

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EAST ZONAL BENCH, KOLKATA

ORIGINAL APPLICATION NO. 162 OF 2024 [EZ]

IN THE MATTER OF:

SRI ARUN KUMAR DUTTA & ORS.

.....Applicants

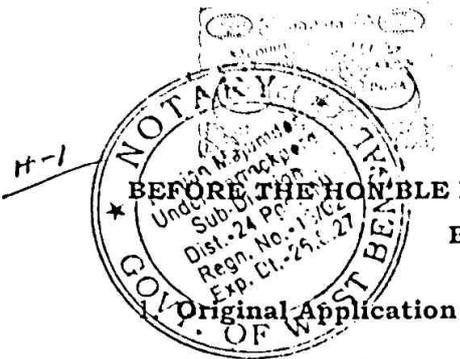
Versus

THE STATE OF WEST BENGAL & ORS.

.....Respondents

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EAST ZONE
BRANCH, KOLKATA

Original Application

under the
National Green
Tribunal Act, 2010 and
rule framed
thereunder.

In the matter of:

Original Application No. 162 of 2024(EZ);

And

In the matter of:

Sri Arun Kumar Dutta & Ors.

... Applicants.

-Versus-

The State of West Bengal & Ors.

... Respondents.

The Affidavit-in-opposition filed on behalf private respondent nos. 9, 10, 11, 18, 21, 22-30, 32-36

I Sri Dipak Saha, son of late Anil Chandra Saha, aged about ____ years, by faith- Hindu, by occupation- business, residing at A/36, 1No. Ajad Hind Nagar, Jhilpar, Post Office- Agarpara, Police Station- Ghola, District- North 24-Parganas, Pin Code- 700109, do hereby solemnly declare, affirm and say as follows:-

1. That I am the respondent no. 9 in the present case. I have been looking after the case for myself as well as on behalf of the other private respondent nos. 10, 11, 18, 21, 22, to 30 and 32, to 36. I have been duly authorized by the said private respondents to affirm the present affidavit on their behalf as well. I am swearing this affidavit on behalf of myself as well as on behalf the said private respondents.

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2. That a copy of the Original Application being No. 162 of 2024 together its annexures being "P-1" to "P-15" have been served upon the present answering respondents. We have meticulously gone through the contents and purports of the said affidavit and have understood the meaning thereof. For the sake of brevity and convenience, the aforesaid application being O.A. 162 of 2024 hereinafter referred to and called as "the said petition".

3. That we have jointly instructed our advocate on record to deal with each and every averment made in the said petition. In the event, any allegation and/or averment which are beyond the record are found not to have been dealt with hereunder, the same shall be denied and disputed by us in seriatim.

4. That before dealing with the different paragraphs of the said petition, the answering respondents want to make the following comments:-

(a) That the instant petition is not maintainable in law and fact.

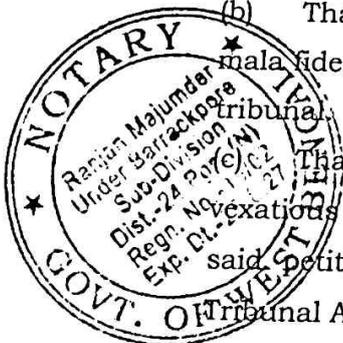
(b) That the instant case is vexatious, frivolous, insignificant, irrelevant, mala fide, groundless, devoid of merit and beyond the scope of the present

(c) That upon meaningful reading of the said petition, it is manifestly vexatious and meritless in all sense that the averments contained in the said petition do not come within the purview of the National Green Tribunal Act, 2010 and rules framed thereunder.

(d) That even if the contents of the said petition are accepted in its entirety and given the face value to the said petition, in no sense, the said petition has made out any case which comes under the schedule Act specified under the statute.

(e) That the present case has no survival value in all aspects and as such, it should be dismissed with cost.

(i) That the said petition has been filed beyond the prescribed period of time as postulated under Section 14 (3) of the National Green Tribunal



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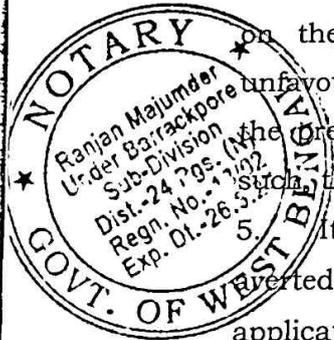
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Act, 2010 and/or Section 16 of the National Green Tribunal Act, 2010. The alleged reliefs sought for in the said petition are absolutely barred by law of limitation inasmuch as the present case has been filed beyond the prescribed period of limitation as indicated in the statute without there being any accompanied application for condonation of delay.

(g) That the instant case should be dismissed with cost primarily on the ground that the present case is barred by law of limitation and the remission sought for in the said petition does not come under the purview of the schedule-1 of the National Green Tribunal Act, 2010. The bare reading of the said petition discloses that the alleged cause of action of the present case comes under the purview of Inland Fisheries Act, 1948 and said statute does not come under the jurisdiction of this Hon'ble Tribunal. The petitioner of the said petition had already approached before the appropriate forum seeking remedy under the Inland Fisheries Act, 1948 against the alleged cause of action and, therefore, this case should not be entertained.

(h) That the deponent of the said petition is guilty of suppression of the material facts. The deponent of the said petition has approached before this Tribunal in an uncleaned hand seeking equitable relief. It is obligated on the part of the litigant to disclose all the facts including the unfavourable one before the Court of law seeking equitable relief and in the present case, there is a gross suppression of material facts and as such, the present case is liable to be dismissed.

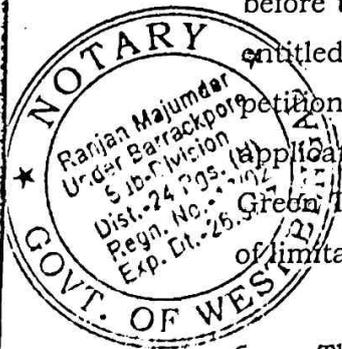
It is stated that the deponent of the said petition has erroneously asserted in paragraph no. 33 of the said petition that the present application is within the limitation as same is preferred within the stipulated period under Section 14 of the National Green Tribunal Act, 2010. The present answering respondents draw the attention of this Hon'ble Court to the provision of Section 14 (3) of the National Green Tribunal Act, 2010 which very categorically specified that no application for adjudication of the dispute under this section shall be entertained by the Tribunal unless it is made within the period of six months from the



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date on which the cause of action for such dispute first arose. Upon perusing the averments made in the said petition, it is apparent on the face of record that cause of action of the present case first arose in the year 03.03.2022 as stated in paragraph 09 of the said petition and subsequently it arose on diverse date in 2023. The statute requires the applicant to present the case within six month from the date when cause of action first arose under the provision of sub section 3 of section 14 of the Act 2010. The answering respondents further draw the attention of this Hon'ble Tribunal upon the Annexure "P-1", "P-2", "P-3", "P-4", "P-5", "P-6", "P-7", "P-8" and "P-9" which indicate that the cause of action of the present case arose in the year 2022 and lastly in the year 2023 and within the six months from the aforesaid date, no application has been filed. The Annexure "P-13" and "P-14" cannot extend the period of limitation in any manner whatsoever because the statute is very much unambiguous which says that application for adjudication of the dispute under Section 14 has to be filed within the period of six months from the date on which the cause of action for such dispute first arose. The Sub-Section 3 of Section 14 does not make the deponent of the said case entitled to approach before the Tribunal on the fact which lastly happend. The applicant is not entitled to seek any benefit of the Annexure "P-13" and "P-14" of the said petition. That apart, the deponent of the said application has not filed any application or appeal before the Tribunal under Section 16 of the National Green Tribunal Act, 2010. The said application is absolutely barred by law of limitation and the same is liable to be dismissed with cost.



6. That the answering respondents further state that the disputes involved in the present application does not come within the purview of schedule Act. The attention of this Hon'ble Tribunal is drawn on the contents of the said application along with the annexure exhibited to it to indicate that primary grievance of the deponent of the said application is alleged unauthorized construction erected by the present respondents by filling up the waterbody. The applicant has alternative remedy under the

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Inland Fisheries Act, 1948 which does not come within the meaning of specified Act mentioned in the schedule I of the statute. The petitioner of the said application has not made out any case either under the Water (Prevention and Control of Pollution) Act, 1974 and/or the Water (Prevention and Control of Pollution) Cess Act, 1977. None of the representations exhibited with the said petition discloses any allegation of the pollution of the water. There is no allegation in the said annexures that there was/is contamination of water or such alteration of physical, chemical or biological properties of the water or such discharge of any sewerage or trade affluent or any other liquid, gaseous or solid substance into the water (whether directly or indirectly) as may, or is likely to create a nuisance or render such water harmful or injurious to public health and safety or to domestic or commercial industry, agriculture or other legitimate use or to the life and health of animal, plant or aquatic organisms moreover the deponent of the said petition has also not made out any case under Section 28, 29, 33A Water (Prevention and control of Pollution) Act, 1974 and/or under Section 13 Water (Prevention and Control of Pollution) Cess Act, 1977. The petitioner allegedly made out a case of unauthorised construction by filling up the water body. The petitioner has alternative remedy under the West Bengal Inland Fisheries Act read with the West Bengal Municipal Act and therefore, the alleged disputes involved in the present litigation does not come under the jurisdiction of this Tribunal. The petitioner had misled the Hon'ble Tribunal by pleading that case is well within the period of limitation and this alleged dispute comes under the power and function of this Hon'ble Tribunal

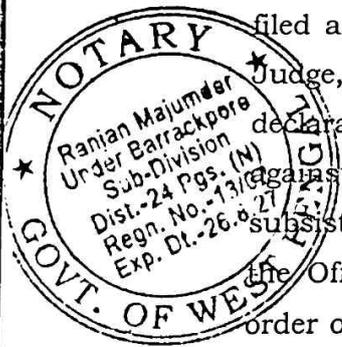


7. With regard to the statements contained in paragraph nos. 1 to 6 of the said petition, the answering respondents deny and dispute each and every allegation made therein save and except what are matters of record. It is denied that there was/is any element of filling up water body and/or any attempt to make construction over the waterbody without taking permission from the appropriate authority. It is denied that the present

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respondents are the ranked trespassers and do not have any interest over the said waterbody. It is denied that the private respondents have constructed by filling up the said waterbody and changed the nature and character of the said waterbody without having any valid permission from the appropriate authority. On contrary it is stated that one Sujay Sarkar who claims to be the constituted attorney of the present applicants are the architect of all disputes involved centring around the property described in paragraph no. 5 of the said petition. The said Sujay Sarkar is a land monger in the locality and having the political patronage and the said Sujay Sarkar is economically and politically affluent person. The deponent of the said petition has an unlimited greed over the subject immovable property since inception. The present private respondents are authorised and empowered to carry on peseciculture by the owners of the said property under some contractual obligation to pay yearly rent to the owners. Said Sujoy Sarkar illegally attempted to take away the property right of the owners and further tried to dislodge the private respondent to carry on rearing fish and finding no other alternative the owners jointly filed a civil suit being Title Suit No. 295 of 2019 on the file of Ld Civil Judge, second Judge, Junior Division at Barrackpore seeking the declaration and for permanent injunction filed by some of the co-owners against said Sujay Sarkar against whom an order of injunction is subsisting. The said Ld. Civil Court had further passed an order directing the Officer-in-Charge of the concerned Police Station to implement the order of injunction against Sujay Sarkar. Most of the private respondents are the member of schedule caste and Schedule Tribe family . The said Sujay Sarkar has been committing offence punishable under Schedule Castes and scheduled tribes(Prevention of Atrocities) Act 1989 and as such some of the members of said act filed First Information being SPL/01/2025 under sections 3 SC & ST (POA) Act, against the said Sujoy Sarkar.



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A copy of the Title Suit No. 295 Of 2019 and orders passed therein and copy of the first information SPL 01 of 2025 under section 3 SC & ST (POA) are being filed and marked with Letter "A".

7. With regard to the statements contained in paragraph no. 7 of the said petition, the answering respondents deny and dispute each and every allegation made therein. The said allegations are based on no evidence. The representation submitted by the deponent of the said petition does not indicate that the private respondents are committing any pollution in the said waterbody. The averments made in paragraph no. 7 of the said petition are purposive.

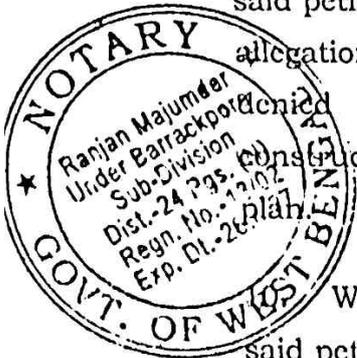
8. With regard to the statements contained in paragraph no. 8 of the said petition, the answering respondents deny and dispute each and every allegation made therein save and except what are matters of record. It is denied that the private respondents have made any unauthorized construction over the said waterbody.

