

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

I. A. No. 41 of 2025

IN

ORIGINAL APPLICATION No.32/25/EZ

In the matter of:

Biswajit Dutta Choudhury

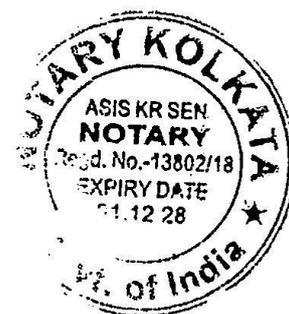
...Applicant

-Versus-

The State of West Bengal & Ors.

...Respondents

AN APPLICATION FOR DISMISSAL OF THE ORIGINAL APPLICATION



**SHIVAM BHIMSARIA,**  
Advocate,  
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Kolkata- 700027  
Mob:-9674518609  
[advshivambhimsaria@gmail.com](mailto:advshivambhimsaria@gmail.com)  
Enrolment No. F/473/2020

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

SIA KAMAKHYA DEVELOPERS  
PARTNER

FILED BY  
Advocate

I. A. No. of 2025

IN

ORIGINAL APPLICATION No.32/25/EZ

In the matter of:

Biswajit Dutta Choudhury

...Applicant

-Versus-

The State of West Bengal & Ors.

...Respondents

**AN APPLICATION FOR DISMISSAL OF THE ORIGINAL APPLICATION**

**I N D E X**

SL. No.	Particulars	Annexure	Page No.
1.	Application for dismissal of the original application.		1-28
2.	Copy of the newly opened LR Khatian No.269 & 277.	"A"	29-30
3.	Copy of the said Conversion Certificate dated 10 <sup>th</sup> December 2021 and 13 <sup>th</sup> January, 2023.	"B"	30-36
4.	Copy of the Public Interest Litigation being WPA No. 426 of 2024 filed before the Hon'ble High Court, Calcutta.	"C"	37-82
5.	Copy of the details of the Case Status as obtained from the respective portals of the Hon'ble High Court, Calcutta and this Hon'ble Tribunal.	"D"	83-84
6.	Copy of the order dated 2 <sup>nd</sup> January, 2025 as passed by the Hon'ble High Court, Calcutta in WPA (P) No. 426 of 2024.	"E"	85-90
7.	Copy of the Building Permit obtained by the Respondent No. 12.	"F"	91

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

MAHAKHILA DEVELOPERS  
Ditin Agastya  
PARTNER

FILED BY  
Shivani  
Advocate

I.A. No. of 2025

IN

ORIGINAL APPLICATION No. 32/25/EZ

In the matter of:

Biswajit Dutta Choudhury, son of  
Birendra Dutta Choudhury, aged  
about 58 years, residing at Pabitra  
Nagar Colony, Jalpaiguri, Pin-  
735101 and also the Secretary of  
Paribesh O Aamra, Jalpaiguri,  
Ukilpara, District- Jalpaiguri, Pin-  
735101.

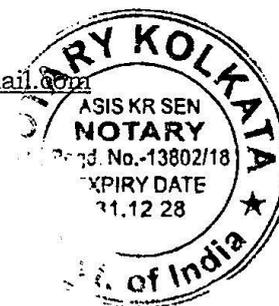
E-mail ID: [Bisu6782@gmail.com](mailto:Bisu6782@gmail.com)

.... Applicant

-Versus-

1. The State of West Bengal, service  
through the Additional Chief  
Secretary, Department of  
Environment, Prani Sampad  
Bhawan, 5<sup>th</sup> Floor, Block-LB-II, Salt  
Lake, Sector-III, Bidhannagar,  
Kolkata-700098.

E-mail ID: [acsenvwb@gmail.com](mailto:acsenvwb@gmail.com)



MAA KAMAKHYA DEVELOPERS  
*Vitin Agnew*  
 PARTNER

FILED BY  
*Shivam*  
 Advocate

Additional Chief Secretary,  
 Department of Environment, Prani  
 Sampad Bhawan, 5<sup>th</sup> Floor, Block-  
 LB-II, Salt Lake, Sector-III,  
 Bidhannagar, Kolkata-700098.

E-mail ID: [psecy.env-wb@gov.in](mailto:psecy.env-wb@gov.in)

3. Chief Environment Officer,  
 Department of Environment, Prani  
 Sampad Bhawan, 5<sup>th</sup> Floor, Block-  
 LB-II, Salt Lake, Sector-III,  
 Bidhannagar, Kolkata-700106.

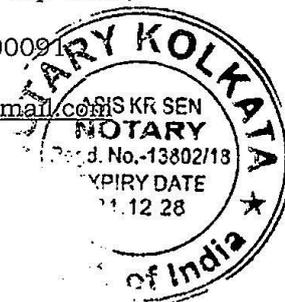
E-mail ID: [environmentwb@gmail.com](mailto:environmentwb@gmail.com)

4. Member Secretary, West  
 Bengal Pollution Control Board,  
 Paribesh Bhawan, Plot No. 10A,  
 Block No.LA, Sector-III,  
 Bidhannagar, Kolkata-700106.

E-mail ID: [ms.wbpcb-wb@bangla.gov.in](mailto:ms.wbpcb-wb@bangla.gov.in)

5. Director, State Water  
 Investigation Directorate, West  
 Bengal, Nirman Bhawan, Top Floor,  
 Salt Lake City, Kolkata-700091

E-mail ID: [directorswid@gmail.com](mailto:directorswid@gmail.com)



MAA KAMAKHYA DEVELOPERS

6. *Nitin Agastha*  
PARTNER

West Bengal Wetland

FILED BY  
*Jivraj*  
Advocate

Authority, service through the Member Secretary, Department of Environment, Government of West Bengal, having its office at 5<sup>th</sup> Floor, Prani Sampad Bhawan, Block-LB-III, Salt Lake, Sector-II, Bidhannagar, Kolkata-700106.

E-mail ID: [ctockwma@gmail.com](mailto:ctockwma@gmail.com)

7. The District Magistrate, Jalpaiguri, having its office at P.O. & District- Jalpaiguri, Pin-735101.

E-mail: [dm-JIP@gmail.com](mailto:dm-JIP@gmail.com)

8. The Superintendent of Police, Jalpaiguri, having its office at P.O. & District- Jalpaiguri, Pin-735101.

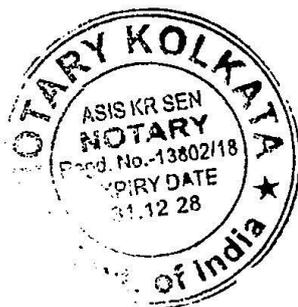
Email: [spjgwb@gmail.com](mailto:spjgwb@gmail.com)

9. The Chairman, Jalpaiguri Municipality, having its office at P.O. & District- Jalpaiguri, Pin-735101.

Email:

[Jalpaigurimunicipality@gmail.com](mailto:Jalpaigurimunicipality@gmail.com)

10. Regional Director, Central Ground Water Board, Eastern Region office at Bhujalika, C.P.



MAA KAMAKHYA DEVELOPERS  
 Block-6, Sector-V, Bidhannagar,  
 Kolkata, West Bengal- 700091,  
 Email: [rder-cgwb@nic.in](mailto:rder-cgwb@nic.in)

FILED BY  
 Advocate

11. Ashoke Jindal, resident of  
 Lichutola, Dinbazar, Jalpaiguri, Pin-  
 735102.

12. M/s. Maa Kamakkha  
 Developer, Partner Mr. Sanjay  
 Singhanian, son of Sankar Lal  
 Singhanian, having its office at Model  
 Town, Haidar Para, P.O. & P.S.  
 Bhakti Nagar, District- Jalpaiguri,  
 West Bengal-735101.

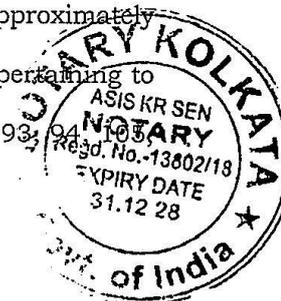
... Respondents

**AN APPLICATION FOR DISMISSAL OF THE ORIGINAL APPLICATION**

The humble application on behalf of  
 the respondent no. 12 most  
 respectfully

S H E W E T H:

1. The subject original application has been filed challenging the inaction on the part of the respondent authorities concerned for not taking any measures to take steps to stop the construction of the allegedly illegally constructed boundary wall on approximately 8 acres of land including 2.32 acres of vested land appertaining to Plot Nos. 256, 270 and 274 and R.S. Nos. 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



MAHAKAMALAKSHYA DEVELOPERS  
Nitin Agrawal  
PARTNER

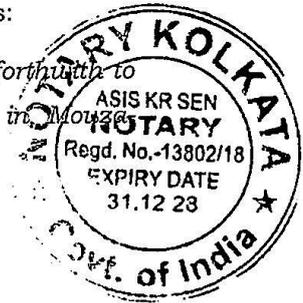
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Shirani  
Advocate

734, 735, 736, 737, R.S. Sheet No. 13 of Mouza Kharia and the sluice gate blocked by the private respondent nos. 11 and 12.

2. The said original application has been filed by one, Biswajit Dutta Choudhury, son of Birendra Dutta Choudhury, presently residing at Pabitra Nagar Colony, Jalpaiguri- 735101. It is pertinent to mention herein that the applicant is associated with a NGO/ Welfare Organization, namely, Paribesh O Aamra Jalpaiguri, situated in Pabitra Nagar Colony, Jalpaiguri- 735101. On perusal of the instant application, the respondent no. 12 states that the same has been filed by suppressing material facts. The applicant claims himself to be a social worker, who has raised various issues of public importance regularly. However, the applicant has not disclosed his locus standi in the instant original application filed by the applicant sometime in the month of December, 2024. The applicant has neither disclosed his credentials, the prima facie correctness or nature of the information produced by the applicant. The applicant has failed to highlight which issues of public importance have been raised by the applicant in Jalpaiguri- for the interest of the public at large. The said information rendered by the applicant is malafide, false, indefinite, vague and reeks of malafide intent. The applicants' application is vitiated by oblique motives and should be dismissed with exemplary costs without delving into the merits of the instant original application.

3. The applicant has filed this instant Original Application, being O.A. No. 32 of 2025, inter alia, praying for the following reliefs:

- a) To direct the concerned respondent authorities to forthwith to stop the illegal construction of boundary wall in Mouza



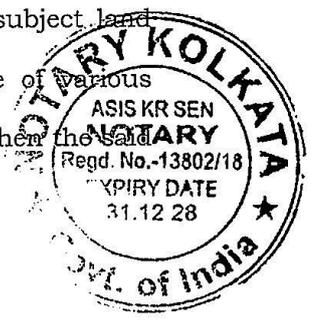
MAHAKHYA DEVELOPERS  
 P. D.  
 PARTNER

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 Thirupathi  
 Advocate

Kharia Sheet No. 81, (L.R.) R. Plot Nos. 256, 270, 274 in area of 2.32 acres and Mouza- Kharia, Sheet No. 13, R.S. Plots No. 90, 91, 92, 93, 94, 105, 734, 735, 736 and 737 and sluice gate which was blocked by the private respondent Nos. 11 and 12;

- b) To direct the concerned respondent authorities to stop the illegal construction of boundary wall in Mouza- Kharia Sheet No. 81 (L.R.), L.R. Plot Nos. 256, 270, 274 in area of 2.32 acres and Mouza- Kharia, Sheet No. 13, R.S. Plots No. 90, 91, 92, 93, 94, 105, 734, 735, 736 and 737 and sluice gate which was blocked by the private respondent Nos. 11 and 12.
- c) To direct the concerned respondent authorities to refrain from the construction of boundary wall by the private respondent;
- d) To direct the concerned respondent authorities to restore the property to its original position;
- e) To direct the concerned respondent authorities to undertake all necessary measures to see that there is no construction of any illegal construction of boundary wall in Mouza- Kharia Sheet No. 81 (L.R.), L.R. Plot Nos. 256, 270, 274 in area of 2.32 acres being vested land and Mouza- Kharia, Sheet No.13, R.S. Plots No. 90, 91, 92, 93, 94, 105, 734, 735, 736 and 737 and sluice gate which was blocked by the private respondent Nos. 11 and 12;
- f) To direct the concerned respondent authorities to comply and/or act in accordance with the provisions of the Water (Prevention and Control) Act and other pollution laws.
- g) To direct the concerned respondent authorities to take steps and/or initiate legal proceedings in accordance with law against the polluters to protect the environment;
- h) To pass such other order or orders, direction or directions as this Hon'ble Tribunal may deem fit and proper to protect and preserve the environment and for the ends of justice.

4. The respondent no. 12 further states that the said subject land was purchased by the respondent no. 12 by virtue of various registered deeds, sometime in the year 2021 - 2022, when the said



MAHAKAMAKHYA DEVELOPERS  
 Anshu Agrawal  
 PARTNER

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 Anshu Agrawal  
 Advocate

land premises was recorded as 'Dahala' meaning Agricultural Land in the Record of Rights, sometime in the year 1956-1958, maintained by the Land and Land Reforms Department and after such purchase of the said subject land by the respondent no. 12, the respondent no. 12 applied for mutation of the said land before the concerned authority, Government of West Bengal in accordance to West Bengal Land Reforms Act, 1955. The said concerned authority conducted physical inspection and after verification of the documents on record allowed mutation and opened a new L.R. Khatian being no. 269 & 277 in the name of Respondent No.12. A copy of the newly opened LR Khatian No.269 & 277 is annexed hereto and marked as Annexure-"A".

5. Thereafter, the Respondent No.12 applied for conversion of the said land from 'Dahala' to 'Housing Complex' under Section 4C of the West Bengal Land Reforms Act, 1955 before the Collector.
6. Upon perusal of the said application for conversion as applied for by the respondent no. 12, the Collector by an order dated 10<sup>th</sup> December 2021 and order dated 13<sup>th</sup> January, 2023, passed under Section 4C of the West Bengal Land Reforms Act, 1955, approved such conversion of the land from 'Dahala' to 'Housing Complex'. A copy of the said Conversion Certificates and/or orders as passed by the Collector dated 10<sup>th</sup> December 2021 and 13<sup>th</sup> January, 2023 is annexed hereto and collectively marked as Annexure-"B".
7. It is pertinent to state herein that the petitioner is seeking to assail the said order of the Collector dated 10<sup>th</sup> December, 2021 and 13<sup>th</sup> January, 2023 passed under Section 4C of the West Bengal Land Reforms Act, 1955.

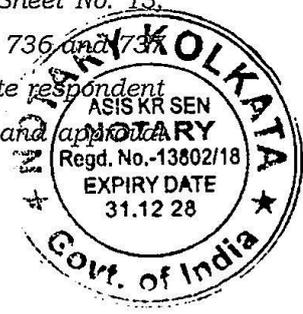


MAHAKAMAKHVA DEVELOPERS  
 PARTNER  
 PARTNER  
 FILED BY  
 Advocate

Reforms Act, 1955 before this Hon'ble Tribunal. Furthermore, it is submitted the applicant herein has suppressed material facts i.e. the order of conversion passed by the Collector under Section 4C of the West Bengal Land Reforms Act, 1955, approving such conversion in order to mislead this Hon'ble Tribunal and pollute the stream of justice.

8. It is imperative to mention herein that the applicant herein is the secretary of an NGO being Paribesh O Aamra Jalpaiguri. The said NGO through its President, Jyoti Prosad Roy, had also filed a Public Interest Litigation being WPA (P) No. 426 of 2024 on 25<sup>th</sup> September, 2024, before the Hon'ble High Court, Calcutta, inter alia, praying for the following reliefs:

- a) *A writ in the nature of mandamus be issued commanding the respondent and/or each of them specifically the respondent no. 10, 11 and 12 for taking positive step for to investigate into the matter and prayer for dismantling the illegal construction of boundary wall in Mouza- Kharia Sheet No. 81, (L.R.), L. R. Plot Nos. 256, 270, 274 in area of 2.32 acres and Mouza- Kharia, Sheet No. 13, R.S. Plots No. 90, 91, 92, 93, 94, 105, 734, 735, 736 and 737 and sluice gate which was blocked by the private respondent Nos. 13 and 14;*
- b) *A writ in the nature of mandamus be issued commanding the respondent and/or each of them specifically the respondent no. 10, 11 and 12 to consider the representation dated 18.07.2024 and 19.07.2024 made by the petitioner for positive step to investigate into the matter and prayer for dismantling the illegal construction of boundary wall in Mouza- Kharia Sheet No. 81 (L.R.), L.R. Plot Nos. 256, 270, 274 in area of 2.32 acres and Mouza- Kharia, Sheet No. 13, R.S. Plots No. 90, 91, 92, 93, 94, 105, 734, 735, 736 and 737 and sluice gate which was blocked by the private respondent Nos. 13 and 14 and to cancel the illegal deeds and approvals*



MAHAKAKHYA DEVELOPERS  
 PARTNER  
 Anil Kumar  
 Anil Kumar

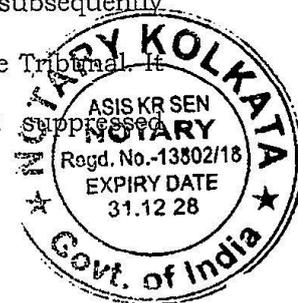
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 Anil Kumar  
 Advocate

of construction work by the private respondents and save for the welfare of the common people of Jalpaiguri District at large;

- c) A writ in the nature of certiorari be issued directing the respondent authority to transmit the records of the case and to certify the same so that conscionable justice may be done to the nation;
- d) Any other appropriate writ(s), order(s) and/or direction(s);
- e) Rule NISI in terms of prayers (a), (b) and (c) above;
- f) Ad interim order do issue directing the respondent no. 13 and 14 and their associates to stop the illegal construction of work of the water bodies under Mouza- Kharia Sheet No. 81 (L.R.), L.R. Plot Nos. 256, 270, 274 in area of 2.32 acres being vested land and Mouza- Kharia, Sheet No13, R.S. Plots NO. 90, 91, 92, 93, 94, 105, 734, 735, 736 and 737;
- g) Make the Rule absolute;
- h) Costs of and incidental to this application;
- i) Such other or further order(s) and/or direction(s) as this Hon'ble Court may deem fit and proper;

It is thus stated that the applicant herein and the petitioner before the Hon'ble High Court, Calcutta is from the same organization being Paribesh O Aamra, Jalpaiguri, sharing the same interest and cause. A copy of the said Public Interest Litigation being WPA No. 426 of 2024 filed before the Hon'ble High Court, Calcutta is annexed hereto and marked as Annexure-"C".

