

X

BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH
ORIGINAL APPLICATION NO. 70/2025/EZ

In The Matter of:

Jayprakas Chaudhuri

...Applicant



Versus.

State of West Bengal & Ors.

...Respondents

COUNTER AFFIDAVIT FILED BY THE RESPONDENT NO.3, EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY

| Sl. No | PARTICULARS | ANNEXURE | PAGE |
|--------|--|------------|-------|
| 1. | Affidavit | | 1-6 |
| 2. | A copy of Schedule-I of the EKW Act of 2006 and Banglar Bhumi Portal | R/1(Colly) | 7-9 |
| 3. | A copy of the said Notification dt 20.07.2017 | R/2 | 10 |
| 4. | A copy of the said communication dt 11.03.2024 | R/3 | 11-13 |

Filed by

Sudip K. Datta
 Advocate

*Affidavit by
 EKW
 20/5/25*

SL. NO. 599 2025 X

**BEFORE THE HONBLE NATINAL GREEN TRIBUNAL
EASTERN ZONE BENCH**

ORIGINAL APPLICATION NO. 70/2025/EZ



In The Matter of:

Jayprakas Chaudhuri

...Applicant

Versus.

State of West Bengal & Ors.

**BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST. NORTH 24 PARAGANAS**

...Respondents

**COUNTER AFFIDAVIT FILED BY THE RESPONDENT NO.1 and
3, EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY**

I, Smt. Roshni Sen, IAS, daughter of Late Saibal Kanti Sen, aged about 58 years, by faith Hindu, occupation Service, having office at Pranisampad Bhawan, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata-700106 holding the post of Additional Chief Secretary, Department of Environment, Government of West Bengal and also Member Secretary of East Kolkata Wetlands Management Authority, do hereby solemnly affirm and submit as follows:-

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1. That I am also holding the post of Member Secretary, East Kolkata Wetlands Management Authority (hereinafter referred to as "EKWMA"), Department of Environment, Government of West Bengal. I have made myself acquainted with the facts and circumstances of the instant Original Application and have gone through the documents pertaining to the subject matter of the instant Original Application. Therefore, I am competent to file the instant Counter Affidavit before this Hon'ble Tribunal.

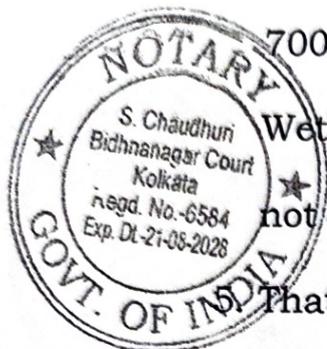


2. That this affidavit is being filed in compliance with the solemn Order dated 17.04.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That the instant Original Application has been filed by the applicant *inter alia* alleging that during 2000-2004, three moderately big water bodies at Dag no.132 and 135 within the Jadavpur Co-operative Land and Housing Society were filled up partially with truck loads of fly ash debris by the then authorities with the purpose of creating some additional housing plot.
4. It is respectfully submitted that as per Schedule-I and Schedule-II of East Kolkata Wetlands (Conservation and

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Management) Act, 2006 the land in question on Dag nos.132 and 135 of Mouza-Nayabad, JL no. 25, KMC Ward no.109, Borough XII, PS-Purba Jadavpur, Kolkata-700094 and 700099 does not fall within East Kolkata Wetlands. So, the provisions of the EKW Act of 2006 are not applicable on the land in question.



That in regard to the allegation made by the applicant in paragraph no. 3(i) of the Original Application it is respectfully stated that the filling up of the water body started in the year 2000-2004, while East Kolkata Wetlands (Conservation and Management) Act, 2006 came into force from 16.11.2005 and the said Act does not have any retrospective effect.

6. That it is to be noted that Mouza Nayabad, JL no. 17 under PS Narendrapur, Dist South 24 Parganas is within East Kolkata Wetlands, but not Mouza Nayabad, JL no. 25 under PS Purba Jadabpur, Dist South 24 Parganas, KMC Ward no. 109. A copy of Schedule-I of the EKW Act of 2006 and copy of Banglar Bhumi portal under Land & Land Reforms & Refugee Relief and Rehabilitation

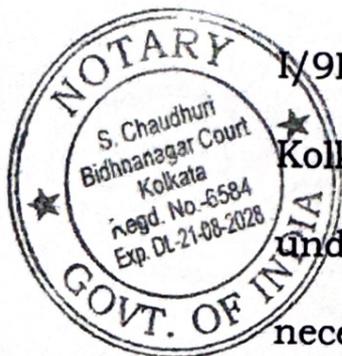
20 MAY 2025

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Department are annexed herewith and marked as Annexure **R/1(colly)**.