9. With regard to the statements contained in paragraph no. 9 of the said petition, the answering respondents deny and dispute each and every allegation made therein save and except what are matters of record. It is denied that the private respondents have made any unauthorized construction by filling up of the waterbody without having any sanction

10. With regard to the statements contained in paragraph no. 10 of the said petition, the answering respondents deny and dispute each and every allegation made therein save and except what are matters of record.

11. With regard to the statements contained in paragraph nos. 11 to 32 of the said petition, the answering respondents deny and dispute each and every allegation made therein save and except what are matters of record. It is denied that the petitioner approached the municipality to restore the said water body. On contrary, it is sated that said Sujoy Sarkar filed a writ

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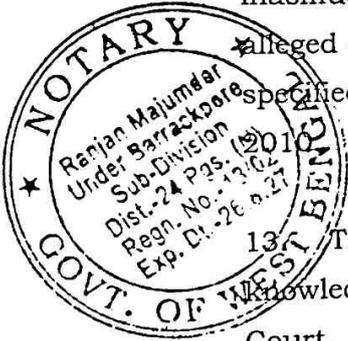
Petition being WPA no 15140 Of 2024 against the alleged unauthorized construction before the Hon'ble Court and said case was rejected on 06/12/2024. It is very much pertinent to mention here that the issue involved in the present case had been adjudicated in the aforesaid writ petition and the alleged issue has been concluded in the said writ petition and order passed in the said writ petition shall operates as resjudicate. The present deponent draws the attention of the Hon'ble Tribunal over the different paragraphs of the said writ petition to show that cases made out in both the cases are same and identical.

Copy of the WPA 15140 of 2024 and order are being filed and marked as letter

12. It is submitted that the present case is liable to be dismissed inasmuch as it is devoid of merit; barred by law of limitation and the

alleged dispute involved in the present case does not come under the act specified in the schedule appended with the National Green Tribunal Act,

13. That the statements made in paragraph Nos. 1 to 11 are true to my knowledge and the rest are my humble submissions before this Hon'ble Court.



Dipak Saha

The deponent is known to me

Prepared in my office

Ranjan Majumdar
Advocate

Clerk-to-Mr.

Advocate

Solemnly affirmed before me on this *17th* day of *Feb* 2025

I certify that all documents are legible

Ranjan Majumdar
Advocate

Solemnly Affirmed & Declared before me on Identification

R.
R. MAJUMDER
NOTARY
REGN. NO.- 13/02

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EAST ZONE
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1. Original Application

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In the matter of:

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And

In the matter of:

Sri Arun Kumar Dutta & Ors.

... Applicants.

-Versus-

The State of West Bengal & Ors.

... Respondents.

The Affidavit-in-opposition filed on behalf private respondent nos. 12 to 17

I Sri Tapas Oraon, son of late Bishu Oraon, aged about 35 years, by faith- Other(Sarna), by occupation- Service, residing at 1No. Ajad Hind Nagar, Jhilpar, Post Office- Agarpara, Police Station- Ghola, District- North 24-Parganas, Pin Code- 700109, do hereby solemnly declare, affirm and say as follows:-

1. That I am the respondent no. 13 in the present case. I have been looking after the case for myself as well as on behalf of the other private respondent nos. 12, 14 to 17. I have been duly authorized by the said private respondents to affirm the present affidavit on their behalf as well. I am swearing this affidavit on behalf of myself as well as on behalf the said private respondents.

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2. That a copy of the Original Application being No. 162 of 2024 together its annexures being "P-1" to "P-15" have been served upon the present answering respondents. We have meticulously gone through the contents and purports of the said affidavit and have understood the meaning thereof. For the sake of brevity and convenience, the aforesaid application being O.A. 162 of 2024 hereinafter referred to and called as "the said petition".

3. That we have jointly instructed our advocate on record to deal with each and every averment made in the said petition. In the event, any allegation and/or averment which are beyond the record are found not to have been dealt with hereunder, the same shall be denied and disputed by us in seriatim.

4. That before dealing with the different paragraphs of the said petition, the answering respondents want to make the following comments:-

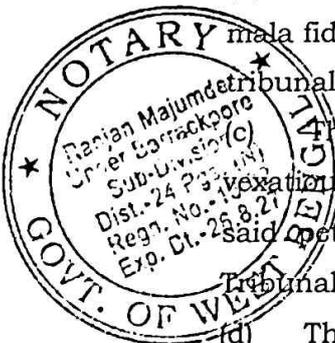
- (a) That the instant petition is not maintainable in law and fact.
- (b) That the instant case is vexatious, frivolous, insignificant, irrelevant, mala fide, groundless, devoid of merit and beyond the scope of the present Tribunal.

(c) That upon meaningful reading of the said petition, it is manifestly vexatious and meritless in all sense that the averments contained in the said petition do not come within the purview of the National Green Tribunal Act, 2010 and rules framed thereunder.

(d) That even if the contents of the said petition are accepted in its entirety and given the face value to the said petition, in no sense, the said petition has made out any case which comes under the schedule Act specified under the statute.

(e) That the present case has no survival value in all aspects and as such, it should be dismissed with cost.

(i) That the said petition has been filed beyond the prescribed period of time as postulated under Section 14 (3) of the National Green Tribunal



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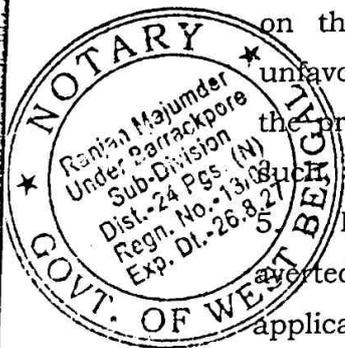
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Act, 2010 and/or Section 16 of the National Green Tribunal Act, 2010. The alleged reliefs sought for in the said petition are absolutely barred by law of limitation inasmuch as the present case has been filed beyond the prescribed period of limitation as indicated in the statute without there being any accompanied application for condonation of delay.

(g) That the instant case should be dismissed with cost primarily on the ground that the present case is barred by law of limitation and the remission sought for in the said petition does not come under the purview of the schedule-1 of the National Green Tribunal Act, 2010. The bare reading of the said petition discloses that the alleged cause of action of the present case comes under the purview of Inland Fisheries Act, 1948 and said statute does not come under the jurisdiction of this Hon'ble Tribunal. The petitioner of the said petition had already approached before the appropriate forum seeking remedy under the Inland Fisheries Act, 1948 against the alleged cause of action and, therefore, this case should not be entertained.

(h) That the deponent of the said petition is guilty of suppression of the material facts. The deponent of the said petition has approached before this Tribunal in an uncleaned hand seeking equitable relief. It is obligated on the part of the litigant to disclose all the facts including the unfavourable one before the Court of law seeking equitable relief and in the present case, there is a gross suppression of material facts and as such, the present case is liable to be dismissed.

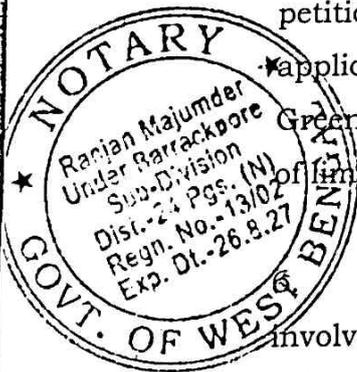
It is stated that the deponent of the said petition has erroneously asserted in paragraph no. 33 of the said petition that the present application is within the limitation as same is preferred within the stipulated period under Section 14 of the National Green Tribunal Act, 2010. The present answering respondents draw the attention of this Hon'ble Court to the provision of Section 14 (3) of the National Green Tribunal Act, 2010 which very categorically specified that no application for adjudication of the dispute under this section shall be entertained by the Tribunal unless it is made within the period of six months from the



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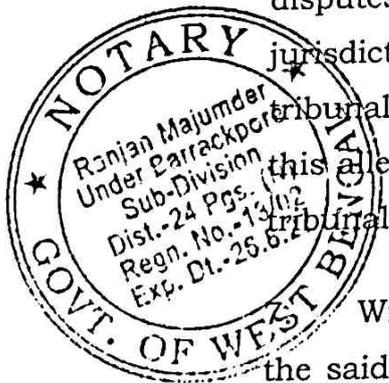
date on which the cause of action for such dispute first arose. Upon perusing the averments made in the said petition, it is apparent on the face of record that cause of action of the present case first arose in the year 03.03.2022 as stated in paragraph 09 of the said petition and subsequently it arose on diverse date in 2023. The statute requires the applicant to present the case within six month from the date when cause of action first arose under the provision of sub section 3 of section 14 of the Act 2010. The answering respondents further draw the attention of this Hon'ble Tribunal upon the Annexure "P-1", "P-2", "P-3", "P-4", "P-5", "P-6", "P-7", "P-8" and "P-9" which indicate that the cause of action of the present case arose in the year 2022 and lastly in the year 2023 and within the six months from the aforesaid date, no application has been filed. The Annexure "P-13" and "P-14" cannot extend the period of limitation in any manner whatsoever because the statute is very much unambiguous which says that application for adjudication of the dispute under Section 14 has to be filed within the period of six months from the date on which the cause of action for such dispute first arose. The Sub-Section 3 of Section 14 does not make the deponent of the said case entitled to approach before the Tribunal on the fact which lastly happend. The applicant is not entitled to seek any benefit of the Annexure "P-13" and "P-14" of the said petition. That apart, the deponent of the said application has not filed any application or appeal before the Tribunal under Section 16 of the National Green Tribunal Act, 2010. The said application is absolutely barred by law of limitation and the same is liable to be dismissed with cost.

That the answering respondents further state that the disputes involved in the present application does not come within the purview of schedule Act. The attention of this Hon'ble Tribunal is drawn on the contents of the said application along with the annexure exhibited to it to indicate that primary grievance of the deponent of the said application is alleged unauthorized construction erected by the present respondents by filling up the waterbody. The applicant has alternative remedy under the



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Inland Fisheries Act, 1948 which does not come within the meaning of specified Act mentioned in the schedule I of the statute. The petitioner of the said application has not made out any case either under the Water (Prevention and Control of Pollution) Act, 1974 and/or the Water (Prevention and Control of Pollution) Cess Act, 1977. None of the representations exhibited with the said petition discloses any allegation of the pollution of the water. There is no allegation in the said annexures that there was/is contamination of water or such alteration of physical, chemical or biological properties of the water or such discharge of any sewerage or trade affluent or any other liquid, gaseous or solid substance into the water (whether directly or indirectly) as may, or is likely to create a nuisance or render such water harmful or injurious to public health and safety or to domestic or commercial industry, agriculture or other legitimate use or to the life and health of animal, plant or aquatic organisms moreover the deponent of the said petition has also not made out any case under Section 28, 29, 33A Water (Prevention and control of Pollution) Act, 1974 and/or under Section 13 Water (Prevention and Control of Pollution) Cess Act, 1977. The petitioner allegedly made out a case of unauthorised construction by filling up the water body. The petitioner has alternative remedy under the West Bengal Inland Fisheries Act read with the West Bengal Municipal Act and therefore, the alleged disputes involved in the present litigation does not come under the jurisdiction of this Tribunal. The petitioner had misled the Hon'ble



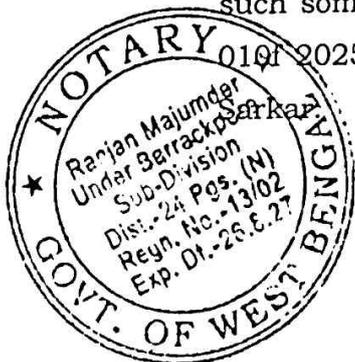
Tribunal by pleading that case is well within the period of limitation and this alleged dispute comes under the power and function of this Hon'ble Tribunal

With regard to the statements contained in paragraph nos. 1 to 6 of the said petition, the answering respondents deny and dispute each and every allegation made therein save and except what are matters of record. It is denied that there was/is any element of filling up water body and/or any attempt to make construction over the waterbody without taking permission from the appropriate authority. It is denied that the present

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respondents are the ranked trespassers and do not have any interest over the said waterbody. It is denied that the private respondents have constructed by filling up the said waterbody and changed the nature and character of the said waterbody without having any valid permission from the appropriate authority. On contrary it is stated that one Sujay Sarkar who claims to be the constituted attorney of the present applicants are the architect of all disputes involved centring around the property described in paragraph no. 5 of the said petition. The said Sujay Sarkar is a land monger in the locality and having the political patronage and the said Sujay Sarkar is economically and politically affluent person. The deponent of the said petition has an unlimited greed over the subject immovable property since inception. The present private respondents are authorised and empowered to carry on peseciculture by the owners of the said property under some contractual obligation to pay yearly rent to the owners. Said Sujoy Sarkar illegally attempted to take away the property right of the owners and further tried to dislodged the private respondent to carry on rearing fish and finding no other alternative the owners jointly filed a civil suit being Title Suit No. 295 of 2019 on the file of Ld Civil Judge, second Judge, Junior Division at Barrackpore seeking the declaration and for permanent injunction filed by some of the co-owners against said Sujay Sarkar against whom an order of injunction is subsisting. The said Ld. Civil Court had further passed an order directing the Officer-in-Charge of the concerned Police Station to implement the order of injunction against Sujay Sarkar. Most of the private respondents are the member of schedule caste and Schedule Tribe family. The said Sujay Sarkar has been committing offence punishable under Schedule Castes and scheduled tribes(Prevention of Atrocities) Act 1989 and as such some of the members of said act filed First Information being SPL 0191/2025 under sections 3 SC & ST (POA) Act, against the said Sujoy



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A copy of the Title Suit No. 295 of 2019 and orders passed therein and copy of the first information SPL 01 of 2025 under section 3 SC/ ST (POA.) ACT being filed and marked with Letter "A".

