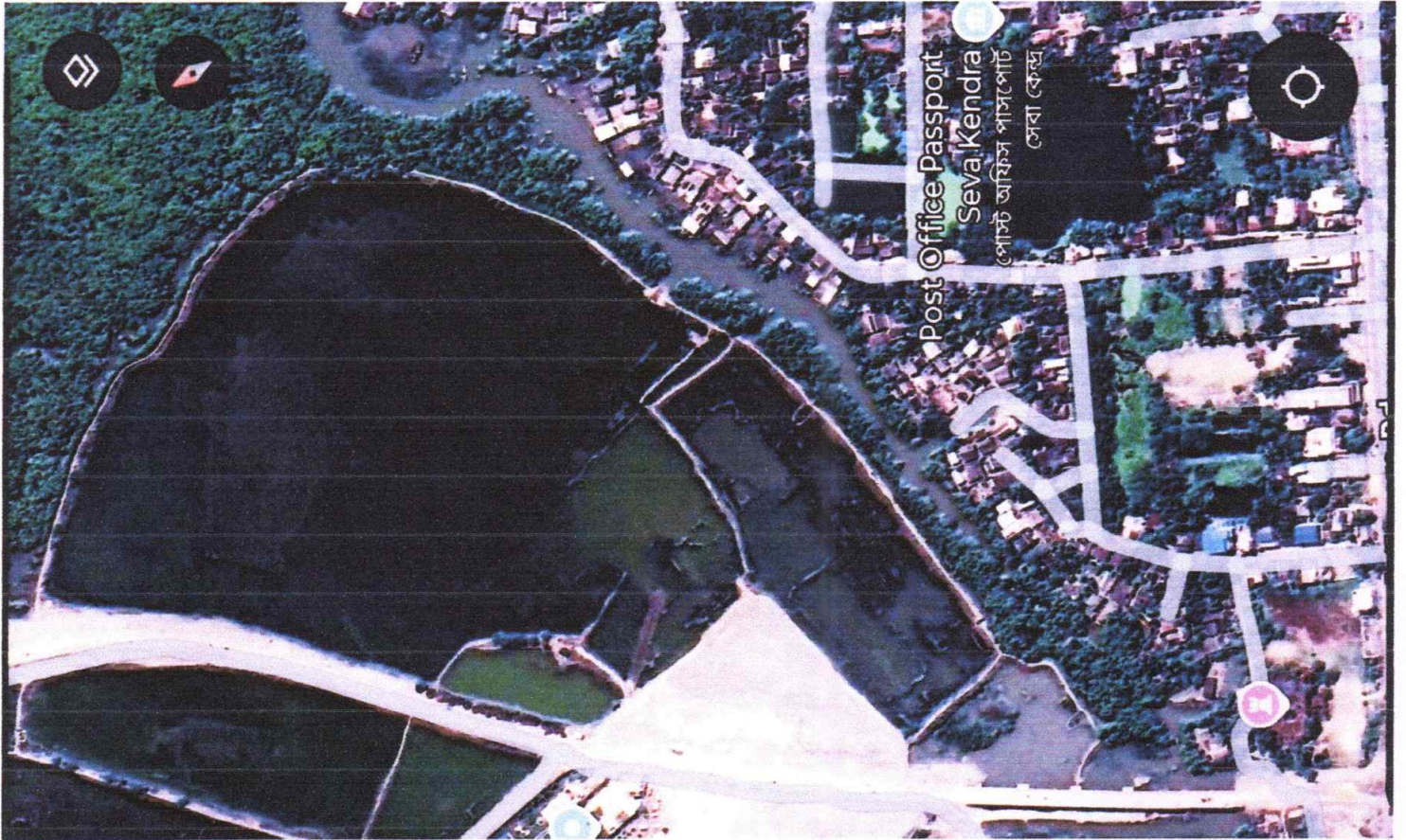
'9'



10'



11)



Item No.05:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

[Through Physical Hearing (Hybrid Option)]

Original Application No.135 of 2023 (EZ)

IN THE MATTER OF:

Mousri Jana.

