

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

In

ORIGINAL APPLICATION NO.01/2024/EZ



In The Matter of

Ankur Sharma

... Applicant

Versus

State of West Bengal &Ors.

... Respondents

REPORT IN THE FORM OF AFFIDAVIT FROM THE RESPONDENT NUMBER
06, DISTRICT MAGISTRATE & COLLECTOR, SOUTH 24 PARGANAS
DISTRICT

INDEX

SL	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-5
2.	The Photocopy of the orders of Hon'ble High court are collectively marked as	R-1	6-77
3.	The Photocopy of the notices for demolition and time prayer of Sub Divisional Officer, Baruipur are collectively marked as	R-2	78-80

Filed by

Sibojyoti Chakrabarti

SIBOJYOTI CHAKRABARTI

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For The State of West Bengal

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06, DISTRICT MAGISTRATE & COLLECTOR, SOUTH 24 PARGANAS
DISTRICT

I, Sumit Gupta, Son of Shri S.K. Gupta, aged about 42 years, by religion -
Hindu, by occupation- Government Service, presently posted as the District
Magistrate & Collector, South 24 Parganas, having office at New
Administrative Building, Alipore, Kolkata- 700 027, do hereby solemnly
affirm and say as follows:

1. That I am working as the District Magistrate, South 24-Parganas,
Alipore, Kolkata - 700027. I am competent to swear and affirm this
affidavit for and on behalf of myself.
2. That in the solemn order dated 12.02.2025 the Hon'ble Tribunal has
pleased to grant a six weeks' time to file the supplementary affidavit
along with action taken report in the instant matter.





3. That Deo Kumar Shah and three others being the shareholders of L.R plot no. 234 have filed three C.O cases bearing C.O no. 625, 626 and 627 of 2025 before the Hon'ble High Court, Calcutta against the demolition notice issue by Sub Divisional Officer, Baruipur bearing memo no. 301/BRPS/Land dated 10.02.2025. The Hon'ble High Court in his solemn order dated 19.02.2025 has directed,

“8. There shall be an order of stay of the demolition proceeding in respect of the plot of the petitioner till March 3, 2025 or until further orders whichever is earlier.”

Hence the demolition work could not be done on the scheduled date that is on 19.02.2025 as per the demolition notice issue by Sub Divisional Officer, Baruipur.

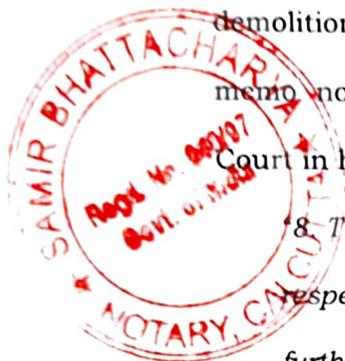
4. That on 24.02.2025, the Hon'ble High Court, Calcutta finally heard the matter and dismissed the same after stating,

“ ... The order dated 09.12.2024 passed by the National Green Tribunal only directed the District Magistrate, to file their affidavit showing compliance of the request of the EKWMA. In the absence of any challenge thrown to the order of EKWMA as observed hereinbefore, the petitioner cannot be said to be a person aggrieved against the aforesaid order of the Tribunal.

For such reason, this Court is not inclined to grant any relief to the petitioners.

Accordingly, C.O. 625 of 2025 stands dismissed.

The authority will be at liberty to proceed in terms of the demolition notice dated 10th February, 2025. In case of any





resistance, the authorities will be at liberty to take the help of the police authorities."



5. That the C.O 626 and 627 of 2025 has met the same fate as C.O 625 of 2025 with the same observation and direction as C.O 625 of 2025.

The Photocopy of the orders of Hon'ble High Court, Calcutta in the matters are collectively marked as 'R-1'.

6. That subsequently, the Sub Divisional Officer, Baruipur has been informed and he has issued another notice of demolition on 28.04.2025 bearing memo no. 992/BRPS/Land, in which he fixed the date for demolition on 08.05.2025.

7. That the Sub Divisional Officer, Baruipur has also prayed for another six weeks' time to complete the work.

The Photocopy of the notices for demolition and time prayer of Sub Divisional Officer, Baruipur are collectively marked as 'R-2'

Identified by me

Sibajyoti Chakrabarti

Advocate
State of West Bengal

30.04.2025

Amil Kumar

Deponent
District Magistrate,
South 24-Parganas

Solemnly Affirmed and Signature/s of the Executant/-
Declared before me U/S 130 are Attested in the Identification
CPC, U/S 297 (C) CRP of the Advocate

[Handwritten signature]

Notary

Notary

Samir Bhattacharya
Notary Govt. of India
Regd. No.- 940 / 97
CITY CIVIL COURT, CALCUTTA

30.4.25

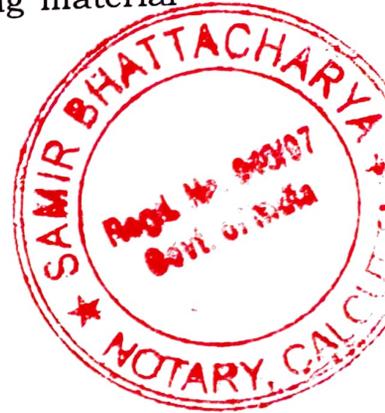
30 APR 2025



VERIFICATION:

I, the deponent within named, do hereby verify and decla. 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 30th Day of April, 2025 / *ls Adv*



Identified by me

Sibojyoti Chakrabarti

Advocate

State of West Bengal

30.04.2025

Anurilluph

Deponent

District Magistrate,
South 24-Parganas

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Annexure - R-1

751

Court No. 6
(265719)

19.02.2025

(AD 21)

(S. Banerjee)

CO 625 of 2025

Deo Kr Shah & Anr.
Vs.
Ankur Sharma & Ors.

Mr. Aniruddha Chatterjee, Sr. Advocate
Mr. Sambuddha Dutta
Mr. Arkaprava Sen
Mr. Sayantan Kar

...for the petitioners

Mr. Kalyan Bandyopadhyay, Sr. Advocate
Mr. Rahul Kumar Singh

...for the State

1. Petitioner claims to be the owner of a portion of LR Plot No. 234 (corresponding to RS Dag No. 156). The petitioner alleges that only on February 15, 2025 the petitioner came to know that the building constructed by the petitioner on the aforesaid plots will be demolished on February 19, 2025. The petitioner further alleges that no notice of any proceeding for demolition of the construction raised by the petitioner on the aforesaid property was served upon the petitioner. The petitioner states that the petitioner is not a party in the proceeding being Original Application No. 01/2024/EZ wherein the National Green Tribunal passed an order directing constitution of a committee to



elicit the veracity of the allegations made by the original applicant before the National Green Tribunal.

2. Mr. Chatterjee, learned Senior Advocate, appearing for the petitioner submits that no notice of inspection of the site in question, was served upon the petitioner. He further submits that no notice of any demolition of the structures constructed by the petitioner on the aforesaid plots was also served upon the petitioner. He submits that the petitioner has come to know only on 15.02.2025 that the demolition shall take place today, i.e., on 19.02.2025.
3. Upon going through the application under Article 227 of the Constitution of India, this Court finds that the petitioner has specifically stated that the petitioner could not submit the application for certified copy of the orders passed by the Hon'ble National Green Tribunal in OA No. 1 of 2024 as the petitioner is not a party to the original proceeding.
4. After going through the order of the National Green Tribunal dated January 18, 2024 passed in the aforesaid Original Application, this Court finds that a committee was constituted and

such committee was directed to inspect the site in question and submit its report within the time limit specified in the said order.

5. Since it has been alleged that the petitioner was neither served with any notice for inspection and no notice of any demolition was served upon the petitioner and considering the fact that the demolition shall take place today, i.e., on February 19, 2025, this Court finds that the petitioner has succeeded in making out a case of urgency.
6. An order of demolition has serious civil consequences. An affected party has to be given an opportunity to place materials in support of his case.
7. Considering the fact that the petitioner was not served with any notice prior to the inspection and also that no notice of demolition was also served, this Court is of the prima facie view that the principles of natural justice has been violated in the instant case. It is well settled that availability of an alternative statutory remedy of appeal provided under the relevant statute can be a bar in exercise of jurisdiction under Article 227 of the Constitution of India under certain exceptional circumstances. One of such



exceptional circumstances is that the principles of natural justice has been grossly violated. Since this Court has expressed its prima facie view that the principles of natural justice has been violated in this case, this Court is inclined to pass an interim order.

8. There shall be an order of stay of the demolition proceeding in respect of the plot of the petitioner till March 3, 2025 or until further orders whichever is earlier.
9. The petitioner is directed to serve a copy of this application upon the opposite parties by speed post with acknowledgement due. In addition thereto, the petitioner shall serve notice upon the learned advocates who usually represents the East Kolkata Wetland Management Authority as well as the West Bengal Pollution Control Board before this Hon'ble Court.
10. The petitioner shall also serve a copy of this petition in the office of the learned Government Pleader, High Court at Calcutta by tomorrow, i.e, by February 20, 2025. Petitioner shall file affidavit of service on the returnable date.
11. In course of hearing of this application Mr. Kalyan Bandyopadhyay, learned Senior

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Advocate expresses his desire to appear in this matter on behalf of the District Magistrate and the State of West Bengal.

12. The learned advocate on record of the petitioner is directed to serve a copy of this application upon the junior of Mr. Bandyopadhyay in course of this day.

13. Mr. Bandyopadhyay is requested to communicate the order dictated in open Court today to the concerned authority.

14. List this matter on February 21, 2025 at 2 p.m.

(Hiranmay Bhattacharyya, J.)

Court No. 6
(265719)

19.02.2025
(AD 22)
(S. Banerjee)

CO 626 of 2025

Mrityunjoy Mal & Anr.
Vs.
Ankur Sharma & Ors.

Mr. Aniruddha Chatterjee, Sr. Advocate
Mr. Sambuddha Dutta
Mr. Arkaprava Sen
Mr. Sayantan Kar

...for the petitioners

Mr. Kalyan Bandyopadhyay, Sr. Advocate
Mr. Rahul Kumar Singh

...for the State

1. Petitioner claims to be the owner of a portion of LR Plot No. 234 (corresponding to RS Dag No. 156). The petitioner alleges that only on February 10, 2025 the petitioner came to know that the building constructed by the petitioner on the aforesaid plots will be demolished on February 19, 2025. The petitioner further alleges that no notice of any proceeding for demolition of the construction raised by the petitioner on the aforesaid property was served upon the petitioner. The petitioner states that the petitioner is not a party in the proceeding being Original Application No. 01/2024/EZ wherein the National Green Tribunal passed an order directing constitution of a committee to

~~1~~

elicit the veracity of the allegations made by the original applicant before the National Green Tribunal.