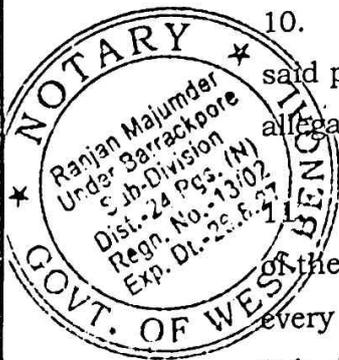
7. With regard to the statements contained in paragraph no. 7 of the said petition, the answering respondents deny and dispute each and every allegation made therein. The said allegations are based on no evidence. The representation submitted by the deponent of the said petition does not indicate that the private respondents are committing any pollution in the said waterbody. The averments made in paragraph no. 7 of the said petition are purposive.

8. With regard to the statements contained in paragraph no. 8 of the said petition, the answering respondents deny and dispute each and every allegation made therein save and except what are matters of record. It is denied that the private respondents have made any unauthorized construction over the said waterbody.

9. With regard to the statements contained in paragraph no. 9 of the said petition, the answering respondents deny and dispute each and every allegation made therein save and except what are matters of record. It is denied that the private respondents have made any unauthorized construction by filling up of the waterbody without having any sanction plan.

10. With regard to the statements contained in paragraph no. 10 of the said petition, the answering respondents deny and dispute each and every allegation made therein save and except what are matters of record.

11. With regard to the statements contained in paragraph nos. 11 to 32 of the said petition, the answering respondents deny and dispute each and every allegation made therein save and except what are matters of record. It is denied that the petitioner approached the municipality to restore the said water body. On contrary, it is sated that said Sujoy Sarkar filed a writ

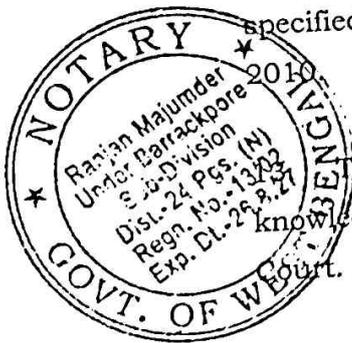


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Petition being WPA no 15140 of 2024 against the alleged unauthorized construction before the Hon'ble Court and said case was rejected on 06/12/2024. It is very much pertinent to mention here that the issue involved in the present case had been adjudicated in the aforesaid writ petition and the alleged issue has been concluded in the said writ petition and order passed in the said writ petition shall operate as resjudicate. The present deponent draws the attention of the Hon'ble Tribunal over the different paragraphs of the said writ petition to show that cases made out in both the cases are same and identical.

Copy of the WPA 15140 of 2024 and order are being filed and marked as letter

12. It is submitted that the present case is liable to be dismissed inasmuch as it is devoid of merit; barred by law of limitation and the alleged dispute involved in the present case does not come under the act specified in the schedule appended with the National Green Tribunal Act,



that the statements made in paragraph Nos. 1 to 11 are true to my knowledge and the rest are my humble submissions before this Hon'ble Court.

[Signature]

The deponent is known to me

Prepared in my office

[Signature]
Advocate

Clerk to Mr.

Advocate

Solemnly affirmed before me on this 17th day of ^{Feb} January 2025

I certify that all documents are legible

[Signature]
Advocate

Solemnly Affirmed & Declared before me on Identification

[Signature]
R. MAJUMDER
NOTARY
REGN. NO.- 13/02

.17 FEB 2025

P - M 1316/23

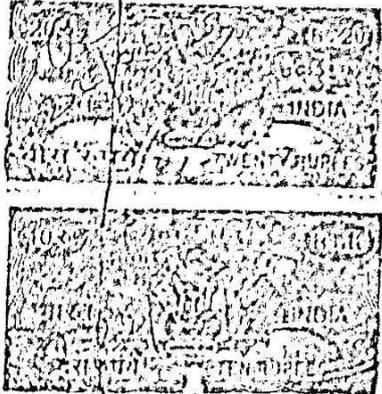
Date - 22.06.23

In the Court of the S. and Civil Judge (W.D.)
at Barrackpore

T.S 295/2019

Bitika Dey & Sons.
... plaintiffs

N. Sarker &
... Defendant



(1-29)

[Handwritten signature or mark]

Tide Suit 295 of 2012

U.O. 1 dated 30.07.19

The Plaintiffs file an application under Order XXXIX Rule 1 & 2 read with Section 151 of the Code of Civil Procedure, 1908. Perused the application and the original documents filed by the Plaintiffs.

No caveat is pending as per the report of the Sherestadar. This is a suit for declaration, permanent injunction and mandatory injunction.

By filing this petition, the Plaintiffs have prayed for an order of ad-interim injunction restraining the Defendants, their men and agents from entering into the suit jheel and from making obstruction to the Plaintiffs in the matter of making pisciculture and catching fishes and from dispossessing the Plaintiffs from the suit property.

In support of their prima-facie case, the Plaintiffs have filed some documents.

On perusal of the materials on record and considering the submissions made by the Ld. Advocate for the Plaintiffs, it appears to this Court that the Plaintiffs have been successful in establishing their prima facie case. The balance of convenience and inconvenience is also in favour of the Plaintiffs and if injunction is not granted, it will cause irreparable loss and injury to the Plaintiffs. Considering urgency in the matter this court is inclined to pass an order of ad-interim injunction at this stage of hearing since delay may frustrate the actual purpose of the suit.

The Defendants, their men and agents are hereby restrained by an order of ad-interim injunction from entering into the suit jheel and from making obstruction to the Plaintiffs in the matter of making pisciculture and catching fishes and from dispossessing the Plaintiffs from the suit property till 13.08.19.

Issue notice upon the Defendants to show cause within 10 days from the receipt of the same as to why the prayer for Temporary Injunction of the Plaintiffs shall not be allowed.

Plaintiffs to comply mandatory provision under Order XXXIX Rule 3(a) & (b) of CPC. Requisites at once.

Chirassara Banerjee
Civil Judge (Jr. Divn.)
2nd Court, Barrackpore

2
31.7.19

Plaintiffs files an affidavit along with P.R. of requisites and p. fee not filed.

[Handwritten signature]
a v

55/12

In the Court of Civil Judge (Jr. Class)
2nd Court, Barrackpore
Distt 24-Parganas

Title Suit 295 of 2019

160/19
M-622
O.S-2
6.8.19
club
7/8/19

Order no. 3 dated 05.08.19

The record is put-up by a put-up petition filed by the Plaintiffs on the grounds stated therein.

Heard Ld. Advocate for the Plaintiffs. Considered. Put-up is allowed.

The Plaintiffs have filed a petition praying for a direction to be given to the I/C, Ghola P.S. to enforce the order of ad-interim injunction as passed by this Court on 30.07.19.

The petition filed by the Plaintiffs under Section 151 of CPC is taken up for hearing.

Heard Ld. Advocate for the Plaintiffs. Considered.

The Plaintiffs have filed the instant petition supported by an affidavit contending that they have filed the instant suit for declaration, permanent injunction and mandatory injunction. The Plaintiffs have filed an application for an order of ad-interim injunction before this Court and this Court passed an order on 30.07.19 granting the order of ad-interim injunction in favour of the Plaintiffs thereby restraining the Defendants, their men and agents from entering into the suit Jheel and from making obstruction to the Plaintiffs in the matter of making Pisciculture and catching fishes and from dispossessing the Plaintiffs from the suit property till 13.08.19. Accordingly, the Plaintiffs informed the I/C, Ghola P.S. and the Commissioner of Police on 02.08.19 that they are going to catch fishes from the suit Jheel on 04.08.19 morning. But, when the Plaintiffs went to catch fishes, Sri Dipankar Saha : S.I. of Ghola P.S. asked them to withdraw the net to catch fishes from the Jheel and threatened to throw away the fishes already caught into the suit Jheel, thereby disobeying the order of this Court. The Defendants were encouraged to the forceful activities of the Police. Thereafter, the Plaintiffs informed in writing to the Commissioner of Police, Barrackpore Police Commissionerate and a copy to the I/C, Ghola P.S. by post but, the Police Station did not receive the letter of complaint. Under such circumstances, the Plaintiffs have been compelled to file this petition praying for an order directing the I/C, Ghola P.S. to enforce the order of ad-interim injunction dated 30.07.19. and sending a letter of request to the Commissioner of Police, Barrackpore Police Commissionerate to direct the I/C, Ghola P.S. not to disobey the order of ad-interim injunction.

On perusal of the petition dated 05.08.19 filed by the Plaintiffs and after going through the record and considering the submissions made by the Ld. Advocate for the Plaintiffs, it appears to this Court that the Plaintiffs have lodged a written complaint to the Commissioner of Police, Barrackpore Police Commissionerate and a copy to the I/C, Ghola P.S. stating in details the detriment caused to them due to the order of ad-interim injunction being flouted by the Police Authorities. In dealing with this issue of the alleged violation of the order of ad-interim injunction which has been passed by this Court, it is the view of this Court that if either of the parties actually violate the order of ad-interim injunction, and no help is provided to the other party, as prayed for, the order of ad-interim injunction will be infructuous and such party, who is allegedly violating the order of ad-interim injunction, will be encouraged to take the law in

Contd.....

55/19

In the Court of Civil Judge (J. Class)
2nd Class, Barrackpore
District 24-Parganas

Title Suit 295 of 2019

160/19
M-655 of 6.8.19
O.S. - 2
7/8/19

Order no. 3 dated 05.08.19

The record is put-up by a put-up petition filed by the Plaintiffs on the grounds stated therein.

Heard Ld. Advocate for the Plaintiffs. Considered. Put-up is allowed.

The Plaintiffs have filed a petition praying for a direction to be given to the I/C, Ghola P.S. to enforce the order of ad-interim injunction as passed by this Court on 30.07.19.

The petition filed by the Plaintiffs under Section 151 of CPC is taken up for hearing.

Heard Ld. Advocate for the Plaintiffs. Considered.

The Plaintiffs have filed the instant petition supported by an affidavit contending that they have filed the instant suit for declaration, permanent injunction and mandatory injunction. The Plaintiffs have filed an application for an order of ad-interim injunction before this Court and this Court passed an order on 30.07.19 granting the order of ad-interim injunction in favour of the Plaintiffs thereby restraining the Defendants, their men and agents from entering into the suit Jheel and from making obstruction to the Plaintiffs in the matter of making Pisciculture and catching fishes and from dispossessing the Plaintiffs from the suit property till 13.08.19. Accordingly, the Plaintiffs informed the I/C, Ghola P.S. and the Commissioner of Police on 02.08.19 that they are going to catch fishes from the suit Jheel on 04.08.19 morning. But, when the Plaintiffs went to catch fishes, Sri Dipankar Saha : S.I. of Ghola P.S. asked them to withdraw the net to catch fishes from the Jheel and threatened to throw away the fishes already caught into the suit Jheel, thereby disobeying the order of this Court. The Defendants were encouraged to the forceful activities of the Police. Thereafter, the Plaintiffs informed in writing to the Commissioner of Police, Barrackpore Police Commissionerate and a copy to the I/C, Ghola P.S. by post but, the Police Station did not receive the letter of complaint. Under such circumstances, the Plaintiffs have been compelled to file this petition praying for an order directing the I/C, Ghola P.S. to enforce the order of ad-interim injunction dated 30.07.19. and sending a letter of request to the Commissioner of Police, Barrackpore Police Commissionerate to direct the I/C, Ghola P.S. not to disobey the order of ad-interim injunction.

