

S.L. No. 152



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

I. A. NO. 90/2024/EZ

IN

ORIGINAL APPLICATION NO. 38/2024/EZ



In The Matter of:

Ranjit Kumar Sapui

... Applicant

Versus

State Of West Bengal &Ors.

... Respondents

OBJECTION ON BEHALF OF THE APPLICANT TO THE IA FOR ADDITION OF PARTY

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16 APR 2025



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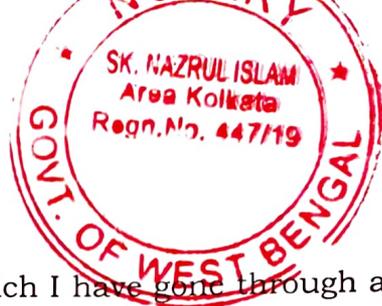
AFFIDAVIT IN OPPOSITION ON BEHALF OF THE APPLICANT TO THE IA FOR  
ADDITION OF PARTY

I, Ranjit Kumar Sapui, S/o Late Bishnupada Sapui, aged about 75 years, by faith-Hindu, and by occupation-business, presently residing 15, Dharmatala Road, P.S- Kasba, Kolkata: 700042, West Bengal, do hereby solemnly affirm and submit as follows:-

1. That I am the applicant in the original application and am conversant with all facts and circumstances of the present case and am competent to swear this affidavit.
2. That this deponent have filed the instant application being O.A. No. 38 / 2024 / EZ under section 18 read with section 14 and 15 of the National Green Tribunal Act, 2010 praying for necessary direction upon the Respondent authorities, their men and agents to take immediate steps to prevent filling up the water bodies / wetlands and thereupon to act in consonance with the provision of East Kolkata Wetlands, (Conservation and Managements) Act 2006 and to direct the authorities to take immediate steps to restore water bodies / wetlands to its original nature and characters. The applicants also prays for other consequential reliefs. The said application is pending for consideration before this Hon'ble Tribunal.
3. That this Hon'ble Tribunal was pleased to admit the original application and directed exchange of pleadings by the order dated 12.02.2024.
4. That an application being IA No. 90 of 2024 filed for addition of parties by Sri Kamal Sapui and others was served upon the Advocate

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on record of the petitioner / applicant which I have gone through and have understood the content and purport thereof. At the outset this deponent submits that the application is not maintainable in its present form and in-law. The applicant are not necessary parties in the said proceedings in as much as the present application is filed for necessary directions upon the authorities for protection of the water bodies which are specified in schedule 1 of the East Kolkata Wetlands, (Conversation and Managements) Act 2006 and it does not concern with the right, title and interest of individuals. It is submitted that the application for addition of parties was made in collusion with the private respondents with an intention to delay and drag the proceedings.

5. That this deponent denies and disputes each and every allegations made in the said application for addition of parties which herein after for the sake of brevity is referred to as the "said application". I say that I have been advised to specially deal with the allegations and or averments made in the said application which are relevant for the purpose of disposal of the original application filed before this Tribunal and any such statement and /or averments which were not been specifically dealt with, shall be deemed to have been denied unless the same are borne out of records.

6. That this deponent, the petitioner of the original application is one of the owners in respect of several plots of land at Mouza- Mukundapur and Mouza- Kalikapur, which are wetlands and water bodies in nature and are included in the list of Ramsar site and specified in schedule I of East Kolkata Wetlands, (Conversation and Managements) Act 2006. The aforesaid plots of land and other landed properties are the subject matter of a suit for partition pending in the court of the Learned 2<sup>nd</sup> Court of Civil Judge (Senior Division) at Alipore, District 24 Parganas (South) since 1956 being Title suit No. 121 of 1962. The said suit was filed for determination of the right title and declaration of shares of the parties to the suit.

7. That with reference to the statements made in paragraph 1 to 5 this deponent states and submits that they are matters of records and this deponent refrains from making any comments thereto.

8. That with reference to the statements made in paragraphs 6, 7, 8, 9 and 10 of the application this deponent denies and disputes each and every allegations made therein save and except what are matters of records. It is submitted that the Learned Judge in the trial court was pleased to pass an order of temporary injunction by directing the parties to the suit to maintain status-quo in respect of the suit property by restraining themselves from selling transferring alienating



or otherwise disposing the suit property between inter party or any third party or in any manner whatsoever from the changing the nature and character of the suit property till disposal of the suit. The learned trial judge was also pleased to appoint a receiver for management of the suit property.

9. That with reference to the statements made in paragraph 11 and 12 of the said allegation this deponent denies and disputes each and every allegations made therein save and except what are matters of records. It is denied that this deponent made application before the B.L.& L.R.O for changing the nature of the land by suppressing the status-quo order passed by competent civil Court. It is denied that the authorities changed the nature of the land illegally and collusively. It is submitted that the plots of the land were incorporated in schedule I of the East Kolkata Wetlands, (Conversation and Managements) Act 2006. By the appropriate authority under the aforesaid Act based on there own survey. This deponent never made any application before the authorities for changing the nature and character of the suit property in respect of plot No. 80 which is classified as 'substantially water body oriented area' in table 10 of schedule I and also in the report submitted by the authorities before the Hon'ble High Court at Calcutta.