2. Mr. Chatterjee, learned Senior Advocate, appearing for the petitioner submits that no notice of inspection of the site in question, was served upon the petitioner. He further submits that no notice of any demolition of the structures constructed by the petitioner on the aforesaid plots was also served upon the petitioner. He submits that the petitioner has come to know only on 10.02.2025 that the demolition shall take place today, i.e., on 19.02.2025.
3. Upon going through the application under Article 227 of the Constitution of India, this Court finds that the petitioner has specifically stated that the petitioner could not submit the application for certified copy of the orders passed by the Hon'ble National Green Tribunal in OA No. 1 of 2024 as the petitioner is not a party to the original proceeding.
4. After going through the order of the National Green Tribunal dated January 18, 2024 passed in the aforesaid Original Application, this Court finds that a committee was constituted and



such committee was directed to inspect the site in question and submit its report within the time limit specified in the said order.

5. Since it has been alleged that the petitioner was neither served with any notice for inspection and no notice of any demolition was served upon the petitioner and considering the fact that the demolition shall take place today, i.e., on February 19, 2025, this Court finds that the petitioner has succeeded in making out a case of urgency.
6. An order of demolition has serious civil consequences. An affected party has to be given an opportunity to place materials in support of his case.
7. Considering the fact that the petitioner was not served with any notice prior to the inspection and also that no notice of demolition was also served, this Court is of the prima facie view that the principles of natural justice has been violated in the instant case. It is well settled that availability of an alternative statutory remedy of appeal provided under the relevant statute can be a bar in exercise of jurisdiction under Article 227 of the Constitution of India under certain exceptional circumstances. One of such



exceptional circumstances is that the principles of natural justice has been grossly violated. Since this Court has expressed its prima facie view that the principles of natural justice has been violated in this case, this Court is inclined to pass an interim order.

8. There shall be an order of stay of the demolition proceeding in respect of the plot of the petitioner till March 3, 2025 or until further orders whichever is earlier.
9. The petitioner is directed to serve a copy of this application upon the opposite parties by speed post with acknowledgement due. In addition thereto, the petitioner shall serve notice upon the learned advocates who usually represents the East Kolkata Wetland Management Authority as well as the West Bengal Pollution Control Board before this Hon'ble Court.
10. The petitioner shall also serve a copy of this petition in the office of the learned Government Pleader, High Court at Calcutta by tomorrow, i.e, by February 20, 2025. Petitioner shall file affidavit of service on the returnable date.
11. In course of hearing of this application Mr. Kalyan Bandyopadhyay, learned Senior

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Advocate expresses his desire to appear in this matter on behalf of the District Magistrate and the State of West Bengal.

12. The learned advocate on record of the petitioner is directed to serve a copy of this application upon the junior of Mr. Bandyopadhyay in course of this day.
13. Mr. Bandyopadhyay is requested to communicate the order dictated in open Court today to the concerned authority.
14. List this matter on February 21, 2025 at 2 p.m.

(Hiranmay Bhattacharyya, J.)

~~X~~

Court No. 6
(265719)

19.02.2025
(AD 23)
(S. Banerjee)

CO 627 of 2025

Mallika Das
Vs.
Ankur Sharma & Ors.

Mr. Aniruddha Chatterjee, Sr. Advocate
Mr. Sambuddha Dutta
Mr. Arkaprava Sen
Mr. Sayantan Kar

...for the petitioner

Mr. Kalyan Bandyopadhyay, Sr. Advocate
Mr. Rahul Kumar Singh

...for the State

1. Petitioner claims to be the owner of a portion of LR Dag Nos. 226 and 234 (corresponding to RS Dag Nos. 157 and 156 respectively). The petitioner alleges that only on February 15, 2025 the petitioner came to know that the building constructed by the petitioner on the aforesaid plots will be demolished on February 19, 2025. The petitioner further alleges that no notice of any proceeding for demolition of the construction raised by the petitioner on the aforesaid property was served upon the petitioner. The petitioner states that the petitioner is not a party in the proceeding being Original Application No. 01/2024/EZ wherein the National Green Tribunal passed an order



directing constitution of a committee to elicit the veracity of the allegations made by the original applicant before the National Green Tribunal.

2. Mr. Chatterjee, learned Senior Advocate, appearing for the petitioner submits that no notice of inspection of the site in question, was served upon the petitioner. He further submits that no notice of any demolition of the structures constructed by the petitioner on the aforesaid plots was also served upon the petitioner. He submits that the petitioner has come to know only on 15.02.2025 that the demolition shall take place today, i.e., on 19.02.2025.
3. Upon going through the application under Article 227 of the Constitution of India, this Court finds that the petitioner has specifically stated that the petitioner could not submit the application for certified copy of the orders passed by the Hon'ble National Green Tribunal in OA No. 1 of 2024 as the petitioner is not a party to the original proceeding.
4. After going through the order of the National Green Tribunal dated January 18, 2024 passed in the aforesaid Original Application, this Court finds that a committee was constituted and



such committee was directed to inspect the site in question and submit its report within the time limit specified in the said order.

5. Since it has been alleged that the petitioner was neither served with any notice for inspection and no notice of any demolition was served upon the petitioner and considering the fact that the demolition shall take place today, i.e., on February 19, 2025, this Court finds that the petitioner has succeeded in making out a case of urgency.
6. An order of demolition has serious civil consequences. An affected party has to be given an opportunity to place materials in support of his case.
7. Considering the fact that the petitioner was not served with any notice prior to the inspection and also that no notice of demolition was also served, this Court is of the prima facie view that the principles of natural justice has been violated in the instant case. It is well settled that availability of an alternative statutory remedy of appeal provided under the relevant statute can be a bar in exercise of jurisdiction under Article 227 of the Constitution of India under certain exceptional circumstances. One of such

18

exceptional circumstances is that the principles of natural justice has been grossly violated. Since this Court has expressed its prima facie view that the principles of natural justice has been violated in this case, this Court is inclined to pass an interim order.

8. There shall be an order of stay of the demolition proceeding in respect of the plot of the petitioner till March 3, 2025 or until further orders whichever is earlier.
9. The petitioner is directed to serve a copy of this application upon the opposite parties by speed post with acknowledgement due. In addition thereto, the petitioner shall serve notice upon the learned advocates who usually represents the East Kolkata Wetland Management Authority as well as the West Bengal Pollution Control Board before this Hon'ble Court.
10. The petitioner shall also serve a copy of this petition in the office of the learned Government Pleader, High Court at Calcutta by tomorrow, i.e, by February 20, 2025. Petitioner shall file affidavit of service on the returnable date.
11. In course of hearing of this application Mr. Kalyan Bandyopadhyay, learned Senior



Advocate expresses his desire to appear in this matter on behalf of the District Magistrate and the State of West Bengal.

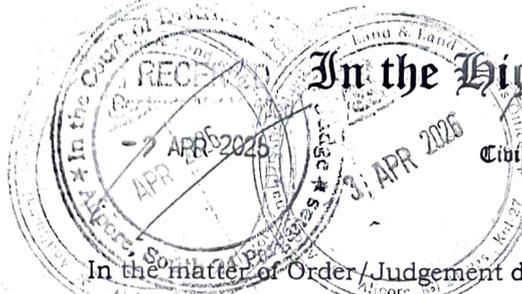
12. The learned advocate on record of the petitioner is directed to serve a copy of this application upon the junior of Mr. Bandyopadhyay in course of this day.

13. Mr. Bandyopadhyay is requested to communicate the order dictated in open Court today to the concerned authority.

14. List this matter on February 21, 2025 at 2 p.m.

(Hiranmay Bhattacharyya, J.)

ADM (LR)



In the High Court at Calcutta

Appellate Side
Civil Revisional Jurisdiction

In Re : C.O. No. 625 of 2025

In the matter of Order/Judgement dated 19.2.25, 24.2.25 passed by the Hon'ble Justice

Hiranmay Bhattacharya, J.

Docket No. 3063
Assigned to.....

of C. No. 1

And

In the matter of :

Sri Deo Kumar Shah & Ann.

Appellant/Petitioner

V/s

Sri Ankur Sharma & Ors.

Opposite Party/Respondent

And in the matter of an Application U/Art. 227 of the Constitution of India/U/s. 24 of the C.P.C., 1908 arising out of

Order No. dated 09.12.24.

Passed by the Ld. Judicial member & Ld. Expert member, National Green Tribunal, Eastern Zone Bench, Kolkata.

In the Case No. O.A. no - 01/24 / EZ

&

In the matter of, order dt - 13.11.24, passed by the Ld. Dist Magistrate, 24 pgs (5), Alipore in memo no. - 27/NGT/5/24/2/24

Memo No. 920 D dt. 1/4/25

Copy of the Hon'ble Court's Order/Judgment dated 19.2.25, 24.2.25 mentioned above, forwarded to the Ld. (1) Judicial member, National Green Tribunal, N.G.T, Eastern Bench, Calcutta, HRX + VR 5, Kadampukur Village, Newtown, Kot, WB, Pin 700156 (2) Ld. Dist Magistrate, 24 pgs (5), Alipore.

for information, guidance and necessary compliance. This is in continuation of this Hon'ble Court's previous memo No(s) D, Dated

High Court,
Appellate Side,
Calcutta,

By Order,
27/02/2025

The 20.....

