

Serial No. 26/25
As per Register of Notary

Before the National Green Tribunal
Eastern Zone Bench, Kolkata

Section 18(1) read with section 14,15, of National Green Tribunal Act, 2010

Original Application No 20 / 2025/EZ

Baisakhi Bhowmik and anr

..... Applicants

VS

Member Secretary WBPCB and others

..... Respondents

REJOINDER- AFFIDAVID ON BEHALF OF THE APPLICANT

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Baisakhi Bhowmik

In person

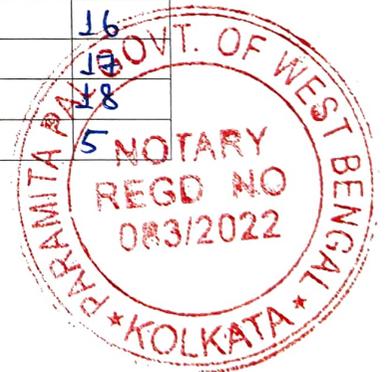
92 Nafar Chandra Das Road Kolkata - 700034.

Mobile No- 9433455545

Email- baisakhibhowmik03@gmail.com

Place: Kolkata

Date: 2/5/25



02 MAY 2025

Before the National Green Tribunal**Eastern Zone Bench, Kolkata**

Section 18(1) read with section 14,15, of National Green Tribunal Act, 2010

Original Application No 20 / 2025/EZ

Baisakhi Bhowmik and anr Applicants

VS

Member Secretary WBPCB and others Respondents

I Miss Baisakhi Bhowmik daughter of Tarapada Bhowmik residing at, 92 Nafar Chandra Das Road Kolkata 700034, Age 38 yrs. Phone – 9433455545. Email- baisakhibhowmik03@gmail.com Aadhar No- 756451725460 solemnly affirm and declare as under:

1. I am the Applicant in the above-mentioned Original Application.
2. That hard copy of the report was received that was served on 25th April 2025 by Respondent No.3, District Magistrate & Collector, District- South 24 Parganas in the Court itself.
3. That affidavit served by Respondent No 10 has been received.
4. As per the report the applicant resides on Plot No.1,2,3& 4 of Mouza Roychak.The



applicant also resides in Plot No 5. Which is not mentioned in the report and the no supporting documenta are attached. The reason best known to Respondent No 3 District Magistrate & Collector, District- South 24 Parganas in the Court itself.

Annexed T

5. That Respondent No 10 has stated that the brick field has been purchased in the year 2007 from Mr Dhiren Jana under Registered Deed 2011. That the brick field has been running since 1982 stated in Page-2 of para 2. No supporting document has been submitted to establish the same.
6. That it has been confirmed that the Tara Brick fields is using LR Plot No 8, 9 ,10 and 8/572 and also occupying the collectors land under Katian No 1 Plot no 7 and has closed a canal in Plot No 9 is operational since 1982. Annex U
7. That in the original application it is stated in Page 7 para 12 that Tara bricks has unlawfully acquired more Govt. Lands situated at Mouja- Dakhin Simul Beria, J.L.No.30 Dag No. 512 and 530 and Mouja Roychak. No report has been submitted regarding the encroachment of that land and for the loss of Govt revenue for approximate 1.1 acre of land since 1982.
Proof of encroaching this land can be found in original Application in annex G, H and I
8. No report has been submitted by PCB for the air quality of the area due to the flying ashes and the health hazard caused to the resident of the area



9. That the applicant applied to the Pollution Control Board on some time on or before 19.06.2008 that Tara Bricks creating pollution in the area on the basis of that application WBPCB issued a Notice for appearance vide memo no 259(1)-19/WPB-A(16).06 dated 19.06.2008 copy enclosed as Annex V
10. That after such appearance your applicant wrote several letters for the order you passed on 19.06.2008. but in vain reason best known to the WBPCB. Enclosing letter reminder letters dated 2.0.2009, 17.03.2009, 30.03.2009, 23.04-2012 followed by 11.03.2013 as third reminder letter Annex W
11. Excavation of earth from the river banks and breaking of embankment is also not specified in the report. Supporting pictures as Annexed as X
12. One letter issued to Moon Ghosh, proprietor of Tara Bricks dated 9.04.2025. telling that you are operating brick field on Govt. vested land on 09.04.2025 by the Assistant Director of B.L & L.R.O is still functional until date 02-05-2025 12noon when then the document is prepared. It is very unfortunate that Tara Bricks is still operating until today 02-05-2025 disobeying the order of B.L and LRO. Annexed picture Y
13. The ceased JCB is still under use and also was under use during inspection supporting pictures are Annexed Z
14. That affidavit served by Respondent No 10 states to pay a penalty to PCB of Rs100000/- in the year 2017 against order for OA 42/2014 E7 in page 5 para 4. Yet PCB chooses to close their eyes and let it operate. The reason and interest best



