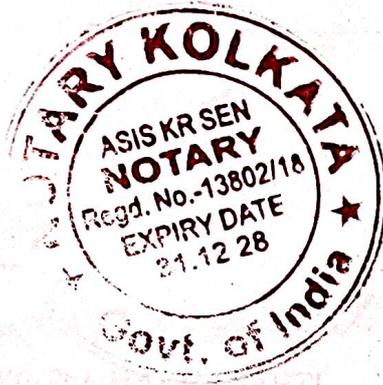




\*  
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO.32/2025/EZ

In The Matter of:  
Biswajit Dutta Choudhury  
... Applicant



Versus  
The State of West Bengal &Ors.

... Respondent(s)

AFFIDAVIT OF THE JOINT COMMITTEE SUBMITTED BY THE  
RESPONDENT NUMBER 07, DISTRICT MAGISTRATE & COLLECTOR,  
DISTRICT JALPAIGURI.

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SL No.	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-9.
2.	Photocopy of the letter dated 12.03.2025 written by the Assistant Director of Fisheries, Jalpaiguri to the Additional District Magistrate (LR) Jalpaiguri is annexed herewith	'R-1'	10-14
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	Photographs are collectively annexed herewith		
4.	Photocopy of the Letter dated 21.03.2025 written by the Block Land & Land Reforms Officer, Jalpaiguri to the Additional District Magistrate (LR & LA) Jalpaiguri is annexed herewith	'R-3'	18-19

Filed by

*Sibojyoti Chakrabarti*

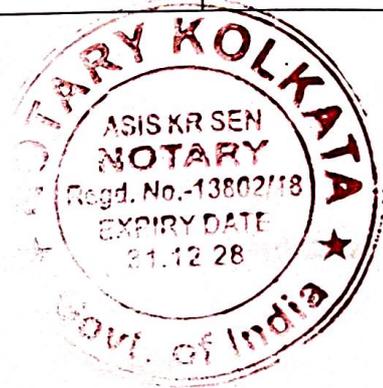
SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

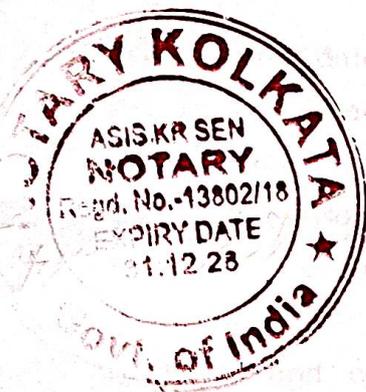
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SL. NO. 16



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO.32/2025/EZ



In The Matter of:

Biswajit Dutta Choudhury

... Applicant

Versus

The State of West Bengal & Ors.

... Respondent(s)

AFFIDAVIT OF THE JOINT COMMITTEE SUBMITTED BY THE  
RESPONDENT NUMBER 07, DISTRICT MAGISTRATE & COLLECTOR,  
DISTRICT JALPAIGURI.

I, Priyadarshini Bhattacharya, D/o Avijeet Bhattacharya, aged about 34  
years, by faith: Hindu, by occupation- Government Service, presently  
posted as Additional District Magistrate (LR & LA) & District land & land

B  
—

Reforms Officer, district- Jalpaiguri, having office at Collectorate Building, Collectorate Avenue, Jalpaiguri, Pin: 735101, West Bengal do hereby solemnly affirm and state as follows:-