Assistant Registrar-IV

M. 10

(5)

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		72 24.02.2025 Court No.6 BP	<p style="text-align: center;">C.O. 625 of 2025</p> <p style="text-align: center;">Sri Deo Kumar Shah & Anr. -versus- Sri Ankur Sharma & Ors.</p> <p>Mr. Sambuddha Dutta Mr. Arkaprava Sen Mr. Satyantana Kar ... for the petitioners</p> <p>Mr. Kalyan Bandyopadhyay, Ld. Sr. Adv. Ms. Sonal Sinha Mr. Sirsanya Bandyopadhyay Mr. Arka Kumar Nag Mr. Rahul Kumar Singh ..for the State and East Kolkata Wetlands Management Authority, the Respondent no.6</p> <p>Mr. Arjun Roy Mukherjee Mr. Jaydeev Medhi ..for the West Bengal Pollution Control Board Mr. Sandipan Das ..for the respondent no.1</p> <p>Mr. Indradip Das ..for the respondent nos. 16, 24</p> <p>The order dated 9th December, 2024 passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in Original application No.01/2024/EZ is under challenge in this application under Article 227 of the Constitution of India. By the said order the Tribunal directed the District Magistrate, South 24 Parganas to file their affidavit showing compliance of</p>

H.D.

by Office Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>the request of the East Kolkata Wetlands Management Authority.</p> <p>The petitioners claim to be the owner of a portion of L.R. Dag No. 234 corresponding to R.S. Dag No. 156 within Mouza Atghara under Police Station Sonarpur measuring about 6 cottahs 3 chittaks and 22 sq. ft. by virtue of a registered deed of conveyance being no.14218 of 2022. The petitioners claim to have constructed a tin shade godown on the said property and is carrying on business there from. The petitioners allege that the respondent authorities are taking steps to demolish the said construction without following the principles of natural justice.</p> <p>Mr. Dutta, learned advocate appearing for the petitioners submits that the petitioners were not impleaded as party in the Original Application before the National Green Tribunal. The orders were passed by the National Green Tribunal behind the back of the petitioners. By placing reliance upon Section 19 of the National Green Tribunal Act, 2010 Mr. Dutta contended that the Tribunal shall be guided by the principles of natural justice. He places reliance upon decision of the Hon'ble Supreme Court in the case of West Bengal Electricity Regulatory Commission vs. CESC Ltd. reported in (2002) 8 SCC 715 in support of his contention that where the statute itself confers</p>

1-1

24
X

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by Office Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>right upon the person in conformity with the principles of natural justice the court cannot deny such right.</p> <p>He, therefore, submits that this Court under Article 227 of the Constitution of India should entertain the challenge thrown by the petitioners against the order passed by the National Green Tribunal in spite of the fact that there is an appellate remedy provided under the said statute.</p> <p>Mr. Bandyopadhyay, learned senior counsel representing the State respondent and the respondent no.6 submits that a committee was formed pursuant to an order passed by the Hon'ble Division Bench in a public interest writ petition being WPA (P) 358 of 2023 in the case of Priyanjana Majumder & Anr. vs. The State of West Bengal & Ors. wherein the Hon'ble Division Bench opined that a vigilance team can be formed by the 2nd respondent authority by drawing the officers from the Environment Department as well as from other departments including the officers from the office of the District Magistrate as well as the officials of the Department of Fisheries. He submits that pursuant to a direction passed in the said public interest litigation a vigilance team was constituted and inspections were carried out and order has been passed by the Chief Technical Officer, East Kolkata</p>

H. D.



by Office Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>Wetlands Management Authority (for short 'EKWMA') on 22nd December, 2023 after hearing the petitioners. He submits that after following the principles of natural justice the order dated 22nd December, 2023 was passed directing the petitioners to restore the land to its original character or mode of use within the time limit mentioned in the said order. He further submits that since the directions contained in the order dated 22nd December, 2023 was not carried out the District Magistrate, South 24 Parganas passed an order dated 13th November, 2024 directing the Sub-Divisional Officer to dismantle the illegal building at R.S. Dag Nos. 156 and 157 within Mouza Atghara. He submits that thereafter the notice of demolition dated 10th February, 2025 was also served upon the petitioners informing the petitioners that the godown situated in R.S. plot no. 157 of Mouza Atghara shall be demolished on 19th February, 2025.</p> <p>Mr. Roy Munkherjee, learned advocate appears for the Pollution Control Board. He submits that the State respondents are the answering respondents in the case on hand.</p> <p>Heard the learned advocates for the parties and perused the materials placed.</p> <p>From the deed of conveyance annexed to this application under Article 227 of the Constitution of</p>

H.A.

5

by Office of Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>India it appears that the petitioners have purchased a "Beel Land" measuring 6 cottahs 3 chittaks 22 sq. ft. together with a passage situated at Mouza Atghara comprising R.S. Dag No. 156 and L.R. Dag No. 234 under Police Station Sonarpura at present Narendrapur. From the record of rights annexed to the civil revisional application it also appears that the said plot of land is recorded in the record of rights as "Beel Land".</p> <p>The petitioner no.1 attended the hearing before the Chief Technical Officer, EKWMA and in course of hearing he admitted that he constructed the godown with boundary wall for commercial purpose at part of R.S. Dag No. 157 Mouza Atghara under J.L. no.5 P.S. Narendrapur, District South 24 Parganas without any permission from EKWMA as well as local panchayat body. He further submitted before the authority that he purchased the land being a part of R.S. Dag No. 156 and 157 with his wife in the year 2022 from the erstwhile owner. At this stage it would be beneficial to take note of the order dated 25th July, 2023 passed by the Hon'ble Division Bench in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. vs. The State of West Bengal & Ors) as well as the directions contained in paragraph 8 of the said order. Paragraph 8 of the order dated</p>



Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>25th July, 2023 in WPA (P) 358 of 2023 is quoted hereinafter.</p> <p>“8. Thereafter, the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the costs be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels.”</p> <p>After noting the observations made by the Hon'ble Division Bench in the aforesaid Public Interest Litigation and also taking into consideration all aspects, the Chief Technical Officer, EKWMA expressed its opinion that the petitioners illegally constructed the godown with boundary wall at part of R.S. Dag No. 157, Mouza Atghara, J.L. No.5, P.S. Narendrapur which falls within the EKW area without permission from EKWMA. It was further recorded that the said work is illegal and violative with provisions of Section 9 of the East Kolkata (Conservation and Management) Act, 2006 and Rule 4 of the Wetland (Conservation and Management) Rules, 2017. By the said order the petitioners were directed to restore the land to its original character or mode of use within thirty days from the reasoned order and to submit the compliance report within next seven days to the office or action shall be taken in accordance with law.</p>

H.H.



Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>On a query of the Court Mr. Dutta, learned advocate appearing for the petitioners, in his usual fairness, submits that the petitioners have not challenged the said order dated 22nd December, 2023. It is also not in dispute that the petitioners did not comply with the directions contained in the order dated 22nd December, 2023.</p> <p>Upon receipt of the letter from the Chief Technical Officer, EKWMA which stated that the persons who have raised illegal building at part of R.S. Dag Nos. 156 and 157 of Mouza Atghara including the petitioners have not complied with the direction given in the said order, the District Magistrate passed an order dated 13th November, 2024 directing the Sub-Divisional Officer, Baruipur sub-division to dismantle the illegal building at R.S. Dag Nos. 156 and 157 Mouza Atghara and to restore the area to its original status and submit the compliance report within the time limit indicated thereafter.</p> <p>Record reveals that by an order dated 18th January, 2024 the National Green Tribunal took note of the allegation made in the Original Application that the respondents therein are illegally filling up several wetlands being part of East Kolkata Wetland measuring about 88.52 acres under Atghara mouza. It was alleged that all the wetlands</p>

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29

8

Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>have been partially filled up which have been classified as "beel" except L.R. Dag No. 232 which is classified as a "shali" land.</p> <p>The learned Tribunal after considering the allegations made constituted a committee to elicit the veracity of the allegation comprising of the members as indicated in the said order.</p> <p>It appears from the order dated 18th January, 2024 that the committee was directed to inspect the site in question and submit its report within four weeks with regard to the allegations made in the original application and the District Magistrate, South 24 Parganas was directed to act as the nodal office for all logistic purpose and for filing the report of the committee on affidavit.</p> <p>From the order of EKWMA dated 22.12.2023 it appears that the notice was circulated through police authorities and notices were also pasted on the illegal structure with a direction to stop illegal construction and to appear for hearing on 02.11.2023 and also to show cause why legal action should not be initiated.</p> <p>To the mind of this Court adequate opportunity was given to the petitioner to defend their action and for such reason, this Court is not inclined to accept the submission of the learned</p>

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Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		H.A.	<p>advocate for the petitioner that principles of natural justice has been ^{violated} vitiated.</p> <p>The complainant raised an environment issue before the EKWMA. In the Public Interest Litigation and the proceeding before the National Green Tribunal the applicant highlighted a serious environmental issues. Committees were formed by the Hon'ble Division Bench of this Court as well as the learned Tribunal to take into the veracity of the allegations. The committee constituted pursuant to the orders passed by the Hon'ble Division Bench and the Tribunal passed orders by following the principles of natural justice. Therefore, non-joinder of the petitioner as party in PIL as well as before the learned Tribunal cannot vitiate the order passed.</p> <p>The notice of demolition dated 10th February, 2025 was issued in connection with the demolition order dated 13th November, 2024 issued by the District Magistrate and the order passed in the original application before the National Green Tribunal.</p> <p>The question that arises is whether the petitioners herein had a right to raise the construction on the said plot which is classified in the record of rights as "Beel Land".</p> <p>The learned advocate appearing for the petitioners, in his usual fairness, submits that</p>
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Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>conversion certificate has not yet been obtained but only an application for issuance of conversion certificate has only been filed. He also submits that no permission was obtained from the local body for raising such construction.</p> <p>Mr. Dutta, learned advocate appearing for the petitioners would submit that the provisions of Section 11 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 has not been followed in the case on hand.</p> <p>By referring to Table 11 under Schedule I he submits that part of Dag No. 156 is a water body and part of it is Urban Rural Settlement Area and the authorities while passing the order directing restoration of the property to its original condition did not take into consideration such aspect.</p> <p>In this regard it would be relevant to take note of the provisions laid down in Section 9 of the 2006 Act which starts with a non-obstante clause. It states that notwithstanding anything contained in any law for the time being in force every person holding any land in the East Kolkata Wetland shall maintain and preserve such land in a manner that its area is not diminished or its character is not changed or it is not converted for any purpose other than the purpose for which it was settled or previously held, except with the previous sanction of the authority under Section 10. Section 10 of the</p>

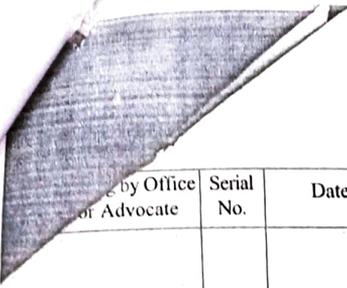
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Filed by Office for Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>2006 Act prescribes the procedure for granting such sanction.</p> <p>The record of rights specifically states that the character of the land is "Beel Land". Therefore, the petitioners could not have used the said land for any other purpose other than for which it was settled without the previous sanction of the authority. The fact that the petitioners have applied for conversion goes to show that the petitioners are well aware of the provision that without conversion they could not have converted the "Beel Land" for using the same for the purpose of raising construction.</p> <p>In view of the fact that the character of land was recorded in the record of rights as "Beel Land" and no conversion certificate has been issued by the competent authority and also that the construction is without any sanction or permission from the competent authority, this Court is of the considered view that no construction of any nature could have been raised on a land which is classified in the record of rights as "Beel Land".</p> <p>There is, however, no quarrel to the proposition of law laid down by the Hon'ble Supreme Court in West Bengal Electricity Regulatory Commission (supra) that if the statute provides that the natural justice is to be followed the courts have to see that such principles have been followed.</p>

Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>However in the case on hand though the petitioners may not have been a party in the original application before the learned Tribunal or in the public interest litigation before the Hon'ble Division Bench but the fact remains that the Committee constituted by the Hon'ble Division Bench of this Court as well as the National Green Tribunal inspected the property, heard the petitioners and passed the order of demolition which is still staring at the face of the petitioners.</p> <p>The order dated 9.12.2024 passed by the National Green Tribunal only directed the District Magistrate, to file their affidavit showing compliance of the request of the EKWMA. In the absence of any challenge ^{thrown} through to the order of EKWMA as observed hereinbefore, the petitioner cannot be said to be a person aggrieved against the aforesaid order of the Tribunal.</p> <p>For such reason, this Court is not inclined to grant any relief to the petitioners.</p> <p>Accordingly, C.O. 625 of 2025 stands dismissed.</p> <p>The authority will be at liberty to proceed in terms of the demolition notice dated 10th February, 2025. In case of any resistance, the authorities will be at liberty to take the help of the police authorities.</p>

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Serial
No.