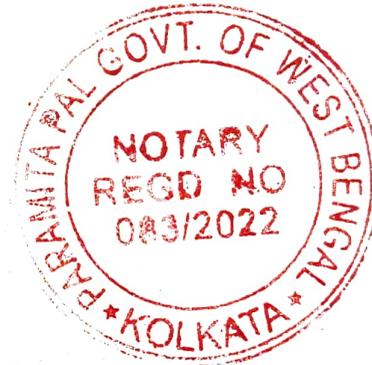
known to the officials of PCB.

15. As stated By Respondent 10 in page 7 para 10 stated that the respondent's husband has received Bail and has accused me to grab the land. The respondent has chosen not to disclose the facts of MIS 64-07 order no 84 of 2017. Annexed as AA

16. All is a racket which is going on since 1982 and it is so powerful that Government is losing out its land revenue and penalty value for approximately 6 acers of land, Royalty of earth cutting from the river embankment and costing health hazards of pollution and dust to the citizens of the area.

17. That under this circumstance your applicant praying to the Hon'ble Bench to submit further Prayer for consideration.

PRAYER



The Hon'ble Tribunal may find it appropriate to pass the judgement to the respondents

- a) Whatever the order given by the Hon'ble Bench otherwise, is carried out under the monitoring of the Hon'ble Bench else the racket will continue.
- b) Request to order for closing and demolishing the illegal Tara Brick field for creating pollution in the area to save the citizen of the area.

- c) Request to order to the DM for seize the illegal brick field (Bricks, motor vehicles, excavation and manufacturing equipment's like JCB etc. in and around of Tara Bricks to collect :-
1. Arrear revenue due of rent with interest of 7 acres of Govt. land commercially using since 1982.
 2. Royalty for earth/mud and white/river sand since 1982 with interest
 3. Cost of cutting and restoration of the canal in Plot 9 to return in original shape.
- d) Penalty for creating pollution in the area.
- e) Cost of construction of road encroached and occupied by Tara Bricks
- f) Cost of demolishing of illegal kiln and chimney of Tara Bricks
- g) Any other penalty may deem fit and proper.



Baisakhi Bhosmik.

Solemnly affirmed at Kolkata

Applicant

On

02 MAY 2025

Before the National Green Tribunal
Eastern Zone Bench, Kolkata

Section 18(1) read with section 14,15 of National Green Tribunal Act, 2010

Original Application No _____ 2025/EZ

Baisakhi Bhowmik and anr

..... Applicants

VS

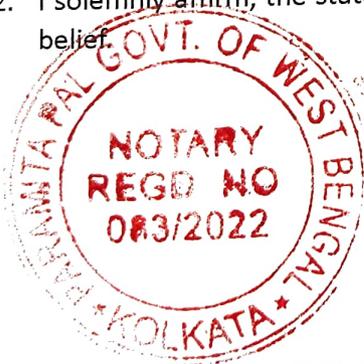
State of West Bengal and others

..... Respondents

AFFIDAVIT

I Miss Baisakhi Bhowmik daughter of Tarapada Bhowmik residing at, 92 Nafar Chandra Das Road Kolkata 700034, Age 38 yrs. Phone – 9433455545. Email- baisakhibhowmik03@gmail.com Aadhar No-756451725460 solemnly affirm and declare as under:

1. That I am one Applicant in the mentioned application and I am fully conversant with the facts and circumstances of the case and authorized by the co-applicant therefore competent to swear this affidavit.
2. I solemnly affirm, the statement made in para 1 to 29 are true to my knowledge and belief.



Solemnly affirmed and declared
Before me on Identification

Baisakhi Bhowmik.

Signature of the applicant

PARAMITA PAL
City Civil Court
Kolkata
Reg. No. 083/2022

Baisakhi Bhowmik

Baisakhi Bhowmik

02 MAY 2025

VERIFICATION

Verified on this the 02 MAY 2025 day of May at Kolkata that the contents of the above rejoinder are true and correct. No part of it is false and nothing material had been concealed there from.