7. That in regard to paragraph no. 3(vii) it is to be noted that in accordance with Notification vide no. 1748-Fish/C-1/9R-03/2017 dt 20.07.2017 the Commissioner of Kolkata Municipal Corporation is the competent authority under West Bengal Inland Fisheries Act, 1984 to take necessary steps in this regard. A copy of the said Notification dt 20.07.2017 is annexed herewith and marked as Annexure **R/2**.

8. That it is to be noted that East Kolkata Wetlands Management Authority has already taken steps by forwarding the alleged violation vide communication no. 124-SWA/EN/04/2023-24(Link-3) dt 11.03.2024 to the Commissioner of the Kolkata Municipal Corporation with a request to enquire into the matter and to take necessary steps against violation, if any, has been committed. A copy of the said communication dt 11.03.2024 is annexed herewith and marked as Annexure **R/3**.



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9. It is, therefore, respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.



Roshni Sen
DEPONENT

VERIFICATION

I, Smt. Roshni Sen, the above named deponent, do hereby verify that the contents of foregoing affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Kolkata on this 20th day of May, 2025

[Signature]
S. CHAUDHURI
* NOTARY *
GOVT. OF INDIA
Regd. No. -8584/08
Bidhannagar Court
Dist. - North 24 Pgs.

Roshni Sen
DEPONENT

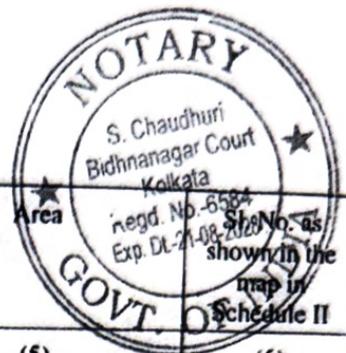
Identified by me
[Signature]
Advocate

20 MAY 2025

The East Kolkata Wetlands (Conservation and Management) Act, 2006.

Schedule I

[See clause (c) of section 2.]



| District | Police Station | Mouza | J.L. No. | Area | Sl. No. as shown in the map in Schedule II |
|---------------------|-------------------------|------------------------------------|--------------------------|--------------------------|--|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 24-Parganas (South) | Tiljola | Dhapa | 2 | as specified in Table 1 | 1. |
| | | Chowbaga | 3 | as specified in Table 2 | 2. |
| | | Bonchtala | 4 | as specified in Table 3 | 3. |
| | | Dhalenda | 8 | as specified in Table 4 | 4. |
| | | Paschim Chowbaga | 9 | as specified in Table 5 | 5. |
| | | Nonadanga | 10 | as specified in Table 6 | 36. |
| | Sonarpur | Chak Kolar Khal | 1 | as specified in Table 7 | 6. |
| | | Karimpur | 2 | as specified in Table 8 | 7. |
| | | Jagatipota | 3 | as specified in Table 9 | 8. |
| | | Mukundapur | 4 | as specified in Table 10 | 9. |
| | | Atghara | 5 | as specified in Table 11 | 10. |
| | | Ranabhutia | 6 | as specified in Table 12 | 11. |
| | | Kantipota | 7 | as specified in Table 13 | 12. |
| | | Bhagabanpur | 8 | as specified in Table 14 | 13. |
| | | Kharki | 9 | as specified in Table 15 | 14. |
| | | Deara | 10 | as specified in Table 16 | 15. |
| | | Kheadaha | 11 | as specified in Table 17 | 16. |
| | | Khodahati | 12 | as specified in Table 18 | 17. |
| | | Goalpota | 13 | as specified in Table 19 | 18. |
| | | Kumapukuria | 14 | as specified in Table 20 | 19. |
| | | Tardaha | 15 | as specified in Table 21 | 20. |
| | | Tihuria | 16 | as specified in Table 22 | 21. |
| | | Nayabad | 17 | as specified in Table 23 | 22. |
| | | Samukpota | 91 | as specified in Table 24 | 23. |
| | | Pratapnagar | 92 | as specified in Table 25 | 24. |
| | | Garal | 93 | as specified in Table 26 | 25. |
| | Kolkata Leather Complex | Dakshin Dhapa Manpur | 1 | as specified in Table 27 | 34. |
| | | Dhapa Manpur (presently Kochpukur) | 2 | as specified in Table 28 | 35. |
| | | Hatgachha | 4 | as specified in Table 29 | 26. |
| | | Hadia | 5 | as specified in Table 30 | 27. |
| | | Dharmatala Pachuria | 6 | as specified in Table 31 | 28. |
| Kulberia | | 7 | as specified in Table 32 | 29. | |
| Beonta | | 27 | as specified in Table 33 | 30. | |
| Tardaha Kapashati | | 38 | as specified in Table 34 | 31. | |
| Purba Jadabpur | Kalikapur | 20 | as specified in Table 35 | 33. | |
| 24-Parganas (North) | South Bidhan Nagar | Dhapa Manpur | 1 | as specified in Table 36 | 32. |
| | Rajarhat | Thakdari | 19 | as specified in Table 37 | 37. |