Date

Office notes, reports, Orders or proceedings with signature

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

[Redacted signature box]

(Hiranmay Bhattacharyya, J.)

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings
C. 19/2	Court No. 6 (265719)	19.02.2025 (AD 21) (S. Banerjee)	<p style="text-align: center;">CO 625 of 2025</p> <p style="text-align: center;">Deo Kr Shah & Anr. Vs. Ankur Sharma & Ors.</p> <p>Mr. Aniruddha Chatterjee, Sr. Advocate Mr. Sambuddha Dutta Mr. Arkaprava Sen Mr. Sayantan Kar ...for the petitioners</p> <p>Mr. Kalyan Bandyopadhyay, Sr. Advocate Mr. Rahul Kumar Singh ...for the State</p> <p>1. Petitioner claims to be the owner of a portion of LR Plot No. 234 (corresponding to RS Dag No. 156). The petitioner alleges that only on February 15, 2025 the petitioner came to know that the building constructed by the petitioner on the aforesaid plots will be demolished on February 19, 2025. The petitioner further alleges that no notice of any proceeding for demolition of the construction raised by the petitioner on the aforesaid property was served upon the petitioner. The petitioner states that the petitioner is not a party in the proceeding being Original Application No. 01/2024/EZ wherein the National Green Tribunal passed an order directing constitution of a committee to elicit the veracity of the allegations made by the</p>

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>original applicant before the National Green Tribunal.</p> <p>2. Mr. Chatterjee, learned Senior Advocate, appearing for the petitioner submits that no notice of inspection of the site in question, was served upon the petitioner. He further submits that no notice of any demolition of the structures constructed by the petitioner on the aforesaid plots was also served upon the petitioner. He submits that the petitioner has come to know only on 15.02.2025 that the demolition shall take place today, i.e., on 19.02.2025.</p> <p>3. Upon going through the application under Article 227 of the Constitution of India, this Court finds that the petitioner has specifically stated that the petitioner could not submit the application for certified copy of the orders passed by the Hon'ble National Green Tribunal in OA No. 1 of 2024 as the petitioner is not a party to the original proceeding.</p> <p>4. After going through the order of the National Green Tribunal dated January 18, 2024 passed in the aforesaid Original Application, this Court finds that a committee was constituted and such committee was directed to inspect the site</p>

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>in question and submit its report within the time limit specified in the said order.</p> <p>5. Since it has been alleged that the petitioner was neither served with any notice for inspection and no notice of any demolition was served upon the petitioner and considering the fact that the demolition shall take place today, i.e., on February 19, 2025, this Court finds that the petitioner has succeeded in making out a case of urgency.</p> <p>6. An order of demolition has serious civil consequences. An affected party has to be given an opportunity to place materials in support of his case.</p> <p>7. Considering the fact that the petitioner was not served with any notice prior to the inspection and also that no notice of demolition was also served, this Court is of the prima facie view that the principles of natural justice has been violated in the instant case. It is well settled that availability of an alternative statutory remedy of appeal provided under the relevant statute can be a bar in exercise of jurisdiction under Article 227 of the Constitution of India under certain exceptional circumstances. One of such exceptional circumstances is that the principles</p>

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>of natural justice has been grossly violated. Since this Court has expressed its prima facie view that the principles of natural justice has been violated in this case, this Court is inclined to pass an interim order.</p> <p>8. There shall be an order of stay of the demolition proceeding in respect of the plot of the petitioner till March 3, 2025 or until further orders whichever is earlier.</p> <p>9. The petitioner is directed to serve a copy of this application upon the opposite parties by speed post with acknowledgement due. In addition thereto, the petitioner shall serve notice upon the learned advocates who usually represents the East Kolkata Wetland Management Authority as well as the West Bengal Pollution Control Board before this Hon'ble Court.</p> <p>10. The petitioner shall also serve a copy of this petition in the office of the learned Government Pleader, High Court at Calcutta by tomorrow, i.e, by February 20, 2025. Petitioner and shall file affidavit of service on the returnable date.</p> <p>11. In course of hearing of this application Mr. Kalyan Bandyopadhyay, learned Senior Advocate expresses his desire to appear in this</p>

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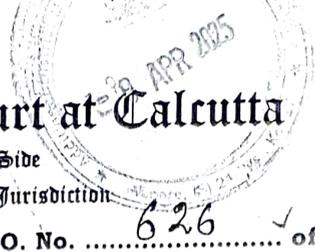
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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>matter on behalf of the District Magistrate and the State of West Bengal.</p> <p>12. The learned advocate on record of the petitioner is directed to serve a copy of this application upon the junior of Mr. Bandyopadhyay in course of this day.</p> <p>13. Mr. Bandyopadhyay is requested to communicate the order dictated in open Court today to the concerned authority.</p> <p>14. List this matter on February 21, 2025 at 2 p.m.</p> <p style="text-align: right;">(Hiranmay Bhattacharyya, J.) </p>

Date: 8/4/25

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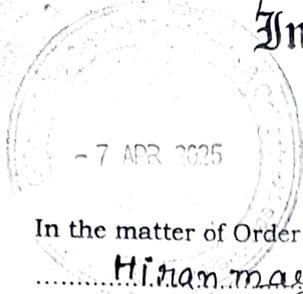


ADM (785)

In the High Court at Calcutta

Appellate Side
Civil Revisional Jurisdiction

In Re : C.O. No. 626 of 2025



In the matter of Order/Judgment dated 24.2.25, 19.2.25 passed by the Hon'ble Justice Hiranmay Bhattacharyya, J.

And

In the matter of :

Sri Maitryunjoy Mal. & anr. Appellant/Petitioner
v/s

Ankur Sharma & Ors. Opposite Party/Respondent

And in the matter of an Application U/Art. 227 of the Constitution of India/11/s. 24 of the C.P.C., 1908 arising out of

Order No. dated

Passed by the Ld.

In the Case No. O.A. no - 01/2024/E2, pending before the Ld. Judicial member and Ld. Expert member, National Green Tribunal, Eastern Zone Bench, Kolkata, &

In the matter of, Order dt- 13.11.24, passed by the Ld. Dist. Magistrate, 24 pgs (3), Alipore in memo no- 27/NAT/STP/R/2024.

Memo No. 955 D dt 2/4/25

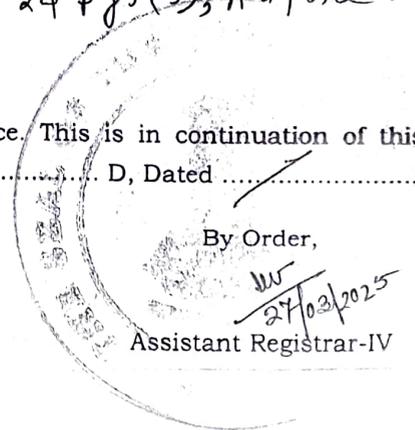
Copy of the Hon'ble Court's Order/Judgment dated 24.2.25, 19.2.25. forwarded to the Ld. (1) Judicial member, National Green Tribunal, N.G.T, Eastern Bench, Calcutta, HFLC + VR5, Kadambukur Village, Newtown, WB, Pin - 700156.

(2) Ld. Dist Magistrate, 24 pgs (3), Alipore.

for information, guidance and necessary compliance. This is in continuation of this Hon'ble Court's previous memo No(s). D, Dated

High Court,
Appellate Side,
Calcutta,

The 20.....



By Order,

27/03/2025

Assistant Registrar-IV



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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		73 24.02.2025 Court No.6 BP	<p style="text-align: center;">C.O. 626 of 2025</p> <p style="text-align: center;">Mrityunjoy Mal & Anr. -versus- Sri Ankur Sharma & Ors.</p> <p>Mr. Sambuddha Dutta Mr. Arkaprava Sen Mr. Satyantankar ... for the petitioners</p> <p>Mr. Kalyan Bandyopadhyay, Ld. Sr. Adv. Ms. Sonal Sinha Mr. Sirsanya Bandyopadhyay Mr. Arka Kumar Nag Mr. Rahul Kumar Singh ..for the State and East Kolkata Wetlands Management Authority, the Respondent no.6</p> <p>Mr. Arjun Roy Mukherjee Mr. Jaydeev Medhi ..for the West Bengal Pollution Control Board Mr. Sandipan Das ..for the respondent no.1</p> <p>Mr. Sarbananda Sañyal Mr. Samrat Chakraborty ..for the opposite party no.14</p> <p>Mr. Indradip Das ..for the respondent nos. 16, 24</p> <p>The order dated 9th December, 2024 passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in Original application No.01/2024/EZ is under challenge in this application under Article 227 of the Constitution of India. By the said order the Tribunal directed the District Magistrate, South 24</p>

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>Parganas to file their affidavit showing compliance of the request of the East Kolkata Wetlands Management Authority.</p> <p>The petitioners claim to be the owner of a portion of L.R. Dag No. 234 corresponding to R.S. Dag No. 156 within Mouza Atghara under Police Station Sonarpur measuring about 3 cottahs 6 sq. ft. adjacent to the 20 sq.ft. wide public pathway by virtue of a registered deed of conveyance being no.0030 of 2019. The petitioners claim to have constructed a two storied building on the said property. The petitioners allege that the respondent authorities are taking steps to demolish the said construction without following the principles of natural justice.</p> <p>Mr. Dutta, learned advocate appearing for the petitioners submits that the petitioners were not impleaded as party in the Original Application before the National Green Tribunal. The orders were passed by the National Green Tribunal behind the back of the petitioners. By placing reliance upon Section 19 of the National Green Tribunal Act, 2010 Mr. Dutta contended that the Tribunal shall be guided by the principles of natural justice. He places reliance upon decision of the Hon'ble Supreme Court in the case of West Bengal Electricity Regulatory Commission vs. CESC Ltd. reported in (2002) 8 SCC 715 in support</p>

42

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10
Noting by Office
or AdvocateSerial
No.