Identified By ~~Solemnly affirmed and declared~~
~~Before me on Identification~~

Baisakhi Bhowmik

VARIFICANT

Sanjukta Ray
Advocate

PARAMITA PAL
City Civil Court
Kolkata
Reg. No. 083/2022



WB-2585/1999

02 MAY 2025

জেলাঃ [16]DAKSHIN 24 PARGANA
 ব্লকঃ [18]DIAMOND-HARBOUR-2
 মৌজাঃ [048]Roychak

(Live Data As On 02/05/2025,15:32:45)

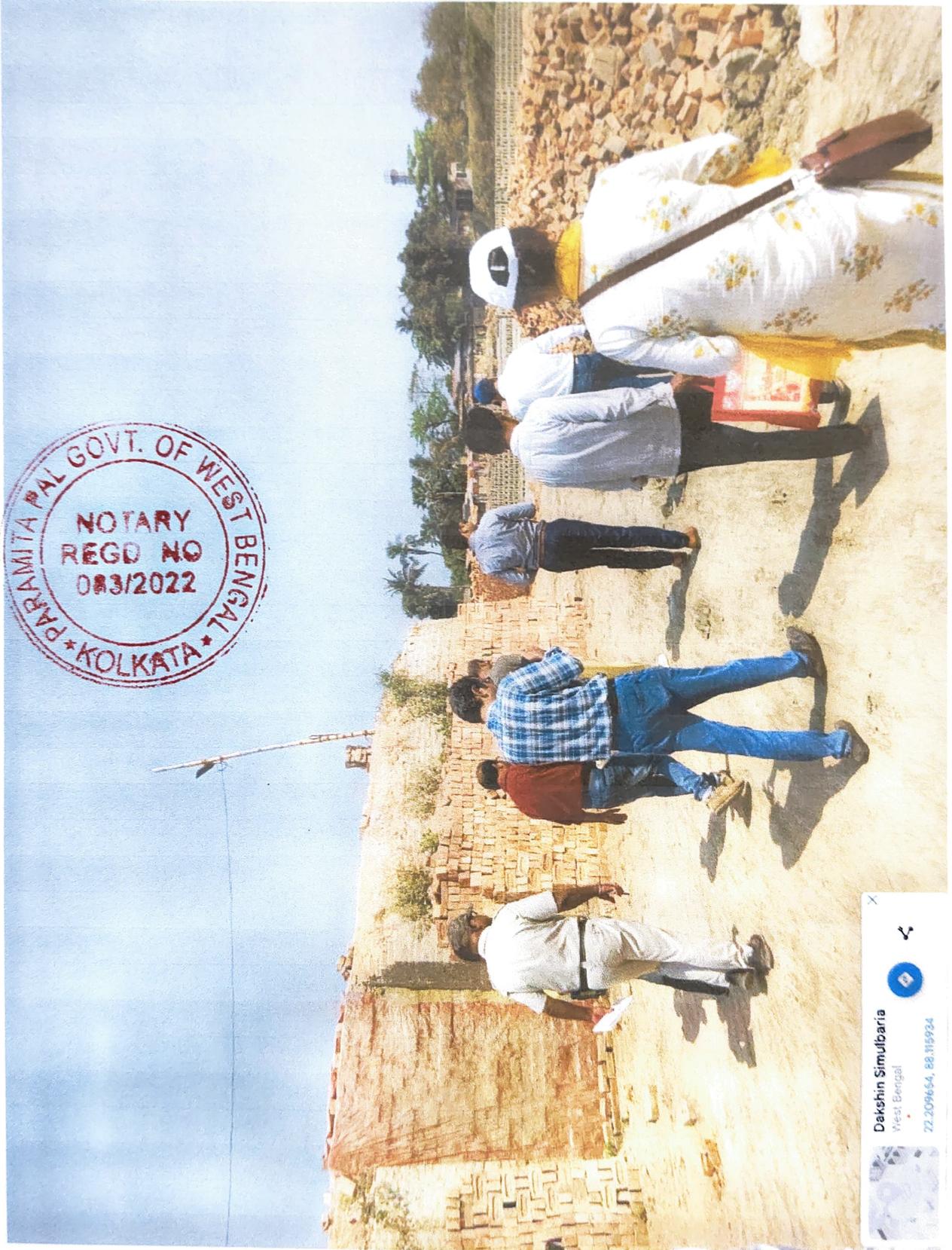
J.I No 48 Thana Diamondharbar

Dag No	Shreni	Zamir Moat Pariman(ekar)	Dager Myap
5	Dangga	0.39	Click Here

Khatian No	Raiter Nam	Pita/swami	Ansh	Ansh Pariman(ekar)	M
311	Satyabrat Ghoy	Ganesh	0.2307	0.08	
472	Munmun Ghosh	Satyabrata Ghosh	0.2068	0.09	
517	Tarapada Bhowmick	Pulin Chandra Bhowmick	0.1875	0.08	
518	Pooja Bhowmick	Tarapada Bhowmick	0.1875	0.07	
519	Baishakhi Bhowmick	Tarapada Bhowmick	0.1875	0.07	

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X





Dakshin Simulbaria
West Bengal
72.209654, 88.315934





West Bengal Pollution Control Board
(Department of Environment, Govt. of West Bengal)

Alipore Regional Office

Industry House, 10, Camac Street, 2nd Floor, Kolkata - 700017
Telefax : (033) 2282 1154, 781 4 (033) 2282 1154
Website : www.wbpcb.org.in, Email : wbpcb@wbpcb.org.in

Memo No.

Date :

NOTICE FOR APPEARANCE

To,

M/s. Tana Dascha

Vill - Roychanda, P.O. - Malabarcan

Dist - 2A Pp(S)

Sub : Complaint relating to Environmental pollution

Sirs,

It is brought to your notice that a complaint has been lodged against you/your industrial unit /establishment for causing environmental problem.