On perusal of the petition dated 05.08.19 filed by the Plaintiffs and after going through the record and considering the submissions made by the Ld. Advocate for the Plaintiffs, it appears to this Court that the Plaintiffs have lodged a written complaint to the Commissioner of Police, Barrackpore Police Commissionerate and a copy to the I/C, Ghola P.S. stating in details the detriment caused to them due to the order of ad-interim injunction being flouted by the Police Authorities. In dealing with this issue of the alleged violation of the order of ad-interim injunction which has been passed by this Court, it is the view of this Court that if either of the parties actually violate the order of ad-interim injunction, and no help is provided to the other party, as prayed for, the order of ad-interim injunction will be infructuous and such party, who is allegedly violating the order of ad-interim injunction, will be encouraged to take the law in

Contd.....

In the Court of Civil Judge (Jr. Divn.)
2nd Court, Barrackpore
Barrackpore

(2)

Title Suit 225 of 2012

169/19
14-689
D.I. - 2/16/19
19/8/19

Contd.....

their own hands. In the case of Sri. Puresh Chandu Das v. Sri. Dulash Kumar Das & Ors reported in (2012) 121 L.R. (Causel), the Hon'ble High Court, Calcutta in dealing with the issue regarding police help in case violation of order of ad-interim injunction as granted in the form of status quo by the Trial Court has observed that neither party can be allowed to change the nature and character of the suit property either by raising any construction or by demolishing any part thereof so long as the interim order of injunction is in operation. It has also been observed by the Hon'ble Court-"since admittedly the interim order of injunction is still in operation, the learned Trial Judge ought to have allowed the plaintiff's prayer for grant of police-help for unplementation of order of injunction."

In view of these observations and decision of the Hon'ble Courts in connection to that, it can be well considered that ratio of the decision of the Hon'ble Courts is very much in favour of protection of right of either of the parties to enjoy the order of ad-interim injunction and also in favour of giving protection to that party against whom such order of ad-interim injunction is being violated. Therefore, under the backdrop of the decision of the Hon'ble Courts as referred above, this Court is inclined to allow the prayer of the Plaintiffs.

Hence, it is

ORDERED

that the petition dated 05.08.19 filed by the Plaintiffs, be and the same is allowed ex-parte and disposed of. I/C., Ghola P.S. is hereby directed to implement the order of injunction passed on 30.07.19 in its true sense and spirit so that no breach of peace occurs in implementing the order of injunction. The Commissioner of Police, Barrackpore Police Commissionerate is requested to look into the matter so that the order of this Court is not being flouted by the I/C, Ghola P.S.

Handwritten notes: KDS, 13.8.19, 27/12/19

Send a copy of this order to I/C., Ghola P.S. and the Commissioner of Police, Barrackpore Police Commissionerate along with necessary particulars to be provided by the Plaintiffs for information and compliance.

To 13.8.19 for report by I/C., Ghola P.S. and the Commissioner of Police, Barrackpore Police Commissionerate.

C. Prasad Banerjee
Civil Judge (Jr. Divn.)
2nd Court, Barrackpore

Handwritten signature and notes: 13/8/19

Title Suit 295 of 2012

Adj. no. 05 dated 16.08.19

The record is put-up by a put-up petition filed by the Plaintiffs on the ground stated therein.

Heard Ld. Advocate for the Plaintiffs. Considered. Put-up is allowed.

The Plaintiffs have filed the petition praying for appropriate orders from this Court.

The petition filed by the Plaintiffs is taken up for hearing.

Heard Ld. Advocate for the Plaintiffs. Considered.

The Plaintiffs have filed the instant petition contending that a direction was sent by this Court by order dated 13.08.19 directing the I/C, Ghola P.S. to comply the order of this Court passed on 05.08.19. The Plaintiffs informed the police that they are going to catch fishes from the suit Jheel on 18.08.19. When, the order of this Court in a closed envelope was placed before the Ghola P.S., the Police Officers namely, S.I. Pradip Sarkar and A.S.I Tapash Kumar Ghosh opened the envelope and took a snap of the orders of the Court and returned it to the Ld. Advocate appearing on behalf of the Plaintiffs stating that they would not receive the same. The I/C, Ghola P.S. was present there who did not like to see the envelope and told that the police would not accept the order. The Police Officers even refused to receive the order of this Court without signing on the Memo receipt issued by this Court even after opening the envelope. Under such circumstances, the Plaintiffs have filed the instant petition praying for passing necessary orders for the ends of justice.

On perusal of the petition filed by the Plaintiffs and after going through the materials on record and considering the submissions made by the Ld. Advocate for the Plaintiffs, it appears to this Court that the Plaintiffs have lodged a written complaint to the Commissioner of Police, Barrackpore Police Commissionerate today stating in details the detriment caused to them due to the order of ad-interim injunction being flouted by the Police Authorities. This Court passed an order on 05.08.19 directing the I/C, Ghola P.S. to implement the order of injunction passed on 30.07.19 in its true sense and spirit so that no breach of peace occurs in implementing the order of injunction. The Commissioner of Police, Barrackpore Police Commissionerate was also requested to look into the matter so that the order of this Court is not being flouted by the I/C, Ghola P.S. Thereafter, on 13.08.19, the I/C, Ghola P.S. submitted a report before this Court stating : "We are always ready to comply any kind of order of the Ld. Court but in this instant case we require some more time to do the proper planning in respect of aforesaid reasons so that everything can be done smoothly and peacefully. I will always abide by any order of the Ld. Court and will cause it to be implemented in letter & spirit. We are looking into the matter very carefully and all steps will be taken in accordance of law.

In the end I most humbly submit that the P.S. is always ready and prepared to comply with order of Ld. Court. I beg apology for any inadvertent mistake committed by our side I may kindly be excused."

Contd.....

(2)

Title Suit 295 of 2012

Contd.....

Even after submitting this report, the Police officials of Ghola P.S. opened the envelope sent by this Court and took a snap of the orders of the Court and returned it to the Ld. Advocate appearing on behalf of the Plaintiffs stating that they would not receive the same. The I/C, Ghola P.S. was present there who did not like to see the envelope and told that the police would not accept the order. The Police Officers even refused to receive the order of this Court without signing on the Memo receipt issued by this Court even after opening the envelope. The I/C, Ghola P.S. is required to be appraised of the fact that as per mandate of law, it also falls within the domain of his duties to execute the orders sent by the Court and thereby assist the progress of the proceeding. This Court cannot refrain itself from highlighting the fact that this case has been protracted just because of the laggardness on the part of the police station concerned in executing the orders of the Court. This act of laggardness in executing the order issued by this Court and/or giving a report to that effect cannot be patronized. It is not irrational to expect at least a report from the concern P.S on the execution of order. It is quite unfortunate that this Court has to engage itself in reminding the police officer concerned about his duties and that he should have sent a report even if he is not able to execute the order. Hence, I/C, Ghola P.S. is directed to appear personally before this Court and give explanation for flouting the orders of the Court. The Commissioner of Police, Barrackpore Police Commissionerate is requested to look into the matter and make gusto efforts to ensure that his subordinates become more respectful and zealous in executing the orders of this institution of delivering justice.

In view of the aforesaid discussion, this Court is inclined to allow the prayer of the Plaintiffs.

NO 59, Hence, it is
DATE 17 8 19

ORDERED

that the petition filed by the Plaintiffs, be and the same is allowed ex-parte and disposed of. I/C., Ghola P.S. is directed to appear personally before this Court and give explanation for flouting the orders of this Court. The Commissioner of Police, Barrackpore Police Commissionerate is requested to look into the matter so that the order of this Court is not being flouted by the I/C, Ghola P.S.

Send a copy of this order to I/C., Ghola P.S. and the Commissioner of Police, Barrackpore Police Commissionerate along with necessary particulars to be provided by the Plaintiffs for information and compliance.

To 28 8 19 for report by I/C., Ghola P.S. and the Commissioner of Police, Barrackpore Police Commissionerate

C. Ramesh Banerjee
Civil Judge (Jr. Divn.)
2nd Court, Barrackpore



N.C.R.B (एन.सी.आर.बी)

I.F.P.-1 (एकीकृत जॉय फॉर्म-1)

FIRST LINE INFORMATION REPORT
(Under Section 173 B.N.S.S)

प्रथम सूचना रिपोर्ट
(धारा 173 बी एन एस एस के तहत)

1. District (जिला): BARRACKPORE POLICE COMMISSIONERATE P.S. (थाना): GHOLA Year (वर्ष): 2025
FIR No. (प्र.सू. सं.): 0030 Date and Time of FIR (प्र.सू. सं. की दिनांक और समय): 07/01/2025 16:55 hrs

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	THE BHARATIYA NYAYA SANHITA (BNS), 2023	329(3)
2	THE BHARATIYA NYAYA SANHITA (BNS), 2023	118
3	THE BHARATIYA NYAYA SANHITA (BNS), 2023	351(2)
4	THE BHARATIYA NYAYA SANHITA (BNS), 2023	3(5)
5	ARMS ACT, 1959	25
6	ARMS ACT, 1959	27
7	SC AND THE ST (PREVENTION OF ATROCITIES) ACT, 1989	3

3. (a) Occurrence of offence (अपराध की घटना):

1 Day (दिन): Intervening Days Date from (दिनांक से): 10/11/2024 Date To (दिनांक तक): 30/11/2024
Time Period (समय अवधि): Time From (समय से): 00:00 hrs Time To (समय तक): 00:00 hrs

(b) Information received at P.S. (थाना जहां सूचना प्राप्त हुई): Date (दिनांक): 07/01/2025 Time (समय): 16:55 hrs

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 0426 Date and Time (दिनांक और समय): 07/01/2025 16:55 hrs

4. Type of Information (सूचना का प्रकार): Written

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): SOUTH-WEST, 3 Km(s) Beat No. (बीट सं.):

(b) Address (पता): 1 No Azad Hind Nagar, PO Agarpara, PS Ghola,

(c) In case, outside the limit of this Police Station, then Name of P.S. (यदि थाना सीमा के बाहर है तो थाना का नाम):

District (State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता / सूचनाकर्ता):

(a) Name (नाम): Mina Oraon

(b) Father's Name (पिताका नाम): Lt Bishnu Oraon

(c) Date/Year of Birth (जन्म तिथि / वर्ष):

(d) Nationality (राष्ट्रीयता): INDIA

(e) UID No. (यूआईडी सं.): 220352622902

(f) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की दिनांक):

Place of Issue (जारी करने का स्थान):

Digit no- 32819008210030

N.C.R.B (एन.सी.आर.बी.)

LLF-I (एकीकृत जाँच फॉर्म)

(k) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (पहचान विवरण (राशन कार्ड, मतदाता कार्ड, पासपोर्ट, यूआईडी नं., ड्राइविंग लाइसेंस, पैन कार्ड))

S.No. (क्र.सं.)	ID Type (पहचान पत्र का प्रकार)	ID Number (पहचान संख्या)

(h) Occupation (व्यवसाय):

(i) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	Present Address	1 NO Azad Hind Nagar, PO Agarpara, PS Ghola, North 24 Parganas, GHOLA, BARRACKPORE POLICE COMMISSIONERATE, WEST BENGAL-700109, INDIA
2	Permanent Address	1 NO Azad Hind Nagar, PO Agarpara, PS Ghola, North 24 Parganas, GHOLA, BARRACKPORE POLICE COMMISSIONERATE, WEST BENGAL-700109, INDIA

(j) Phone number (दूरभाष सं.):

Mobile (मोबाइल सं.): 91-8116607840

7. Details of known / suspected / unknown accused with full particulars (जात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या): 0

S.No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address (वर्तमान पता)	Permanent address (स्थायी पता)
1	Sujay Sarkar		Father's Name: Nirmal Sarkar	1. 3/48,3 No Azad Hind Nagar, PO Agarpara, PS Ghola, North 24 Parganas, GHOLA, BARRACKPORE POLICE COMMISSIONERATE, WEST BENGAL-700109, INDIA	1. 3/48,3 No Azad Hind Nagar, PO Agarpara, PS Ghola, North 24 Parganas, GHOLA, BARRACKPORE POLICE COMMISSIONERATE, WEST BENGAL-700109, INDIA

8. Reasons for delay in reporting by the complainant / Informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S.No. (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Nature of Property (संपत्ति के प्रकार)	Description (विवरण)	Value (In Rs/-) (मूल्य (₹ में))

10. Total value of property (In Rs/-) (सम्पत्ति का कुल मूल्य (₹ में)):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण सं., यदि कोई हो):

S.No. (क्र.सं.) UIDB Number (यू.डी. प्रकरण सं.)