Date

Office notes, reports, Orders or proceedings with signature

of his contention that where the statute itself confers right upon the person in conformity with the principles of natural justice the court cannot deny such right.

He, therefore, submits that this Court under Article 227 of the Constitution of India should entertain the challenge thrown by the petitioners against the order passed by the National Green Tribunal in spite of the fact that there is an appellate remedy provided under the said statute.

Mr. Bandyopadhyay, learned senior counsel representing the State respondent and the respondent no.6 submits that a committee was formed pursuant to an order passed by the Hon'ble Division Bench in a public interest writ petition being WPA (P) 358 of 2023 in the case of Priyanjana Majumder & Anr. vs. The State of West Bengal & Ors. wherein the Hon'ble Division Bench opined that a vigilance team can be formed by the 2nd respondent authority by drawing the officers from the Environment Department as well as from other departments including the officers from the office of the District Magistrate as well as the officials of the Department of Fisheries. He submits that pursuant to a direction passed in the said public interest litigation a vigilance team was constituted and inspections were carried out and order has been

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Noting by Office
or Advocate

Serial
No.

Date

Office notes, reports, Orders or proceedings with signature

passed by the Chief Technical Officer, East Kolkata Wetlands Management Authority (for short 'EKWMA') on 22nd December, 2023 after hearing the petitioners. He submits that after following the principles of natural justice the order dated 22nd December, 2023 was passed directing the petitioners to restore the land to its original character or mode of use within the time limit mentioned in the said order. He further submits that since the directions contained in the order dated 22nd December, 2023 was not carried out the District Magistrate, South 24 Parganas passed an order dated 13th November, 2024 directing the Sub-Divisional Officer to dismantle the illegal building at R.S. Dag Nos. 156 and 157 within Mouza Atghara. He submits that thereafter the notice of demolition dated 10th February, 2025 was also served upon the petitioners informing the petitioners that the godown situated in R.S. plot no. 157 of Mouza Atghara shall be demolished on 19th February, 2025. Mr. Bandyopadhyay submits that the petitioners have filed a writ petition being WPA 1298 of 2024 which is pending before a co-ordinate bench. He further submits that there is no interim order in the said writ petition.

46

10
Noting by Office
or AdvocateSerial
No.

Date

Office notes, reports, Orders or proceedings with signature

Mr. Roy Munkherjee, learned advocate appears for the Pollution Control Board. He submits that the State respondents are the answering respondents in the case on hand.

Heard the learned advocates for the parties and perused the materials placed.

From the deed of conveyance annexed to this application under Article 227 of the Constitution of India it appears that the petitioners have purchased a "Beel Land" measuring total areas of about 3 cottahs 6 sq. ft. adjacent to 20 sq. ft. by public pathway situated at Mouza Atghara comprising R.S. Dag No. 156 and L.R. Dag No. 234 under Police Station Sonarpura at present Narendrapur. From the record of rights annexed to the civil revisional application it also appears that the said plot of land is recorded in the record of rights as "Beel Land".

The petitioner no.1 attended the hearing before the Chief Technical Officer, EKWMA and in course of hearing he admitted that he constructed a two storied building for residential purpose on the said property and is residing thereon along with his family members. He further submitted before the authority that he purchased the land being a part of R.S. Dag No. 156 and 157 with his wife in the year 2022 from the erstwhile owner. At this stage it would be beneficial to take note of the order dated 25th

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>July, 2023 passed by the Hon'ble Division Bench in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. vs. The State of West Bengal & Ors) as well as the directions contained in paragraph 8 of the said order. Paragraph 8 of the order dated 25th July, 2023 in WPA (P) 358 of 2023 is quoted hereinafter.</p> <p>"8. Thereafter, the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the costs be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels."</p> <p>After noting the observations made by the Hon'ble Division Bench in the aforesaid Public Interest Litigation and also taking into consideration all aspects, the Chief Technical Officer, EKWMA expressed its opinion that the petitioners illegally constructed the two storied building at part of R.S. Dag No. 157, Mouza Atghara, J.L. No.5, P.S. Narendrapur which falls within the EKW area without permission from EKWMA. It was further recorded that the said work is illegal and violative with provisions of Section 9 of the East Kolkata (Conservation and Management) Act, 2006 and Rule 4 of the Wetland (Conservation and Management) Rules, 2017. By the said order the petitioners were directed to restore the land to its original character</p>

~~12~~10
Noting by Office
or AdvocateSerial
No.

Date

Office notes, reports, Orders or proceedings with signature

or mode of use within thirty days from the reasoned order and to submit the compliance report within next seven days to the office or action shall be taken in accordance with law.

It is not in dispute that the order of Chief Technical Officer, EKWMA dated 22nd December, 2023 has been challenged in the writ petition and the petitioners have failed to obtain any interim protection till date.

Upon receipt of the letter from the Chief Technical Officer, EKWMA which stated that the persons who have raised illegal building at part of R.S. Dag Nos. 156 and 157 of Mouza Atghara including the petitioners have not complied with the direction given in the said order, the District Magistrate passed an order dated 13th November, 2024 directing the Sub-Divisional Officer, Baruipur Sub- Division to dismantle the illegal building at R.S. Dag Nos. 156 and 157 Mouza Atghara and to restore the area to its original status and submit the compliance report within the time limit indicated thereafter.

Record reveals that by an order dated 18th January, 2024 the National Green Tribunal took note of the allegation made in the Original Application that the respondents therein are illegally filling up several wetlands being part of East Kolkata

~~18~~10
Noting by Office
or AdvocateSerial
No.

Date

Office notes, reports, Orders or proceedings with signature

Wetland measuring about 88.52 acres under Atghara mouza. It was alleged that all the wetlands have been partially filled up which have been classified as "beel" except L.R. Dag No. 232 which is classified as a "shali" land.

The learned Tribunal after considering the allegations made constituted a committee to elicit the veracity of the allegation comprising of the members as indicated in the said order.

It appears from the order dated 18th January, 2024 that the committee was directed to inspect the site in question and submit its report within four weeks with regard to the allegations made in the original application and the District Magistrate, South 24 Parganas was directed to act as the nodal office for all logistic purpose and for filing the report of the committee on affidavit.

From the order of EKWMA dated 22.12.2023 it appears that the notice was circulated through police authorities and notices were also pasted on the illegal structure with a direction to stop illegal construction and to appear for hearing on 02.11.2023 and also to show cause why legal action should not be initiated.

To the mind of this Court adequate opportunity was given to the petitioner to defend their action and for such reason, this Court is not

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g by Office Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>inclined to accept the submission of the learned advocate for the petitioner that principles of natural justice has been violated.</p> <p>The complainant raised an environment issue before the EKWMA. In the Public Interest Litigation and the proceeding before the National Green Tribunal the applicant highlighted serious environmental issues. Committees were formed by the Hon'ble Division Bench of this Court as well as the learned Tribunal to look into the veracity of the allegations. The committee constituted pursuant to the orders passed by the Hon'ble Division Bench and the Tribunal passed orders by following the principles of natural justice. Therefore, non-joinder of the petitioner as party in PIL as well as before the learned Tribunal cannot vitiate the order passed.</p> <p>The notice of demolition dated 10th February, 2025 was issued in connection with the demolition order dated 13th November, 2024 issued by the District Magistrate and the order passed in the original application before the National Green Tribunal.</p> <p>The question that arises is whether the petitioners herein had a right to raise the construction on the said plot which is classified in the record of rights as "Beel Land".</p>

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>The learned advocate appearing for the petitioners, in his usual fairness, submits that conversion certificate has not yet been obtained but only an application for issuance of conversion certificate has only been filed. He also submits that no permission was obtained from the local body for raising such construction.</p> <p>Mr. Dutta, learned advocate appearing for the petitioners would submit that the provisions of Section 11 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 has not been followed in the case on hand.</p> <p>By referring to Table 11 under Schedule I he submits that part of Dag No. 156 is a water body and part of it is Urban Rural Settlement Area and the authorities while passing the order directing restoration of the property to its original condition did not take into consideration such aspect.</p> <p>In this regard it would be relevant to take note of the provisions laid down in Section 9 of the 2006 Act which starts with a non-obstante clause. It states that notwithstanding anything contained in any law for the time being in force every person holding any land in the East Kolkata Wetland shall maintain and preserve such land in a manner that its area is not diminished or its character is not changed or it is not converted for any purpose other than the purpose for which it was settled or</p>

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>previously held, except with the previous sanction of the authority under Section 10. Section 10 of the 2006 Act prescribes the procedure for granting such sanction.</p> <p>The record of rights specifically states that the character of the land is "Beel Land". Therefore, the petitioners could not have used the said land for any other purpose other than for which it was settled without the previous sanction of the authority. The fact that the petitioners have applied for conversion goes to show that the petitioners are well aware of the provision that without conversion they could not have converted the "Beel Land" for using the same for the purpose of raising construction.</p> <p>In view of the fact that the character of land was recorded in the record of rights as "Beel Land" and no conversion certificate has been issued by the competent authority and also that the construction is without any sanction or permission from the competent authority, this Court is of the considered view that no construction of any nature could have been raised on a land which is classified in the record of rights as "Beel Land".</p> <p>There is, however, no quarrel to the proposition of law laid down by the Hon'ble Supreme Court in West Bengal Electricity Regulatory Commission (supra) that if the statute provides that</p>

59

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>the natural justice is to be followed the courts have to see that such principles have been followed. However in the case on hand though the petitioners may not have been a party in the original application before the learned Tribunal or in the public interest litigation before the Hon'ble Division Bench but the fact remains that the Committee constituted by the Hon'ble Division Bench of this Court as well as the National Green Tribunal inspected the property, heard the petitioners and passed the order of demolition which is still staring at the face of the petitioners.</p> <p>The order dated 9.12.2024 passed by the National Green Tribunal only directed the District Magistrate, to file their affidavit showing compliance of the request of the EKWMA. The order of EKWMA is still in force as observed hereinbefore and, therefore the petitioner cannot be said to be a person aggrieved against the aforesaid order of the Tribunal.</p> <p>For such reason, this Court is not inclined to grant any relief to the petitioners.</p> <p>Accordingly, C.O. 626 of 2025 stands dismissed.</p> <p>The authority will be at liberty to proceed in terms of the demolition notice dated 10th February, 2025. In case of any resistance, the authorities will</p>