After careful consideration of the records kept and maintained by the State Board you are hereby directed to appear before the State Board on 27/08/2008 at 11-00 hrs. through Director / Mg. Director / General Manager / Manager / Proprietor / Partner / Secretary / Technical Representative, as the case may be, in the Chamber of the Environmental Engineer, at Industry House, 2nd Floor, 10, Camac Street, Kolkata - 700017 with all statutory licenses and status of pollution control system of the unit.

In case of non appearance, the State Board may issue necessary regulatory order including closure and disconnection of electricity against the unit considering the records kept and maintained by the State Board without any further reference.

(B. Baidya)
Environmental Engineer
Alipore Regional Office

Memo No. 259(1) - 19/WPB-A(16)/08

Date: 19.6.08

Copy forwarded to :

1. The complainant(s) M/s. Tana Dascha, Malabarcan, P.O. - Malabarcan, Dist - 2A Pp(S)
(Hof/She is requested to remain present during hearing in time or send some authorised representative.)
2. The Sr. Environmental Engineer, Camac Street Circle Office, W.B.P.C.B

(B. Baidya)
19/08/2008
Environmental Engineer
Alipore Regional Office



HOTEL ROYCHAK

Project approved by the Tourism Dept. Govt. of West Bengal & Regd. SSI Unit
 Hotel Roychak, P.O.-Maheswara, South 24-Pgs, Ph 953174-275-420/404
 E-mail- hotel_roychak@vsnl.net

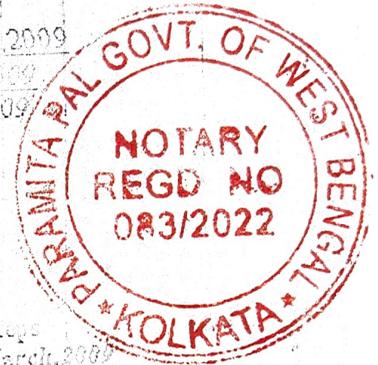


Date-2nd March, 2009
 17th March, 2009
 30th March, 2009

The Environmental Engineer
 Atipore Regional Office
 Industry House
 10, Camac Street, (2nd Floor)
 Kolkata-700 017

Your memo No. 259(1)/WFB-A(16)/08
 dated-19.06.2008

Prayer for the certified copy of the Order & Steps
 dated-27.06.2008, 2nd March & 17th March, 4th & Last reminder on 30th March, 2009