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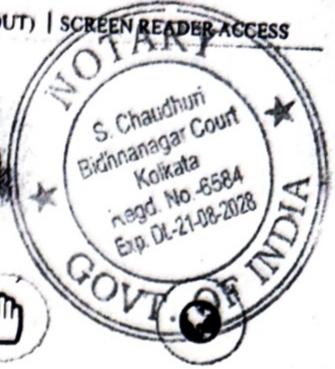
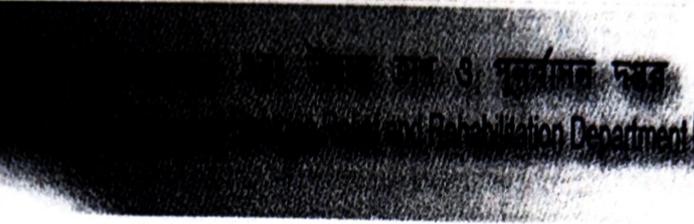
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LAND AND LAND REFORMS AND REFUGEE RELIEF AND REHABILITATION DEPARTMENT

Search

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Citizen Services Know Your Property Query Search Public Grievance Mouza Information



Special Citizen Service (RCCMS)

KHATIAN & PLOT INFORMATION

Mouza Identification

Code Wise / Name Wise: * Code Wise Name Wise

District:*

[16] SOUTH 24 PARGANAS

Block:*

[30] Kolkata

Mouza:*

[025] Nayabad

Choose Your Language:

Bengali

Option:

LIVE

Khatian Type: * Normal Khatian Lease Khatian FHTD Khatian

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Search By Plot

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LAND AND LAND REFORMS AND REFUGEE RELIEF AND REHABILITATION DEPARTMENT



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পশ্চিমবঙ্গ সরকার
ভূমি ও পুনর্বাসন দপ্তর
Land and Land Reforms and Refugee Relief and Rehabilitation Department



Citizen Services Know Your Property Query Search Public Grievance Mouza Information



Special Citizen Service (RCCMS)

KHATIAN & PLOT INFORMATION

Mouza Identification

Code Wise / Name Wise: * Code Wise Name Wise

District:*

[16] SOUTH 24 PARGANAS

Block:*

[30] Kolkata

Mouza:*

[025] Nayabad

Choose Your Language:

Bengali

Option:

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Khatian Type: * Normal Khatian Lease Khatian FHTD Khatian

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VIEW

20 MAY 2025

Kolkata



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TUESDAY, DECEMBER 26, 2017

[SAKA 1939

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Department of Fisheries, Aquaculture, Aquatic Resources & Fishing Harbours,

I.T. Building (7th & 8th Floor)

31, G.N. Block, Sector-V, Salt Lake City, Kolkata - 700 091

No. 1748-Fish/C-1/9R-03/2017

Dated, Kolkata, the 20th July, 2017.

NOTIFICATION

In exercise of the power conferred by clause (ii) of section 2 of the West Bengal Inland Fisheries Act, 1984 (West Bengal Act XXV of 1984) as subsequently amended (hereinafter referred to as the said Act), and in supersession of all previous notifications in this regard, the Governor is hereby pleased to authorise the following authorities to be the competent authority under the said Act:

- (i) Municipal Commissioner / Commissioner / Executive Officer of Municipal Corporation / Municipalities / Notified area authority within their respective jurisdiction.
- (ii) District Magistrate within their respective revenue districts except the municipal areas mentioned above.