9. The said Public Interest Litigation being WPA (P) No. 426 of 2024 was filed by the applicant on 25<sup>th</sup> September, 2024, before the Hon'ble High Court, Calcutta, which is prior to filing of this instant application on 19<sup>th</sup> December, 2024 which was subsequently registered on 18<sup>th</sup> February, 2025; before this Hon'ble Tribunal. It is pertinent to mention here that the applicant



MAHARAJA DEVELOPERS

Dhir Agastya  
PARTNER

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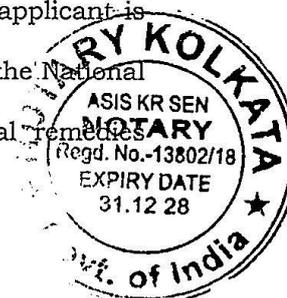
Dhir Agastya  
Advocate

pendency of the WPA (P) No. 426 of 2024 at the time of filling original application before this Hon'ble Tribunal. The details of the Case Status as obtained from the respective portals of the Hon'ble High Court, Calcutta and this Hon'ble Tribunal are annexed hereto and collectively marked as Annexure-"D".

10. The instant Public Interest Litigation was taken up by the Hon'ble Chief Justice of the High Court, Calcutta on 2<sup>nd</sup> January, 2025, wherein the Hon'ble Court was pleased to observe the following:
- "1. The petitioner alleges that a land has been illegally used for the purpose other than being maintained as a water body.*
  - 2. The Learned Advocate appearing for the private respondent submitted that an order has been passed by the Collector under Section 4C of the West Bengal Land Reforms Act, 1955 dated 13<sup>th</sup> January, 2023 by which conversion has been approved.*
  - 3. As long as the order for conversion remains, the question of issuing a direction as sought for in the writ petition does not arise.*
  - 4. Hence, this writ petition stands dismissed."*

A copy of the said order dated 2<sup>nd</sup> January, 2025 as passed by the Hon'ble High Court, Calcutta in WPA (P) No. 426 of 2024 is annexed hereto and marked as Annexure-"E".

11. It is further stated that the applicant is abusing the process of law and seeking to agitate the issues which have already been decided under the West Bengal Land Reforms Act, 1955. The applicant is malafidely seeking to espouse a cause of action under the National Green Tribunal Act, 2010, without availing the legal remedies

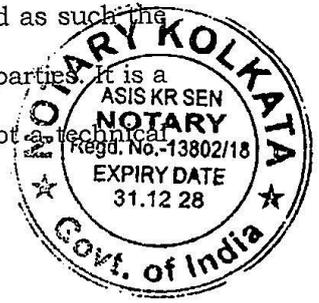


MAA KAKHVA DEVELOPERS  
Dipin Biswas  
PARTNER

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Dipin Biswas  
Advocate

available under which the conversion was approved for the said land. It is further stated that the respondent no. 12 has obtained the necessary conversion certificates under Section 4C of the West Bengal Land Reforms Act, 1955, to make construction in the said land premises and as such after scrutiny by the municipal authorities, a valid Building Permit dated 03<sup>rd</sup> January, 2025 was issued by the Jalpaiguri Municipality under Rule 21 of the West Bengal Municipal (Building) Rules, 2007, which sanctioned proposed building plans. The respondent no. 12 has obtained relevant statutory permissions and/or approvals from the concerned authorities and the respondent no. 12 is in compliance with all environmental norms. A copy of the said Building Permit dated 03<sup>rd</sup> January, 2025 is annexed hereto and marked as Annexure-“F”.

- 12. The respondent no. 12 further reserves it right to file its Counter Affidavit, if necessary, to deal with the averments made in the instant application, on merits.
- 13. It is further stated that the instant application is barred by res judicata, issue estoppel, cause of action estoppel and principles analogous thereto as the same cause of action was agitated by the same organization/NGO before the Hon'ble High Court, Calcutta and the instant lis cannot be re-opened in subsequent proceedings. It is pertinent to mention herein that the applicant has not preferred an appeal from the order dated 02<sup>nd</sup> January, 2025 passed by the Hon'ble High Court, Calcutta and as such the same have attained finality and is binding upon the parties. It is a well settled proposition in law that res judicata is not a technical

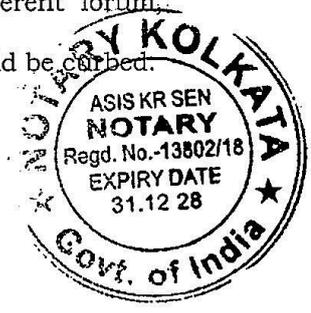


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AA KAMAKHYA DEVELOPERS  
Nitin Agrawal  
PARTNER

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Jivraj  
Advocate

rule but a doctrine founded on public policy to ensure finality in judicial decisions and to prevent vexation of parties with the same litigation repeatedly. The issues as raised by the applicant before this Hon'ble Tribunal has already been agitated before the Hon'ble High Court, Calcutta and as such the applicant cannot have a second bite at the cherry by approaching this Hon'ble Tribunal on similar cause of action and identical issues. In a catena of judgments, passed by the Supreme Court of India, it has been held that the doctrine of res judicata applies to public interest litigations as well, to prevent the abuse of process by successive litigations under the garb of the public interest by merely changing the name of the person preferring the instant application.

- 14. It is stated that the conduct of the applicant demonstrates a classic case of forum shopping and as such this instant original application lacks merit and is liable to be dismissed both on procedural grounds and on substance. The conduct of the applicant clearly demonstrates that while pendency of the consideration of the Public Interest Litigation being W.P.A. (P) No. 426 of 2024, filed in the month of September of 2024 and this instant application was parallelly filed before this Hon'ble Tribunal in the month of December, 2024, depicting a clear attempt to pursue two different forums simultaneously for the same grievances. It is a well settled proposition of law that the re-agitating issues which have already been decided between the self same parties, by masquerading approaching a different forum constitutes an abuse of the judicial process that should be curbed.

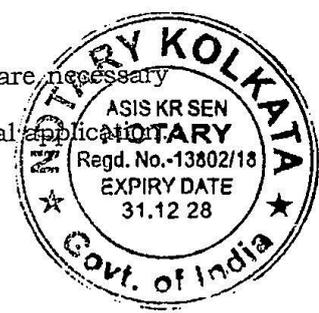


SHRIMATI KAMAKHYA DEWLEBERS  
Dhruv Agrawal  
PARTNER

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Dhruv Agrawal  
Advocate

15. It is submitted that the applicant has suppressed material facts for the adjudication of the instant application such as the conversion certificates dated 10<sup>th</sup> December, 2021 and 13<sup>th</sup> January, 2023 and the proceedings filed before the Hon'ble High Court, Calcutta and pursuant to such suppression, the applicant has by misleading this Hon'ble Tribunal, obtained an order dated 20<sup>th</sup> February, 2025 from this Hon'ble Tribunal, wherein this Hon'ble Tribunal was pleased to constitute a committee to inspect the site in question and submit its report within four weeks and direct issuance of notice to the respondents in the instant application. It is a rule of law that the party who approaches a court must come with clean hands and disclose all material facts necessary for adjudication of the case. Such suppression itself warrants for dismissal of the instant original application in limine. It has been decided by the Supreme Court of India, in a catena of judgments, such litigants who by concealment of material facts or by attempting to mislead a court into passing orders, are entitled to any relief under law. It is respectfully submitted that by filing the above original application, the applicant essentially seeks to invite this learned Tribunal to sit in appeal over the order dated 2<sup>nd</sup> January, 2025 passed by the High Court in WPA (P) No. 426 of 2024. Such act of the applicant is in violation of the principle of comity and would result in conflicting decisions on the same subject matter. In light of the above, the original application is liable to be dismissed in limine.

16. The applicant has suppressed material facts which are necessary for proper adjudication of issues in the instant original application.

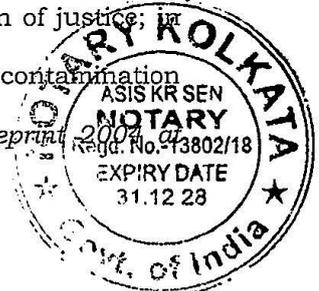


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Dhan Agnwal  
PARTNER  
MAA LAMAKHYA DEVELOPERS

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Dhan Agnwal  
Advocate

Such suppression of material facts calls for dismissal of the instant original application on such ground alone. The applicant has approached this Hon'ble Tribunal with unclean hands and the most sagacious judgments of the Hon'ble Courts define fraud as an act of deliberate deception with the design of securing something by taking unfair advantage of another. Such suppression is a sort of cheating intended to gain advantage. In the matter of **S.P. Chengalvaraya Naidu v. Jagannath & Ors. 1994 (1) SCC 1** (paragraphs 1, 5 and 6), **A.V. Papayya Sastry & Ors. v. Govt. of A.P. & Ors. 2007 (4) SCC** (paragraphs 21-33), **K.D. Sharma v. Steel Authority of India & Ors. 2008 (12) SCC 481** (paragraphs 26 -28 and 34-52) and **Dalip Singh v. State of Uttar Pradesh & Ors. 2010 (2) SCC 114** (paragraphs 1-9), it has been held by the Supreme Court, that any litigant who approaches the Courts is bound to produce all documents relevant, material and germane to the litigation. Non-production or non-mentioning or with holding a vital document in order to gain an advantage on the other side tantamounts to playing fraud on the Court as well as the opposite party. It is further submitted that there is no frank and candid disclosure of the relevant and material facts or that the respondents are guilty of misleading this Court and the original application is liable to be dismissed. In fact, the Courts have gone to the extent of saying that in such circumstances, a Court may refuse to enter into the merits of the case. In such situations, the aid of the Court is denied in order to maintain respect for the law; in order to promote confidence in the administration of justice; in order to preserve the judicial process from contamination

(Miscellany-at-Law by R.E. Megarry, 2nd Indian Reprint 2004)



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Advocate

page-144). The rule has evolved in public interest to deter unscrupulous litigants from abusing the process of Court by deceiving it. In the facts and circumstances aforesaid and in the light of the prayers in the instant application, it is further submitted that the respondents are guilty of misleading the Court and have deliberately, intentionally and mischievously suppressed material facts for adjudication of the present case.

17. It is further stated that courts of law are meant for imparting justice between the parties. One who comes to court must come with clean hands. The applicant is using law as a convenient tool to pursue their ill designs and have little or practically no interest in the truth. It is further stated that the applicant has resorted to falsehood and unethical means for achieving his goals. They are neither interested in ecclesiastical or temporal acts (Chief Justice Edward Coke) nor are they interested in "satya" (truth) or "ahimsa" (non-violence) [*Dalip Singh vs. State of Uttar Pradesh & Ors. (2010) 2 SCC 114*]. It was further held by the Supreme Court that, "they only seek personal gain and self-aggrandizement at any cost. Such is their quest for their private gain that they do not hesitate to resort to falsehood, misrepresentation, deceit, deception and suppression in Court proceedings. No litigant is entitled to obtain the aid of the law to protect him in carrying out a fraudulent act. Fraud, of course invalidates all. As was said by Lord Mansfield C.J. "Nothing is so silly as cunning".

18. In *Sesa International Limited vs. Avani Projects and Infrastructure Limited & Others (2017) 4 Cal.LT*



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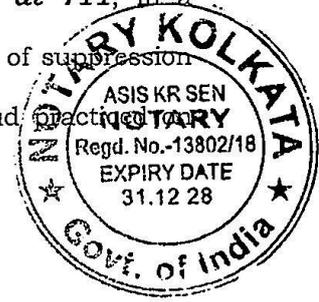
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Division Bench of the Hon'ble High Court, Calcutta had held as follows:

*"40. It is with considerable regret and diffidence that it needs to be observed that the filter that was traditionally in place before a matter reached the court may have been considerably eroded in value and diluted in its moral content. The judiciary is not a system of a judges alone; the object of the exercise in a court is not to obtain an unworthy order or defeat a worthy cause - the pursuit is of justice. Even disregarding the utopian concept of justice, the fairness in the approach or procedure or outcome cannot be compromised or seen to be compromised so that the institution does not lose its relevance or pride of place in a constitutional democracy governed by the rule of law. Even though justice cannot be pursued in the adversarial system by ensuring the removal of injustice, the shared responsibility to prevent unjust causes being espoused in court cannot be shrugged off at the Bar. The judiciary cannot stand, far less remain upright, if either pillar of the Bench or the Bar falters.*

*42. There comes a time when a system must assert itself, if only to survive against the vicious onslaught of such unscrupulous litigants and their advisors as the present plaintiff. If dockets are not to be clogged with unworthy claims and false defences, litigants who carry vexatious causes must be appropriately dealt with in the award of costs."*

19. In any event, it results in destruction of the Rule of Law if punishment is not actually meted out where punishment is due. The conduct of the applicant is abhorrent, detestable and offensive. AAs Bowen L.J. had observed *"I have found in my experience that there is one panacea which heals every sore litigation, and that is costs"* (*Cooper vs. Smith (1884) 26 Ch.D 700 at 711*, in a dissenting judgment). In view of the deliberate act of suppression and non-disclosure of material facts and the fraud



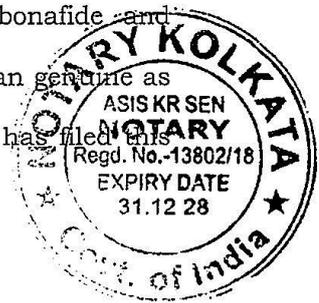
M/S. KAMAKHYA DEVELOPERS  
Joint Agents  
PARTNER

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Shirvaal  
Advocate

this Hon'ble Tribunal, submitted that exemplary costs be imposed upon the applicant and the instant original application be dismissed in limine.

20. On the issue of suppression of material facts, the judgment of the Supreme Court in **2024 INSC 46 (Kusha Duruka vs. The State of Odisha)** has observed that, suppression of material facts from the Court of Law is actually plain fraud with the Court. A litigant who has attempted to pollute the stream of justice or who has touched the pure fountain of justice with tented hands is not entitled to any relief interim or fine. These observations have been made after noticing that materialism has overshadowed the core ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, mis-representation and suppression of facts in Court proceedings.