Sir,

We prayed to you for a certified copy of the order passed by you on 27.06.2008 by our letter dated 29th July, 2008. Unfortunately till today we did not receive any copy of the said order and you were astonishingly silent like Buddha, reason is best known to you. You ordered Mr. Satyabrata Ghosh of M/S Tara Bricks to create a wall to protect ash from the kiln. But till to day instead of obeying your order he poured the ash of brick field in front of our hotel gate. The position is now such worse that guests of the hotel even we are unable to walk out from the gate of the hotel. This south wind started blowing continuously. The position of the brick field is in South East corner of my hotel premises. River-embankment Road is going on from East to West and just south of my hotel premises. Tara Bricks poured Brickfield ash on the road in front of my hotel gate instead of making prevention wall as per your order. As a result throughout the day the near by area of my hotel has been covered by dust of brickfield. All our coconut plants and other trees, hotel building are covered by kiln ash of the brick field. All rooms and other places of the hotel are filled by the dust even

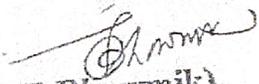
Page 2

our guests are unable to take their meals at our dining space. Nobody can sit in the garden due to the dust of the brick field. If you would not take any steps immediately, then we will be forced to closedown our hotel business and also be forced to shift our residential place from this area. Hope that you will take step before that unpleasant situation occurs.

Your immediate intervention in the matter is highly solicited.

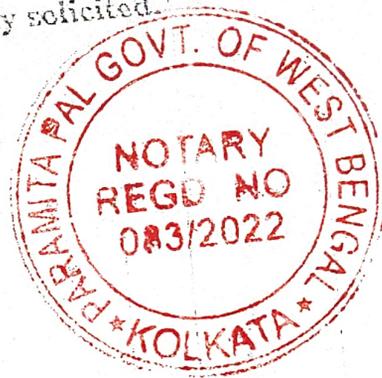
Thanking you.

Yours truly,
for Hotel Roychak


(T.P. Bhowmik)

Copy to :-

1. The SDPO, Diamond Harbour : for information and necessary action
2. The SDO , Diamond Harbour :



HOTEL ROYCHAK

(Typical Riverside Rural Bengal Hospitality)

Project approved by the Tourism Dept. Govt. of West Bengal and Regd. SSI Unit
Vill-Roychak, P.O. - Maheswara, South 24-Pgs. Ph 03174-275-420/404

E-mail- hotel_roychak@vsnl.net

To
The Environmental Engineer,
Alipore Regional Office,
Industry House,
10, Camac Street
Kolkata-700 017

Date-23rd April, 2012
Date 11th March, 2013

Reminder for immediate action

Sir,

We have an Establishment at Roychak under P.S. Ramnagar, Dist. - South 24-Parganas under the name and style mentioned above. We lodged our first complain to you against pollution of Tara Bricks in the Month of June, 2008 and accordingly you issued a Notice to M/S Tara Bricks vide your memo No.259(1)-19/WPB-A(16)/06 dated 19.06.2008 to present before the State Board on 27th June, 2008 with all relevant documents including status of pollution control system. (copy of the notice attached). Mr. T.P. Bhowmik on behalf of us (Hotel Roychak) also present in the State Board on 27th June, 2008. You gave some order to M/S Tara Bricks to reduce the pollution of the locality. But it was a strange matter that instead of taking any measurement to reduce the pollution of the locality, by the act and activities of M/s Tara Bricks and other Brick Fields of the locality, the pollution is now is such a grievous that we have forced to close all our doors and windows through out the day to escape from the dust pollution.

We several time requested you since 2008 to take steps to reduce the dust pollution of the area. But some un-known reasons this department spent like Lord Buddha and slept like KUMBHAKARNA of Ramayana.

However, once more we are requesting you to take steps against dust pollution created by the Brick Fields in this area.

We expect your sincere co-operation and immediate steps in this regard.

Thanking you.

Yours Truly,

For Hotel Roychak

(T.P. Bhowmik)