By order of the Governor,

SUNIL KR. GUPTA

Principal Secretary to the Govt. of West Bengal.

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Annexure - R/3



State Wetlands Authority
Department of Environment, Government of West Bengal
 Pranisampad Bhavan, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata - 700 106



No. 124 -SWA/EN/04/2023-24 (Link-3)

From: Chief Technical Officer,
 East Kolkata Wetlands Management Authority (EKWMA)

To: Municipal Commissioner
 Kolkata Municipal Corporation

Sub: Complaint for illegal filling of water body and illegal construction at Mouza Nayabad, KMC Ward No. 109, Borough XII in Jadavpur Cooperative Land and Housing Society Ltd.

Sir,

Please find enclosed herewith the copy of the letter received on 02.02.2024, which is self-explanatory. Pertinently, the water body in question as mentioned in the letter is situated at Dag Nos. 132 and 135, Mouza Nayabad, JI. No. 25 under Kolkata Municipal Corporation Ward No. 109, Borough XII in Jadavpur Cooperative Land and Housing Society Ltd. and falls under the jurisdiction of Kolkata Municipal Corporation.

As Municipal Commissioner is the Competent Authority for conservation of water body in their respective jurisdiction in pursuance of the notification vide no. 1748-Fish/C-I/9R-03/2017 dated 20.07.2017 and circular vide no. 1297-Fish/FI-15012/2/2023-SECTION (FI dated 16.05.2023 (copies enclosed) of the Fisheries Department, Government of West Bengal, you are further requested to enquire into the matter and take necessary action accordingly. You are also requested to submit an action taken report in this regard at the earliest.

Yours sincerely,


 Chief Technical Officer, EKWMA

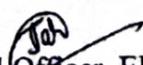
Encl: As stated.

No. 124/14-SWA/EN/04/2023-24 (Link-3)

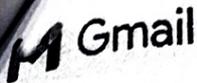
Date: 11.03.2024

Copy forwarded for kind information and further communication to:

1. Additional Chief Secretary, Fisheries Department, Govt. of West Bengal.
2. PS to Minister-In-Charge, Environment Department, Govt. of West Bengal.
3. PS to Additional Chief Secretary, Environment Department, Govt. of West Bengal.
4. Members, Jadavpur Cooperative Land and Housing Society Ltd. (jclhsl.abashik@gmail.com)


 Chief Technical Officer, EKWMA

20 MAY 2025



East Kolkata Wetlands Management Authority EKWMA <ctoekwma@gmail.com>

Fwd: Illegal filling of waterbody of Jadavpur Cooperative Land and Housing Society Ltd. (Regd. No. 116/Cal of 1965 at Mouza Nayabad, Ward No 109, Borough XII)

1 message

Additional Project Director <apdiczmp.wb@gmail.com>
To: East Kolkata Wetlands Management Authority EKWMA <ctoekwma@gmail.com>

East Kolkata Wetlands Management Authority
2 February 2024 at 13:08

Docket No... 086/24
Date... 02/02/2024

----- Forwarded message -----

From: Smt. Tripti Sah, IFS <ms.wbbb@nic.in>
Date: Thu, Feb 1, 2024 at 12:11 PM
Subject: Fwd: Illegal filling of waterbody of Jadavpur Cooperative Land and Housing Society Ltd.(Regd. No. 116/Cal of 1965 at Mouza Nayabad, Ward No 109, Borough XII)
To: apdiczmp wb <apdiczmp.wb@gmail.com>



(Handwritten signature)

From: acsenwb@gmail.com
To: "Smt. Tripti Sah, IFS" <ms.wbbb@nic.in>
Sent: Wednesday, January 31, 2024 11:33:14 AM
Subject: Fwd: Illegal filling of waterbody of Jadavpur Cooperative Land and Housing Society Ltd.(Regd. No. 116/Cal of 1965 at Mouza Nayabad, Ward No 109, Borough XII)

----- Forwarded message -----

From: ROSHNI SEN <psecy.env-wb@gov.in>
Date: Wed, 31 Jan, 2024, 11:32
Subject: Fwd: Illegal filling of waterbody of Jadavpur Cooperative Land and Housing Society Ltd.(Regd. No. 116/Cal of 1965 at Mouza Nayabad, Ward No 109, Borough XII)
To: acsenwb <acsenwb@gmail.com>