21. It is further submitted that the application does not raise 'substantial question relating to environment', and further, the applicant lacks locus standi to prefer the said application before this Hon'ble Tribunal. The applicant has not disclosed any significant particulars about himself such as his antecedents or any contribution he has made to the lives of the community in Jalpaiguri. No details are furnished as to precisely when the applicant came to be seized of the issues raised in the present application and whose cause the applicant seeks to espouse. It is further stated that the said application is not bonafide and moreover the credentials of the applicant are less than genuine as will be indicated hereinbelow, as also the applicant has filed this



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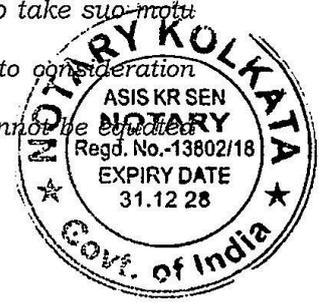
instant applicant by suppressing material facts in order to mislead this Hon'ble Tribunal

22. In **Rana Sengupta v. Union of India and Ors.**, in Appeal No. 54 of 2012, the Learned National Green Tribunal, Principal Bench has held that -

*"His self-proclaimed status as "public spirited citizen" is of no much avail. There is absolutely no record to show that he participated in the public consultation process and raised any issue regarding the environment or socio-economic adverse impact on account of establishment of the proposed project. The only reason that he has unsuccessfully preferred Appeal No. 32/2011 against granting of earlier EC for production of Ductile Iron Pipe Plant is of no much significance and is irrelevant. Moreover, that appeal came to be dismissed and there is no finding of this Tribunal that the Appellant is to be treated as "an aggrieved person". Considering forgoing discussion, we have come to the conclusion that the Appellant has no locus-standi to prefer the present appeal. He cannot be treated as an aggrieved person and the appeal filed by him cannot be entertained. This answers the point no. 1."*

23. In **State of Uttar Pradesh and Ors. v. Uday Education and Welfare Trust and Ors.**, 2022 SCC Online SC 1469, the Supreme Court has held that -

*"98. Shri Dhruv Mehta, learned Senior Counsel has rightly relied on the judgment of this Court in the case of Ankita Sinha (supra) to submit that the learned NGT is empowered to take suo motu cognizance. This Court has held that, taking into consideration the nature of functions of the learned NGT, it cannot be equated*



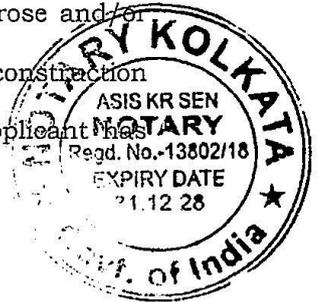
NO. 14 KAMAKHYA DEVELOPERS  
DIN Agrawal  
PARTNER

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Din Agrawal  
Advocate

with other Tribunals and in environmental matters, it will also have a power to take suo motu cognizance. However, when the credentials and bonafides of a litigant approaching the learned NGT are seriously raised, the same cannot be ignored.

99. We find that before a litigant is permitted to knock the doors of justice and seek orders which have far reaching effects of affecting the employment of thousands of persons, stopping investment in the State, prejudicing the interests of the farmers; the credentials and bonafides of the applicants must be tested. In the present case, there is scope to infer that the litigation could be at the behest of the existing WBIs who wanted to avoid competition and continue to get raw material at a cheaper rate. There is also scope to infer that it could be at the behest of the WBIs in the adjoining Yamuna Nagar district of Haryana where lakhs of tons of timber is exported from the State of Uttar Pradesh. There is scope to infer that it could be in the interest of middlemen who are engaged in exporting timber from Uttar Pradesh to Haryana. We would, therefore, only request the learned NGT that, when credentials and bonafides of such litigants are seriously raised and when entertaining the grievance of such litigants, which is likely to adversely affect the rights of many, it should ensure the bonafides and credentials of such litigants."

24. In the instant Original Application, the applicant has failed to disclose when the cause of action for the first time arose and/or when the applicant came to learn of the alleged construction and/or blockage. It is further submitted that the applicant has



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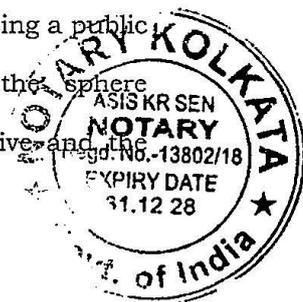
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failed to disclose the genuineness, accurateness and/or the legitimacy of the information as provided in the present Original Application.

25. The applicant, on the one hand, alleges illegal constructions and blockages and on the other hand, suppresses material facts to seek a relief that is under Section 15 of the National Green Tribunal Act, 2010, by way of disguising the same cause of action within Section 14 of the National Green Tribunal Act, 2010.

26. It is further submitted that to establish the locus of the applicant, this Learned Tribunal has to be satisfied about the following:

- a) The credentials of the applicant;
- b) The prima facie correctness or nature of information given by him;
- c) The information being not vague and indefinite. The information should show gravity and seriousness involved. The court has to strike a balance between two conflicting interests:
  - i. nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and
  - ii. avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the executive and the



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 Ashin Aggarwal  
 PARTNER

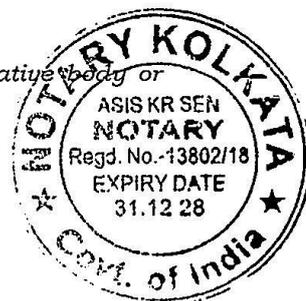
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 Advocate

legislature. The court has to act ruthlessly while dealing with imposters and busybodies or meddling interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of pro bono public, though they have no interest of the public or even of their own to protect.

27. The Respondent no. 12 further submits that the applicant is not aggrieved within the meaning of Section 18 of the National Green Tribunal Act, 2010, which is reiterated hereinbelow:

**"Section 18: Application or Appeal to Tribunal.**

- (1) Each application under sections 14 and 15 or an appeal under section 16 shall, be made to the Tribunal in such form, contain such particulars, and, be accompanied by such documents and such fees as may be prescribed.
- (2) Without prejudice to the provisions contained in section 16, an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal by -
- (a) the person, who has sustained the injury; or
- (b) the owner of the property to which the damage has been caused; or
- (c) where death has resulted from the environmental damage, by all or any of the legal representatives of the deceased; or
- (d) any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be; or
- (e) any person aggrieved, including any representative body or organization;"



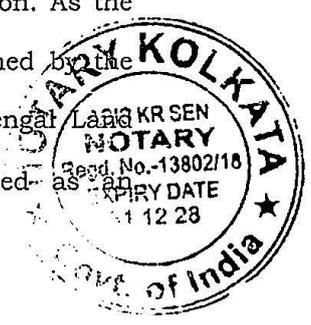
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PARTNER

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Advocate

28. The Hon'ble Supreme Court in the case of **Ayubkhan Noorkhan Pathan v. State** (2013) 4 SCC 465, where the Court had observed:

*"10. A "legal right", means an entitlement arising out of legal rules. Thus, it may be defined as an advantage, or a benefit conferred upon a person by the rule of law. The expression, "person aggrieved" does not include a person who suffers from a psychological or an imaginary injury; a person aggrieved must, therefore, necessarily be one whose right or interest has been adversely affected or jeopardised."*

29. Further, the applicant has filed the instant Original Application on the basis that he is a socially concerned person and is concerned about the alleged illegal construction and blockage, by the Respondent no. 12, however, no particulars thereof have been pleaded. However, Sections 14 and 15 (which contain the powers of the Learned National Green Tribunal to hear applications as specified therein) and sub-section (2) of the said Section (18) (which provides an exhaustive list of the persons entitled to file such applications) provide a remedy under the National Green Tribunal Act, 2010, only for persons who are personally and directly impacted and not as a mechanism to have a second bite at the cherry. The said provisions do not entitle socially concerned persons who are not 'Aggrieved Persons' within the context of the National Green Tribunal Act, 2010, to file an application. As the conversion of the said land premises has been obtained by the Respondent no. 12 under Section 4C of the West Bengal Land Reforms Act, 1955, the applicant cannot be termed as an



MAA KAMAKHYA DEVELOPER  
Partners  
Nitin Aggarwal  
PARTNER

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Miranda  
Advocate

'Aggrieved Persons' under the provisions of the National Green Tribunal Act, 2010. The applicant is, therefore, not entitled to file the instant Application and the said Application is not maintainable and is liable to be dismissed with exemplary costs.

30. It is further stated that only a person who has suffered or suffers from legal injury can challenge the act/action/order etc., in a court of law. A petition is maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the appellant that there has been a breach of statutory duty on the part of the Authorities. Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which jurisdiction is resorted to. The Court can of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance. The existence of such right is a condition precedent for invoking the writ jurisdiction of the courts. It is implicit in the exercise of such extraordinary jurisdiction that, the relief prayed for must be one to enforce a legal right. In fact, the existence of such right, is the foundation of the exercise of the said jurisdiction by the Court. The legal right that can be enforced must ordinarily be the right of the Applicant himself, who complains of infraction of such right and approaches the Court for relief as regards the same.

31. In the case *Shanti Kumar R. Chanji v. Home Insurance Co. of New York, AIR 1974 SC 1719*, and *State of Rajasthan and Ors. v. Union of India and Ors., AIR 1977 SC 1361*, Supreme Court held that a "legal right", means an entitlement



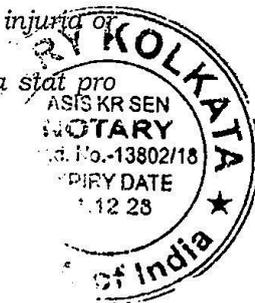
MAA KAWAKHINA DEVELOPERS  
Prithvi Agewal  
PARTNER

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Dhiraj  
Advocate

arising out of legal rules. Thus, it may be defined as an advantage, or a benefit conferred upon a person by the rule of law. The expression, "person aggrieved" does not include a person who suffers from a psychological or an imaginary injury; a person aggrieved must therefore, necessarily be one, whos' rights or interests has been adversely affected or jeopardized.

32. The Supreme Court in *Ravi Yashwant Bhoir v. District Collector, Raigad and Ors.*, (2012) 4 SCC 407, held as under:

*"Shri Chintaman Raghunath Gharat, ex-President was the complainant, thus, at the most, he could lead evidence as a witness. He could not claim the status of an adversarial litigant. The complainant cannot be the party to the lis. A legal right is an averment of entitlement arising out of law. In fact, it is a benefit conferred upon a person by the rule of law. Thus, a person who suffers from legal injury can only challenge the act or omission. There may be some harm or loss that may not be wrongful in the eye of the law because it may not result in injury to a legal right or legally protected interest of the complainant but juridically harm of this description is called damnum sine injuria. The complainant has to establish that he has been deprived of or denied of a legal right and he has sustained injury to any legally protected interest. In case he has no legal peg for a justifiable claim to hang on, he cannot be heard as a party in a lis. A fanciful or sentimental grievance may not be sufficient to confer a locus standi to sue upon the individual. There must be injuria or a legal grievance which can be appreciated and not a stat pro ratione voluntas reasons i.e. a claim devoid of reasons.*



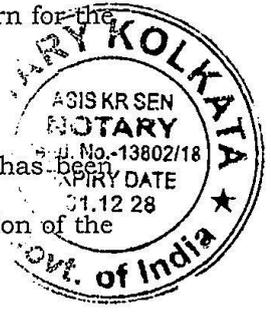
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PARTNER  
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Dhiraj  
Advocate

*Under the garb of being a necessary party, a person cannot be permitted to make a case as that of general public interest. A person having a remote interest cannot be permitted to become a party in the lis, as the person who wants to become a party in a case, has to establish that he has a proprietary right which has been or is threatened to be violated, for the reason that a legal injury creates a remedial right in the injured person. A person cannot be heard as a party unless he answers the description of aggrieved party."*

33. It is humbly stated that the applicant is a stooge of the competitors of the respondent no. 12. Being commercially hurt by the growth of the respondent no. 12 in the market, it approached one of its many stooges, being the applicant herein to harass the respondents. This litigation has nothing to do with the environment. Since the said NGO could not find any success in the proceedings before the Collector under Section 4C of the West Bengal Land Reforms Act, 1955 and the Public Interest Litigation being WPA (P) No. 426 of 2024 filed before the Hon'ble High Court, Calcutta, it has consistently tried to file different proceedings before different fora to achieve indirectly what it could not achieve directly. Furthermore, it has now caused filing of this instant original application as a desperate attempt to delay the operations and/or business of the respondents. The instant original application has been filed only for browbeating and for no material concern for the environment.

34. It is further submitted that that the instant application has been filed by suppressing material facts required for adjudication of the



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Rohin Agwala  
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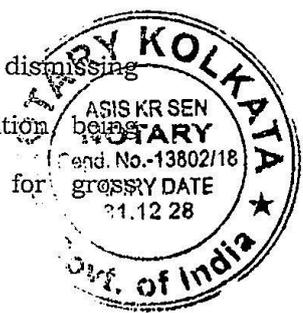
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Advocate

present case and/or there is no sufficient cause to file this instant application and that the said application is malafide, false, devoid of any merit, incorrect and/or non-maintainable due to lack of sufficient cause.

- 35. For the foregoing reasons, the respondent no. 12 humbly submits before this Hon'ble Tribunal that the instant original application be dismissed with exemplary costs and be nipped in the bud.
- 36. The respondent no. 12 further reserves it right to file its Counter Affidavit, if necessary, to deal with the averments made in the instant application, on merits.
- 37. This application is made without prejudice to the rights and contentions of the respondent no. 12 to deal with each and every averment and/or allegations made in the instant original application and to file all such pleadings, as required before this Hon'ble Tribunal.
- 38. This application is made bona fide and for the ends of justice.

In light of the aforesaid facts and circumstances, it is most humbly prayed that this Learned Tribunal may be pleased to pass the following:

- a. Order be passed dismissing the said Original Application OA No. 32 of 2025, for



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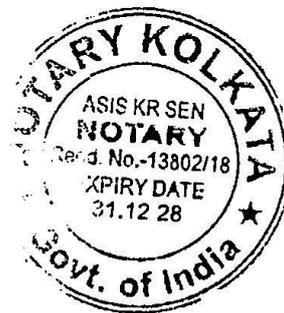
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suppression by the applicants  
and/or for lack of sufficient cause  
and/or locus standi of the  
applicant;

b. Such other order or orders  
and/or direction or directions be  
given as the Learned Tribunal may  
deem fit and proper;

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

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Advocate



**AFFIDAVIT**

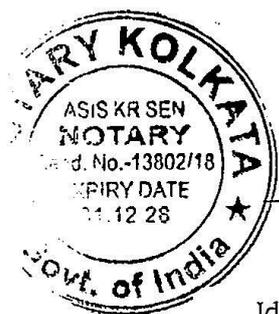
I, Nitin Agarwal, son of Mangeram Agarwal, aged about 36 years, by occupation Business, residing at Sree Maa Sarani Bylane, Babupara, Ward No.27, Siliguri (M. Corp), District Darjeeling, Pin - 734004, presently camping at 60, Old Post Office Street, Kolkata- 700001, do hereby solemnly affirm and say as follows:

1. That I am one of the Partners of the Respondent No.12 Partnership Firm and the Authorised Representative of the Respondent No.12 hereinabove. As such I am well acquainted with the facts and circumstances of the instant matter. I have been duly authorised to affirm the instant Affidavit for and on behalf of the Respondent No.12 firm hereinabove and I am otherwise competent to do so.
  
2. That the statement contained in paragraphs 1 to 15 of the foregoing application are true to my knowledge and those contained in the remaining paragraphs are my humble submissions before this Hon'ble Tribunal.

Prepared in my office

*Jivraj*

Advocate  
(P/473/2020)



*Nitin Agarwal*

Deponent

Identified by me

*Jivraj*

Advocate

01 APR 2025

Solemnly affirmed and declared  
Before me on Identification

*Asis Kumar Sen*

**ASIS KUMAR SEN**

City Civil Court  
Kolkata

Reg. No. 13802/18 Govt. of India



**ANNEXURE-"A"**

29

3

জেলা- জলপাইগুড়ি খতিয়ান নং- ২৬৯ [ ০৭০২২৬৭ ]  
 মৌজা- খরিয়া সিট নং- জে.এল.নং- ০০৭ খানা- কোতোয়ালী  
 ৪১



(১) রাজস্ব- টাকা খতিয়ান তৈরির তারিখ - 16/11/2021  
 (২) জমির পরিমাণ(এ)- ৩.৭৮৪৭ (৩) মোট দাগের সংখ্যা- ৯

	(৪) অগ্রস্বত্বের দখলকারের বিবরণ	(৫) স্বত্ব	(৬) মন্তব্য
নাম-	মা কামাক্ষা	রামত	<b>ATTESTED</b>  <b>REVENUE OFFICER</b> O/o the BL&LRO Sadar, Jalpaiguri
পিতা-	ডেউলপারস		
ঠিকানা-	নিজ		



(৭) অগ্রস্বত্বের নিজ দখলীয় জমি

দাগ নং	জমির শ্রেণী	মন্তব্য	দাগের মোট পরিমাণ(এ)	দাগের মধ্যে অগ্রস্বত্বের অংশ	দাগের মধ্যে অগ্রস্বত্বের জমির অংশের পরিমাণ	
					একর	হেক্টর
২৩৫	দহলা		০.৪৮৭৮	০.৩০৭২	০.১৪৯৯	
২৩৬	দহলা		০.১৫২৮	০.৫১৭৭	০.০৭৯১	
২৫৯	দহলা		০.৪৫৪০	১.০০০০	০.৪৫৪০	
২৬০	দহলা		০.৪৬৬৫	১.০০০০	০.৪৬৬৫	
২৬১	দহলা		০.৫৬৯৬	০.৭৬২৪	০.৪৩৪৩	
২৬২	দহলা		০.৩৬১৭	০.৯৯৯৭	০.৩৬১৭	
২৬৩	দহলা		০.৬২৮০	১.০০০০	০.৬২৮০	
২৭১	দহলা		০.৬২৯২	০.৯২৪৬	০.৫৮১৮	
২৭২	দহলা		০.৬৪৫২	০.৯৭৫৫	০.৬২৯৪	

মোট দাগের সংখ্যা- নয় মাত্র



Certified to be a true Copy

**REVENUE OFFICER**  
 O/o the BL&LRO

Fees Received : Application Fee : Rs. 10, Authentication Fee : Rs. 10 x 1, Total Rs. 20 Copy No.:31344