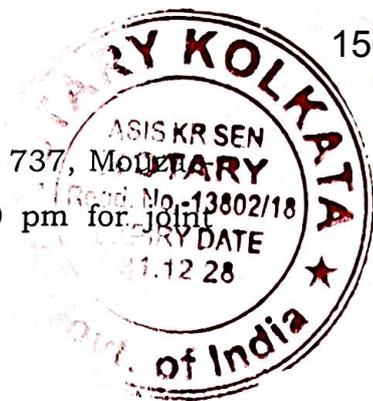


1. That I am presently posted as Additional District Magistrate (LR & LA) & District land & land Reforms Officer, district- Jalpaiguri, having office at Collectorate Building, Collectorate Avenue, Jalpaiguri, Pin: 735101 and I made myself acquainted with the facts and circumstances of this case and am competent to affirm this affidavit on behalf of myself and on behalf of the District Magistrate & Collector, Jalpaiguri.
2. That vide Solemn Order dated 20.02.2025 the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata has been pleased to constitute a Fact Finding Committee and the District Magistrate Jalpaiguri has been directed to be the Nodal Officer for all logistic purposes and for filing the Joint Committee/Inspection report on affidavit.
3. That in obedience and compliance to the Solemn Order dated 20.02.2025, passed by the Hon'ble Tribunal, a Committee has been formed consisting of the following members:

Sl. #	Name of Organization	Name & Designation of the committee members
1.	District Magistrate, Jalpaiguri	Smt. Priyadarshini Bhattacharya, IAS, ADM (LR & LA) Jalpaiguri and Nodal Officer of Constituted Jt. Committee
2.	Irrigation Division, Jalpaiguri	Mr. D. Dutta, Executive Engineer, Jalpaiguri Irrigation Division
3.	Fishery Dept., Jalpaiguri	Asst. Director of Fisheries, Jalpaiguri
4.	BLLRO, Jalpaiguri	Sri Raju Tamang, BLLRO, Jalpaiguri, Sadar.
3.	WBPCB	Dr. Prasun Kumar Mondal, Asst. Environmental Engineer & In-Charge, Siliguri RO

The members of the joint committee carried out inspection to the construction site of **M/s Maa Kamakha Developer**, Plot no. 256, 270

&274 plus and RS 90, 91, 92, 93, 94, 105, 734, 735, 736, 737, Moudra, Kharia, Jalpaiguri, West Bengal on 11.03.2025 at 12.30 pm for joint inspection.



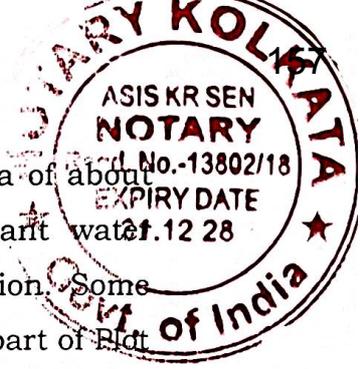
Statutory Compliance of the aforesaid unit:

Clearance from land Dept., Building sanction Plan from Municipality, WBPCB/DIC clearance etc.

The Committee made the following observations:

That the River Karala flows along the back side of Viswa Bangla Krirangan, Jalpaiguri. The opposite bank of this river has been reinforced with concrete to create a walking path for visitors, along with seating facilities. According to BLLRO, Jalpaiguri Sadar, (i) M/s Maa Kamakkha Developer has constructed a boundary wall on LR Plot no. 235, 236, 259, 260, 261, 262, 263, 271, 272 (corresponding to RS plot nos. 91 & 92), covering a total area of 3.7847 acres, recorded in Kh. 269. This land is recorded in favour of M/s Maa Kamakkha Developer, (ii) The total area of LR Plot no. 256, 270, 274 (corresponding to RS 94 & 115) is 4.0336 acres. Out of which LR Plot no. 256, 270 are recorded in Kh. 1 and LR Plot no. 274 is partly recorded in Kh. 1 and partly recorded in favour of different raiyats. These three plots are located outside the boundary of M/s Maa Kamakkha Developer, (iii) Other RS plots mentioned in OA 32/2025/EZ dt. 20.02.25 i.e. 93, 105, 734, 735, 736, 737 are recorded partly in favour of Kh. No. 01 and in favour of different raiyats. These Plots are also situated outside M/s Maa Kamakkha Developer's boundary.

According to Jalpaiguri Irrigation Division, a few hume pipes are located within the constructed embankment, but they have been blocked due to the construction of the boundary wall, potentially causing drainage congestion during the rainy season. However, they ascertained that the land does not belong to Irrigation & Waterways Dept. Stone dust/sand were found piled up for land filling to raise height of low-lying area of this site. In one location, construction machinery for soil testing was installed.