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VI. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>be at liberty to take the help of the police authorities.</p> <p>No order as to costs.</p> <p>Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.</p> <p style="text-align: right;">  (Hiranmay Bhattacharyya, J.) </p>

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
5/19/25	Court No. 6 (265719)	19.02.2025 (AD 22) (S. Banerjee)	<p style="text-align: center;">CO 626 of 2025</p> <p style="text-align: center;">Mrityunjoy Mal & Anr. Vs. Ankur Sharma & Ors.</p> <p>Mr. Aniruddha Chatterjee, Sr. Advocate Mr. Sambuddha Dutta Mr. Arkaprava Sen Mr. Sayantan Kar ...for the petitioners</p> <p>Mr. Kalyan Bandyopadhyay, Sr. Advocate Mr. Rahul Kumar Singh ...for the State</p> <p>1. Petitioner claims to be the owner of a portion of LR Plot No. 234 (corresponding to RS Dag No. 156). The petitioner alleges that only on February 10, 2025 the petitioner came to know that the building constructed by the petitioner on the aforesaid plots will be demolished on February 19, 2025. The petitioner further alleges that no notice of any proceeding for demolition of the construction raised by the petitioner on the aforesaid property was served upon the petitioner. The petitioner states that the petitioner is not a party in the proceeding being Original Application No. 01/2024/EZ wherein the National Green Tribunal passed an order directing constitution of a committee to elicit the veracity of the allegations made by the</p>

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2

M. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>original applicant before the National Green Tribunal.</p> <p>2. Mr. Chatterjee, learned Senior Advocate, appearing for the petitioner submits that no notice of inspection of the site in question, was served upon the petitioner. He further submits that no notice of any demolition of the structures constructed by the petitioner on the aforesaid plots was also served upon the petitioner. He submits that the petitioner has come to know only on 10.02.2025 that the demolition shall take place today, i.e., on 19.02.2025.</p> <p>3. Upon going through the application under Article 227 of the Constitution of India, this Court finds that the petitioner has specifically stated that the petitioner could not submit the application for certified copy of the orders passed by the Hon'ble National Green Tribunal in OA No. 1 of 2024 as the petitioner is not a party to the original proceeding.</p> <p>4. After going through the order of the National Green Tribunal dated January 18, 2024 passed in the aforesaid Original Application, this Court finds that a committee was constituted and such committee was directed to inspect the site</p>

5/6

3

M. 10

Noting by Office
or AdvocateSerial
No.

Date

Office notes, reports, Orders or proceedings with signature

in question and submit its report within the time limit specified in the said order.

5. Since it has been alleged that the petitioner was neither served with any notice for inspection and no notice of any demolition was served upon the petitioner and considering the fact that the demolition shall take place today, i.e., on February 19, 2025, this Court finds that the petitioner has succeeded in making out a case of urgency.

6. An order of demolition has serious civil consequences. An affected party has to be given an opportunity to place materials in support of his case.

7. Considering the fact that the petitioner was not served with any notice prior to the inspection and also that no notice of demolition was also served, this Court is of the prima facie view that the principles of natural justice has been violated in the instant case. It is well settled that availability of an alternative statutory remedy of appeal provided under the relevant statute can be a bar in exercise of jurisdiction under Article 227 of the Constitution of India under certain exceptional circumstances. One of such exceptional circumstances is that the principles

M. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>of natural justice has been grossly violated. Since this Court has expressed its prima facie view that the principles of natural justice has been violated in this case, this Court is inclined to pass an interim order.</p> <p>8. There shall be an order of stay of the demolition proceeding in respect of the plot of the petitioner till March 3, 2025 or until further orders whichever is earlier.</p> <p>9. The petitioner is directed to serve a copy of this application upon the opposite parties by speed post with acknowledgement due. In addition thereto, the petitioner shall serve notice upon the learned advocates who usually represents the East Kolkata Wetland Management Authority as well as the West Bengal Pollution Control Board before this Hon'ble Court.</p> <p>10. The petitioner shall also serve a copy of this petition in the office of the learned Government Pleader, High Court at Calcutta by tomorrow, i.e, by February 20, 2025. Petitioner and shall file affidavit of service on the returnable date.</p> <p>11. In course of hearing of this application Mr. Kalyan Bandyopadhyay, learned Senior Advocate expresses his desire to appear in this</p>

58

M. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>matter on behalf of the District Magistrate and the State of West Bengal.</p> <p>12. The learned advocate on record of the petitioner is directed to serve a copy of this application upon the junior of Mr. Bandyopadhyay in course of this day.</p> <p>13. Mr. Bandyopadhyay is requested to communicate the order dictated in open Court today to the concerned authority.</p> <p>14. List this matter on February 21, 2025 at 2 p.m.</p> <p style="text-align: right;">(Hiranmay Bhattacharyya, J.) <i>Hir</i></p>

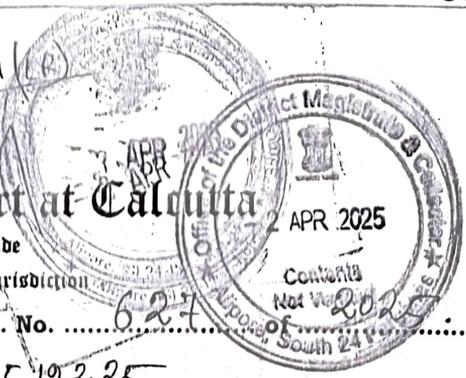
Docket No. 4589
Date 3/4/25

ADM (R)



In the High Court at Calcutta

Appellate Side
Civil Revisional Jurisdiction



In Re : C.O. No. 627 of 2025

In the matter of Order/Judgement dated 24.2.25, 19.2.25 passed by the Hon'ble Justice

Hiranmay Bhattacharyya, J.

O. S. CELL

Docket No. 3062

And

Assigned to.....

In the matter of :

Smt. Mallika Das

Appellant/Petitioner

V/s

Sri Ankur Sharma & Ors.

Opposite Party/Respondent

And in the matter of an Application U/Art. 227 of the Constitution of India/U/s. 24 of the C.P.C., 1908 arising out of

Order No. _____ dated 09.12.2024

Passed by the Ld. Judicial Member and Ld. Expert Member,
National Green Tribunal, Eastern Zone Bench, Kolkata

In the Case No. Original Application no. - 01/2024/EZ, &

In the matter of, order dt- 13.11.24, passed by the Ld. Dist. Magistrate, 24 Pgs (5), Alipore in memo no. - 27/NGT/5124/R/2024.

Memo No. 918 D dt. 1/4/25

Copy of the Hon'ble Court's Order/Judgment dated 24.2.25, 19.2.25 mentioned above, forwarded to the Ld. Judicial Member, National Green Tribunal,

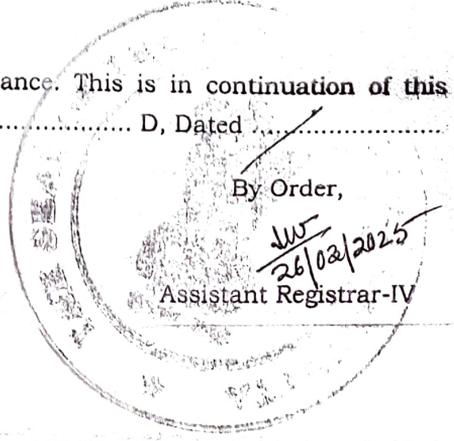
(1) J.G.T. Eastern Bench, Calcutta, HFxc + VR5, Kadamukur Village, Newtown, Pin - 700156, W.B.

(2) Ld. Dist Magistrate, 24 Pgs (5), Alipore.

for information, guidance and necessary compliance. This is in continuation of this Hon'ble Court's previous memo No(s) D, Dated

High Court,
Appellate Side,
Calcutta,

The 20.....



By Order,

26/02/2025

Assistant Registrar-IV

M. 10

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
	74	24.02.2025 Court No.6 BP	<p style="text-align: center;">C.O. 627 of 2025</p> <p style="text-align: center;">Mallika Das -versus- Sri Ankur Sharma & Ors.</p> <p>Mr. Sambuddha Dutta Mr. Arkaprava Sen Mr. Satyantana Kar ... for the petitioners</p> <p>Mr. Kalyan Bandyopadhyay, Ld. Sr. Adv. Ms. Sonal Sinha Mr. Sirsanya bandyopadhyay Mr. Arka Kumar Nag Mr. Rahul Kumar Singh ..for the State and East Kolkata Wetlands Management Authority, the Respondent no.6</p> <p>Mr. Arjun Roy Mukherjee Mr. Jaydeev Medhi ..for the West Bengal Pollution Control Board Mr. Sandipan Das ..for the respondent no.1</p> <p>Mr. Indradip Das ..for the respondent nos. 16, 24</p> <p>The order dated 9th December, 2024 passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in Original application No.01/2024/EZ is under challenge in this application under Article 227 of the Constitution of India. By the said order the Tribunal directed the District Magistrate, South 24 Parganas to file their affidavit showing compliance of</p>

H-1

Office notes, reports, Orders or proceedings with signature

ing by Office
or Advocate

Serial
No.

Date

the request of the East Kolkata Wetlands Management Authority.

The petitioners claim to be the owner of a portion of L.R. Dag No. 234 corresponding to R.S. Dag No. 156 within Mouza Atghara under Police Station Sonarpur measuring about 2 cottahs 40 sq. ft. adjacent to the 20 ft public pathway by virtue of a two registered deed of conveyance being no.3375/2018 and 3376/2018. The petitioners claim to have constructed a three storied residential building on the said property. The petitioners allege that the respondent authorities are taking steps to demolish the said construction without following the principles of natural justice.

Mr. Dutta, learned advocate appearing for the petitioners submits that the petitioners were not impleaded as party in the Original Application before the National Green Tribunal. The orders were passed by the National Green Tribunal behind the back of the petitioners. By placing reliance upon Section 19 of the National Green Tribunal Act, 2010 Mr. Dutta contended that the Tribunal shall be guided by the principles of natural justice. He places reliance upon decision of the Hon'ble Supreme Court in the case of West Bengal Electricity Regulatory Commission vs. CESC Ltd. reported in (2002) 8 SCC 715 in support of his contention that where the statute itself confers

H-1

Filed by Office or Advocate	Serial No.	Date
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Office notes, reports, Orders or proceedings with signature

right upon the person in conformity with the principles of natural justice the court cannot deny such right.