30

জেলা- জলপাইগুড়ি খতিয়াল নং- ২৭৭ [ ০৭০২২৬৭ ]  
 মৌজা- খরিয়া সিট নং- জে.এন.নং- ০০৭ খানা- কোতোয়ালী  
 ৪১



(১) রাজস্ব- টাকা খতিয়াল তৈরির তারিখ - 22/07/2022  
 (২) জমির পরিমাণ(এ)- ০.৭৮০০ (৩) মোট দাগের সংখ্যা- ২

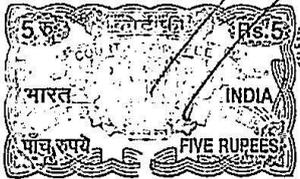
	(৪) অত্রস্বত্বের দখলকারের বিবরণ	(৫) স্বাক্ষর	(৬) মন্তব্য
নাম-	মা কামাক্ষ্যা ডেভেলপার্স	বায়ত	<b>ATTESTED</b> <i>Sd.</i> <b>REVENUE OFFICER</b> O/o the BL&LRO Sadar, Jalpaiguri
পিতা-	শ্রী পার্শ্বনাথ সঞ্জয় কুমার সিঙালিয়া		
ঠিকানা-	নিজ		



(৭) অত্রস্বত্বের নিজ দখলীয় জমি

দাগ নং	জমির শ্রেণী	মন্তব্য	দাগের মোট পরিমাণ(এ)	দাগের মধ্যে অত্রস্বত্বের অংশ	দাগের মধ্যে অত্রস্বত্বের জমির অংশের পরিমাণ
					একর হেক্টর
২৭৪	পতিত		২.৮৩৭৩	০.২১৪৯	০.৬১০০
২৭৬	দহলা		০.৫৩৫০	০.৩১৭৭	০.১৭০০

মোট দাগের সংখ্যা- দুই মাত্র



Certified to be a true Copy

*Sd.*  
 ০৩.০৮.২২  
**REVENUE OFFICER**  
 O/o the BL&LRO  
 Sadar, Jalpaiguri

Fees Received : Application Fee : Rs. 10, Authentication Fee : Rs. 10 x 1, Total fee : Rs. 20 ,Copy No.:16355



ANNEXURE - "B"

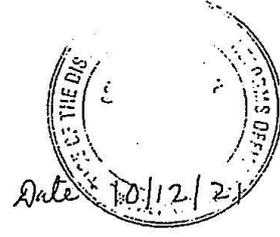
31

6

## Government of West Bengal

Office of the District Land &amp; Land Reforms Officer

জলপাইগুড়ি

Memo No - 305/LMS-11/DLRO/JAL/21  
To

মা কামাঙ্গা

পিতা/স্বামীর নাম: ডেভলপারস

বিজ

P.S.: কোতোয়ালী

District: জলপাইগুড়ি

Sub: Prayer for change of character of land from one class to another

Ref: His/Her application dated: 22/11/2021

In terms of the provision laid down in sec 4C of the West Bengal Land Reforms Act, 1955 as amended up to date read with the provision of Rule 5A of West Bengal Land Reforms Rules, 1965 permission is hereby accorded to him/her for conversion of land from one class to another as noted in the schedule-I below with effect from subject to the terms and condition as noted in schedule-II

**Schedule-I**

(Schedule of Land for which conversion is allowed vide case no. CN/2021/0702/757)

32

Mouza With JL No. & PS	Khatian No.(LR)	LR Plot No. Noted in the Deed	New Plot No. (after creation of Bata if any)	Share	Area (in Acres)	Classification as per ROR	Classification for which permission accorded
খরিয়া সিট নং- ৪১, ০০৭, কোতোয়ালী	269	235		3072	0.1499	দহলা	হাউসিং কমপ্লেক্স
খরিয়া সিট নং- ৪১, ০০৭, কোতোয়ালী	269	236		5177	0.0791	দহলা	হাউসিং কমপ্লেক্স
খরিয়া সিট নং- ৪১, ০০৭, কোতোয়ালী	269	259		10000	0.4540	দহলা	হাউসিং কমপ্লেক্স
খরিয়া সিট নং- ৪১, ০০৭, কোতোয়ালী	269	260		10000	0.4665	দহলা	হাউসিং কমপ্লেক্স
খরিয়া সিট নং- ৪১, ০০৭, কোতোয়ালী	269	261		7624	0.4343	দহলা	হাউসিং কমপ্লেক্স
খরিয়া সিট নং- ৪১, ০০৭, কোতোয়ালী	269	262		9997	0.3617	দহলা	হাউসিং কমপ্লেক্স
খরিয়া সিট নং- ৪১, ০০৭, কোতোয়ালী	269	263		10000	0.6280	দহলা	হাউসিং কমপ্লেক্স
খরিয়া সিট নং- ৪১, ০০৭, কোতোয়ালী	269	271		9246	0.5818	দহলা	হাউসিং কমপ্লেক্স
খরিয়া সিট নং- ৪১, ০০৭, কোতোয়ালী	269	272		9755	0.6294	দহলা	হাউসিং কমপ্লেক্স
					<u>37847</u>		

#### Schedule – II

#### (Terms and conditions for conversion)

- This permission for conversion is without prejudice to any of the provisions of chapter IIB of West Bengal Land Reforms Act, 1955.
- This permission of conversion is also without prejudice to any the provision of the Urban Land ( Ceiling and Regulation ) Act, 1976 ( Act 33 of 1976 ) & the Town & Country ( Planning & Development) Act, 1979, if these are applicable to the land involved.
-

**TYPED COPY**

Mouza with J.L. No. and P.S.	Khaitan No. (LR)	LR Plot No. Noted In the Deed	New Plot No. (after Creation of Bata if any)	Share	Area (in acres)	Classification as per ROR	Classification for which permission accorded
Kharia Sheet No. 81, 007, Kotwali	269	235		3072	0.1499	Dahola	Housing Complex
Kharia Sheet No. 81, 007, Kotwali	269	236		5177	0.0791	Dahola	Housing Complex
Kharia Sheet No. 81, 007, Kotwali	269	259		10000	0.4540	Dahola	Housing Complex
Kharia Sheet No. 81, 007, Kotwali	269	260		10000	0.4665	Dahola	Housing Complex
Kharia Sheet No. 81, 007, Kotwali	269	261		7624	0.4343	Dahola	Housing Complex
Kharia Sheet No. 81, 007, Kotwali	269	262		9997	0.3617	Dahola	Housing Complex
Kharia Sheet No. 81, 007, Kotwali	269	263		10000	0.6280	Dahola	Housing Complex
Kharia Sheet No. 81, 007, Kotwali	269	271		9246	0.5818	Dahola	Housing Complex
Kharia Sheet No. 81, 007, Kotwali	269	272		9755	0.6294	Dahola	Housing Complex

**Schedule-II****(Terms and Conditions for conversion)**

- a) This permission for conversion is without prejudice to any of the provisions of chapter IIB of West Bengal Land Reforms Act, 1955.
- b) This permission of conversion is also without prejudice to any the provision of the Urban Land (Ceiling and Regulation) Act, 1976 (Act 33 of 1976) & the Town & Country (Planning & Development Act, 1979, if these are applicable to the land involved.
- c)

33

This permission for conversion will stand revoked - if there is any - violation of the provision of prevailing laws -enforcing prevention -of environmental pollution affecting public health in general of the locality at any point of time.

- d) This -permission -of conversion will also stand -revoked if the land is used other than the purpose for which permission is given.
- e) The Land Revenue shall be determined as per sec. 23 of amended WBLR Act.

This conversion certificate is being issued in accordance with the notification bearing no. 4296 LR/1A-05/07 GE(M) dated 17.09.2009 of the Commissioner General, Land and Land Reforms Deptt. & Additional Chief Secretary to the Govt. of West Bengal, published on 24.09.2009 in-the Kolkata Gazette, Extraordinary.

- f) Subject to approval of the Competent Authority under the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006.

Collector u/s 4C of the WBLR Act, 1955

&

District Land & Land Reforms Officer

Memo: 305/LMS-11/DLRO/JAL/21

Dated: 10/12/21

- (i) The BL&LRO, জলপাইগুড়ি সদর for information and taking necessary action.
- (ii) The RI, of the খড়িয়া for information and taking necessary action.
- (iii) Office copy of the certificate to be kept with the relevent case Record

District Land & Land Reforms Officer

34



**Govt. of West Bengal**  
**Land & Land Reforms and Refugee Relief &**  
**Rehabilitation**  
**GRIPS eChallan**

**GRN Details**

GRN:	192021220119161211	Payment Mode:	Online Payment
GRN Date:	23/11/2021 14:17:45	Bank/Gateway:	State Bank of India
BRN :	CKS0472923	BRN Date:	23/11/2021 14:11:20
Payment Status:	Successful		

**Depositor Details**

Depositor's Name:	MAA KAMAKHA
Address:	JALPAIGURI
Mobile:	9832503532
Depositor Status:	BLLRO
Office Code:	070000
Office Address:	DLLRO SADAR JALPAIGURI
Office Name:	JALPAIGURI (070000)
Remarks:	ACN/2021/0702/757

**Payment Details**

Sl. No.	Payment ID	Head of A/C Description	Head of A/C	Amount (₹)
1	NA	Deposition of Mutation and Conversion Charge-Mutation and Conversion Fees	0029-00-800-028-27	11364
<b>Total</b>				<b>11364</b>

**IN WORDS: ELEVEN THOUSAND THREE HUNDRED SIXTY FOUR ONLY.**

35

7

## Government of West Bengal

Office of the District Land &amp; Land Reforms Officer

জলপাইগুড়ি

Memo No. 20/LMS-11/DLLR/O/JAL/23

To



Date: 13/01/2023

মা কামাফ্যা ডেভেলপার্স

পিতা/স্বামীর নাম: পক্ষে পাটনার সঞ্জয় কুমার সিঙঘানিয়া

বিত্ত

P.S.: কোতোয়ালী

District: জলপাইগুড়ি

Sub: Prayer for change of character of land from one class to another

Ref: His/Her application dated: 05/12/2022

In terms of the provision laid down in sec 4C of the West Bengal Land Reforms Act, 1955 as amended up to date read with the provision of Rule 5A of West Bengal Land Reforms Rules, 1965 permission is hereby accorded to him/her for conversion of land from one class to another as noted in the schedule-I below with effect from 13/01/2023 subject to the terms and condition as noted in schedule-II

## Schedule-I

(Schedule of Land for which conversion is allowed vide case no. CN/2022/0702/1318)

Mouza With JL No. & PS	Khatian No.(LR)	LR Plot No. Noted in the Deed	New Plot No. (after creation of Bata if any)	Share	Area (in Acres)	Classification as per ROR	Classification which permission accorded
খরিয়া সিট নং- 81, 007, কোতোয়ালী	277	274		2149	0.6100	পতিভ	কমার্শিয়াল বান্ড
খরিয়া সিট নং- 81, 007, কোতোয়ালী	277	276		3177	0.1700	দহলা	কমার্শিয়াল বান্ড
					0.7800		

## Schedule - II

(Terms and conditions for conversion)

- This permission for conversion is without prejudice to any of the provisions of chapter IIB of West Bengal Land Reforms Act, 1955.
- This permission of conversion is also without prejudice to any the provision of the Urban Land ( Ceiling and Regulation ) Act , 1976 ( Act 33 of 1976 ) & the Town & Country ( Planning & Development) Act, 1979, if these are applicable to the land involved.
- This permission for conversion will stand revoked - if there is any - violation of the provision of prevailing laws -enforcing prevention -of environmental pollution affecting public health in general of the locality at any point of time.
-

36

This -permission -of conversion will also stand -revoked if the land is used other than the purpose for which permission is given.

e) The Land Revenue shall be determined as per sec. 23 of amended WBLR Act.

This conversion certificate is being issued in accordance with the notification bearing no. 4296 LR/1A-05/07 GE(M) dated 17.09.2009 of the Commissioner General, Land and Land Reforms Deptt. & Additional Chief Secretary to the Govt. of West Bengal, published on 24.09.2009 in the Kolkata Gazette, Extraordinary.

f) Subject to approval of the Competent Authority under the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006.

Collector u/s 4C of the WBLR Act, 1955

&

District Land & Land Reforms Officer

Memo: 20/100/LMS-11/DLRO/JAH/23

Dated: 13/01/2023

(i) The BL&LRO, জলপাইগুড়ি সদর for information and taking necessary action.

(ii) The RI, of the খড়িয়া for information and taking necessary action.

(iii) Office copy of the certificate to be kept with the relevant case Record

District Land & Land Reforms Officer

ANNEXURE - "C"

37

Gopal Krishna Sarkar  
 Advocate  
 C/o. Kalyan Kr. Chakraborty,  
 Advocate  
 Bar Association Room No.10,  
 High Court, Calcutta  
 M:9123930781

Address:  
 Krishna Apartment,  
 3/54, Roynagar Place, Bansdroni,  
 Kolkata-700070.

Date: 26.09.2024

To

1. The Learned Government Pleader, High Court, Calcutta.
2. The Principal Secretary, Department of Land and Land Revenue, Government of West Bengal, having its office at Nabanna, 325, Sarat Chatterjee Road, Shibpur, Howrah-71102.
3. The District Magistrate, Jalpaiguri, having its office at P.O. & District- Jalpaiguri, Pin-735101.
4. The Superintendent of Police, Jalpaiguri, having its office at P.O. & District- Jalpaiguri, Pin-735101.
5. The Additional District Magistrate (LR) and District Land and Land Reforms Officer, Jalpaiguri, having its office at P.O. & District- Jalpaiguri, Pin-735101.
6. The Sub-Divisional Officer, Jalpaiguri Sadar Sub-Divison, having its office at P.O. & District- Jalpaiguri, Pin-735101.
7. The Block Land and Land Reforms Officer, Jalpaiguri Sadar Block, having its office at P.O. & District- Jalpaiguri, Pin-735101.
8. The Inspector-In-Charge, Kotwali Police Station having its office at P.O. & District- Jalpaiguri, Pin-735101.
9. West Bengal Wetland Authority, service through the Member Secretary, Department of Environment, Government of West Bengal having his office at 5<sup>th</sup> Floor, Pranisampad Bhavan, Block-LE-III, Salt Lake, Sector-III, Bidhannagar, Kolkata-700106.
10. The Chief Engineer, North East, Irrigation and Waterways, Club Road, Jalpaiguri, Pin-735101.
11. The Superintendent Engineer, North Bengal Development Department, Siliguri, Pin-734101.
12. Jalpaiguri Municipality service through its Chairperson, having its office at P.O. & District- Jalpaiguri, Pin-735101.

38

Gopal Krishna Sarker  
 Advocate  
 C/o. Kalyan Kr. Chakraborty,  
 Advocate  
 Bar Association Room No.10,  
 High Court, Calcutta  
 M:9123930781

Address:  
 Krishna Apartment,  
 3/54, Roynagar Place, Banskroni,  
 Kolkata-700070.

2  
 12A. The Chairperson, Jalpaiguri Municipality,  
 having its office at P.O. & District- Jalpaiguri, pin-  
 735101.

13. Ashoke Jindal, resident of Lichutola, Dinbazar,  
 Jalpaiguri, Pin-735102.

14. M/s. Maa Kamaksha Developer having its  
 office at P.O. & District- Jalpaiguri, Pin-735101.

Re: W.P.A. (P) No.426 of 2024  
 Jyoti Prasad Roy

...Petitioner

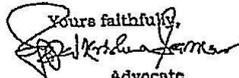
-Vs-  
 The State of West Bengal & Ors.  
 ...Respondents

Sir(s), Please find enclosed herewith a copy of the above mentioned writ application (PIL) alongwith all annexures which will be moved before Their Lordships the Hon'ble Chief Justice T.S. Sivagnanam and the Hon'ble Justice Hiranmay Bhattacharyya on 06.11.2024 or soon thereafter under listed "PIL" as and when the business of the Hon'ble Court will permit.

Kindly acknowledged the same and attend at the time of hearing.

Thanking you,

Yours faithfully,

  
 Advocate

Encls: as above.

39

DISTRICT : JALPAIGURI

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

W.P.A. (P) NO. 2126 OF 2024

IN THE MATTER OF:

An application under Article 226 of  
the Constitution of India.

-AND-

Subject matter relating to:

Public Interest Litigation

Group- Head

of the Classification List.

CAUSE TITLE

IN THE MATTER OF:

Jyoti Prosad Roy

...Petitioner

-Versus -

The State of West Bengal &amp; Ors.

...Respondents.

ADVOCATE ON RECORD:

Gopal Krishna Sarkar  
Advocate  
Enrolment No. F/3900/3968/2023  
C/o: Kalyan Kr. Chakraborty,  
Advocate  
Bar Association Room No. 10,  
High Court, Calcutta.  
M:91239307815.