Adjacent to these plots, there are Plot nos. 256, 270, 274 (area of about 4.22 acre), observed to be low-lying area with some stagnant water completely filled with water hyacinth, weeds & dense vegetation. Some single storied residential buildings have been constructed on a part of Plot no. 256. This low-lying area is connected to the Karala river through culvert and sluice gate, creating a possibility of water flow between the river and these plots.

According to the Fisheries Department, as noted in Letter No. 176 dated 12th March 2025 from the Assistant Director of Fisheries, Jalpaiguri, the visited area, situated behind Vishwa Bangla Krirangon near the bank of the Karala River, may have once been part of the river's catchment. However, at present, it lies between the boundary wall constructed by the developer on the east and the Municipality/PWD road on the south and west. While parts of the land remain low-lying and waterlogged, other sections are dry. Some portions are covered with water hyacinth, while others have been filled with household waste and debris. The current state of the land does not indicate active pisciculture use.

2) [Photocopy of the letter is annexed and marked as 'R-1']

3) Photocopy of the Joint Committee Report is annexed herewith and marked with the letter 'R-2'.

That vide letter dated 21.03.2025 the Block Land & Land Reforms Officer (B. L. & L.R.O) Sadar Jalpaiguri has informed the Additional District Magistrate (LR & LA) Jalpaiguri, the detailed report including plot wise details of the land as mentioned in the instant original application.

The details of which is stated below:

RS No	Plot	LR Plot No	Classification as per RS / Khasra	Classification as per LR e-bhuchitra	Remarks
94		256	Dahala	Dahala	Recorded in Kh.1 & Patta Land
94		270	Dahala	Dahala	Recorded in Kh.1

115	274	Patit	Patit	Partly recorded in Khatian No. 1 & partly recorded in different raiyats.
90	278	Dahala	Dahala	Recorded in favour of different raiyats.
91	198 to 230,233 to 243,257 to 261,263,264,271,272,273,241/289	Dahala	Dahala, bastu, Patit, Path, Danga	LR plot no.235, 236, 259,260, 261, 262, 263, 271, 272 with area 3.7847 acres is found recorded & possessed butted by boundary wall by Maa Kamakkha Developers.
92	220,221,222,227 to 233,237,261,262,263,271,272,273,277	Dahala	Dahala, Bastu, Danga	
93	133,273,276	Rasta	Dahala, Danga	Recorded in favour of different raiyats.
105	69,70,87	Bastu	Bastu	Recorded in favour of Jalpaiguri Municipality
734	79,80 (LR sheet no.85)	Bill	Path, Nadi	Recorded in kh.1
735	276, 277	Dahala	Dahala, Path	Recorded in favour of different raiyats.
736	276, 277	Dahala	Dahala, Path	Recorded in favour of different raiyats.
737	276, 277	Dahala	Dahala, Path	Recorded in favour of different raiyats.

Maa Kamakkha developers has constructed boundary wall on LR plot no.235, 236, 259,260,261,262 263, 271, 272 (corresponding to RS is 91 & 92) with total area 3.7847 acres is found recorded in Kh. 269 in favour of Maa Kamakkha Developers.

The total area LR plot no. 256, 270, 274 (corresponding RS is 94 & 115) is 4.0336 acres, Out of which LR plot no. 256, 270 is recorded in Khatian No.1 and LR plot no.274 is partly recorded in kh. 1 and partly recorded in favour different raiyats. These 3 plots are found outside the bounded land of Maa Kamakkha Developers.

Other RS plots mentioned in OA No.32/2025/EZ of 2025 i.e. 93, 105, 734, 735, 736, 737 is recorded partly in favour of Khatian No. 01 and in favour of

different raiyats. These plots are also found outside the bounded land of Maa Kamakkha Developers.