N.C.R.B (एन.सी.आर.बी)

(एकीकृत जॉय फार्म-1)
पदावली क्र. 1

N.C.R.B (एन.सी.आर.बी)

L.I.F.-I (एकीकृत जॉय फार्म-1)

Attachment to Item 7 of First Information Report (प्रथम सूचना रिपोर्ट के मद 7 संलग्नक):

Physical features, deformities and other details of the suspect/accused: (If known / seen)

(संदिग्ध / अभियुक्त की शारीरिक विशेषताएँ, विकृतियाँ और अन्य विवरण: (यदि ज्ञात / देखा गया))

S. No. (क्र.सं.)	Sex (लिंग)	Date / Year Of Birth (जन्म तिथि / वर्ष)	Build (बनावट)	Height (cms) (कद (से.मी.))	Complexion (रंग)	Identification Mark(s) (पहचान चिन्ह)	
1	2	3	4	5	6	7	
1	Male					Is Proxified: Yes	
Deformities / Peculiarities (विकृतियाँ / विशिष्टताएँ)		Teeth (दाँत)	Hair (बाल)	Eye (आँखें)	Habit(s) (आदतें)	Dress Habit (s) (पहनावा)	
8		9	10	11	12	13	
Language/Dialect (भाषा/बोली)					Place of (का स्थान)		Others (अन्य)
Burn Mark (जले हुए का निशान)		Leucoderma (लुकोदेर्मा (सफ़ेद धब्बे))	Mole (मस्सा)	Scar (घाव)	Tattoo (गूदे हुए का)		
14	15	16	17	18	19	20	

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

(यह क्षेत्र तभी दर्ज किए जाएंगे यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध / अभियुक्त के बारे में कोई एक या उससे अधिक जानकारी देता है)

Signature Not Verified

Digitally Signed by: ROUSIK DAS
Rank: (Inspector)
Unique No: 71242819009/01674
On: 07/01/2025 19:37:35
At PS: GHOLA, BARRACKPORE POLICE
COMMISSIONERATE

N.C.R.B (एन.सी.आर.बी.)

I.I.F.-I (एकीकृत जांच फार्म-1)

12. First Information contents (प्रथम सूचना तथ्य):

Ghola P.S Case No. 30/25, Dt. 07.01.2025 U/S Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 Section 25/27 Arms Act 329(3)/118/351(2)/3(5) BNS: The brief fact of the case is that on 07.01.2024 received a Memo vide Memo No/34/DCP(C)/BKPC/24 Dated. 07.01.2024 of the petitioners namely (i) Mina Oraon W/O Lt Bishnu Oraon (ii) Tapas Oraon S/O Lt Bishnu Oraon and (iii) Bapan Oraon S/O Lt Bishnu Oraon against Sujay Sarkar S/O Nirmal Sarkar of 3/48 3 No Azad Hind Nagar, PO-Agarpara, PS-Ghola, Dist.North 24 Parganas, Pin-700109 and others to the effect that the complainants are belong to the 'ORAON TRIBE' which is recognized as schedule tribe. They reside at the above noted address and they have been generationally earning their livelihood by pisciculture in the jhil namely ASHARAM JHIL which is adjacent to their house. The OP Sujay Sarkar and his team is trying to disposes them from their homestead with the ulterior motive to grab the said jhil. It becomes unbearable for the complainants to live their livelihood at their residential address due to the activities of the OP party as the OP parties have created garbage dump at the entrances of the complainant's house saying that they (the complainant party) are deserve to live in the gutter which is very humiliating to them. Whenever the complainant and their family members are out from their residence and went out in the Azad Hind Nagar area the OP Sujay Sarkar and his associates used to call them in vulgar languages and threw racial slurs including "CHOTO JAAT". Even the OP parties also restrained them over fire arms and other sharp weapons from pisciculture in the said Asharam Jhil. On 10.11.2024, 22.11.2024 lastly on 30.11.2024 the said Sujay Sarkar along with his associates tried to disposes the complainant party from their immovable property and on protest they assaulted the complainant party and parade them in locality by cheering "CHOTO JAAT, CHOTO JAAT". The said Sujay Sarkar has been disrupting the lives of various other tribal people living in the same line with the same object and motive to disposes them from their respective homelands.

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(किसी गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है.):

- (1) Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया): / or (या)
 (2) Directed (Name of I.O.) (जांच अधिकारी का नाम): ACP Ghola Rank (पद): ACP (Assistant Commissioner of Police)

No. (सं.): to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

- (3) Refused investigation due to (जांच के लिए): or (के कारण इन्कार किया या)

- (4) Transferred to P.S. (थाना): District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost. (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी)

R.O.A.C. (आर.ओ.ए.सी.)

सि नी ३ २५/३

14. Signature / Thumb impression of the complainant / informant (शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान)

Kousik Das 07/01/25
 Signature of Officer in charge, Police Station (थाना) प्रभारी के हस्ताक्षर
 Officer-in-Charge
 GHOLA POLICE STATION
 Name (नाम): Kousik Das
 Rank (पद): I (Inspector)

No. (सं.):

15. Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और समय):

Office of the Dy, Commissioner of Police (Central)
Barrackpore Police Commissionerate

Memo No. 34

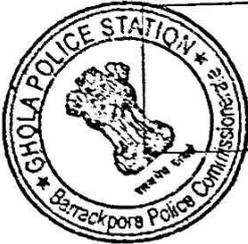
/DCP(C)/BKPC/24

Dated. 07/01/2024

To D/c Ghola PS,

1. Please enquire personally and report with details within 7 Days
2. Please deal with the matter and send action taken report
3. Please meet with me and discuss /along with
4. Please look into the matter and take necessary Legal action
5. You are directed to cause an enquiry as per law u/s 173(3) BNSS & take N/A.
6. For your information/note

11
03/12/25



[Signature]
21/1/25
Dy. Commissioner of Police (Central)
Barrackpore PC
Deputy Commissioner of Police
Central Barrackpore



From:

1. Mina Oraon, wife of Late Bishnu Oraon
 2. Tapas Oraon, son of Late Bishnu Oraon,
 3. Bapan Oraon, son of Late Bishu Oraon
- all are residing at 1 No. Azad Hind Nagar, Panihati Municipality, Agarpara, District North 24 Parganas, Pin Code - 700109, Phone No. 8116607840, Email- oraontapas@gmail.com.

To:

1. The Chairperson, National Commission for Scheduled Tribes, office at 6th Floor, B-Wing, Loknayak Bhavan, Khan Market, New Delhi - 110 003
2. The Secretary, Ministry of Tribal Development, office at Adivasi Bhawan, Premises No. 2221, Action Area - IIIA, Rajarhat-Newtown, Kolkata - 700 156, near 260 Bus Stand
3. The Nodal Officer, Ministry of Tribal Development, Special Secretary, Office at Adivasi Bhawan, Premises No. 2221, Action Area - IIIA, Rajarhat-Newtown, Kolkata - 700 156, near 260 Bus Stand
4. The Officer in Charge, West Bengal Schedule Cast and Schedule Tribe & OBC Development and Finance Corp., North 24 Parganas, having office at 1 No. Station Road, Rishi Bankim Sarani, Barasat, North 24 Parganas, Pin Code - 700 124, Ph. 033-2584-6288
5. The District Magistrate, North 24 Parganas, office at Katgola, Banamalipur, Barasat, Kolkata, West Bengal 700124
6. The Sub - Divisional Officer, Barrackpore Sub-Division, office at Administrative Building, SN Banerjee Rd,

ADEP central

[Signature]
 Dy. Commissioner of Police
 (Head Quarters)
 Barrackpore

M/NO-2508/C (C)
 04/12/24

Received the original
 complaint ^{Memorandum} on 07/01/25
 at 16:55 hrs and
 started Ghola PSC
 No- 30/23 dt- 07/01/25
 U/s- 329(3)/118/351(2)
 3(5) BNS & section
 25/27 Arms Act &
 section 3 of SC/ST A

[Signature]
 02/01/25
 Officer-in-Charge
 GHOLA POLICE STATION
 Barrackpore Police Commissioner

Cantonment, Barrackpur Cantonment, Barrackpore, West Bengal 700120

- ✓ 7. The Commissioner, Barrackpore Police Commissionerate, having office at Barrackpur Cantonment, West Bengal 700120
8. The Inspector in Charge, Ghola Police Station, having office at Ghola, Sodepur, Panihati, Pin Code - 700 111
9. The General Secretary, Akhil Bharatiya Adivasi Vikas Parishad, West Bengal Branch, Baro Ganti, Sarojpally, Narayanpur, North 24 Parganas, Pin Code - 700132

Subject: written complaint against Sri Sujay Sarkar, son of Nirmal Sarkar, residing at 3/48, 3 No. Azad Hind Nagar, P.O. Agarpara, P.S. Ghola, District: North 24 Parganas, Pin Code - 700 109 for commission of offence punishable under Section 3 of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act, 1989, and the Bharatiya Nyay Sanhita.

Sir(s)/Madam(s),

With due respect to the sanctity of your office decorum, we the undersigned would like to apprise you that we, belong to the "ORAON" tribe which is recognized as Scheduled Tribe under the Constitution (Scheduled Caste) Order 1950 and the Constitution (Scheduled Tribes) Order, 1950.

The Sub-Divisional Officer, Barasat, North 24 Parganas, has issued the tribe certificate dated 22.08.1995 under the valid certificate no. 4595 in the name of Mina Oraon nee Sardar, The Sub-Divisional Officer, Barrackpore, North 24 Parganas, has issued the tribe certificate dated 20.11.2006 under the valid certificate no. 32585 in the name of Tapas Oraon and has issued the tribe

certificate dated 13.04.2010 under the valid certificate no. 51369 in the name of Bapan Oraon.

We are in settled possession of land where we have been residing by constructing our house. We have been maintaining the settled possession over the said property since the time of our predecessor in interest i.e. Late Konda Oraon and Late Gundi Oraon to the knowledge of the real owners of said land. We, have been paying the occupancy tax to the municipality. We have been generationally earning our livelihood by pisciculture in the *Jheel* just adjacent to our house.

One Sri Sujay Sarkar, not being a member of scheduled cast or scheduled tribe community recognized under the statute, who is the local hoodlum and land-monger, since 2019 has been trying to dispossess us from our said homestead with the ulterior motive to grab the *jheel* alongwith the adjacent lands so that he can fill up the same and develop flats over it.

Since last few months the said Sujay Sarkar, and his miscreant acolytes have been dumping excreta, sewage, animal carcasses, and other obnoxious materials obtained from the garbage dump at the entrance of our homestead and have told every person in the locality that tribal people like us deserve to live in the gutter, which is very much humiliating for us in the locality. He has been taking attempts on various times, at any odd hour of the day, to dispossess us alongwith our family members from our said homestead so that we come to the road and loose our residence. For such purpose, he also has instituted false and *mala fide* complaints before various authorities across the District and State Administration, so that by the stress of constant prosecution, we bow down to him and leave our houses. Whenever, we or any other family members from our residence goes out in the Azad Hind Nagar locality, said Sujay Sarkar and his gang members call us out in vulgar languages and throw on ourselves various racial slurs including "*choto jaat*" etc. and various other more explicit terms, in front of the whole locality. The said person has restrained us over firearms and other sharp weapons from pisciculture in the said *Asharam Jheel* and thus he

has prohibited us from make a living. For such ruckus created by him, we are not being able to do pisciculture in the said *Jheel* despite there being order of injunction from Learned Civil Judge against him. He has threatened that if we try to go and do pisciculture in the *Jheel*, he would corrupt and foul the water of the said *Jheel* with insecticide so that our beloved *Jheel* shall be rendered toxic for indefinite period of time and all the fish shall die. He is on regular basis forcing us to leave our house and arrange our future residence somewhere else because as per him, he has bigger plans, backed by bigshots of the state political oligarchy and big industrialists over the land where we live.