Enclose:-1) Your Notice dated-19.06.2008

2) Our letter dated- 2nd March, 17th March, 17th April, 26th November

Copy to :-1. The District Magistrate, South 24-Parganas

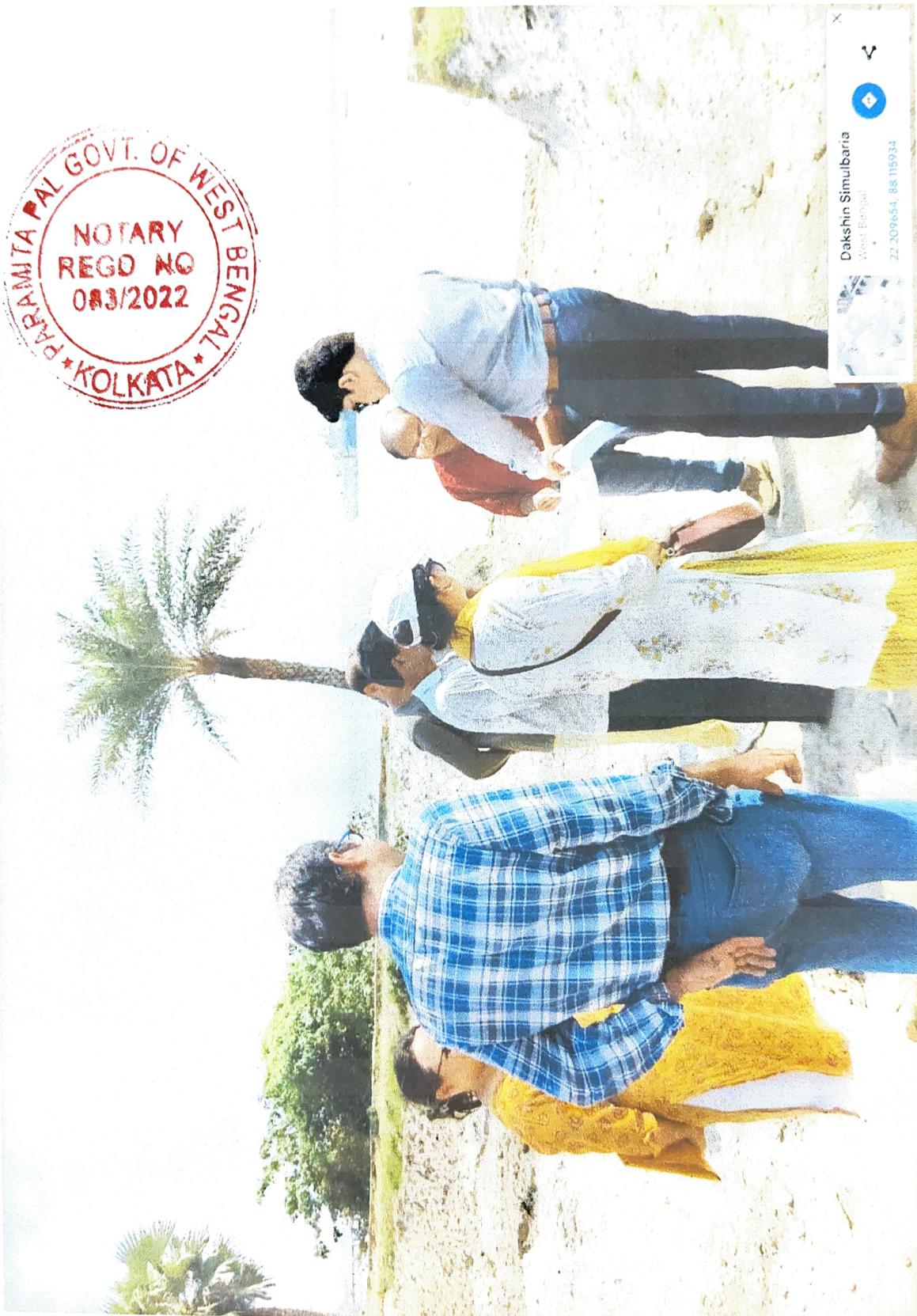
2. The S.D.O & S.D.P.O of Diamond Harbour

3. Paribesh Bhaban, 10A, Block-LA, Sector-III, Saltlake, Kol-700 098

The chairman W.B.P.C.B.

for information and necessary action
for Hotel Roychak

(T.P. Bhowmik)





DATE 02-05-2025
TIME- 12:00 NOON

A white location card is overlaid on the bottom of the photograph. On the left is a small thumbnail image of a building. To its right, the text reads "Dakshin Simulbaria" in bold, followed by "Roychak, West Bengal 721667". Below this, the phone numbers "22 210290, 88 116409" are listed. To the right of the text is a blue location pin icon and a share icon. A close button (X) is in the top right corner of the card.