Photocopy of the Letter dated 21.03.2025 written by the Block Land & Land Reforms Officer, Jalpaiguri to the Additional District Magistrate, Jalpaiguri is annexed herewith and marked with the letter 'R-3'.

4. That the deponent craves leave to submit supplementary affidavit as may be required or as may be directed by the Hon'ble Tribunal for the smooth adjudication of the instant original application.
5. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice.

Identified by me

*Sibajyoti Chakrabarti*  
Advocate

State of West Bengal

02.04.2025

*Prigyanthi Bhattacharya*

*P*  
Deponent

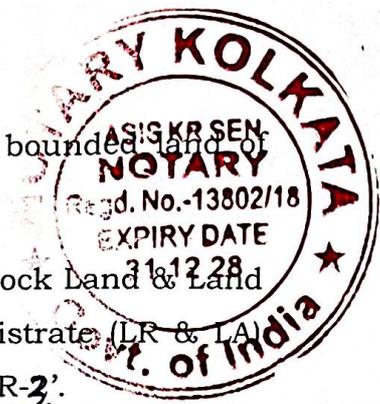
02 APR 2025

Solemnly affirmed and declared  
Before me on identification

*ASIS* no. *Sen*

ASIS KUMAR SEN  
City Civil Court  
Kolkata

Reg. No. 13802/18 Govt. of India



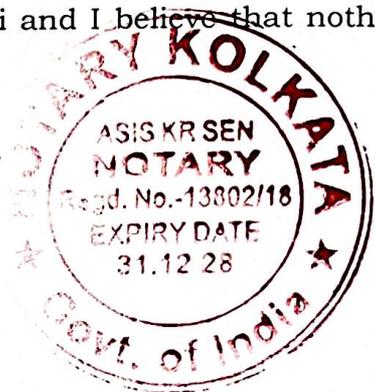
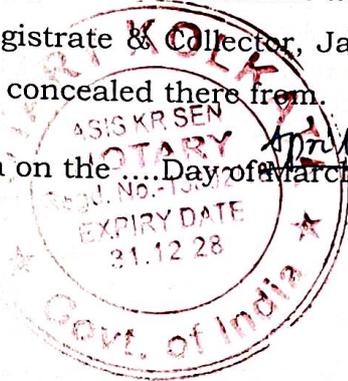
- & -

VERIFICATION:



I, the deponent within named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information as per records available in the office of the District Magistrate & Collector, Jalpaiguri and I believe that nothing material has been concealed there from.

Verified at Kolkata on the <sup>April</sup>... Day of March, 2025.



Identified by me

*Sibajyoti Chakrabarti*

Advocate

State of West Bengal

02.04.2025

*Priyadarshini Bhattacharya*

Deponent

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"Answer-R-1"

GOVERNMENT OF WEST BENGAL  
OFFICE OF THE ASSISTANT DIRECTOR OF FISHERIES, JALPAIGURI  
Phone No & FAX No. 03561 231037 E-mail: [adf.jal@gmail.com](mailto:adf.jal@gmail.com)

Memo.No. 176

Date 12.03.2025

To  
The Additional District Magistrate (LR)  
Jalpaiguri

Sub. : Enquiry Report in connection with OA- 32 of 2025 Biswajit Dutta Choudhury Vs state of West Bengal and Others dated 20.02.2025 passed by the Hon'ble National Green Tribunal, Eastern zone, Kolka.

Ref. : Memo. No. 74(5)/XXI/26/26/OA/EZ/Cs/2025 dated 10.03.2025 of the Senior Law Officer, Jalpaiguri.

Madam,

In reference to the above subject a joint enquiry headed by the ADM(LR), Jalpaiguri with Sr. Senior Scientist, representative of Irrigation, Pollution and Jalpaiguri Municipality has been done on 11.03.2025. On the spot enquiry and as direction of the ADM(LR), Jalpaiguri I furnished below the findings in respect of Fisheries.