He, therefore, submits that this Court under Article 227 of the Constitution of India should entertain the challenge thrown by the petitioners against the order passed by the National Green Tribunal in spite of the fact that there is an appellate remedy provided under the said statute.

Mr. Bandyopadhyay, learned senior counsel representing the State respondent and the respondent no.6 submits that a committee was formed pursuant to an order passed by the Hon'ble Division Bench in a public interest writ petition being WPA (P) 358 of 2023 in the case of Priyanjana Majumder & Anr. vs. The State of West Bengal & Ors. wherein the Hon'ble Division Bench opined that a vigilance team can be formed by the 2nd respondent authority by drawing the officers from the Environment Department as well as from other departments including the officers from the office of the District Magistrate as well as the officials of the Department of Fisheries. He submits that pursuant to a direction passed in the said public interest litigation a vigilance team was constituted and inspections were carried out and order has been passed by the Chief Technical Officer, East Kolkata

H.B

63

4

Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>Wetlands Management Authority (for short 'EKWMA') on 22nd December, 2023 after hearing the petitioners. He submits that after following the principles of natural justice the order dated 22nd December, 2023 was passed directing the petitioners to restore the land to its original character or mode of use within the time limit mentioned in the said order. He further submits that since the directions contained in the order dated 22nd December, 2023 was not carried out the District Magistrate, South 24 Parganas passed an order dated 13th November, 2024 directing the Sub-Divisional Officer to dismantle the illegal building at R.S. Dag Nos. 156 and 157 within Mouza Atghara. He submits that thereafter the notice of demolition dated 10th February, 2025 was also served upon the petitioners informing the petitioners that the godown situated in R.S. plot no. 157 of Mouza Atghara shall be demolished on 19th February, 2025.</p> <p>Mr. Bandyopadhyay submits that the petitioners have filed a writ petition being WPA 1291 of 2024 which is pending before a co-ordinate bench. He further submits that there is no interim order in the said writ petition.</p> <p>Mr. Roy Munkherjee, learned advocate appears for the Pollution Control Board. He submits</p>

P.D.

Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>that the State respondents are the answering respondents in the case on hand.</p> <p>Heard the learned advocates for the parties and perused the materials placed.</p> <p>From the deed of conveyance annexed to this application under Article 227 of the Constitution of India it appears that the petitioners have purchased a "Beel Land" measuring 2 cottahs 40 sq. ft. adjacent to the 20 ft public pathway together with a passage situated at Mouza Atghara comprising R.S. Dag No. 156 and L.R. Dag No. 234 under Police Station Sonarpura at present Narendrapur. From the record of rights annexed to the civil revisional application it also appears that the said plot of land is recorded in the record of rights as "Beel Land".</p> <p>The husband of the petitioner attended the hearing before the Chief Technical Officer, EKWMA and in course of hearing he admitted that he constructed a three storeyed residential building at part of R.S. Dag No. 156 Mouza Atghara under J.L. no.5 P.S. Narendrapur, District South 24 Parganas without any permission from EKWMA as well as local panchayat body. He further submitted before the authority that he purchased the land in the name of his wife being a part of R.S. Dag No. 156 and 157 with his wife in the year 2018 from the erstwhile owner. At this stage it would be beneficial.</p>

H.A.

Reporting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>to take note of the order dated 25th July, 2023 passed by the Hon'ble Division Bench in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. vs. The State of West Bengal & Ors) as well as the directions contained in paragraph 8 of the said order. Paragraph 8 of the order dated 25th July, 2023 in WPA (P) 358 of 2023 is quoted hereinafter.</p> <p>"8. Thereafter, the illegal construction should be directed to be removed by the persons, who have put up the same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the costs be recovered from the persons, who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put up construction in such wetlands as well as blocking the water channels."</p> <p>After noting the observations made by the Hon'ble Division Bench in the aforesaid Public Interest Litigation and also taking into consideration all aspects, the Chief Technical Officer, EKWMA expressed its opinion that the petitioners illegally constructed the three storeyed residential building ^{on} at part of R.S. Dag No. 157, Mouza Atghara, J.L. No.5, P.S. Narendrapur which falls within the EKW area without permission from EKWMA. It was further recorded that the said work is illegal and violative with provisions of Section 9 of the East Kolkata (Conservation and Management) Act, 2006 and Rule 4 of the Wetland (Conservation and Management) Rules, 2017. By the said order the</p>

Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>petitioners were directed to restore the land to its original character or mode of use within thirty days from the reasoned order and to submit the compliance report within next seven days to the office or action shall be taken in accordance with law.</p> <p>It is also not in dispute that the petitioners did not comply with the directions contained in the order dated 22nd December, 2023.</p> <p>Upon receipt of the letter from the Chief Technical Officer, EKWMA which stated that the persons who have raised illegal building at part of R.S. Dag Nos. 156 and 157 of Mouza Atghara including the petitioners have not complied with the direction given in the said order, the District Magistrate passed an order dated 13th November, 2024 directing the Sub-Divisional Officer, Baruipur sub- division to dismantle the illegal building at R.S. Dag Nos. 156 and 157 Mouza Atghara and to restore the area to its original status and submit the compliance report within the time limit indicated thereafter.</p> <p>Record reveals that by an order dated 18th January, 2024 the National Green Tribunal took note of the allegation made in the Original Application that the respondents therein are illegally filling up several wetlands being part of East Kolkata</p>

H.A

Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>Wetland measuring about 88.52 acres under Atghara mouza. It was alleged that all the wetlands have been partially filled up which have been classified as "beel" except L.R. Dag No. 232 which is classified as a "shali" land.</p> <p>The learned Tribunal after considering the allegations made constituted a committee to elicit the veracity of the allegation comprising of the members as indicated in the said order.</p> <p>It appears from the order dated 18th January, 2024 that the committee was directed to inspect the site in question and submit its report within four weeks with regard to the allegations made in the original application and the District Magistrate, South 24 Parganas was directed to act as the nodal office for all logistic purpose and for filing the report of the committee on affidavit.</p> <p>From the order of EKWMA dated 22.12.2023 it appears that the notice was circulated through police authorities and notices were also pasted on the illegal structure with a direction to stop illegal construction and to appear for hearing on 02.11.2023 and also to show cause why legal action should not be initiated.</p> <p>To the mind of this Court adequate opportunity was given to the petitioner to defend their action and for such reason, this Court is not</p>

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Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>inclined to accept the submission of the learned advocate for the petitioner that principles of natural justice has been violated.</p> <p>The complainant raised an environment issue before the EKWMA. In the Public Interest Litigation and the proceeding before the National Green Tribunal the applicant highlighted serious environmental issues. Committees were formed by the Hon'ble Division Bench of this Court as well as the learned Tribunal to take into the veracity of the allegations. The committee constituted pursuant to the orders passed by the Hon'ble Division Bench and the Tribunal passed orders by following the principles of natural justice. Therefore, non-joinder of the petitioner as party in PIL as well as before the learned Tribunal cannot vitiate the order passed.</p> <p>The notice of demolition dated 10th February, 2025 was issued in connection with the demolition order dated 13th November, 2024 issued by the District Magistrate and the order passed in the original application before the National Green Tribunal.</p> <p>The question that arises is whether the petitioners herein had a right to raise the construction on the said plot which is classified in the record of rights as "Beel Land".</p>

H.A.

Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>The learned advocate appearing for the petitioners, in his usual fairness, submits that conversion certificate has not yet been obtained but only an application for issuance of conversion certificate has only been filed. He also submits that no permission was obtained from the local body for raising such construction.</p> <p>Mr. Dutta, learned advocate appearing for the petitioners would submit that the provisions of Section 11 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 has not been followed in the case on hand.</p> <p>By referring to Table 11 under Schedule I he submits that part of Dag No. 156 is a water body and part of it is Urban Rural Settlement Area and the authorities while passing the order directing restoration of the property to its original condition did not take into consideration such aspect.</p> <p>In this regard it would be relevant to take note of the provisions laid down in Section 9 of the 2006 Act which starts with a non-obstante clause. It states that notwithstanding anything contained in any law for the time being in force every person holding any land in the East Kolkata Wetland shall maintain and preserve such land in a manner that its area is not diminished or its character is not changed or it is not converted for any purpose other than the purpose for which it was settled or</p>

H.A.

Filed by Office of Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>previously held, except with the previous sanction of the authority under Section 10. Section 10 of the 2006 Act prescribes the procedure for granting such sanction.</p> <p>The record of rights specifically states that the character of the land is "Beel Land". Therefore, the petitioners could not have used the said land for any other purpose other than for which it was settled without the previous sanction of the authority. The fact that the petitioners have applied for conversion goes to show that the petitioners are well aware of the provision that without conversion they could not have converted the "Beel Land" for using the same for the purpose of raising construction.</p> <p>In view of the fact that the character of land was recorded in the record of rights as "Beel Land" and no conversion certificate has been issued by the competent authority and also that the construction is without any sanction or permission from the competent authority, this Court is of the considered view that no construction of any nature could have been raised on a land which is classified in the record of rights as "Beel Land".</p> <p>There is, however, no quarrel to the proposition of law laid down by the Hon'ble Supreme Court in West Bengal Electricity Regulatory Commission (supra) that if the statute provides that</p>

H.A.