The accused has been carrying all sort of illegal, immoral and unethical act in the locality on the strength of his political powers to take away our homes and our employment in pisciculture in *Asharam Jheel*. The accused with hired goons and acolytes have been trying to dispossess us from the possession of our immovable property by displaying their muscle power and political sources. On 10.11.2024, 22.11.2024 and lastly on 30.11.2024 the aforesaid person tried to dispossess us from said immovable property. We tried to resist them from conducting such illegalities, but failed while trying. On 30.11.2024 when we personally tried to resist Sujay Sarkar, he beat us up and he put cowdung in our mouth and further forced me to eat fish-scales in front of all the local people with threat to life. On 30.11.2024 the said accused person alongwith many hoodlums and acolytes came to evict us as well as other tribal people from our respective immovable properties with the blunt and sharp weapons and grabbed us by neck and tried to denude us by tearing apart our shirt and pant and they paraded us in front of all the local people while they cheered *choto jaat choto jaat*. The said miscreant Sujay Sarkar has caused immense physical injury to us with such blunt weapons he and his gang carried. The aforesaid person threatened us not to take any endeavour to make any complaint before any authority which shall worsen the situation for us. The aforesaid person is trying to wrongfully occupy our said immovable property where we live without any valid document or reason. The aforesaid person also ransacked our homestead on 30.11.2024 and caused damage to the movable and immovable property assessed at

Rs.1,00,000/-. The aforesaid person by taking advantage of his political reach is trying to manufacture certain documents in order to stake claim over our homestead land. He has committed the offences punishable under Section 3(1)(b), 3(1)(c), 3(1)(h), 3(1)(p), 3(1)(s), 3(1)(x), 3(1)(y), 3(1)(z), 3(1)(z), 3(1)(za)(A) and Sections 329(3), 118, 351 of the Bharatiya Nyay Sanhita. The said Sujay Sarkar has been disrupting the lives of various other tribal people living in the same line, as ourselves with the same object and motive to dispossess them from their respective homesteads. The said person cannot tolerate the tribal people like ourselves and he wants to exterminate us.

The contents of the present complaint letter is read over and explained to us by our Learned Advocate in vernacular language Bengali. We have understood the contents which are true to our knowledge.

Relevant documents are annexed herewith.

Thanking you

Yours sincerely

৭ সিনিয়র ওয়ার্ড

৭ টুর্নামেন্ট

৩৭ রাসন অরান



Information Notice

To,

- (i) Mina Oraon W/O Lt Bishu Oraon
- (ii) Tapas Oraon S/O Lt Bishu Oraon and
- (iii) Bapan Oraon S/O Lt Bishu Oraon all are of 1 No Azad Hind Nagar, PO-
Agarpara, PS-Ghola, Dist. North 24 Parganas

Ref:- Ghola P.S. Case No – 30/25 Dated 07.01.2025 U/S 329(3)/118/351(2)/3(5) BNS and
3 SC & ST (POA) Act & Section 25/27 Arms Act.

This is to inform you that as per your complaint the above noted case has been initiated. Ld. Special Court (SC/ST POA Act.) Barasat passed an order vide order no-04 dt-14.01.2025 where date of appearance is fixed on 17.01.2025 and as a defacto complainant you are hereby directed to remain present on 17.01.2025 at 10:00 hrs. before Ld. Special Judge SC/ST (POA) Act. Barasat, North 24 Parganas as per court order.

Tanay Chatterjee 15/01/25

Tanay Chatterjee (I.O)

Assistant Commissioner of Police,
Ghola

Barrackpore Police Commissionerate

**Asst. Commissioner of Police
Ghola**

Barrackpore Police Commissionerate

Spl. - 01/2025
CIS Registration No. - 01/2025

Ref : Ghola P.S. case Number 28 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act

Present : D. K. Singh (Judge, Special Court)
I.O. Code WB01399

Additional Sessions Judge, 1st Court, Barasat, North 24 Parganas

Order No. 04, Dated - 14.01.2025

The record is put up today by Office.

Accused person Sujoy Sarkar is brought under arrest.

Arrest Memo, Inspection report is filed by the I.O. of this case. Let the same be kept with records.

I.O. of this case files one petition praying for 10 days police custody of the said accused person.

Ld. Special Public Prosecutor of this case is present.

Ld. Advocate for the said accused person is present.

One bail petition is filed on behalf of the said accused person Sujoy Sarkar. Let the same be kept with records and issue notice to the victim of this case regarding hearing of the said bail petition.

Ld. Special Public Prosecutor has submitted that, for the proper investigation of this case, police custody of the said accused person is necessary.

Ld. Advocate for the said accused person has submitted that this accused person has been falsely implicated in this case and even allegations against the said accused person in respect of commission of the offence u/s SC & ST (POA), 1989 is improbable. He prays for rejecting the petition filed by the I.O. of this case for police custody of the said accused person.

I have heard the submissions of Ld. Special Public Prosecutor, Ld. Advocate for the said accused person and perused the records including C.D. From the records it is revealed that, in this case FIR was lodged against the said accused person on 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act. From the records it is revealed that, I.O. of this case recorded the statement of the said accused person, that appears leading statement and in view of the same, the police custody of the said accused person is necessary for proper investigation of this case. Hence, it will be justified to allow police custody of the said accused person till 16.01.2025. Hence accused person Sujoy Sarkar is remanded to police custody till 16.01.2025.

I.O. of this case is directed to comply the direction of the Hon'ble Supreme Court in the matter of police custody and take steps for medical examination of the said accused person on each day of police custody.

I.O. of the case files five separate petitions In connection with (1) Gholā P.S. FIR number 29 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act, (2) Gholā P.S. FIR number 30 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act, (3) Gholā P.S. FIR number 31 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act, (4) Gholā P.S. FIR number 32 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act, (5) Gholā P.S. FIR number 33 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act. I.O. of the said cases prays for permitting him to show the said accused person namely Sujoy Sarkar as arrested in the said cases in the interest of justice as same is necessary for the proper investigation of this case.

On consent of the parties, the said 5 petitions filed by the I.O. of this case is taken up for hearing.

Ld. Special Public Prosecutor has submitted that, the said accused person who is brought under arrest in this case is accused person in case number (1) Gholā P.S. FIR number 29 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act, (2) Gholā P.S. FIR number 30 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act, (3) Gholā P.S. FIR number 31 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act, (4) Gholā P.S. FIR number 32 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act, (5) Gholā P.S. FIR number 33 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act, and showing the said accused person as arrested in those cases, are necessary for the proper investigation of the said case. He prays for permitting investigating officer of the said cases, to show the said accused person as arrested.

Ld. Advocate for the said accused person prays for passing necessary order in the interest of justice, and as per provision of law.

I have heard the submissions of Ld. Special Public Prosecutor, Ld. Advocate for the said accused person and perused the records including C.D. From the records it is revealed that, the accused person namely Sujoy Sarkar is accused in (1) Gholā P.S. FIR number 29 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act, (2) Gholā P.S. FIR number 30 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act, (3) Gholā P.S. FIR number 31 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act, (4) Gholā P.S. FIR number 32 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act, (5) Gholā P.S. FIR number 33 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act, and Section 3 of SC & ST

(POA) Act and for proper investigation of the said case, it is necessary to permit Investigating officer of the said cases to show the said accused person as arrested.

With above observations, and considering the materials on records, I am of the view that it will be justified to permit I.O. of the said cases to show the said accused person namely Sujoy Sarkar as arrested as same is necessary for the proper investigation of the said cases.

With above observations, the said five petitions dated 14.01.2025 filed by I.O. of the said cases are disposed of.

Fix 17.01.2025 for hearing of the bail petition dated 14.01.2025 filed on behalf of the said accused person. Let notice be issued to the victim in respect of hearing of the said bail petition.

Let the copy of this order be sent to the I.O. of this case for information.

D/C by me.

Judge

[Signature]
Judge, Special Court
under the S.C & S.T. (POA) Act.

Memo No. 25

Dated. 11.01.2025

Copy of order be sent to the I.O. for information and necessary action.

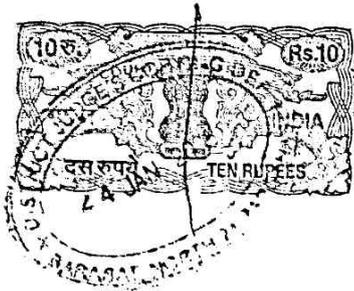
[Signature]
JUDGE
SPECIAL COURT
BALASORE

For The Const of Cdt. 1st ADJ at Barasat
 SPL 1 of 2025
 State of West Bengal

- B -
 Snjay Sarkar

- Accused person

Ref: - X1565 dt 24/01/2025
 Assessment dt: - 24/01/2025



F-125



Checked by

Spl - 01/2025
CIS Registration No. - 01/2025

Ref : Ghola P.S. case Number 28 dated 07.01.2025 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act and Section 3 of SC & ST (POA) Act

Present : D. K. Singh (Judge, Special Court)
I.O. Code WB01399
Additional Sessions Judge, 1st Court, Barasat, North 24 Parganas

Order No. 06, Dated - 17.01.2025

Today is the date fixed for production of the accused person namely Sujoy Sarkar from police custody, and hearing of the bail petition dated 14.01.2025 filed on behalf of said accused person namely Sujoy Sarkar.

Accused person Sujoy Sarkar is produced from police custody. He is taken into custody and remanded to J.C. till the next date fixed.

I.O. of this case is present, he files one forwarding report stating that nothing was recovered during police custody of the said accused person, let the same be kept with record.

Ld. Advocate for said accused person is present.

Ld. Special Public Prosecutor is present.

Victims are present in person.

The bail petition filed on behalf of the said accused person is taken up for hearing.

Ld. Advocate for the said accused person has submitted that, in this accused person has been falsely implicated in this case because the accused person is power of attorney holder of the land and lake upon which the victims have been claiming their rights illegally. He has further submitted that, a lot of litigation are pending in respect of the said land, and lake in respect of which the said victims are claiming their rights illegally. He has further submitted that, dispute between the victims, and the accused person are civil in nature. He prays for enlarging this accused person on bail on any condition.

Ld. Special Public Prosecutor has vehemently opposed the bail prayer of the above said accused person, and submitted that, the allegations against him are serious. He has further submitted that, there are allegations against this accused person of intimidating the victims, and this case is at the initial stage of investigation. He prays for rejecting the bail prayer of the said accused person.

Victims of this case have submitted that, they have objection in respect of prayer of the said accused person because the said accused person has been threatening the victims since long, and trying to dispossess them from the property on which they have been in possession since long. They pray for rejecting the bail prayer of the said accused person.

I have heard the submissions of the Ld. Advocate for the accused person, Ld. Special Public Prosecutor, the victims, and perused the records including C.D. From the records it is

Checked by

revealed that, six FIR were lodged against this accused person on 30.11.2024 u/s 329(3)/118/351(2)/3(5) of the BNS and u/s 25 and 27 of Arms Act, and Section 3 of SC & ST (POA) Act. From the contents of formal FIR, it is revealed that the said FIR was lodged on 07.01.2025, and alleged incident was happened between 10.11.2024 to 30.11.2024, it means the said FIR was lodged at belated stage. From the records it is revealed that, this accused person was taken into police custody on 14.01.2025, but nothing was recovered in pursuance of the statement of the said accused person.

With above observations, and considering the materials on records, I am of the view that, it will be justified to enlarge the accused person Sujoy Sarkar on bail on following conditions :-

1. Accused person will not intimidate victim of this case.
2. Accused person will appear each and every proceeding of this case.
3. Accused person Sujoy Sarkar will furnish bail bonds of Rs.5,000/- with two registered sureties of Rs.2,500/- each to the satisfaction of Ld. C.J.M, Barasat.

With above observation, bail petition dated 14.01.2025 filed on behalf of the accused person namely Sujoy Sarkar is allowed.

Let the copy of this order be sent to the Ld. CJM, North 24 Pgs., Barasat for information.

Fix 06.03.2025 for appearance / production of the accused person and I.O's report.

Let C.D. be returned.

D/C by me.

Judge

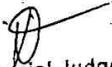
Judge, Special Court
under the S.C. & S.T. (POA) Act.
Special Judge
SC/ST (POA) Act,
Barasat

Checked by

SPL-1/2025

Lat 291
17.01.2025

Received copy of order no. 1 dated 17.01.2025 from the LCJ chief judicial magistrate, North 24-parganas from which it is revealed that accused person namely Subjit Sarmah furnished the required bail bonds in terms of the order dated 17.01.2025 passed by this court


Special Judge
SC/ST (POA) Act.
Barasat

07
18.01.25

Received one forwarding report of Hash value with DVD drive and Certificate of BS (U) (C) of BMS. Let the same be kept with record.


Additional Session Judge
1st. Court, Barasat
North 24 Parganas

In The Court of Cd. 1st ADJ at Barasat

SPL 10 of 2025

State of West Bengal

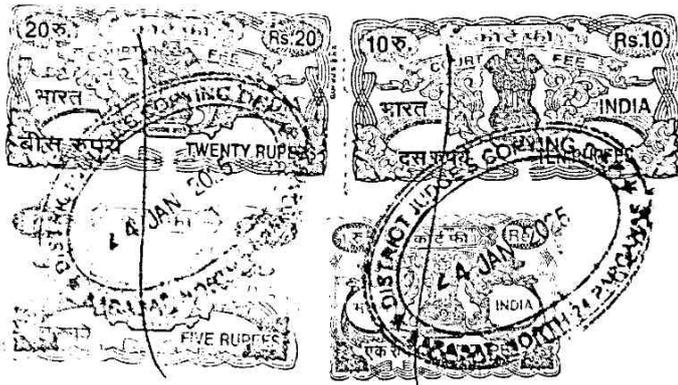
- Vs -

Kali Mahali & Ors

- Accused person

Ref: X 1564 dt 24/01/2025

Assessment dt: 24/01/2025



P. 124



Checked by

IN THE COURT OF 1st SPECIAL JUDGE,
BARASAT, NORTH 24 PARGANAS

Present : D. K. Singh (Special Court Judge)

I.O. Code WB01399

SPL- 10/25

CIS Registration No. - 10/25

Ref. Ghola PS Case No.43 dated 20.01.2025 u/s 115(2)/117(2)/126(2)/380(2)/351(2)/3(5) of the BNS, 25&27 of Arms Act and Section 3 of the SC & ST Act.