40

DISTRICT : JALPAIGURI

IN THE HIGH COURT AT CALCUTTA  
 CONSTITUTIONAL WRIT JURISDICTION  
 APPELLATE SIDE

W.P.A. (P) NO. 406 OF 2024

IN THE MATTER OF:  
 A Public Interest Litigation under  
 Article 226 of the Constitution of  
 India.

-AND-

IN THE MATTER OF:  
 Jyoti Prosad Roy

...Petitioner

-Versus-

Union of India &amp; Ors.

...Respondents.

## SHORT LIST OF DATES

- 2024: That the petitioner and other person of the locality made several representations to the different respondent authorities to investigate into the matter and prayer for dismantling the illegal construction of boundary wall and sluice gate which was blocked by the private respondent Nos. 13 and 14.
- 07.08.2024 : That the Chief Engineer, North East Irrigation and Waterways Directorate, Jalpaiguri i.e. respondent No.10 herein issued a Memo vide No. 565(1)/W-471-J dated 07.08.2024 to the District Magistrate, Jalpaiguri, the respondent No. 3.
- 12.09.2024 : The petitioner made the application for Right to Information before the Block Land and Land Reforms Officer and The Chairperson of Jalpaiguri Municipality to status and nature of the land in question but the respondent authorities did not take any step into the matter.

41

DISTRICT : JALPAIGURI

IN THE HIGH COURT AT CALCUTTA  
 CONSTITUTIONAL WRIT JURISDICTION  
 APPELLATE SIDE

W.P.A. (P) NO. 426 OF 2024

IN THE MATTER OF:  
 A Public Interest Litigation under  
 Article 226 of the Constitution of  
 India.

-AND-

IN THE MATTER OF:  
 Jyoti Prosad Roy

...Petitioner

-Versus-

The State of West Bengal &amp; Ors.

...Respondents.

## INDEX

Sl. No.	Particulars	Annexure	Pages
1.	List of dates		
2.	Points of Law		
3.	Petition with affidavit		1-13
4.	Copy of the Addhar Card of the petitioner.	"P-1"	20
5.	Copies of the representation and/or complaint dated 26.09.2023 and 22.12.2023 along with hand naksa of the land and records of rights.	"P-2"	21-24
6.	Copies of the representations.	"P-3"	25-28
7.	Copy of the Memo dated 07.08.2024 and Memo dated 22.07.2024	"P-4"	29-31
8.	Copies of the RTI letter dated 12.09.2024.	"P-5"	32-35

42

## LIST OF DATES

- 2024: That the petitioner and other person of the locality made several representations to the different respondent authorities to investigate into the matter and prayer for dismantling the illegal construction of boundary wall and sluice gate which was blocked by the private respondent Nos. 13 and 14.
- 07.08.2024 : That the Chief Engineer, North East Irrigation and Waterways Directorate, Jalpaiguri i.e. respondent No.10 herein issued a Memo vide No. 565(1)/W-471-J dated 07.08.2024 to the District Magistrate, Jalpaiguri, the respondent No. 3 herein.
- 12.09.2024 : The petitioner made the application for Right to Information before the Block Land and Land Reforms Officer and The Chairperson of Jalpaiguri Municipality to status and nature of the land in question but the respondent authorities did not take any step into the matter.

43

## POINTS OF LAW

- I. Whether the petitioner, a sensible and responsible citizen of India like to canvas his grievance against the inaction on the part of the respondents in not taking positive step for to investigate into the matter and prayer for dismantling the illegal construction of boundary wall and sluice gate which was blocked by the private respondent Nos. 13 and 14 but the respondent authorities did not investigate into the matter and did not stop the illegal construction work and no fruitful action was taken against the private respondent Nos. 13 and 14 till date?
- II. Whether the private respondents and their associates purchased 3.00 acres of land (as per their version) in Mouza- Kharia Sheet No. 81 (L.R.). The land is question is water body being a part of river Karala which contains one thousand cusec of water during rainy season. The said landed property happens to be water body for last more than 80 years though recorded "Dahala" as per R.O.R. and a boat service was available upto 2008. But in 2009 Siliguri Jalpaiguri Development Authority constructed pucca road and a concrete bridge on that area for better communication purpose. After that, the area has become well connected with both the parts?
- III. Whether the Government of West Bengal has made it clear that the nothing can be done after changing the

44

class of land as recorded in the ROR. But to our utter surprise the said the private respondent Nos. 13 and 14 constructed a boundary wall which is 10 to 12 feet in height. Moreover 2.32 acres of land comprising L.R. Plot Nos. 256, 270, 274 has been recorded vested to the State as per R.O.R. being a part of that area. To construct boundary wall no permission was accorded from the Jalpaiguri Municipality (as per version of the Chairperson)?

- IV. Whether at the same time the private respondent Nos. 13 and 14 has also blocked the mouth of sluice gate being constructed by Irrigation Department but no permission was accorded from the Irrigation Department, Jalpaiguri (as per version of Superintending Engineer, Irrigation Department). The Superintending Engineer assured the local people to investigate the matter but nothing was done?
- V. Whether the petitioner and other person of the locality made several representations to the different respondent authorities to investigate into the matter and prayer for dismantling the illegal construction of boundary wall and sluice gate which was blocked by the private respondent Nos. 13 and 14 but the respondent authorities did not investigate into the matter and did not stop the illegal construction work and no fruitful action was taken against the private respondent Nos. 13 and 14 till date?

45

VI. Whether the Chief Engineer, North East Irrigation and Waterways Directorate, Jalpaiguri i.e. respondent No.10 herein issued a Memo vide No. 565(1)/W-471-J dated 07.08.2024 to the District Magistrate, Jalpaiguri, the respondent No. 3 herein that "a copy of the letter of the convenor, Joutha Paribesh Mancha, Jalpaiguri, as received vide his memo under reference that to their information, a group of builders constructed a concrete fencing adjacent to river Karala which causing blockage the sluice gate situated on the right bank of river Karala in the backside of Viswa Bangla Krirangan, Jalpaiguri. Our departmental officers also visited the said location and according to their inspection report this type of blockage may cause waterlogging in that region and affect the stability of the river embankment. It is here to mention that the embankment at the said location has been constructed by the North Bengal Development Department and already informed to the Executive Engineer, NBDD and also to the Chairman, Jalpaiguri Municipality by the Superintending Engineer, North East Irrigation, Circle-II Irrigation and Waterways Directorate to look into the matter vide his Memo NO. 58/1(30/22-F) dated 19.01.2024. The matter may be taken up with NBDD" but till date the said respondent authority did not take any step into the matter?

VII. Whether on 12<sup>th</sup> September, 2024 the petitioner made the application for Right to Information before the

46

Block Land and Land Reforms Officer and The Chairperson of Jalpaiguri Municipality about status and nature of the land in question but the respondent authorities did not take any step into the matter?

- VIII. Whether as the respondent authority is not showing any interest towards immediate granting appropriate effective steps for illegal sell and/or purchase of the land on water bodies in Mouza- Kharia Sheet No. 81 (L.R.). The land in question is water body being a part of river Karala which contains one thousand cusec of water during rainy season, the petitioner is compelled to approach his court for the ends of justice?
- IX. Whether the inaction on the part of the respondent authorities, the petitioner has suffered infringement of fundamental rights guaranteed under Article 19 and 21 of the Constitution of India?

(47)

1

DISTRICT: JALPAIGURI

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

W.P.A.(F) No. 492 OF 2024  
IN THE MATTER OF:

A Public Interest Litigation under  
Article 226 of the Constitution of  
India;

AND

IN THE MATTER OF:

Jyoti Prosad Roy, son of Late Ajit  
Kumar Roy, aged about 73  
years, residing at Ukil Para,  
Jalpaiguri, Pin-735101 and also  
the President of Paribesh O  
Aamra, Jalpaiguri, Ukilpara,  
District-Jalpaiguri, Pin-735101.

.. Petitioner

Versus

1. The State of West Bengal  
service through the Chief  
Secretary, having its office at  
Nabanna, 325, Sarat Chatterjee  
Road, Shibpur, Howrah-711102,
2. The Principal Secretary,  
Department of Land and Land  
Revenue, Government of West  
Bengal, having its office at

48

2

Nabanna, 325, Sarat Chatterjee  
Road, Shibpur, Howrah-711102.

3. The District Magistrate,  
Jalpaiguri, having its office at  
P.O. & District- Jalpaiguri, Pin-  
735101.

4. The Superintendent of Police,  
Jalpaiguri, having its office at  
P.O. & District- Jalpaiguri, Pin-  
735101.

5. The Additional District  
Magistrate (LR) and District Land  
and Land Reforms Officer,  
Jalpaiguri, having its office at  
P.O. & District- Jalpaiguri, Pin-  
735101.

6. The Sub-Divisional Officer,  
Jalpaiguri Sadar Sub-Divison,  
having its office at P.O. &  
District-Jalpaiguri, Pin-735101.

7. The Block Land and Land  
Reforms Officer, Jalpaiguri Sadar  
Block, having its office at P.O. &  
District- Jalpaiguri, Pin-735101.

8. The Inspector-in-Charge,  
Kotwali Police Station having its  
office at P.O. & District-  
Jalpaiguri, Pin-735101.

(49)

3

9. West Bengal Wetland Authority, service through the Member Secretary, Department of Environment, Government of West Bengal having his office at 5<sup>th</sup> Floor, Pranisampad Bhavan, Block-LB-III, Salt Lake, Sector-III, Bidhannagar, Kolkata-700106.

10. The Chief Engineer, North East, Irrigation and Waterways, Club Road, Jalpaiguri, Pin-735101.

11. The Superintendent Engineer, North Bengal Development Department, Siliguri, Pin-734101.

12. Jalpaiguri Municipality service through its Chairperson, having its office at P.O. & District- Jalpaiguri, Pin-735101.

12A. The Chairperson, Jalpaiguri Municipality, having its office at P.O. & District- Jalpaiguri, pin-735101.

...Respondents

13. Ashoke Jindal, resident of Lichutola, Dinbazar, Jalpaiguri, Pin-735102.



14. M/s. Maa Kamakha  
Developer having its office at P.O.  
& District- Jalpaiguri, Pin-  
735101.

...Private 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  
the petitioner above named most  
respectfully:-

S H E W E T H :

1. Your petitioner is a citizen of India and is residing at the address more fully described in the cause title stated hereinabove.

Xerox copy of the Aadhaar card of the petitioner is annexed herewith and marked as Annexure "P-1".

2. That the petitioner is a social worker and also the President of Paribesh O Aamra Jalpaiguri, a social welfare non-profitable organisation who is sensible and responsible citizen of India like to canvas his grievance against the inaction for the part of the respondents did not take effective steps for illegally purchased the water bodies land and constructed the said land by the private respondents.

3. Your petitioner states the private respondents Nos. 13 and 14 alongwith their associates taking undue advantage

(51)

5

of Khatian has taken a plan to construct a residential complex on water body (being a part river karala) which is situated at the backside of Viswa Bangla, Krirangan, Jalpaiguri. The entire area in question covers more than 4.00 acres of land and contains 1000 cusec water every day during rainy season which has balanced the weather of jalpaiguri. municipality as well as entire district of jalpaiguri.

4. Your petitioner states that Jalpaiguri itself is a flood prone area and the drainage system of the town is also unplanned and faulty inspite of the best effort by the Municipality. Moreover in 1968, the most devastating flood was witnessed by the people of Jalpaiguri where more than 5000 people were died and it is regarded as 2<sup>nd</sup> of its kind in the world after Italy. So the people of this region face various problems in the rainy season due to water logging and preservation of water.

5. Your petitioner states that water body in question actually divided the town into two parts viz. the east and the west and town people took boat service to cross the river upto 2008. But in 2009 onwards Siliguri Jalpaiguri Development Authority constructed embankment on both sides of the river and built a concrete bridge over the river enabling the people to cross the river without any problem and the boat service was seized to operate on and from 2010 till date.

52

6

6. That taking the advantage of the embankment and the bridge that the said private respondents Nos. 13 and 14 are trying his level best of surpass the provision of L.R. Act, 1955 alongwith provision of Bio-diversity Act of 2002 for their personal interest whereas Section 12 of L.R. Act, 1955 clearly lays down that any water body adjacent to river will be vested to the State straightway without any delay and Section 4(c) also states the right of raiyat to possess different class of land wherein the water body is not included.

7. Your petitioner further states that some miscreants and uneithical motivated people in every place have been trying to misguide the concerned department, respondent herein having for their own interest which ultimately malign the image of State Government without any reason all though the Government is trying to run the administration transparently and in accordance with law.

8. That your petitioner states that on 26.09.2023 and 22.11.2023 the Secretary of that social welfare society namely 'Joutha Paribesh Mancha', Jalpaiguri made several verbal prayer and written representation and/ or complaint before the District Magistrate, Jalpaiguri and District Land and Land Reforms Officer i.e. the respondent Nos.3 and 4, herein to take steps and/or investigate the illegal approval of construction work on water body being part of river Karala and also complaint against unlawful recording the water body in the names of some persons in Mouza-Kharia,

53

7

Sheet No.13, R.S. Plots No. 90, 91, 92, 93, 94, 105, 734, 735, 736 and 737 but the said respondent authorities did not take any step and/or investigate into the matter.

Xerox copies of the representation and/or complaint dated 26.09.2023 and 22.11.2023 alongwith hand naksa of the land and record of rights are annexed herewith and collectively marked as "P-2".

#

9. Your petitioner states that the private respondents and their associates has purchased illegally and arbitrarily 3.00 acres of land (as per their version) in Mouza- Kharia Sheet No. 81 (L.R.). The land in question is water body being a part of river Karala which contains one thousand cusec of water during rainy season. The said landed property happens to be water body for last more than 80 years though recorded "Dahala" as per R.O.R. and a boat service was available upto 2008. But in 2009 Siliguri Jalpaiguri Development Authority constructed pucca road and a concrete bridge on that area for better communication purpose. After that, the area has become well connected with both the parts. The private respondent have taken advantage for this construction of road.

10. Your petitioner states that the Government of West Bengal has made it clear that nothing can be done after changing the class of land as recorded in the ROR. But to our utter surprise the said private respondent Nos. 13 and 14 constructed a boundary wall which is 10 to 12 feet in height.

54

8

Moreover 2.32 acres of land comprising L.R. Plot Nos. 256, 270, 274 has been recorded vested to the State as per R.O.R. being a part of that area. To construct boundary wall no permission was accorded from the Jalpaiguri Municipality (as per verbal version of the Chairperson).

11. Your petitioner further states that at the same time the private respondent Nos. 13 and 14 has also most illegally and arbitrarily blocked the mouth of sluice gate being constructed by Irrigation Department but no permission was accorded from the Irrigation Department, Jalpaiguri (as per version of Superintending Engineer, Irrigation Department). The Superintending Engineer assured the local people to investigate the matter but nothing was done.

12. Your petitioner states that the petitioner and other person of the locality made several representations to the different respondent authorities to investigate into the matter and prayer for dismantling the illegal construction of boundary wall and sluice gate which was blocked by the private respondent Nos. 13 and 14 but the respondent authorities did not investigate into the matter and did not stop the illegal construction work and no fruitful action was taken against the private respondent Nos. 13 and 14 till date.

Xerox copy of the several representations are annexed herewith and marked as annexure "P-3".

55

9

13. Your petitioner states that the Chief Engineer, North East Irrigation and Waterways Directorate, Jalpaiguri i.e. respondent No.10 herein issued a Memo vide No. 565(1)/W-471-J dated 07.08.2024 to the District Magistrate, Jalpaiguri, the respondent No. 3 herein that "a copy of the letter of the convenor, Joutha Paribesh Mancha, Jalpaiguri, as received vide his memo under reference that to their information, a group of builders constructed a concrete fencing adjacent to river Karala which causing blockage the sluice gate situated on the right bank of river Karala in the backside of Viswa Bangla Kirangan, Jalpaiguri. Our departmental officers also visited the said location and according to their inspection report this type of blockage may cause water logging in that region and affect the stability of the river embankment. It is here to mention that the embankment at the said location has been constructed by the North Bengal Development Department and already informed to the Executive Engineer, NBDD and also to the Chairman, Jalpaiguri Municipality by the Superintending Engleer, North East Irrigation, Circle-II Irrigation and Waterways Directorate to look into the matter vide his Memo NO. 58/1(30/22-P) dated 19.01.2024. The matter may be taken up with NBDD" but till date the said respondent authority did not take any step into the matter.

. Xerox copy of the Memo dated 07.08.2024 and also memos dated 22.07.2024 are annexed herewith and collectively marked as Annexure "P-4".

56

10

14. Your petitioner states that on 12<sup>th</sup> September, 2024 the petitioner made the application for Right to Information before the Block Land and Land Reforms Officer and The Chairperson of Jalpaiguri Municipality to status and nature of the land in question but the respondent authorities did not take any step into the matter.

The Xerox copy of the RTI letter dated 12.09.2024 are annexed hereto and collectively marked as Annexure "P-5".

15. That as the respondent authority is not showing any interest towards immediate granting appropriate effective steps for illegal sell and/or purchase the land of water bodies in Mouza- Kharia Sheet No. 81 (L.R.). The land in question is water body being a part of river Karala which contains one thousand cusec of water during rainy season, the petitioner is compelled to approach this court for the end of justice.