PARAMITA PAL GOVT. OF WEST BENGAL
NOTARY
REGD NO 083/2022
KOLKATA

Dakshin Simulbaria
West Bengal
22.209654, 88.115934

Misc- 64/07

ORDER NO. 84 dt. 29/11/2017

Today is fixed for ex-parte argument.

Petitioner files hazira.

Heard argument.

Later- record is taken up for passing order on ex-parte.

The case property originally belonged to Ziad ali Molla. Ziad died leaving behind wife Sarusa Bibi and 2 sons Abubakkar Molla and Hyder ali Molla. Safura Bibi got the property from her husband and told to sell the property on 23/08/1989 and the petitioner purchased the property and possessed as co-sharer. Abubakkar Molla on 07/02/1990 sold the property to the petitioner and by the 3 deeds the petitioner purchased the property and being the co-sharer of the case property another co-sharer Hyder Ali Molla on 19/08/1991 sold the property to Jalil seikh and Jalil on the same deed sold the property to Dhirendranath Jana. Dhirendranath Jana on 14/1/2002 by the same deed sold property to OP no. 1 and OP no. 3 was the co-executant of the deed. Petitioner had no knowledge about the transfer of the property and after knowing the fact that petitioner took the Certified Copy from the deed from the Registry Office about the deed of 30/08/2007 as the co-sharer. Petitioner is entitled to get the pre-emption and in this respect petitioner filed Rs. 45,000 and compensation at the rate 10 per cent interest of 4,500 a total of Rs. 49500. So, now OP tried to change the nature and character of the property and for this reason petitioner filed this case.

By filing WO, OP contested the case, but after that he never came and the case proceeded ex-parte against him.

Decision with Reasons

Petitioner examined as PW1. Petitioner filed this case on the basis of co-sharer of the property. So, ...the pre-emption case. Petitioner must prove that, he is the co-sharer/adjointing land-owner Bargadar.

It appears the petitioner claimed the pre-emption here on the basis of co-sharer. So, he must prove that he is the co-sharer of the case property. It is admitted fact, that the case property originally belonged to Jiad ali Molla and the petitioner claimed that he purchased the property from the wife of Jiad Ali and the son of Jiad by 2 sale-deeds dt. 23/08/1989 and 07/02/1990. So, in this respect those 2 deeds are very vital and should come before this case.



to prove that he is the co-sharer of the case property. It also appears that, plaintiff filed the deed of 23/08/1989 and 07/02/1990, which is marked as Exhibit 1 to Exhibit 3 respectively and the deed of 22/1990, in which the original and certified copy are both filed and marked as Exhibit 2 and 3. So, from the deed it is crystal clear that the petitioner is the co-sharer of the suit property. So, as per the Section 8 of the West Bengal Land Reforms Act. Petitioner is entitled to get the pre-emption and his co-sharer.

Another thing must be seen that whether OP no. 1 purchased the total share from the OP no. 2 or not. So, the pre-empted deed should be scanned, which is marked as Exhibit 4. I have gone through the Exhibit document no. 4. It also appears, from the document that the total share of the property is not transferred but a portion of share of the property of the OP no. 2 was transferred. So, in this respect also petitioner is entitled to get the pre-emption.

So, considering everything and after scanning everything it can be stated that, petitioner is entitled to get the pre-emption and all the points by which plaintiff is entitled to get the pre-emption is proved.

Hence, it is,

Ordered

That the Misc Case be and same is allowed on Ex-parte but without any cost

It is hereby ordered, the petitioner is directed to pay the total consideration money as per the deed with 10 % compensation must be deposited and if OP is at liberty to withdraw the amount for delivery of possession to the petitioner if already paid the consideration money with 10 % interest and then the petitioner will not file another consideration money.

OP is directed to quit and vacate the case premises mutually otherwise the petitioner is at liberty to put it into execution.



[Handwritten signature]

e: O.A.NO.20 OF 2025 Rejoinder Affidavit

message

Baisakhi Bhowmik <baisakhibhowmik03@gmail.com>

Fri, 2 May 2025 at 5:14 p

m: ADVOCATE ABHIRUP HALDAR <abhiruphaldar2021@gmail.com>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>, Sibojyoti Chakrabarti <subho.advocate@gmail.com>

Dear All

Please find attached Rejoinder affidavit for OA 20 of 2025 EZ from the Original Applicant

Please confirm on receipt

Regards

Baisakhi Bhowmik

**Rejoinder OA 20 of 2025 EZ.pdf**
9.3 MB