Order No. 01 Dated 21.01.2025

Received Fromal FIR and written complaint in reference of Jagtdal PS case no. 09 dated 13.01.2025 under section 115(2)/117(2)/126(2)/380(2)/351(2)/3(5) of the BNS, 25&27 of Arms Act and Section 3 of the SC & ST Act. against the accused persons Kali Mahali and others.

As it is a case under SC & ST (POA) Act. , Let the case be registered as Special Case No. 10 of 2025 in the register.

Fix 28.02.2025 for I.O's report.


Judge
Special Judge
SC/ST (POA) Act,
Barasat

Checked by

SPL - 10/2025
CIS Registration No. - 10/2025

Ref. Ghola P.S. Case No. 43 dated 20.01.2025 w/s 115(2)/117(2)/126(2)/351(2)/3(5) of the BNS, 25/27 Arms Act and 3 SC and ST Act

Order No. 02, Dated - 22.01.2025

The record is put up today on the strength of a put up petition filed on behalf of the accused persons namely Kali Mahali @ Shankar Mahali, Shankar Mahali, Babla Oraon, Bablu Oraon, Tapas Oraon, Bapan Oraon, Taposh Munda, Avijit Mahali, Surajit Mahali and Tapan Munda, considering the urgency of the matter the said put up petition is allowed.

Ld. Advocate for the said accused persons is present by filling Vakalatnama.

Ld. Public Prosecutor in charge of this case is present.

- Ld. Advocate for the said accused persons file another petition praying for permitting said accused persons to surrender before this Court.

Let notice be issued to the Prosecution and the victim in respect of hearing of the said petitions.

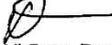
Call for C.D.

I.O. of this case is directed to serve copy of this order to the victim of this case.

Fix. 06.02.2025 for hearing of the petitions dated 22.01.2025 filed on behalf of said accused persons and appearance of the defacto complainant.

D/C by me.


SPL Judge, 1st Court, Barasat.
Special Judge
SC/ST (POA) Act.
Barasat


SPL Judge 1st Court, Barasat
Special Judge
SC/ST (POA) Act.
Barasat

Checked by

N.C.R.B (एन.सी.आर.बी)
फॉर्म-1

FIRST INFORMATION REPORT
(Under Section 173 B.N.S.S.)

प्रथम सूचना रिपोर्ट
(धारा 173-बी एन एस एस के तहत)

Spl. Cowit Case/382/25

District (जिला): BARRACKPORE POLICE COMMISSIONERATE
P.S. (थाना): GHOLA
Year (वर्ष): 2025

FIR No (प्र.सू. सं.): 0043
Date and Time of FIR (प्र.सू. की दिनांक और समय): 20/01/2025 15:10 hrs

No. (क्र.सं.)	Acts (अभिन्धियत)	Sections (धारा(एँ))
1	ARMS ACT, 1959	25
2	ARMS ACT, 1959	27
3	THE BHARATIYA NYAYA SANHITA (BNS), 2023	115(2)
4	THE BHARATIYA NYAYA SANHITA (BNS), 2023	117(2)
5	THE BHARATIYA NYAYA SANHITA (BNS), 2023	126(2)
6	THE BHARATIYA NYAYA SANHITA (BNS), 2023	3(5)
7	THE BHARATIYA NYAYA SANHITA (BNS), 2023	308(2)
8	THE BHARATIYA NYAYA SANHITA (BNS), 2023	351(2)
9	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015)	3

(a) Occurrence of offence (अपराध की घटना):

1 Day (दिन): Sunday Date from (दिनांक से): 19/01/2025 Date To (दिनांक तक): 19/01/2025
Time Period (समय अवधि): Pahar 8 Time From (समय से): 22:00 hrs Time To (समय तक): 22:00 hrs

(b) Information received at P.S. (थाना जहाँ सूचना प्राप्त हुई): Date (दिनांक): 20/01/2025 Time (समय): 15:10 hrs

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 1217 Date and Time (दिनांक और समय): 20/01/2025 15:10 hrs

Type of Information (सूचना का प्रकार): Written

Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): NORTH-WEST, 3 Km(s) Beat No. (बीट सं.):
(b) Address (पता): 4Matha More 2No Azadhind Nagar, PO Agarpara,, PS Ghola,North 24 Parganas-700109
(c) In case, outside the limit of this Police Station, then Name of P.S. (यदि थाना सीमा के बाहर है तो थाना का नाम):

District (State) (जिला (राज्य)):

Complainant / Informant (शिकायतकर्ता / सूचनाकर्ता):

(a) Name (नाम): Sujay Sarkar
(b) Father's Name (पिताका नाम): Nirmal Sarkar
(c) Date/Year of Birth (जन्म तिथि / वर्ष): 09/08/1986 (d) Nationality (राष्ट्रीयता): INDIA
(e) UID No. (पआईडी सं.): 969598974585

Checked by

N.C.R.B (एन.सी.आर.बी)

I.F.-1 (एवीकृत जाँच फॉर्म-1)

(a) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की तिनांक):

Place of Issue (जारी करने का स्थान):

(b) Details (Nation Card, Voter ID Card, Passport, UID No, Driving License, PAN) (पहचान विवरण (राशन कार्ड, मतदाता कार्ड, पासपोर्ट, एआईडी सं., ड्राइविंग लाइसेंस, पैन कार्ड))

S. No. (क्र.सं.) ID Type (पहचान पत्र का प्रकार)

ID Number (पहचान संख्या)

(b) Occupation (व्यवसाय):

(c) Address (पता):

S.No. (क्र.सं.) Address Type (पता का प्रकार)

Address (पता)

1 Present Address

3/48 Azad Hind Nagar, PO Agarpara, PS Ghola, North 24 Parganas, GHOLA, BARRACKPORE POLICE COMMISSIONERATE, WEST BENGAL-700109, INDIA

2 Permanent Address

3/48 Azad Hind Nagar, PO Agarpara, PS Ghola, North 24 Parganas, GHOLA, BARRACKPORE POLICE COMMISSIONERATE, WEST BENGAL-700109, INDIA

(d) Phone number (दूरभाष सं.):

Mobile (मोबाइल सं.): 91-8240585290

Details of known / suspected / unknown accused with full particulars (जात / संदिग्ध / अज्ञात अभियुक्त का पूरा विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या): 0

S. No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address (वर्तमान पता)	Permanent address (स्थाई पता)
1	Kali Mahali			1. 1 and 2 Azadhind Nagar, PO Agarpara, PS Ghola, North 24 Parganas, GHOLA, BARRACKPORE POLICE COMMISSIONERATE, WEST BENGAL-700109, INDIA	1. 1 and 2 Azadhind Nagar, PO Agarpara, PS Ghola, North 24 Parganas, GHOLA, BARRACKPORE POLICE COMMISSIONERATE, WEST BENGAL-700109, INDIA
2	Bapan Oraon			1. 1 and 2 Azadhind Nagar, PO Agarpara, PS Ghola, North 24 Parganas, GHOLA, BARRACKPORE POLICE COMMISSIONERATE, WEST BENGAL-700109, INDIA	1. 1 and 2 Azadhind Nagar, PO Agarpara, PS Ghola, North 24 Parganas, GHOLA, BARRACKPORE POLICE COMMISSIONERATE, WEST BENGAL-700109, INDIA
3	Tapas Munda			1. 1 and 2 Azadhind Nagar, PO Agarpara, PS Ghola, North 24 Parganas, GHOLA, BARRACKPORE POLICE COMMISSIONERATE, WEST BENGAL-700109, INDIA	1. 1 and 2 Azadhind Nagar, PO Agarpara, PS Ghola, North 24 Parganas, GHOLA, BARRACKPORE POLICE COMMISSIONERATE, WEST BENGAL-700109, INDIA

N.C.R.B (एन.सी.आर.बी)

		I.I.F.-I (एकीकृत जॉय फॉर्म-I)	
4	Avjit Mahali	1. 1 and 2 Azadhind Nagar,PO Agarpara,PS Ghola,North 24 Parganas,GHOLA ,BARRACKPOR E POLICE COMMISSIONE RATE,WEST BENGAL- 700109,INDIA	1. 1 and 2 Azadhind Nagar,PO Agarpara,PS Ghola,North 24 Parganas,GHOLA,BARR ACKPORE POLICE COMMISSIONERATE, WEST BENGAL- 700109,INDIA
5	Sarajit Mahali	1. 1 and 2 Azadhind Nagar,PO Agarpara,PS Ghola,North 24 Parganas,GHOLA ,BARRACKPOR E POLICE COMMISSIONE RATE,WEST BENGAL- 700109,INDIA	1. 1 and 2 Azadhind Nagar,PO Agarpara,PS Ghola,North 24 Parganas,GHOLA,BARR ACKPORE POLICE COMMISSIONERATE, WEST BENGAL- 700109,INDIA
6	Sankar Mahali	1. 1 and 2 Azadhind Nagar,PO Agarpara,PS Ghola,North 24 Parganas,GHOLA ,BARRACKPOR E POLICE COMMISSIONE RATE,WEST BENGAL- 700109,INDIA	1. 1 and 2 Azadhind Nagar,PO Agarpara,PS Ghola,North 24 Parganas,GHOLA,BARR ACKPORE POLICE COMMISSIONERATE, WEST BENGAL- 700109,INDIA
7	Tapan Munda	1. 1 and 2 Azadhind Nagar,PO Agarpara,PS Ghola,North 24 Parganas,GHOLA ,BARRACKPOR E POLICE COMMISSIONE RATE,WEST BENGAL- 700109,INDIA	1. 1 and 2 Azadhind Nagar,PO Agarpara,PS Ghola,North 24 Parganas,GHOLA,BARR ACKPORE POLICE COMMISSIONERATE, WEST BENGAL- 700109,INDIA
*	Bappa Oraon	1. 1 and 2 Azadhind Nagar,PO Agarpara,PS Ghola,North 24 Parganas,GHOLA ,BARRACKPOR E POLICE COMMISSIONE RATE,WEST BENGAL- 700109,INDIA	1. 1 and 2 Azadhind Nagar,PO Agarpara,PS Ghola,North 24 Parganas,GHOLA,BARR ACKPORE POLICE COMMISSIONERATE, WEST BENGAL- 700109,INDIA
v	Bablu Oraon	1. 1 and 2 Azadhind Nagar,PO Agarpara,PS Ghola,North 24 Parganas,GHOLA ,BARRACKPOR E POLICE COMMISSIONE RATE,WEST BENGAL- 700109,INDIA	1. 1 and 2 Azadhind Nagar,PO Agarpara,PS Ghola,North 24 Parganas,GHOLA,BARR ACKPORE POLICE COMMISSIONERATE, WEST BENGAL- 700109,INDIA

N.C.R.B (एन.सी.आर.बी)

10 Babla Orao

I.I.F.-I (एकीकृत जांच फॉर्म-1)

1. 1 and 2
Azadhind
Nagar, PO
Agarpara, PS
Ghola, North 24
Parganas, GHOLA
BARRACKPOR
E POLICE
COMMISSIONERATE
RATE, WEST
BENGAL-
700109, INDIA

1. 1 and 2 Azadhind
Nagar, PO Agarpara, PS
Ghola, North 24
Parganas, GHOLA, BARRACKPOR
ACKPORE POLICE
COMMISSIONERATE,
WEST BENGAL-
700109, INDIA

Reasons for delay in reporting by the complainant / informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S. No. (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Nature of Property (संपत्ति के प्रकार)	Description (विवरण)	Value (In Rs/-) (मूल्य रु में)

10. Total value of property (In Rs/-) (सम्पत्ति का कुल मूल्य (रु में)):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण सं., यदि कोई हो):

S. No. (क्र.सं.) UIDB Number (यू.डी. प्रकरण सं.)

12. First Information contents (प्रथम सूचना तथ्य):

Ghola P.S Case No. 43/25 Dt. 20.01.2025 U/S 126(2)/115(2)/117(2)/308(2)/351(2)/3(5) BNS 25/27 Arms Act Section 3 of Scheduled Cust and Scheduled Trade (Prevention of Atrocities) Act 1989:

The brief fact of the case is that on 20.01.2025 received a written complaint from Sujay Sarkar S/O Nirmal Sarkar of 2/44 Azad Hind Nagar, PO-agarpara, PS-Ghola, Dist. North 24 Pgs against (i) Kali Mahali (ii) Bappa Orao (iii) Tapas Munda (iv) Avhijit Mahali (v) Surajit Mahali (vi) Shankar Mahali (vii) Tapas Munda (viii) Bappa Orao @ Tapas (ix) Bablu Orao and (x) Babla Orao to the effect that the complainant is power of attorney holder of Asharam Jhil situated at 1, 2, 3 Azad Hind Nagar. The FIR named accused persons forcefully filling the Jhil and constructing houses. Regarding the issue of said Asharam Jhil so many cases were lodged. On 19.01.2025 at about 10:00 PM when the complainant was returning home at that time the FIR named accused persons stopped the complainant at Char Mathar More, 2 No Azad Hind Nagar under PS Ghola and started beating him and the saying "NAMASUDHRER BACCHA" and the said persons also threatened the complainant to withdraw the cases that the complainant earlier lodged and the FIR named accused also stated that they will kidnap the complainant's children and demanded for Rs.50 Lakhs for lodging the previous cases against them. They also put a barrel of the pistol to the complainant mouth and threatened him.