- 1) The visited area is near to the bank of Karala River, in the backside of Viswa Bangla Krirangan, Jalpaiguri.
- 2) The area may be the catchment area of Karala River in the past, at present, it has located in between the Boundary wall (East Side) constructed by the Developer and Municipality/PWD Road South and West Side.
- 3) This area is low lying and water logged area, a portion of the land is in dry, a portion of the land covered with water hyacinth and the rest part of the land is being filled with house hold wastage and debris.
- 4) At present the area is not used for Pisciculture activities.

Yours Faithfully,

Assistant Director of Fisheries  
Jalpaiguri



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Annexure - R-2

**Report of the joint committee constituted by the Hon'ble National Green Tribunal (Eastern Zone Bench) in terms of Order dated 20.02.2025 passed in connection with Original Application No. 32/2025/EZ regarding illegal boundary wall construction for residential complex on a water body (part of river Karala) at Kharia, Jalpaiguri**

By the Order dated 20.02.2025 passed in connection with Original Application No. 32/2025/EZ, the Hon'ble NGT (Eastern Zone Bench) constituted a joint committee comprising District Magistrate, Jalpaiguri and WBPCB. Hon'ble NGT directed the District Magistrate, Jalpaiguri to be the nodal body. As per direction of the District Magistrate, Jalpaiguri other Depts. of District Level were included. In the joint committee, the following officials represent their respective organizations:

Sl. #	Name of Organization	Name & Designation of the committee members
1.	District Magistrate, Jalpaiguri	Smt. Priyadarshini Bhattacharya, IAS, ADM (LR & LA) Jalpaiguri and Nodal Officer of Constituted Jt. Committee
2.	Irrigation Division, Jalpaiguri	Mr. D. Dutta, Executive Engineer, Jalpaiguri Irrigation Division
3.	Fishery Dept., Jalpaiguri	Asst. Director of Fisheries, Jalpaiguri
4.	BLLRO, Jalpaiguri Sadar	Sri Raju Tamang, BLLRO, Jalpaiguri Sadar
3.	WBPCB	Dr. Prasun Kumar Mondal, Asst. Environmental Engineer & In-Charge, Siliguri RO

The members of the joint committee carried out inspection to the construction site of M/s Maa Kamakkha Developer, Plot no. 256, 270 & 274 plus and RS 90, 91, 92, 93, 94, 105, 734, 735, 736, 737, Mouza - Kharia, Jalpaiguri, West Bengal on 11.03.2025 at 12.30 pm for joint inspection.

**Observation:**

That the River Karala flows along the back side of Viswa Bangla Kirangan, Jalpaiguri. The opposite bank of this river has been reinforced with concrete to create a walking path for visitors, along with seating facilities. According to BLLRO, Jalpaiguri Sadar, (i) M/s Maa Kamakkha Developer has constructed a boundary wall on LR Plot no. 235, 236, 259, 260, 261, 262, 263, 271, 272 (corresponding RS is 91 & 92), covering a total area of 3.7847 acres, recorded in Kh. 269. This land is recorded in favour of M/s Maa Kamakkha Developer, (ii) The total area LR Plot no. 256, 270, 274 (corresponding RS 94 & 115) is 4.0336 acres. Out of which LR Plot no. 256, 270 is recorded in Kh. 1 and LR Plot no. 274 is partly recorded in Kh. 1 and partly recorded in favour of different raiyats. These three plots are located outside the boundary of M/s Maa Kamakkha Developer, (iii) Other RS plots mentioned in OA 32/2025/EZ dt. 20.02.25 i.e. 93, 105, 734, 735, 736, 737 are recorded partly in favour of Kh. No. 01 and in favour of different raiyats. These Plots are also situated outside M/s Maa Kamakkha Developer's boundary.

- ✂ -

According to Jalpaiguri Irrigation Division, few hume pipes are located within the constructed embankment, but they have been blocked due to the construction of the boundary wall, potentially causing drainage congestion during the rainy season. However, they ascertained that the land does not belong to Irrigation & Waterways Dept. Stone dust/sand were found piled up.