16. Being aggrieved by and/or dissatisfied with the acts, activities and negligence on the part of the respondent authorities and non consideration of the prayer of the petitioner, your petitioner begs to prefer this public Interest litigation under Article 226 of the Constitution of India on facts and reasons stated herein above as also inter alia on the following amongst other -

#### GROUNDS

- I. For that the petitioner, a sensible and responsible citizen of India like to canvas his grievance against

(57)

11

the inaction on the part of the respondents in not taking positive step for to investigate into the matter and prayer for dismantling the illegal construction of boundary wall and sluice gate which was blocked by the private respondent Nos. 13 and 14 but the respondent authorities did not investigate into the matter and did not stop the illegal construction work and no fruitful action was taken against the private respondent Nos. 13 and 14 till date.

- II. For that the private respondents and their associates purchased 3.00 acres of land (as per their version) in Mouza- Kharia Sheet No. 81 (L.R.). The land is question is water body being a part of river Karala which contains one thousand cusec of water during rainy season. The said landed property happens to be water body for last more than 80 years though recorded "Dahala" as per R.O.R. and a boat service was available upto 2008. But in 2009 Siliguri Jalpaiguri Development Authority constructed pucca road and a concrete bridge on that area for better communication purpose. After that, the area has become well connected with both the parts.
- III. For that the Government of West Bengal has made it clear that the nothing can be done after changing the class of land as recorded in the ROR. But to our utter surprise the said the private respondent Nos. 13 and 14 constructed a boundary wall which is 10 to 12 feet in height. Moreover 2.32 acres of land comprising L.R. Plot Nos. 256, 270, 274

58

12

has been recorded vested to the State as per R.O.R. being a part of that area. To construct boundary wall no permission was accorded from the Jalpaiguri Municipality (as per version of the Chairperson).

- IV. For that at the same time the private respondent Nos. 13 and 14 has also blocked the mouth of sluice gate being constructed by Irrigation Department but no permission was accorded from the Irrigation Department, Jalpaiguri (as per version of Superintending Engineer, Irrigation Department). The Superintending Engineer assured the local people to investigate the matter but nothing was done.
- V. For that the petitioner and other person of the locality made several representations to the different respondent authorities to investigate into the matter and prayer for dismantling the illegal construction of boundary wall and sluice gate which was blocked by the private respondent Nos. 13 and 14 but the respondent authorities did not investigate into the matter and did not stop the illegal construction work and no fruitful action was taken against the private respondent Nos. 13 and 14 till date.
- VI. For that the Chief Engineer, North East Irrigation and Waterways Directorate, Jalpaiguri i.e. respondent No.10 herein issued a Memo vide No. 565(1)/W-471-J dated 07.08.2024 to the District Magistrate, Jalpaiguri, the respondent No. 3 herein that "a copy

of the letter of the convenor, Joutha Paribesh Mancha, Jalpaiguri, as received vide his memo under reference that to their information, a group of builders constructed a concrete fencing adjacent to river Karala which causing blockage the sluice gate situated on the right bank of river Karala in the backside of Viswa Bangla Krirangan, Jalpaiguri. Our departmental officers also visited the said location and according to their inspection report this type of blockage may cause waterlogging in that region and affect the stability of the river embankment. It is here to mention that the embankment at the said location has been constructed by the North Bengal Development Department and already informed to the Executive Engineer, NBDD and also to the Chairman, Jalpaiguri Municipality by the Superintending Engleer, North East Irrigation, Circle-II Irrigation and Waterways Directorate to look into the matter vide his Memo NO. 58/1(30/22-P) dated 19.01.2024. The matter may be taken up with NBDD" but till date the said respondent authority did not take any step into the matter.

- VII. For that on 12<sup>th</sup> September, 2024 the petitioner made the application for Right to Information before the Block Land and Land Reforms Officer and The Chairperson of Jalpaiguri Municipality about status and nature of the land in question but the respondent authorities did not take any step into the matter.

60

14

VIII. For that as the respondent authority is not showing any interest towards immediate granting appropriate effective steps for illegal sell and/or purchase of the land on water bodies in Mouza- Kharia Sheet No. 81 (L.R.). The land in question is water body being a part of river Karala which contains one thousand cusec of water during rainy season, the petitioner is compelled to approach his court for the ends of justice.

IX. For that the inaction on the part of the respondent authorities, the petitioner has suffered infringement of fundamental rights guaranteed under Article 19 and 21 of the Constitution of India.

17. That there is no delay or laches on the part of your petitioner.

18. That on the selfsame cause of action no other public interest application has been preferred by the petitioner.

19. That there is no other alternative remedy available to your petitioner and he has approached this Hon'ble Court for speedy and efficacious remedy.

20. That in view of urgency under rule 26 of the appellate side the petitioner demanded oral justice before the respondent authorities but justice has been denied to your petitioner by not replying the same.

61

15

21. That the petitioner has no personal interest in making this application and the same has been preferred in public interest at large for the common people.

21. That this application is bonafide and has been made for the ends of justice.

In the aforesaid circumstances it is most respectfully prayed that Your Lordships may graciously be pleased to issue:-

a) A writ in the nature of mandamus be issued commanding the respondents and/or each of them specifically the respondent No. 10, 11 and 12 for taking positive step for to investigate into the matter and prayer for dismantling the illegal construction of boundary wall in Mouza- Kharia Sheet No. 81 (L.R.), L.R. Plot Nos. 256, 270, 274 in area of 2.32 acres and Mouza- Kharia, Sheet No.13, R.S. Plots No. 90, 91, 92, 93, 94, 105, 734, 735, 736 and 737 and sluice gate which was blocked by the private respondent Nos. 13 and 14.

62

16

b) A writ in the nature of mandamus be issued commanding the respondents and/or each of them specifically the respondent No. the respondent No. 10, 11, and 12 to consider the representation dated 18.07.2024 and 19.07.2024 made by the petitioner for positive step to investigate into the matter and prayer for dismantling the illegal construction of boundary wall in Mouza- Kharia Sheet No. 81 (L.R.) L.R. Plot Nos. 256, 270, 274 area of 2.32 acres and Mouza- Kharia, Sheet No.13, R.S. Plots No. 90, 91, 92, 93, 94, 105, 734, 735, 736 and 737 and sluice gate which was blocked by the private respondent Nos. 13 and 14 and to cancel the illegal deeds and approval of construction work by the private respondents and save for the welfare of the common people of Jalpaiguri district at large;

17

c) A writ in the nature of certiorari be issued directing the respondents authority to transmit the records of the case and to certify the same so that conscionable justice may be done to the nation.

d) Any other appropriate writ(s), order(s) and/or direction(s);

e) Rule Nisi in terms of prayers (a), (b) and (c) above;

f) Ad interim order do issue directing the respondent No.13 and 14 and their associates to stop the illegal construction work of the water bodies under Mouza-Kharia Sheet No. 81 (L.R.) in L.R. Plot Nos. 256, 270, 274 area of 2.32 acres and also the Mouza-Kharia, Sheet No.13, R.S. Plots No. 90, 91, 92, 93, 94, 105, 734, 735, 736 and 737;

g) Make the rule absolute.

h) Costs of and incidental to this application;

64

18

i) Such other or further order(s)  
and/or direction(s) as to this  
Hon'ble Court may deem fit and  
proper.

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

65

19

## AFFIDAVIT

I, Jyoti Prosad Roy, son of Late Ajit Kumar Roy, aged about 72 years, by faith-Hindu, by occupation-social worker, residing at Ukil Para, Jalpaiguri, Pin-735101 and also the President of Paribesh O Aamra, Jalpaiguri, Pabitra Nagar, Jalpaiguri, Pin-735101, do hereby solemnly affirm and say as follows :-

1. That I am the petitioner of this writ application and I am well acquainted with the facts and circumstances of this case and as such competent enough to affirm and swear this affidavit.
2. That the statements made in paragraphs 1 to 10 are true to my knowledge, those made in paragraphs are matter of record which I believe to be true and the rest is my humble submissions before this Hon'ble Court.

Prepared in my office.



Advocate

Enrolment No. F/3900/3968/2023

Clerk to

Solemnly affirmed before me  
on this the 24<sup>th</sup> day of September,  
2024.

Advocate

The deponent is known to me

COMMISSIONER

I certify that all annexures  
are legible.



Advocate

66

Amedovye P.I

20  
--



  
 Government of India

Address no. (आधार नं.): 22653450076

Jyoti Prasad  
 JYOTI PRASAD ROY  
 1970/08/08 DOB: 09/10/1951  
 M/M MALE

(आधार) प्रमाणित प्रमाण, प्रमाणित या प्रमाणित नहीं है।  
 (आधार) प्रमाणित प्रमाण (आधार) प्रमाणित या प्रमाणित नहीं है।  
 (आधार) प्रमाणित प्रमाण (आधार) प्रमाणित या प्रमाणित नहीं है।  
 (आधार) प्रमाणित प्रमाण (आधार) प्रमाणित या प्रमाणित नहीं है।

As shown in proof of identity, not of effectiveness  
 or date of birth. It should be used with verification (online  
 authentication, or scanning of QR code / offline ATM).

**2265 3345 0076**

आधार आधार, आधार, आधार



  
 Unique Identification Authority of India

Name: S/O Late Anil Kumar Roy, U33 Para, U33 Para, Jalpaiguri, Jalpaiguri, West Bengal - 735101

Address: S/O Late Anil Kumar Roy, U33 Para, U33 Para, Jalpaiguri, PG: Jalpaiguri, DIST: Jalpaiguri, West Bengal - 735101

**2265 3345 0076**

VID: 8180 8183 6007 4058

2014 | 1080 8183 6007 4058 | www.uidai.gov.in

Jyoti Prasad Roy

(67)

Annexure-P2

## JOUTHA PARIBESH MANCHA

C/O- Jalpaiguri Welfare Organization,  
Club Road, P.O. and DL- Jalpaiguri

Contact No 9749335625/ 7063839770/ 9475809287/ 9832373600

Dated - Jalpaiguri  
26.09.2013.To  
The District Magistrate  
JalpaiguriSub: Deputation in regard to prevent illegal Construction work on  
water body being part of river Karala

Respected Madam,

We, on behalf of our organisation, convey our gratitude to you for giving us appointment out of your busy schedule and at the same time like to draw your kind attention to the following few facts which require your kind intervention.

i) That one person along with his associates, taking undue advantage of khatian has taken a plan to construct a residential complex on water body (being a part of river karala) which is situated at the backside of Viswa Bangal, Kirangan, Jalpaiguri. The area in question covers more than 4.00 acres of land and contains 10,000 cusec water every day during rainy season.

ii) That Jalpaiguri itself is a flood prone area and the drainage system of the town is also faulty in spite of the best effort by the municipality. Moreover in 1968, the most devastating flood was witnessed by the people of Jalpaiguri which is regarded as 2nd of its kind in the world after Italy. So the people of this region face various problems in the rainy season due to water logging.

iii) That the water body in question actually divided the town in to two parts viz the east and the west and town people took boat service to cross the river up to 2008. But in 2009 onwards S.J.D.A. constructed embankment on both sides of the river and built a concrete bridge over the river enabling the people to cross the river without any problem. And the boat service was seized to operate, on and from 2010.

iv) That taking the advantage of the embankment and the bridge that the said person is trying his level best to surpass the provisions of L.R.Aact 1955 along with provisions of Bio diversity Act of 2002 for his personal interest whereas section 12 of L.R.Aact 1955 clearly lays down that any water body adjacent to river will be vested to the state straightway and section 4 (c) also states the right of rayat to possess different <sup>cl.a.55</sup> ~~parts~~ of land wherein the water body is not included.

68

101

# JOUTHA PARIBESH MANCHA

22

C/O- Jalpaiguri Welfare Organization  
Club Road, P.O. and Dt.- Jalpaiguri  
Contact No : 9749335625/ 7063839770/ 9475809287/ 9832373600

v) That some miscreants in every place have been trying to misguide the concerned department for their own interest which ultimately malign the image of state Govt. without any reason though the Govt. is always trying to run the administration transparently.

Under these premisses we fervently request your good office to consider our prayer so that illegal activities by any person will be stopped permanently  
With deep regards.

Encl:-

Sincerely yours

*Biswas Jyoti Choudhary*

*T. M. Jyoti Choudhary*  
*Memo no. 3882 dt. 26.9.2023*

*b.No - 3882*  
*dt - 26/9/23*

Convener  
Joutha Paribesh Mancha  
Jalpaiguri

69

①

23

# JOUTHA PARIBESH MANCHA

C/O- Jalpaiguri Welfare Organization,  
Club Road, P.O. and Dt.- Jalpaiguri.  
Contact No : 9749335625/ 7063839770/ 9475809287/ 9832373600.

To  
The District Land and Land Reforms Officer  
Jalpaiguri

Sub: Complaint against unlawful recording of water body in the names of some persons and persons scheduled of land.

Sir,  
We, on behalf of our organization, would like to draw your kind attention to the following facts:-

1) That water body adjacent to river Karala has been recorded unlawfully by Sd/- B.L. & L.R.O. M.K. Karala has been a purchaser, it may be mentioned here that section 12 of L.R. Act 1955 clearly states that any water body adjacent to any river will be vested to the state without any reference. The water body in question is still a part of Karala and it contains ten (10) thousand acres of land every year during rainy season. And if the said water body is covered and building is built the entire area will destroy the biodiversity of the region. It is evident that a group of people in the name of development tries to purchase all these water bodies for their own interest which ultimately destroy the biodiversity of the region.

2) That we strongly object such nefarious work of the concerned officers. It may also be mentioned here that section 4(e) of the L.R. Act 1955 clearly states the right of ryot to hold different classes of land which does not allow to hold water body adjacent to any river.

3) That Jalpaiguri itself is a flood prone area, which was evident in 1968 still designed on the 2nd of its kind after that of study.

70

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2

24

# JOUTHA PARIBESH MANCHA

C/O- Jalpaiguri Welfare Organization,  
Club Road, P.O. and Dt.- Jalpaiguri  
Contact No : 9749335625/ 7063839770/ 9475809287/ 9882373600

Under these premises, we fervently request  
your good office to make a field enquiry for verifying  
our complaint so lodged and take necessary steps  
to cancel those khatahs so manufactured by  
S/1 A(1) of the L. R. Act 1955 and do the justice to  
the people of the town  
Thanking you.

Sincerely yours,

*Prasanta Dutta Choudhury*

Land Schedule,  
Mouza - Kharia  
Sheet No - 13  
Plots - 91, 92, 93, 94,  
105, 734, 735, 736, 737

Convener  
Joutha Paribesh Mancha  
Jalpaiguri

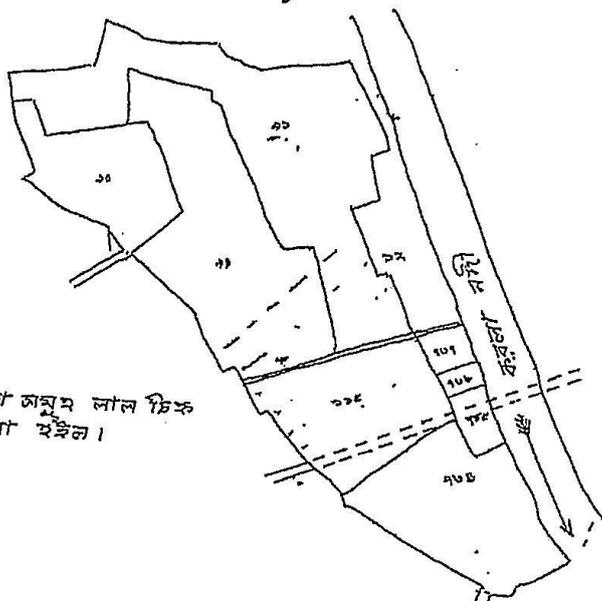


71

Annexure - P8

25

মৌজা খাড়িয়া  
সিট নং ১৩  
জে,এল,নং ৭  
জিলা জলপাইগুড়ি।  
স্কেল ১:১০০ = ১ ইঞ্চি



উল্লেখিত দাগ জম্ম লাল চিক  
দ্বারা দেখানো হইল।

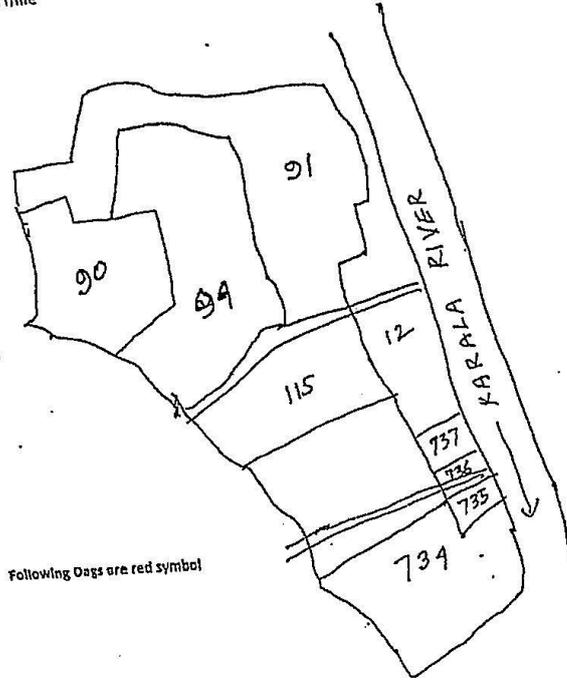
প্রস্তুতকারক  
শ্রী কামল কুমার মাস  
জামিল