...Applicant(s)

Versus

State of West Bengal & Ors.

...Respondent(s)

Date of hearing: 24.02.2025.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. ARUN KUMAR VERMA, EXPERT MEMBER



For Applicant(s): Mr. Soumya Dasgupta, Adv.

For Respondent(s): Mr. Nayan Chand Bihani, Sr. Adv. a/w.
Mr. Rajib Ray, Adv. for R-1, 4, 5, 7, 9 & 10.
Mr. Dipanjan Ghosh Adv. for R-2 & 3.

ORDER

1. The applicant has filed his reply affidavit dated 17.01.2025 to the compliance report of the District Magistrate, contending that whatever the work done is superficial and inadequate.

2. According to him, originally, the interconnected ponds were 8 to 10 feet deep, naturally dispersing excess water during monsoons. However, the excavation appears to be only 2 to 3 feet deep, failing to reinstate the ponds' original function.



3. The learned Senior Advocate appearing for the State of West Bengal would deny the same and seek further time to give his reply along with photographs. The reply to be filed shall include details of the pond's original capacity before excavation, its present capacity, water spread area, etc.

4. The learned Senior Advocate appearing for the State of West Bengal also points out that the replication by the applicant is only with respect to the affidavit/report filed by the Sub Divisional Officer dated 22.10.2024, while it does not take into account the subsequent report dated 02.01.2025, wherein photographs have also been attached.

5. Let the applicant also go through the affidavit dated 02.01.2025 and give his reply to the same before the date of next hearing.

6. Post the matter on **02.04.2025**.



Smt. Justice Pushpa Sathyanarayana, JM

Dr. Arun Kumar Verma, EM

O.A. No.135/2023 (EZ)
24th February, 2025. Mn.



TANUTA GURAY
Advocate
High Court, Calcutta
Bar Association Room No.16

Residence & Chamber :
4/2B, Raja Rajendra Lal Mitra
Road, Kolkata – 700085
(M) : 9874456180
Email : tanutaguray83@gmail.com

Date : 28.03.2025

- To
1. Mr. Nayan Chand Bihani,
Senior advocate,
High Court, Calcutta
 2. Mr. Rajib Ray
Advocate
 3. Mr. Dipanjan Ghosh
Advocate
 4. The District Land and Land Reforms
Officer, South 24 Parganas
 5. Masud Karim
Advocate
High Court, Calcutta

Sub : **Original Application No.135 of 2023/EZ**
Mousri Jana
.....Applicant
- Versus -
The State of West Bengal & Ors.
.....Respondents

Respected Sir,

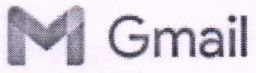
Enclosed please find herewith a scan copy of the Additional Affidavit-in-Reply to the compliance Report by the District Magistrate, South 24 Parganas, Government of West Bengal along with all annexures are annexed herewith which will be taken up before The Learned National Green Tribunal, or soon thereafter as and when the business of the Learned Tribunal permits.

Thanking you,

Yours faithfully

Tanuta Guray
Advocate





Tanuta Guray <tanutaguray83@gmail.com>


Additional Affidavit-in-Reply

1 message

Tanuta Guray <tanutaguray83@gmail.com>

Fri, Mar 28, 2025 at 3:55 PM

To: "dllro.s24pgs@gmail.com" <dllro.s24pgs@gmail.com>, nayanbihani bihani <nayanbihani@gmail.com>, dpnjngsh0@gmail.com, "Rajib Ray, Advocate" <rajib.ray.official23@gmail.com>, "masud.karim.1000@gmail.com" <masud.karim.1000@gmail.com>

 Tanuta Guray Mousri Jana.pdf
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28 MAR 2025