From: "jchsl abashik" <jchsl.abashik@gmail.com>
To: "ROSHNI SEN" <psecy.env-wb@gov.in>
Cc: "RAJESH KUMAR" <ms.wbpcb-wb@bangla.gov.in>, secykmc@gmail.com, mc@kmcgov.in, mayor@kmcgov.in
Sent: Wednesday, January 31, 2024 7:15:02 AM
Subject: Re: Illegal filling of waterbody of Jadavpur Cooperative Land and Housing Society Ltd.(Regd. No. 116/Cal of 1965 at Mouza Nayabad, Ward No 109, Borough XII)

Respected Madam,

Construction on an illegally filled water body is still going on. No action has been taken yet. Could you please look into the matter?

Regards
Members of Cooperative

On Thu, Jan 18, 2024 at 9:33 PM Jadavpur Cooperative <jchsl.abashik@gmail.com> wrote:

To
The Principal Secretary,
Environment Department,
5th Floor, Pranisampad Bhawan
Block LB-II, Salt Lake, Sector III,
Bidhannagar, Kolkata 700016

From:
Members, Jadavpur Cooperative Land and
Housing Scty Ltd.
C/O J. P. Chowdhuri
269 Jadavpur Coop L & H S Ltd.
Nayabad, Kolkata 700094
Mob: 9830293243
Dated: 20-03-2021

Sub: Illegal filling of waterbody and illegal construction in Jadavpur Cooperative Land and Housing Society Ltd. (Regd. No. 116/Cal of 1965 at Mouza Nayabad, Ward No 109, Borough XII)

20 MAY 2025

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Gmail - Fwd: Illegal filling of waterbody of Jadavpur Cooperative Land and Housing Society Ltd.(Regd. No. 116/Cal of 19

12 PM
Respected Madam,

During 2000 – 2004, three moderately big water bodies at Dag No 132 & 135 within the cooperative were filled up partially with truckloads of fly ash and debris by the then authorities of this cooperative. The purpose was to create some additional housing plots. But this was done without obtaining any permission from the Registrar of Cooperatives, Govt. of West Bengal – who are the controlling authorities of all registered cooperatives in the state.

These people, the then Secretary and the Board of Directors were also oblivious that they were trespassing the domain of some other concerned institutions who reacted by inviting them for discussions. But these defaulters didn't care to attend any such summons or discussions and heed notices issued by them.

We enclose herewith copies of some such letters. From the letter of the W.B. Pollution Control Board, it seems that they have left it to the responsibility of the local police to prevent further.

The Department of Fisheries lodged an FIR (FIR No.199/09) on 30-12-2009 at Purba Jadavpur PS. after visiting the site. A necessary charge sheet based on this FIR had been formed and submitted to the Alipur Sadar Court in July 2010. The outcome of this charge sheet is not known.

The Kolkata Municipal Corporation desired that the offenders take action to restore the land to its condition before the said development work.

Meanwhile, decades have passed and no fruitful effort for the restoration of the ponds is visible.

The Board of Directors of the Cooperative is now defunct by the verdict of 10-01-2018 by the Division Bench of Calcutta High Court in the disposal of WP 20934 (W) of 2017" and the cooperative is now under the charge of a Special Officer of the Directorate of Cooperative, Govt of West Bengal.

Nowadays it is found that new construction works are under progress on this illegally filled-up land.

We therefore sought your kind instructions and guidance in these circumstances.

Thanking you
Yours faithfully
(Members of Cooperative)

Enclosed copies of the letter

1. No. 3095 (1-4) - 5L/WPB-X/98-01/2005 (Pt. VII), Dt: 13-02-2006
2. No. 3737 (1-4) – 13/WPB-X/98-01 (Pt. VII) , Dt: 25-02-2005
3. No. 818(5) 367L/WPB/2015/Pond , Dt: 18-09-2018
4. Memo No. 4063(2)%I/W.P.B./2010 , Dt: 30-12-2010
5. Memo No. 204/1(3)SCH-47F/ , Dt: 05-04-2010
6. FIR
7. Notice No. PMU/12/10-11 , Dt: 18-08-2010
8. MAT 2107 of 2017 with CAN 11746 of 2017



**BEFORE THE HONBLE NATINAL GREEN TRIBUN
EASTERN ZONE BENCH
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