72

26  
--

Type copy

Mouza: Kharia  
Sheet No.13  
J.L. No.7,  
District-Jalpalguri  
Scale 16" = 1 mile



Following Dags are red symbol

73

নাম- জনস্বাস্থ্যবিভাগ খতিয়ান নং- ২৬৯ [ ০৭০২২৬৭ ]  
 জা- খরিসা মিট নং- জে.এম.নং- ০০৭ খানা- কোতোয়ালী  
 ৪১  
 (১) মাসখ- টালা খতিয়ান জেরির তারিখ - 16/11/2021  
 (২) জমির পরিমাণ(এ)- ০.৭৮৪৭ (৩) মোট দাগের সংখ্যা- ৯



27

	(৩) অগ্রস্বয়ের দখলকারের বিবরণ	(৫) বছ	(৬) মরো
নাম-	মা কামাফা	মায়ত	
পিতা-	ডেউলশামস		
পতিকানা-	বিজ		

০.৭৮৭ অগ্রস্বয়ের নিজ দখলী জমি

দাগ নং	জমির প্রেমী	মরো	দাগের মোট পরিমাণ(এ)	দাগের মধ্যে অগ্রস্বয়ের অংশ	দাগের মধ্যে অগ্রস্বয়ের জমির অংশের পরিমাণ
					একর
২৩৫	দহলা		০.৪৮৭৮	০.৩০৭২	০.১৪০৬
২৩৬	দহলা		০.১৫২৮	০.০১৭৭	০.০৭৫১
২৩৭	দহলা		০.৪৫৪০	১.০০০০	০.৪৫৪০
২৩৮	দহলা		০.৪৬৩৫	১.০০০০	০.৪৬৩৫
২৩৯	দহলা		০.৫৬৯৬	০.৭৬২৪	০.৪৩৪০
২৪০	দহলা		০.৩৬১৭	০.১৬২৭	০.৩৬১৭
২৪১	দহলা		০.৬২৮০	১.০০০০	০.৬২৮০
২৪২	দহলা		০.৬২৮২	০.১২৪৬	০.৫০৩৬
২৪৩	দহলা		০.৬৪৫২	০.৬৭৫৫	০.৬২৮৪

মোট দাগের সংখ্যা- নয় মাত্র

74

140

28

## Type copy

Dist: Jalpaiguri  
Mouza: Kharla, Sheet  
No. 81

Khatian No. 269  
J.L. No. 007

(0702267)  
P.S. Kotwall

1. Tax amount Date of Khatian prepared on 16.11.2021

2. area of land 3.7847

3. Total Dag Nos. 9

	4. description of processors	5. Nature	6. Remarks
Name:	Maa Kamaksha	Rayat	
Father:	Developers		
Address:	Lease		

## 7. own possessor land

Dag No.	Nature of land	Land of dag	Land of the possessor	Area of Land of the possessor in Dag.
235	Dahola	0.4878	0.3072	0.1499
236	Dahola	0.1528	0.5177	0.0791
259	Dahola	0.4540	1.0000	0.4540
260	Dahola	0.4665	1.0000	0.4665
261	Dahola	0.5696	0.7624	0.4343
262	Dahola	0.3617	0.9997	0.3617
262	Dahola	0.6280	1.0000	0.6280
263	Dahola	0.6292	0.9286	0.5818
271	Dahola	0.6292	0.9286	0.5818
272	Dahola	0.6452	0.9755	0.6291
Total Dag: Nine				

75

Amexors- P. 4

1960

W-471-J



GOVERNMENT OF WEST BENGAL  
IRRIGATION & WATERWAYS DIRECTORATE  
OFFICE OF THE CHIEF ENGINEER, NORTH EAST  
CLUB ROAD, JALPAIGURI

29

MEMO NO. 565(1)/W-471-J

DATED: 07.08.24

o  
The District Magistrate,  
Jalpaiguri.

Sub:-Regarding Deputation against blocking of sluice gate over the river Karala by the builders.

Ref:- Memo No. Nil dated 05.01.2024 of the Conveynor, Joutha Paribesh Mancha, Jalpaiguri.

Madam,

In connection with the above noted subject, I am to enclosed herewith a copy of the letter of the Conveynor, Joutha Paribesh Mancha, Jalpaiguri, as received vide his memo under reference for your ready reference.

According to their information, a group of builders constructed a concrete fencing adjacent to river Karala which causing blockage the sluice gate situated on the right bank of river, Karala in the back side of Viswa Bangla Krirangan, Jalpaiguri. Our Departmental Officers also visited the said location and according to their inspection report this type of blockage may cause waterlogging in that region and affect the stability of the river embankment. It is here to mention that the embankment at the said location has been constructed by the North Bengal Development Department and already informed to the Executive Engineer, NBDD and also to the Chalmrman, Jalpaiguri Municipality by the Superintending Engineer, North East Irrigation Circle-II, Irrigation & Waterways Directorate to look into the matter vide his Memo No. 58/1(30/22-P dated 19.01.2024. The matter may be taken up with NBDD.

Encls:- As stated

Yours faithfully

etc

(K. Ghoshgumik)

Chief Engineer, North East  
Irrigation & Waterways Directorate  
Club Road, Jalpaiguri

MEMO NO. 565(1)/W-471-J

DATED: 07.08.24

Copy forwarded for information to:

1. The Chief Engineer, North Bengal Development Department, Siliguri.
2. The Superintending Engineer, North East Irrigation Circle-II, Irrigation & Waterways Directorate, Club Road, Jalpaiguri with reference to his Memo No. 317/22-P dated 22.07.2022
3. The Conveynor, Joutha Paribesh Mancha, Jalpaiguri.

etc

(K. Ghoshgumik)

Chief Engineer, North East  
Irrigation & Waterways Directorate  
Club Road, Jalpaiguri

76



GOVERNMENT OF WEST BENGAL  
OFFICE OF THE SUB DIVISIONAL OFFICER, SADAR SUB DIVISION,  
JALPAIGURI

Email id :-sdosadarjal@gmail.com; Telephone No:- 03561232017(Office)

Dated. 22<sup>nd</sup> July, 2024

Memo No. 1990/PG

To  
The Executive Engineer,  
Irrigation & Waterways Deptt.,  
Jalpaiguri.

Sub : Complaint regarding Illegal Construction.

You are requested to peruse the complaint filed by one Shri Biswajit Datta Chowdhury as Secretary of one organization, as per their letterhead going by the name of "PARIBESH -O-AMRA", Jalpaiguri. It alleges, obstruction of sluice gate.

You are requested to enquire into the matter whether the same is true.

You may take necessary action as per law and inform the concerned with a copy to this end.

Encls: As stated

Sub-Divisional Officer  
Sadar, Jalpaiguri

Dated. 22<sup>nd</sup> July, 2024

Memo No. 1990/PG  
Copy forwarded for information to :

1. CA to the District Magistrate, Jalpaiguri.
2. Shri Biswajit Datta Chowdhury, complainant.

Sub-Divisional Officer  
Sadar, Jalpaiguri

77

31



GOVERNMENT OF WEST BENGAL  
OFFICE OF THE SUB DIVISIONAL OFFICER, SADAR SUB-DIVISION,  
JALPAIGURI

Email Id :- sdosadurjal@gmail.com; Telephone No:- 03561232012 (Office).

Memo No. 199/11PG

Dated: 22<sup>nd</sup> July, 2024

To  
The Chairperson,  
Jalpaiguri Municipality,  
Jalpaiguri.

Sub : Complaint regarding illegal construction.

Madam,

You are requested to peruse the complaint filed by one Shri. Biswajit Datta Chowdhury as Secretary of one organization, as per their letterhead going by the name of "PARIBESH-GAMRA", Jalpaiguri. It alleges, illegal construction in government land, inter alia:

You are requested to enquire into the matter whether any construction as alleged has taken place without sanctioned plan. Your good office may take necessary action following provisions of law. An action taken report shall be appreciated.

Encl: As stated

  
Sub-Divisional Officer  
Sadar, Jalpaiguri

Dated: 22<sup>nd</sup> July, 2024

Memo No. 199/11PG

Copy forwarded for information to :

1. CA to the District Magistrate, Jalpaiguri.
2. Shri. Biswajit Datta Chowdhury, complainant.

  
Sub-Divisional Officer  
Sadar, Jalpaiguri

78

Annexure-24

1927

32



## APPLICATION UNDER RTI-2005 ACT

To:

The BLRO [Block Land and Land Reforms Officer], Jalpalguri-Sadar Block, West Bengal  
Sir,

I shall seek some information from you under the RTI-2005 Act based on the background below:

**Background:** I would like to bring to your knowledge some background of the vast stretch of marshy low land [ popularly called Jalabhum in Bengali [ and "WETLAND" in English] by the local people] as visible to the left of the approach road to the new Karla Bridge [ that approach road to the new Karla Bridge starts from the Gourio Math] and also may be reached by walking a few yards from an dilapidated old Masjid [ remains of that old structure still exists at the end of a lane] in the Old Police Line area, Jalpalguri. Copy of the letter issued to us by the Chief Engineer [ Mr. Krishendu Bhowmick] is attached in the Annexure-1 in support of the information along with some more annexures in support of this Application.

Long ago as early as in early 1954, this Jalabhum [wetland] was connected with the river Karla by a few "Hume-Pipes" and was also fed with seasonal rain-water. The local people used to take bath and swim at noon and some people used to fishing and also used to roam with small boats.

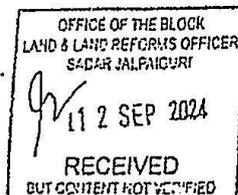
Later after the construction of the new Karla Bridge, an Embankment was constructed along the western side river Karla by the Irrigation Department leaving the vast land of that Jalabhum along with some low land which was connected with that Jalabhum.

Over the years the two lands continued to be filled with huge "Kachuripanaplants" and ultimately transformed into a single vast stretch of low land of about 17 "bighas" of land.

After searching about the status of that vast land, we have got the information that the vast low land has been recorded under RS-Plot Nos, 90,91,94,115 and 735-737. Mouza Kharla, Sheet No-Rs 13, LR-81.

In view of the above, I would like to seek the following information under the RTI-2005 Act:

1. Present status of the above land as now exists in government record(s) like (i) Jalabhum [wetland], (ii) Low land (iii) barren land (iv) Khas land etc..



79

33

2. Whether conversion of the entire land of about 17 seventeen) bighas or more has been made by the competent Administrative Authority with peer review after verification of all necessary papers and official documents required for the purpose of conversion of the nature of the land in question in order to avoid future complicity as we apprehend now,

3. Whether the land as referred to above has been recorded in the name of any person with due clearance of all taxes and inform the name and address of that person(s) in whose favour the land has been recorded by you as the BL&LRO.

4. Whether that land has been sold-out or not and whether the name of the purchaser has been recorded in the LR-Khatian.

I would like to request you to kindly send the above information to the questions as mentioned in 1-4 above with sufficient clarity and leaving no scope of any ambiguity and in compliance of all necessary official records and documents, within thirty working days from the receipt of this Application.

Necessary Application Fee of Rs. 10/- is affixed below

Sincerely yours

*Jyoti Prasad Roy*  
(Jyoti Prasad Roy)

President

Paribesh O Aamra Paribesh O Aamra

Uki Para, Jalpaiguri-735101

m-9434217139

*Biswajit Dutta Chowdhury*  
(Biswajit Dutta Chowdhury)

Secretary

SECRETARY  
PARIBESH O AAMRA, JALPAIGURI  
HATIRA NAGAR, JALPAIGURI

80

34



APPLICATION UNDER RTI-2005 ACT

Dated: September \_\_\_\_\_, 2024.

To: The Chairperson, JalpaiguriMunicipality, Jalpaiguri-735101, West Bengal

Madam,

I shall seek some information from you under the RTI-2005 Act based on the background below:

Background: I would like to bring to your knowledge some background of the vast stretch of marshy low land [ popularly called Jalabhumi in Bengali [ and "WETLAND" in English] by the local people] as visible to the left of the approach road to the new Karla Bridge [ that approach road to the new Karla Bridge starts from the Gourlo Math] and also may be reached by walking a few yards from an dilapidated old Masjid [ remains of whose old structure still exists at the end of a lane] in the Old Police Line Jalpaiguri. Copy of the letter issued to us by the Chief Engineer [ Mr. KrishenduBhowmick] is attached in the Annexure-I in support of the information along with some more annexures in support of this Application.

Long ago as early as in early 1954, this Jalabhumi was connected with the river Karla by a few "Hume-Pipes" and was also fed with seasonal rain water. The local people used to take bath and swim at noon and some people used to fishing and also used to make roaming with small boats.

Later after the construction of the new Karla Bridge, an Embankment was constructed along the river Karla by the Irrigation Department leaving the vast land to western side of the embankment and that wetland along with some low land which was connected with that wetland.

Over the years the vast stretch of lands were filled with "kachuripans-plants" and ultimately transformed into a single vast low land of about 2(two) "bighas" or more.

After searching about the status of that vast land, we have got the information that the vast low land has been recorded under RS-Plot Nos, 90,91,94,115 and 735-737. We do not know whether any conversion of the about 17 bighas of land has been made in favour of any person by the competent Administrative Authority taking sufficient care,peer review and after verification of all necessary papers and official documents as might be required for the purpose of conversion of the nature of the land

Under the RTI-2005 Act we like to know from you if the Jalpaiguri Municipality has received any Plan along with legal papers of the land for construction of any building on the said land and whether that plan has been sanctioned or not or under consideration for sanction of that plan for any construction. Necessary Application Fee of Rs. 10/- is affixed below

(Sincerely yours)  
Prasanna Roy  
Prasanna Roy

PRESIDENT  
PARIBESH OAHMRA JALPAIGURI

Uthpasa  
Jalpaiguri

(Biswajit Dutta Chowdhury)  
Biswajit Dutta Chowdhury  
SECRETARY  
PARIBESH OAHMRA JALPAIGURI  
PABITRA NAGAR, JALPAIGURI



81

35

To  
The Hon'ble District magistrate  
Jalpaiguri,

Madam,

I am enclosing applications under RTI 2005 ACT addressed to  
(i)BL&LRO and (ii) chair person , jalpaiguri municipality for  
seeking some informations under the said ACT.

Kindly send the two applications to the two addressees at  
your earliest

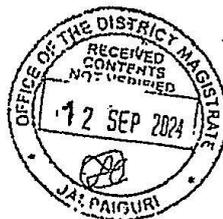
Sincerely yours

*Jyoti Prosad Roy*

(JYOTI PROSAD ROY) A senior citizen having voting  
right and paying income tax.

Ukhalpara, Jalpaiguri.

M. no 9434217139 }  
7908689461 }



82

E. B. B. B.

DISTRICT: JALPAIGURI  
IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

W. P. A. (P) No. 496 OF 2024  
In matter of:  
A public interest litigation under  
Article 225 of the Constitution of  
India.

-AND-

In the Matter of:  
Jyoti Prosad Roy ... Petitioner  
Versus  
The State of West Bengal & Ors.  
... Respondents.