Adjacent to these plots, there are Plot nos. 256, 270, 274 (area of about 4.22 acre), observed to be low-lying area with some stagnant water completely filled with water hyacinth, weeds & dense vegetation outside the boundary wall. Some single storied residential building have been constructed on a part of Plot no. 256. This low-lying area is connected to the Karala river through culvert and sluice gate, creating a possibility of water flow between the river and these plots.

According to the Fisheries Department, as noted in Letter No. 176 dated 12th March 2025 from the Assistant Director of Fisheries, Jalpaiguri, the visited area, situated behind Vishwa Bangla Krirangon near the bank of the Karala River, may have once been part of the river's catchment. However, at present, it lies between the boundary wall constructed by the developer on the east and the Municipality/PWD road on the south and west. While parts of the land remain low-lying and waterlogged, other sections are dry. Some portions are covered with water hyacinth, while others have been filled with household waste and debris. The current state of the land does not indicate active pisciculture use,

*Prasun K. Mondal*

Dr. Prasun Kumar Mondal,  
Asst. Environmental Engineer &  
In-Charge, Siliguri RO, WBPCB



Smt. Priyadarshini Bhattacharya,  
IAS, ADM (LR & LA) Jalpaiguri  
and Nodal Officer of Constituted  
Jt. Committee

**Photographs taken during inspection on 11.03.2025**



Concrete made bank of River, Karala



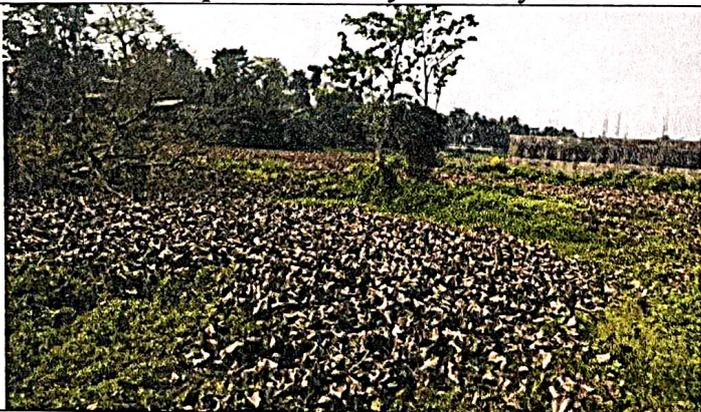
Adjacent to river bank, Plot of M/s Maa Kamakkha Developer boulder by boundary wall



Adjacent to river bank, Plot of M/s Maa Kamakkha Developer boulder by boundary wall



Adjacent to river bank, Plot of M/s Maa Kamakkha Developer boulder by boundary wall



Plot nos. 256, 270, 274 found as low-lying area



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Annexure-R-3

**GOVERNMENT OF WEST BENGAL**  
**OFFICE OF THE BLOCK LAND AND LAND REFORMS OFFICER**  
**SADAR :: JALPAIGURI**

Memo no: 257 / BLLRO/SADAR/ JAL/ 2025

Dated: 21/03/2025

To,  
Additional District Magistrate  
And  
District Land & Land Reforms Officer  
Jalpaiguri



**Sub :Detailed report in connection of OA No.32/2025/EZ of 2025 in the matter of Biswajit Dutta Chowdhury Vs the State of West Bengal & others**

**Ref : Order, dated:20.02.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata**

Madam,

In reference to the above, a joint inspection has been done on 11.03.2025 in presence of ADM (LR), Jalpaiguri and authorized representatives of Municipality, West Bengal Pollution Control Board, Irrigation, Fisheries, Environment & Land department. The following plots of land mentioned in OA No.32/2025/EZ of 2025 i.e. 256, 270, 274 (LR), 90,91,92,93,94,105,734,735,736,737 (RS) of Mouza Kharia (RS Sheet No.13. LR Sheet No.81,85) has been inspected.