Reporting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>the natural justice is to be followed the courts have to see that such principles have been followed. However in the case on hand though the petitioners may not have been a party in the original application before the learned Tribunal or in the public interest litigation before the Hon'ble Division Bench but the fact remains that the Committee constituted by the Hon'ble Division Bench of this Court as well as the National Green Tribunal inspected the property, heard the petitioners and passed the order of demolition which is still staring at the face of the petitioners.</p> <p>The order dated 9.12.2024 passed by the National Green Tribunal only directed the District Magistrate, to file their affidavit showing compliance of the request of the EKWMA. In the absence of any challenge thrown to the order of EKWMA as observed hereinbefore, the petitioner cannot be said to be a person aggrieved against the aforesaid order of the Tribunal.</p> <p>For such reason, this Court is not inclined to grant any relief to the petitioners.</p> <p>Accordingly, C.O. 627 of 2025 stands dismissed.</p> <p>The authority will be at liberty to proceed in terms of the demolition notice dated 10th February, 2025. In case of any resistance, the authorities will</p>

H-2

82

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p data-bbox="521 394 1147 499">be at liberty to take the help of the police authorities.</p> <p data-bbox="597 520 832 552">No order as to costs.</p> <p data-bbox="543 562 1160 730">Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.</p> <p data-bbox="723 772 1173 821">(Hiranmay Bhattacharyya, J.) <i>[Signature]</i></p>

M. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
5/19/2	Court No. 6 (265719)	19.02.2025 (AD 23) (S. Banerjee)	<p style="text-align: center;">CO 627 of 2025</p> <p style="text-align: center;">Mallika Das Vs. Ankur Sharma & Ors.</p> <p>Mr. Aniruddha Chatterjee, Sr. Advocate Mr. Sambuddha Dutta Mr. Arkaprava Sen Mr. Sayantan Kar ...for the petitioner</p> <p>Mr. Kalyan Bandyopadhyay, Sr. Advocate Mr. Rahul Kumar Singh ...for the State</p> <p>1. Petitioner claims to be the owner of a portion of LR Dag Nos. 226 and 234 (corresponding to RS Dag Nos. 157 and 156 respectively). The petitioner alleges that only on February 15, 2025 the petitioner came to know that the building constructed by the petitioner on the aforesaid plots will be demolished on February 19, 2025. The petitioner further alleges that no notice of any proceeding for demolition of the construction raised by the petitioner on the aforesaid property was served upon the petitioner. The petitioner states that the petitioner is not a party in the proceeding being Original Application No. 01/2024/EZ wherein the National Green Tribunal passed an order directing constitution of a committee to elicit the</p>

M. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>veracity of the allegations made by the original applicant before the National Green Tribunal.</p> <p>2. Mr. Chatterjee, learned Senior Advocate, appearing for the petitioner submits that no notice of inspection of the site in question, was served upon the petitioner. He further submits that no notice of any demolition of the structures constructed by the petitioner on the aforesaid plots was also served upon the petitioner. He submits that the petitioner has come to know only on 15.02.2025 that the demolition shall take place today, i.e., on 19.02.2025.</p> <p>3. Upon going through the application under Article 227 of the Constitution of India, this Court finds that the petitioner has specifically stated that the petitioner could not submit the application for certified copy of the orders passed by the Hon'ble National Green Tribunal in OA No. 1 of 2024 as the petitioner is not a party to the original proceeding.</p> <p>4. After going through the order of the National Green Tribunal dated January 18, 2024 passed in the aforesaid Original Application, this Court finds that a committee was constituted and such committee was directed to inspect the site</p>



M. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>in question and submit its report within the time limit specified in the said order.</p> <p>5. Since it has been alleged that the petitioner was neither served with any notice for inspection and no notice of any demolition was served upon the petitioner and considering the fact that the demolition shall take place today, i.e., on February 19, 2025, this Court finds that the petitioner has succeeded in making out a case of urgency.</p> <p>6. An order of demolition has serious civil consequences. An affected party has to be given an opportunity to place materials in support of his case.</p> <p>7. Considering the fact that the petitioner was not served with any notice prior to the inspection and also that no notice of demolition was also served, this Court is of the prima facie view that the principles of natural justice has been violated in the instant case. It is well settled that availability of an alternative statutory remedy of appeal provided under the relevant statute can be a bar in exercise of jurisdiction under Article 227 of the Constitution of India under certain exceptional circumstances. One of such exceptional circumstances is that the principles</p>

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M. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports; Orders or proceedings with signature
			<p>of natural justice has been grossly violated. Since this Court has expressed its prima facie view that the principles of natural justice has been violated in this case, this Court is inclined to pass an interim order.</p> <p>8. There shall be an order of stay of the demolition proceeding in respect of the plot of the petitioner till March 3, 2025 or until further orders whichever is earlier.</p> <p>9. The petitioner is directed to serve a copy of this application upon the opposite parties by speed post with acknowledgement due. In addition thereto, the petitioner shall serve notice upon the learned advocates who usually represents the East Kolkata Wetland Management Authority as well as the West Bengal Pollution Control Board before this Hon'ble Court.</p> <p>10. The petitioner shall also serve a copy of this petition in the office of the learned Government Pleader, High Court at Calcutta by tomorrow, i.e, by February 20, 2025. Petitioner and shall file affidavit of service on the returnable date.</p> <p>11. In course of hearing of this application Mr. Kalyan Bandyopadhyay, learned Senior Advocate expresses his desire to appear in this</p>

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M. 10

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>matter on behalf of the District Magistrate and the State of West Bengal.</p> <p>12. The learned advocate on record of the petitioner is directed to serve a copy of this application upon the junior of Mr. Bandyopadhyay in course of this day.</p> <p>13. Mr. Bandyopadhyay is requested to communicate the order dictated in open Court today to the concerned authority.</p> <p>14. List this matter on February 21, 2025 at 2 p.m.</p> <p style="text-align: right;">(Hiranmay Bhattacharyya, J.) </p>



Annexure-R-2

823

Government of West Bengal

Office of the Sub-Divisional Officer
Baruipur, South 24 Parganas. Tel No 031 2433-1081-8579(1)
E-mail - baruipur_sdo@gmail.com

Memo No. 301 /BRPS/Land

Dated : 10.02.2025

Notice of Demolition

1. Sri Deo Kumar Shah
S/O Dhanraj Shah, Vill.- Atghara
P.O.- Dhalua, P.S.- Narendrapur
South 24 Parganas, PIN- 700 152

Sub: Notice of Demolition.

Ref: Order of Demolition vide Memo No. 27/NGT/5125/BR/2024 dated 13.11.2024

In connection with the above noted reference and OA Case No. OA 01/2024/EZ(NGT), Ankur Sharma vs The State of West Bengal, it is to inform you that, your godown situated in R.S. Plot No. 157 of Mouza- Atghara, II. No. 05, P.S.- Narendrapur, Block- Sonarpur shall be demolished on 19.02.2025.

Order regarding the said case no is attached herewith.
This is for your information and taking necessary action.

Encl:- As stated.



Ch 10.2.25
Sub-Divisional Officer
Baruipur, South 24 Parganas
Sub-Divisional Officer
Baruipur, South 24 Parganas
Dated: 10.02.2025

Memo No. 301 /I(7)/BRPS/Land

Copy forwarded for information and taking necessary action to:-

1. The District Magistrate, South 24 Parganas, Alipore, Kol- 700 027.
2. The Superintendent of Police, Baruipur Police District.
3. The Additional District Magistrate(LR), South 24 Parganas, Alipore, Kol- 700 027.
4. The Block Development Officer, Sonarpur to serve notice to all concerned & ensure service return
5. The Block Land & Land Reforms Officer, Sonarpur, South 24 Parganas.
6. The Inspector-in-Charge, Narendrapur Police Station, Baruipur Police District.
7. The Proddhan, Kheyadaha-II Gram Panchayat under Sonarpur Panchayat Samity.

Ch 10.2.25
Sub-Divisional Officer
Baruipur, South 24 Parganas
Sub-Divisional Officer
Baruipur, South 24 Parganas



Government of West Bengal

Office of the Sub-Divisional Officer Tel. No. 033 2433-1081/8579(F)
Baruipur, South 24 Parganas. E-mail – baruipur.sdo@gmail.com

Memo No. **993** /BRPS/Land

Dated : 28.04.2025

To
 The District Magistrate
 South 24 Parganas
 Alipore, Kol- 700 027

Sub: Prayer for Time.

Ref: Order of Demolition vide Memo No. 27/NGT/5125/BR/2024 dated 13.11.2024

Sir,

In connection with the above noted reference and OA Case No. OA 01/2024/EZ(NGT), Ankur Sharma vs The State of West Bengal of Mouza- Atghara, JL No. 05, P.S.- Narendrapur, Block- Sonarpur, regarding demolition of unauthorized constructions made, additional Six Weeks may be given for the said demolition due to enormity of the task.

This is for your kind perusal Sir.



Yours faithfully

[Signature] 28.4.25

Sub-Divisional Officer
 Baruipur, South 24 Parganas
 Sub-Divisional Officer
 Baruipur, South 24 Parganas

Dated: 28.04.2025

Memo No. **993** /1(1)BRPS/Land

Copy forwarded for information and taking necessary action to:-

1. The Additional District Magistrate(LR), South 24 Parganas, Alipore, Kol- 700 027.

[Signature] 28.4.25

Sub-Divisional Officer
 Baruipur, South 24 Parganas
 Sub-Divisional Officer
 Baruipur, South 24 Parganas



Government of West Bengal

Office of the Sub-Divisional Officer Tel. No. 033 2433-1081/8579(F)
Baruipur, South 24 Parganas. E-mail - baruipur.sdo@gmail.com

Memo No. 992 /BRPS/Land

Dated : 28.04.2025

Notice of Demolition

1. Sri Deo Kumar Shah
 S/O Dhanraj Shah, Vill.- Atghara
 P.O.- Dhalua, P.S.- Narendrapur
 South 24 Parganas, PIN- 700 152

Sub: Notice of Demolition.

Ref: Order of Demolition vide Memo No. 27/NGT/5125/BR/2024 dated 13.11.2024

In connection with the above noted reference and OA Case No. OA 01/2024/EZ(NGT), Ankur Sharma vs The State of West Bengal, it is to inform you that, your godown situated in R.S. Plot No. 157 of Mouza- Atghara, JL No. 05, P.S.- Narendrapur, Block- Sonarpur shall be demolished on 08.05.2025.

This is for your information and taking necessary action.



28.4.25
 Sub-Divisional Officer
 Baruipur, South 24 Parganas
 Sub-Divisional Officer
 Baruipur, South 24 Parganas

Memo No. 992 /1(7)/BRPS/Land

Dated: 28.04.2025

Copy forwarded for information and taking necessary action to:-

1. The District Magistrate, South 24 Parganas, Alipore, Kol- 700 027.
2. The Superintendent of Police, Baruipur Police District.
3. The Additional District Magistrate(LR), South 24 Parganas, Alipore, Kol- 700 027.
4. The Block Development Officer, Sonarpur to serve notice to all concerned & ensure service return.
5. The Block Land & Land Reforms Officer, Sonarpur, South 24 Parganas.
6. The Inspector-in-Charge, Narendrapur Police Station, Baruipur Police District.
7. The Proadhan, Kheyadaha-II Gram Panchayat under Sonarpur Panchayat Samity.

28.4.25
 Sub-Divisional Officer
 Baruipur, South 24 Parganas
 Sub-Divisional Officer
 Baruipur, South 24 Parganas

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

ORIGINAL APPLICATION NO.
01/2024/EZ

In The Matter of:

Ankur Sharma

... Applicant

Versus

State of West Bengal &Ors.

... Respondents

REPORT ON AFFIDAVIT OF THE
RESPONDENT NUMBER 06,
DISTRICT MAGISTRATE &
COLLECTOR, SOUTH 24
PARGANAS DISTRICT.

SUBHOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534