PETITION

Gopal Krishna Sarkar  
Advocate  
Enrolment No. F/3900/3968/2023  
C/o. Kalyan Kr. Chakraborty,  
Advocate  
Bar Association Room No. 10,  
High Court, Calcutta.  
M:91239307815

## Calcutta High Court - Appellate side

Back

83

Appellate side  
Case Details

Case Type	: WPA(P)	
Filing Number	: 426/2024	Filing Date: 25-09-2024
Registration Number	: 426/2024	Registration Date: 25-09-2024
CNR Number	: WBCHCA-048800-2024	

## Case Status

First Hearing Date	: 06th November 2024
Decision Date	: 02nd January 2025
Case Status	: CASE DISPOSED
Nature of Disposal	: Contested--DISMISSED
Coram	: 266111 THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNAM , HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Bench	: Division Bench
State	: West Bengal
District	: JALPAIGURI
Judicial	: MANDAMUS SECTION
Causelist Name	: Daily List
Not Before Me	:

## Petitioner and Advocate

1) JYOTI PROSAD ROY Advocate- GOPAL KRISHNA SARKAR
---

## Respondent and Advocate

1) THE STATE OF WEST BENGAL AND ORS.
--------------------------------------

## Acts

Under Act(s)	Under Section(s)
--------------	------------------

## Subordinate Court Information

Court Number and Name	: --
Case Number and Year	: 0
Case Decision Date	: --
state	:
District	:

## History of Case Hearing

Cause List Type	Judge	Business On Date	Hearing Date	Purpose of hearing
	THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNAM , HON'BLE JUSTICE HIRANMAY BHATTACHARYYA	02-01-2025		Disposed
Daily List	THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNAM , HON'BLE JUSTICE HIRANMAY BHATTACHARYYA		06-11-2024	NEW MOTION
Daily List	THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNAM , HON'BLE JUSTICE HIRANMAY BHATTACHARYYA	07-11-2024	14-11-2024	PIL
Daily List	THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNAM , HON'BLE JUSTICE HIRANMAY BHATTACHARYYA	14-11-2024	21-11-2024	PIL
Daily List	THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNAM , HON'BLE JUSTICE HIRANMAY BHATTACHARYYA	21-11-2024	28-11-2024	PIL
Daily List	THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNAM , HON'BLE JUSTICE HIRANMAY BHATTACHARYYA	28-11-2024	05-12-2024	PIL
Daily List	HON'BLE JUSTICE HARISH TANDON , HON'BLE JUSTICE HIRANMAY BHATTACHARYYA	05-12-2024	12-12-2024	PIL
Daily List	THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNAM , HON'BLE JUSTICE HIRANMAY BHATTACHARYYA	12-12-2024	19-12-2024	PIL
Daily List	THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNAM , HON'BLE JUSTICE HIRANMAY BHATTACHARYYA	19-12-2024	02-01-2025	PIL

## Orders

Order Number	Order on	Judge	Order Date	Order Details
1	WPA(P)/426/2024	THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNAM , HON'BLE JUSTICE HIRANMAY BHATTACHARYYA	02-01-2025	<a href="#">View</a>

## Category Details

Category	GROUP A (WRIT MATTERS) ( 1 )
Sub Category	Public Interest Litigation ( 21 )



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# National Green Tribunal

**Case Details** Back

Filing Number	190213400542/2024	Filing Date	19-12-2024
Party Name	BISWAJIT DUTTA CHOUDHURY VS THE STATE OF WEST BENGAL		
Petitioner Advocate(s)	Respondent Advocate(s)		
Act	ENVIRONMENT (PROTECTION) ACT, 1986		
Case Number	Original Application No. 32/2025	Registered On	18-02-2025
Last Listed	20-02-2025	Next Hearing Date	02-04-2025
Case Status	PENDING		

- [All Parties](#)
- [Listing History \(Orders\)](#)
- [IA/MIA](#)
- [Connected Matters](#)

- [Diary Number](#)
- [Case Number](#)
- [Party Name](#)
- [Advocate Name](#)
- [Keyword Search](#)
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- [Free Text](#)
- [Advance Search](#)



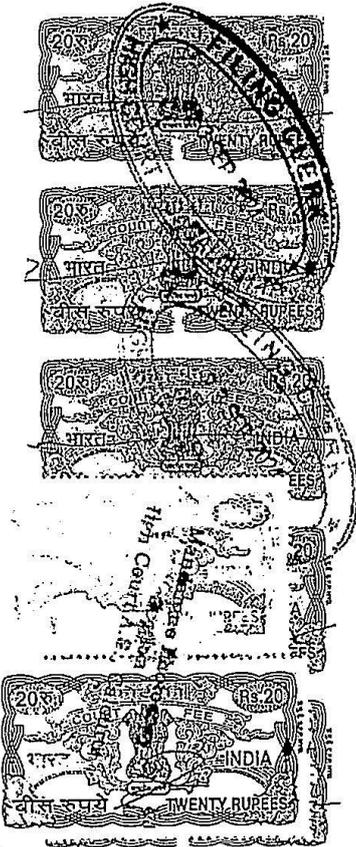
**ANNEXURE - "E"**

85

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*Through  
Sugan Borishan Singh  
Adv.*

DISTRICT: JALPAIGURI  
IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE



W.P.A.(P) No. 426 OF 2024  
IN THE MATTER OF:  
A Public Interest Litigation under  
Article 226 of the Constitution of  
India;

AND  
IN THE MATTER OF:

*L 9*  
Jyoti Prosad Roy, son of Late Ajit  
Kumar Roy, aged about 73  
years, residing at Ukil Para,  
Jalpaiguri, Pin-735101 and also  
the President of Paribesh O  
Aamra, Jalpaiguri, Ukilpara,  
District-Jalpaiguri, Pin-735101.

.. Petitioner

Versus

1. The State of West Bengal service through the Chief Secretary, having its office at Nabanna, 325, Sarat Chatterjee Road, Shibpur, Howrah-711102.
2. The Principal Secretary, Department of Land and Land Revenue, Government of West Bengal, having its office at

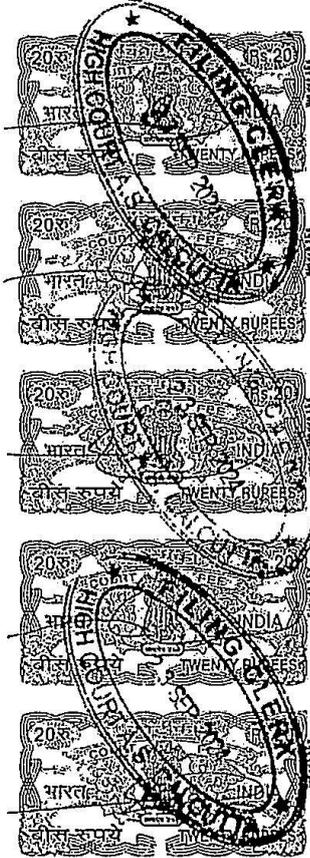
*51279*

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*Ju  
17.01.2025*

86

Nabanna, 325, Sarat Chatterjee Road, Shibpur, Howrah-711102.



3. The District Magistrate, Jalpaiguri, having its office at P.O. & District- Jalpaiguri, Pin-735101.

4. The Superintendent of Police, Jalpaiguri, having its office at P.O. & District- Jalpaiguri, Pin-735101.

5. The Additional District Magistrate (LR) and District Land and Land Reforms Officer, Jalpaiguri, having its office at P.O. & District- Jalpaiguri, Pin-735101.

6. The Sub-Divisional Officer, Jalpaiguri Sadar Sub-Divison, having its office at P.O. & District-Jalpaiguri, Pin-735101.

7. The Block Land and Land Reforms Officer, Jalpaiguri Sadar Block, having its office at P.O. & District- Jalpaiguri, Pin-735101.

8. The Inspector-in-Charge, Kotwali Police Station having its office at P.O. & District- Jalpaiguri, Pin-735101.

W2

17.01.2025

87

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9. West Bengal Wetland Authority, service through the Member Secretary, Department of Environment, Government of West Bengal having his office at 5<sup>th</sup> Floor, Pranisampad Bhavan, Block-LB-III, Salt Lake, Sector-III, Bidhannagar, Kolkata-700106.

10. The Chief Engineer, North East, Irrigation and Waterways, Chub Road, Jalpaiguri, Pin-735101.

11. The Superintendent Engineer, North Bengal Development Department, Siliguri, Pin-734101.

12. Jalpaiguri Municipality service through its Chairperson, having its office at P.O. & District- Jalpaiguri, Pin-735101.

12A. The Chairperson, Jalpaiguri Municipality, having its office at P.O. & District- Jalpaiguri, pin-735101.

...Respondents

13. Ashoke Jindal, resident of Lichutola, Dinbazar, Jalpaiguri, Pin-735102.

W3

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17.01.2025

88

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14. M/s. Maa Kamakha  
Developer having its office at P.O.  
& District- Jalpaiguri, Pin-  
735101.

...Private Respondents

*Ju*  
17.01.2025

89

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		02.01.2025 Item No.11 gd/ssd	<p style="text-align: center;">WPA(P)/426/2024 JYOTI PROSAD ROY VS THE STATE OF WEST BENGAL AND ORS.</p> <p>Mr. Kaiyan Kumar Chakraborty, Mr. Gopal Krishna Sarkar ..for the Petitioner.</p> <p>Mr. Jaharlal De, Mr. Shamimul Bari ..for the State.</p> <p>Mr. Ayan Banerjee, Ms. Debasree Dhamali, Ms. Riya Ghosh ..for the Respondent No.4.</p> <p>1. The petitioner alleges that a land has been illegally used for the purpose of other than being maintained as a water body.</p> <p>2. The learned advocate appearing for the private respondent submitted that an order has been passed by the Collector under Section 4C of the West Bengal Land Reforms Act, 1955 dated 13<sup>th</sup> January, 2023 by which conversion has been approved.</p> <p>3. As long as the order of conversion remains, the question of issuing a direction as sought for in the writ petition does not arise.</p> <p>4. Hence, the writ petition stands dismissed.</p> <p style="text-align: right;">sd/- T. S. Sivagnanam, C.J. (T. S. SIVAGNANAM) CHIEF JUSTICE</p> <p style="text-align: right;">sd/- H. Bhattacharyya, J. (HIRANMAY BHATTACHARYYA, J.)</p>

ju  
17.01.2025

CHC/D/187/25

90



- 1. Date of application for Certified Xerox Copy.....03-01-2025
- 2. Date of notifying the charges in .....16-01-2025
- 3. Date of Plea in Charges in Court's records.....17-01-2025
- 4. Date when the Certified Xerox Copy was ready for delivery.....17-01-2025
- 5. Date making over the certified Xerox Copy to the applicant

Certified to be a true copy  
*Bhavinath Hembram*  
 Assistant Registrar / Section Officer  
 High Court, Appellate Side Calcutta 17.01.2025  
 Authorised Under Section 76 of the  
 India Evidence Act, 1872  
 (Act 1 of 1872)

## ANNEXURE - "F"

91



E-Grihamaksha

Online Building Plan Approval System

## BUILDING PERMIT

Date: 03-01-2025

From :

The Executive Officer

Jalpaiguri Municipality

Building Permit Number: SWS-OBPAS/0502/2024/0042

To:

MAA KAMAKHYA DEVELOPER

Subject: Issue of sanction of erection of the building and issue of Building Permit under rule 21.

## Building Particulars:

Premises No	52/51/106	Holding No	52/51/106
Street/Lane	NETAJI PARA	Borough No	-
Ward	Ward-25	Block No	-
Plot No : Khatian No	RS-91, 92 : 2/4, LR-262, 272 : 260, LR-263 271 : 259		
Mouza		JL	07
Police Station	Kotwali		

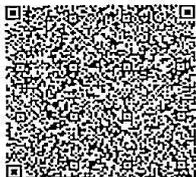
Sir/Madam,

With reference to your application dated 24-01-2024 for the sanction of the building with particulars mentioned above, this Building Permit is hereby granted subject to the following conditions :-

1. The Building Permit is valid up to 02-01-2028
2. The Building Permit No. SWS-OBPAS/0502/2024/0042 dated 03-01-2025 is valid for Residential purpose
3. The construction will be undertaken as per sanctioned plan only and no deviation from West Bengal Municipal (Building) Rules 2007 (as amended) will be permitted.

Any deviation done against the said rules is liable to be demolished.

Yours faithfully,



Signature Not Verified

Digitally Signed  
 Name: Debdulal Patra  
 Date: 03-Jan-2025 16:34:01  
 Reason: Building Permit  
 Location: Jalpaiguri

Debdulal Patra

Executive Officer



Shivam Bhimsaria &lt;advshivambhimsaria@gmail.com&gt;

**Re: O.A. No. 32 of 2025 || Scanned Copy of IA filed by Respondent No. 12**

1 message

Shivam Bhimsaria &lt;advshivambhimsaria@gmail.com&gt;

Tue, Apr 1, 2025 at 1:41 PM

To: Bisu6782@gmail.com, acsenwb@gmail.com, psecy.env-wb@gov.in, environmentwb@gmail.com, ms.wbpcb-wb@bangla.gov.in, directorswid@gmail.com, ctockwma@gmail.com, spjpgwb@gmail.com, Jalpaigurmunicipality@gmail.com, rder-cgwb@nic.in, dm-jip@gmail.com

**SERVICE THROUGH EMAIL**

To,

1. Biswajit Dutta Choudhury,  
Pabitra Nagar Colony, Jalpaiguri, Pin-735101; and  
Secretary of Paribesh O Aamra, Jalpaiguri,  
Ukilpara, District- Jalpaiguri, Pin-735101;  
E-mail ID: [Bisu6782@gmail.com](mailto:Bisu6782@gmail.com)
2. State of West Bengal,  
through the Additional Chief Secretary,  
Department of Environment, Prani Sampad Bhawan,  
5<sup>th</sup> Floor, Block-LB-II, Salt Lake,  
Sector-III, Bidhannagar, Kolkata-700098;  
E-mail ID: [acsenvwb@gmail.com](mailto:acsenvwb@gmail.com)
3. Additional Chief Secretary,  
Department of Environment,  
Prani Sampad Bhawan, 5<sup>th</sup> Floor,  
Block-LB-II, Salt Lake, Sector-III,  
Bidhannagar, Kolkata-700098;  
E-mail ID: [psecy.env-wb@gov.in](mailto:psecy.env-wb@gov.in)
4. Chief Environment Officer,  
Department of Environment, Prani Sampad Bhawan,  
5<sup>th</sup> Floor, Block-LB-II, Salt Lake,  
Sector-III, Bidhannagar, Kolkata-700106;  
E-mail ID: [environmentwb@gmail.com](mailto:environmentwb@gmail.com)
5. Member Secretary,  
West Bengal Pollution Control Board,  
Paribesh Bhawan, Plot No. 10A,  
Block No.LA, Sector-III,  
Bidhannagar, Kolkata-700106;  
E-mail ID: [ms.wbpcb-wb@bangla.gov.in](mailto:ms.wbpcb-wb@bangla.gov.in)
6. The Director,  
State Water Investigation Directorate,  
West Bengal, Nirman Bhawan,  
Top Floor, Salt Lake City, Kolkata-700091;  
E-mail ID: [directorswid@gmail.com](mailto:directorswid@gmail.com)
7. West Bengal Wetland Authority,  
through the Member Secretary, Department of Environment,  
Government of West Bengal,  
5<sup>th</sup> Floor, Prani Sampad Bhawan, Block-LB-III,  
Salt Lake, Sector-II, Bidhannagar, Kolkata-700106;  
E-mail ID: [ctockwma@gmail.com](mailto:ctockwma@gmail.com)
8. The District Magistrate, Jalpaiguri,

4/1/25, 1:41 PM

Gmail - Re: O.A. No. 32 of 2025 || Scanned Copy of IA filed by Respondent No. 12

P.O. & District- Jalpaiguri, Pin-735101;  
E-mail: [dm-JIP@gmail.com](mailto:dm-JIP@gmail.com)

9. The Superintendent of Police, Jalpaiguri,  
P.O. & District- Jalpaiguri, Pin-735101.  
Email: [spjgwb@gmail.com](mailto:spjgwb@gmail.com)
10. The Chairman, Jalpaiguri Municipality,  
P.O. & District- Jalpaiguri, Pin-735101;  
Email: [Jalpaigurimunicipality@gmail.com](mailto:Jalpaigurimunicipality@gmail.com)
11. Regional Director, Central Ground Water Board,  
Eastern Region office at Bhujalika,  
C.P. Block-6, Sector-V, Bidhannagar,  
Kolkata, West Bengal- 700091;  
Email: [rder-cgwb@nic.in](mailto:rder-cgwb@nic.in)
12. Ashoke Jindal,  
Lichutola, Dinbazar,  
Jalpaiguri, Pin-735102.

**Re: Before the National Green Tribunal,  
Eastern Zone Bench, Kolkata  
In the matter of:  
IA No.        of 2025  
O.A. No. 32 of 2025  
Biswajit Dutta Choudhury ... Applicant  
versus  
The State of West Bengal & Ors. ... Respondents**

**Our Clients: M/s. Maa Kamakkha Developer, Respondent No. 12**

Ma'am/Sir,

Please find attached the scanned copy of the IA filed by us on behalf of our above mentioned clients for your kind reference.

Please note that the above captioned matter shall appear tomorrow i.e. 2nd April, 2025, in the Daily List of the Hon'ble Tribunal or so soon thereafter when please make it convenient to attend.

Please also note this shall be treated as an effective mode of service for the said IA.

This is for your kind information and records.

Thanking you

Yours sincerely,  
Shivam Bhimsaria  
B.B.A. LL.B. (Hons.), LL.M. (General Legal Studies)  
Advocate, Kolkata High Court



Scan of IA\_R12.pdf

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BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA  
I.A. No. of 2025  
IN  
O.A. No. 32/2025/EZ

In the matter of:

Biswajit Dutta Choudhury

...Applicant

-Versus-

The State of West Bengal & Ors.

...Respondents

**AN APPLICATION FOR DISMISSAL  
OF THE ORIGINAL APPLICATION**

**SHIVAM BHIMSARIA,**  
Advocate,  
37, D.H. Road, Diamond Tower,  
Kolkata- 700027  
Mob:-9674518609  
**advshivambhimsaria@gmail.com**  
Enrolment No. F/473/2020