**Plot wise details of the land mentioned in OA No.32/2025/EZ of 2025 :**

RS Plot No	LR Plot No	Classification as per RS / Khasra	Classification as per LR e-bhuchitra	Remarks
94	256	Dahala	Dahala	Recorded in Kh.1 & Patta Land
94	270	Dahala	Dahala	Recorded in Kh.1
115	274	Patit	Patit	Partly recorded in Khatian No. 1 & partly recorded in different raiyats.
90	278	Dahala	Dahala	Recorded in favor of different raiyats.
91	198 to 230, 233 to 243, 257 to 261, 263, 264, 271, 272, 273, 241/289	Dahala	Dahala, Bastu Patit, Path, Danga,	LR plot no.235, 236, 259,260, 261, 262, 263, 271, 272 with area 3.7847 acres is found recorded in Kh.269 & possessed butted by boundary wall by Maa Kamakhaya Developers.
92	220, 221, 222, 227 to 233, 237, 261, 262, 263, 271, 272, 273, 277	Dahala	Dahala, Bastu, Danga	
93	133, 273, 276	Rasta	Dahala, Danga	Recorded in favor of different raiyats.
105	69, 70, 87	Bastu	Bastu	Recorded in favor of Jalpaiguri Municipality.
734	79,80 (LR sheet no.85)	Bill	Path, Nadi	Recorded in Kh.1
735	276, 277	Dahala	Dahala, Path	Recorded in favor of different raiyats.
736	276, 277	Dahala	Dahala, Path	Recorded in favor of different raiyats.
737	276, 277	Dahala	Dahala, Path	Recorded in favor of different raiyats.

- ✕ -

**Details as transpired from RI's field enquiry report:**

- Maa Kamakhya developers has constructed boundary wall on LR plot no.235, 236, 259,260, 261, 262, 263, 271, 272 (corresponding RS is 91 & 92) with total area 3.7847 acres is found recorded in Kh.269 in favour of Maa Kamakhya Developers.
- The total area LR plot no. 256, 270, 274 (corresponding RS is 94 & 115) is 4.0336 acres, Out of which LR plot no. 256, 270 is recorded in Kh.1 and LR plot no.274 is partly recorded in kh. 1 and partly recorded in favour different raiyats. These 3 plots found are found outside the bounded land of Maa Kamakhya Developers.
- Other RS plots mentioned in OA No.32/2025/EZ of 2025 i.e. 93, 105, 734, 735, 736, 737 is recorded partly in favour of Kh. 01 and in favour of different raiyats. These plots are also found outside the bounded land of Maa Kamakhya Developers.

This is for her kind perusal.

Encl : PI of all involved plots.

Yours faithfully

*R. G. S. 20*  
Assistant Director

&  
Block Land & Land Reforms Officer

Sadar, Jalpaiguri

Block Land & Land Reforms Officer

Sadar : Jalpaiguri Dated: 21/03/2025

Memo no: 257(1) / BLLRO/SADAR/ JAL/ 2025

Copy for information to the Senior Law Officer, DM Office, Jalpaiguri

*R. G. S. 20*  
Assistant Director

&  
Block Land & Land Reforms Officer

Jalpaiguri Sadar, Jalpaiguri

Assistant Director &

Block Land & Land Reforms Officer

Sadar : Jalpaiguri

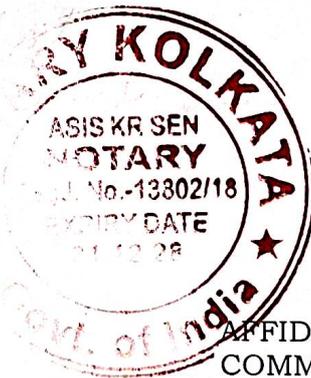
BEFORE THE HON'BLE  
NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH,  
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ORIGINAL APPLICATION  
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... Applicant

Versus  
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AFFIDAVIT OF THE JOINT  
COMMITTEE SUBMITTED BY  
THE RESPONDENT NUMBER 07,  
DISTRICT MAGISTRATE &  
COLLECTOR, DISTRICT  
JALPAIGURI

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

(M): 9007035534.