10. That this deponent states and submits that sometimes in the year 2015 this deponent noticed that one Motilal Mondal and Madhusadan Mondal and Biswajit Biswas in association with several real estate agents tried to change the nature and character of the properties which are water bodies by filling up the same for construction of real estates and have entered into agreement for construction of real estates and transfer of the same to prospective buyers. This deponents made necessary complaint to the learned receiver and the concern police station, however as the learned receiver and the police authorities failed to take any steps this deponent approaches the Hon'ble High Court being W.P. No. 8456 of 2015. This deponent repeat and reiterate the statements made in paragraphs 6 to 11 of the original applications.

11. That with reference to the statements made in 13, 14, 15 and 16 of the said application this deponents denies and disputes each and every allegations made therein save and except what are matters of records. It is denied that these deponent have filed the present original application before this Tribunal motivatedly to obtain an order behind the back of the applicants. This deponent have never resorted to any illegal activities as alleged on the contrary as the "Environmental degradation of this proportion commenced sometimes



from circa 2012 onwards, the deponent Ranjit Kumar Sapui first intimated the then Receiver of the properties Sri Ashok Roy appointed by the Learned Court in the said suit for partition. After not receiving a suitable response he then initiated W.P. No. 8456 (W) of 2015 at High Court, Calcutta. The Hon'ble Court had the structures and the boundary walls dismantled and imposed a fine on one Biswajit Biswas. The Hon'ble Court had directed the authorities of the State to restore the water body which was not done. Seizing this opportunities the men and agents of defendant number 11 again wire-fenced the property and started to sell the plots. Getting to know about this Ranjit Kumar Sapui conducted a drone survey of the designated area capturing the evidence, filed a petition for urgent hearing in the Trial Court which is yet to be heard till date, intimated P.S. Mukundapur and provided them all the evidences including the footage of the drone survey, then the police promptly acted and halted the activities and then Ranjit Kumar Sapui took leave of High Court, Calcutta to file this Original Application with the intention of seeking the speedy implementation of the order issued by the High Court at Calcutta”.

12. With reference to the statement made in paragraph 17 to 21 of the said application this deponents denies and disputes each and every allegations made therein save and except what are matters of records. It is submitted that the present application has nothing to do with the right title and interest of the owners of the property including the applicants of IA No. 90 of 2024 and does not aims to affect the order of status-quo passed by the learned trial court with regard to the nature and character of the properties in question. This deponent approached this Hon'ble Tribunal with the sole intent to protect the wetlands /water bodies as there were attempts of changing the nature and character of the properties by filling up the same for making construction thereon, contrary to the laws laid down in East Kolkata Wetlands, (Conversation and Managements) Act 2006.

13. With reference to the statement made in paragraph 22 to 27 of the said application this deponents denies and disputes each and every allegations made therein save and except what are matters of records. It is denied that the applicants are necessary and proper parties as alleged as no reliefs are claimed against them and no relief has been sought for, in the original application affecting the right title and interest of the parties. It is submitted that the applicants being the joint owners of the suit property will not averse to any directions for protection and preservation of the water bodies which may be passed by this Tribunal. The original application was filed for necessary directions upon the respondent authorities for taking steps



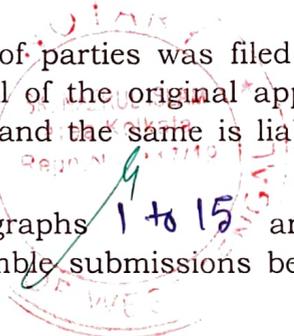
for preservation and restoration of the water bodies as classified in operation of the aforesaid act being Act no. East Kolkata Wetlands, (Conversation and Managements) Act 2006.

14. That with reference to the statement made in paragraph 28, 29 and 30 of the said application this deponents denies and disputes each and every allegations made therein save and except what are matters of records. It is denied that for proper adjudication of the original application the presence of the applicants are necessary as alleged. It is denied that unless the applicants are made parties in the original application the applicants would be seriously prejudiced as alleged. It is denied that the petitioner has no locus standee to file the original application. It is denied that the application is made bonafide and for ends of justice.

15. That the application for addition of parties was filed with an intention to delay and drag the disposal of the original application. The application is devoid of any merits and the same is liable to be dismissed with exemplary cost.

16. That the statements made in paragraphs 1 to 15 are true to my knowledge and the rest are my humble submissions before this Hon'ble Tribunal.

Solemnly Affirmed and Declared before me U/S 139 CPC, U/S 297 (C) CRPC



Identified by me

*Indradeep Ahl*  
Advocate  
A/1231/2017

*Ranjit K. Sapani*  
Deponent

Notary, Govt. of W.B.  
Regn. No. 447/19  
City Civil Court, Kolkata

16 APR 2025

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 and I believe that nothing material has been concealed there from.

Verified at Kolkata on the 16 Day of April, 2025.

Identified by me

*Indradeep Ahl*  
Advocate  
A/1231/2017

*Ranjit K. Sapani*  
Deponent

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