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(किस गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है.):

(1) Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया): / or (या)

(2) Directed (Name of I.O.) (जांच अधिकारी का नाम): ACP Ghola Rank (पद): ACP (Assistant Commissioner of Police)

No. (सं.): to take up the investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए): or (के कारण इंकार किया या)

(4) Transferred to P.S. (थाना): District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost. (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी)

R.O.A.C. (आर.ओ.ए.सी.)

N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत जाँच फार्म-1)

Language/Dialect
(भाषा/डायलेक्ट)

Place of (का स्थान)

Others (अन्य)

Burn Mark (जले हुए का निशान)

Leucoderma (लुकोडेर्मा/सफेद पट्टे)

Mole (मस्सा)

Scar (घाव)

Tattoo (गूदे हुए का)

14

15

16

17

18

19

20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.
(ये क्षेत्र तभी दर्ज किए जाएंगे यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध / अभियुक्त के बारे में कोई एक या उससे अधिक जानकारी देता है)

Signature Not Verified

Digitally Signed by: ROUSIK DAS
Rank: I (Inspector)
Unique No. 71242819006401674
On: 20/01/2025 16:13:55
At PS: GHOLA, BARRACKPORE POLICE
COMMISSIONERATE

In The Court of Cd. 1st ADJ at Barasat

SPL 10 of 2025

State of West Bengal

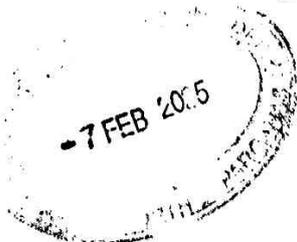
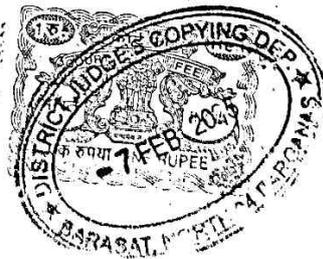
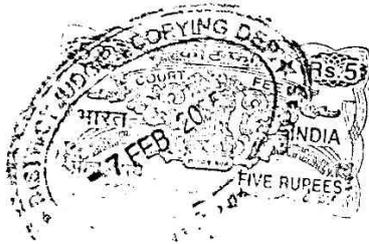
-b-

Kale Mahali 8083'

- Accused person

Ref: X 2266 dt 07/02/2025

Assessment dt. 07/02/2025



c=136

ADJAST
 X 2266
 149
 05-01
 07.2.25
 1

Spl - 10/2025
 CIS Registration No: -10/2025

Ref: Ghola P.S. case No. 43 dated 20.01.2025 u/s 115(2)/117(2)/126(2)/351(2)/3(5) of the BNS, 25 and 27 of Arms Act and u/s 3 of SC & ST (POA) Act, 1989

Present: D. K. Singh (Judge, Special Court)
I.O. Code WB01399
 Special Judge, 1st court, Barasat, North 24 Parganas

Order No.03, Dated - 06.02.2025

Today is the date fixed for hearing of the petition dated 22.01.2025 filed on behalf of the accused persons namely Kali Mahali @ Shankar Mahali, Shankar Mahali, Babla Oraon, Bablu Oraon, Tapas Oraon alias Bappa, Bapan Oraon, Taposh Munda, Avijit Mahali, Surajit Mahali and Tapan Munda.

Ld. Advocate for the said accused persons is present.

Ld. Special Public Prosecutor is present.

Victim of this case is present.

Ld. Advocate for the said accused persons has submitted that all the said accused persons namely Kali Mahali @ Shankar Mahali, Shankar Mahali, Babla Oraon, Bablu Oraon, Tapas Oraon alias Bappa, Bapan Oraon, Taposh Munda, Avijit Mahali, Surajit Mahali and Tapan Munda belong to Schedule Caste and Schedule Tribe community and in that respect he sent copies of the caste certificates to the I.O. of this case by speed post, as I.O. of this case refused to accept the copies of the same. He files self attested copies of the caste certificates of the said accused persons. Considering that, for commission of the offence under SC & ST (POA) Act, 1989 it is necessary that accused persons must not be the member of the Schedule Caste and Schedule Tribe community, and in case the said accused persons belonging to member of Schedule Caste and Schedule Tribe community, the jurisdiction of this court will also be effected, in this circumstances, I.O. of this case is directed to file detail report regarding claim of the accused persons that they are the member of Schedule Caste and Schedule Tribe community.

Considering the facts and circumstances of this case, I.O. of this is directed not to take coercive action against the accused persons till next date fixed.

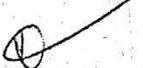
Victim is directed to be present on the next date fixed.

Call for C.D.

Let the copy of this order along with copies of certificates submitted by the Ld. Advocate for the accused persons be sent to the I.O. of this case for compliance.

Fix 18.02.2025 for further hearing of the petition dated 22.01.2025 filed on behalf of the accused persons and submission of compliance report by the I.O. of this case.

D/C by me.


 Judge
 Special Judge
 SC/ST (POA) Act,
 Barasat


 Judge, Special Court
 under the S.C & S.T. (POA) Act.
 Special Judge
 SC/ST (POA) Act
 Barasat

LIST OF DATES

- The petitioners are the co-owners of a water-body (jhil), namely Ashram Jhil, measuring about 37.4038 acres more or less comprising in CS Dag No.682 and 683, Mouza - Oshmanpur and a portion of CS Dag No.720, Mouza - Ghola, and situated at 1/2, Azad Hind Nagar, Police Station - Agarpara, Police Station - Ghola, District - North 24-Pargana within Ward No.27, Holding Nos.218 and 219 under Panihati Municipality.
- 13.06.2022. The petitioner filed an application under Section 144(2) of the Code of Criminal Procedure, 1973 and an order passed by Learned Executive Magistrate, Barrackpore, North 24-Pargana.
- 03.03.2022. The petitioner no.3 made a representation.
- 10.04.2023. The constituted Power of Attorney lodged a complaint before the Municipality.
- 26.02.2024. The Hon'ble Court passed an order in connection with W.P.A.No.12264 of 2023.
- 18.03.2024 and 20.04.2024. The learned Advocate-on-Record of the petitioners made communications.
- 15.07.2023. The petitioners made a representation.
- 25.05.2024. The petitioners made a representation.
- 25.05.2024. The petitioners made a representation.

Through
Jogin Nayak

DISTRICT - NORTH 24-PARGANAS.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W.P.A.NO. OF 2024.

In the matter of:-

An application under Article 226 of
the Constitution of India.

=And=

In the matter of:-

- 1.. Sri Arun Kumar Datta, son of
late Sourindra Mohan Datta,
resides at 2/1/2, N. B. Mallick
Road, Beadon Street, Post Office
and Police Station - Maniktala,
Kolkata - 700 006.
- 2.. Smt. Shelly Paul, wife of late
Somenath Paul.
- 3.. Sri Sandip Kumar Paul, son of
late Somenath Paul.
- 4.. Sri Sanjay Kumar Paul, son of
late Somenath Paul.
- 5.. Smt. Pratima Paul, wife of late
Amarnath Paul.

2

6. Sri Pradipta Pratim Pal, son of late Amarnath Pal

- Nos.2 to 6 are residing at 26/10, Mahatma Gandhi Road, Post Office - Raja Ram Mohan Sarani, Police Station - Muchipara, Kolkata - 700 009.

7.. Smt. Susmita Roy, daughter of late Amarnath Paul, resides at Jeevan Nir, P-9/1, Moti Jhil Avenue, Post Office - Moti Jhil, Police Station - Dum Dum, Kolkata - 700 074.

8.. Smt. Anindita Dutta, daughter of late Amarnath Paul, resides at 109, Sitaram Ghosh Street, Kolkata - 700 009.

- all are represented by their constituted Attorney, namely Sri Sujay Sarkar, son of Sri Nirmal Sarkar, resides at 3/48, Azad Hind Nagar, Post Office - Agarpara, Police Station - Ghola, District - North 24-Pargana, Kolkata- 700 109.

... .. Petitioners.

=Versus=

son of

- 1.. The State of West Bengal, service through the Principal Secretary, Departmental Urban Development and Municipal Affairs, Government of West Bengal, having its office at *Nagarayan Bhavan, Block - DF-8, Sector-I, Bidhannagar, Kolkata - 700 064.
- 2..The Panihati Municipality, service through its Chairman, having its office at Sodepur, Post Office - Sodepur, Police Station - Khardah, District - North 24-Pargana, Pin - 700 114.
- 3.. The Chairman, Panihati Municipality, having his office at Sodepur, Post Office - Sodepur, Police Station - Khardah, District - North 24-Pargana, Pin - 700 114.
- 4.. The Board of Councillors, Panihati Municipality, having office at Sodepur, Post Office - Sodepur, Police Station - Khardah, District - North 24-Pargana, Pin - 700 114.
- 5.. The Executive Officer, Panihati Municipality, having his office at Sodepur, Post Office - Sodepur,

4

Police Station - Khardah, District -
North 24-Pargana, Pin - 700 114.

6.. The Inspector-in-Charge, Ghola
Police Station, having his office at
Ghola, Post Office - Ghola, District
- North 24-Parganas, Pin - 700
111.

7.. Sri Dipak Saha, son of late Anil
Chandra Saha, resides at 1/36, 1
no. Azad Hind Nagar, Jhil Par, Post
Office - Agarpara, Police Station -
Ghola, District - North 24-
Parganas, Pin - 700 109.

8.. Sri Surajit Pal @ Tappa, son of
Sri Sudip Pal, resides at 1 no. Azad
Hind Nagar, Jhilpar, Post Office -
Agarpara, Police Station - Ghola,
District - North 24-Parganas, Pin -
700 109.

9.. Sri Dulal Saha, son of Unknown
resides at A/2, 1 no. Azad Hind
Nagar, Jhilpar, Post Office -
Agarpara, Police Station - Ghola,
District - North 24-Parganas, Pin -
700 109.

10.. Smt. Mina Orao, wife of late
Bishu Orao, resides at 1 no. Azad
Hind Nagar, Jhilpar, Post Office -

5

Agarpara, Police Station - Ghola,
District - North 24-Parganas, Pin -
700 109.

11.. Sri Bappa Orao @ Tapas Orao,
son of late Bishu Orao, resides at
1 no. Azad Hind Nagar, Jhilpar,
Post Office - Agarpara, Police
Station - Ghola, District - North
24-Parganas, Pin - 700 109.

12.. Sri Nelo Majhi, son of late
Sisupada Majhi, resides at 1 no.
Azad Hind Nagar, Jhilpar, Post
Office - Agarpara, Police Station -
Ghola, District - North 24-
Parganas, Pin - 700 109.

13.. Sri Surajit Mahali, son of late
Souren Mahali, resides at 1 no.
Azad Hind Nagar, Jhilpar, Post
Office - Agarpara, Police Station -
Ghola, District - North 24-
Parganas, Pin - 700 109.

14.. Sri Abhijit Mahali, son of late
Souren Mahali, resides at 1 no.
Azad Hind Nagar, Jhilpar, Post
Office - Agarpara, Police Station -
Ghola, District - North 24-
Parganas, Pin - 700 109.

6

01. The
place

15.. Smt. Asha Mondal, wife of late Rabi Mondal, resides at 2 no. Azad Hind Nagar, Jhilpar, Post Office - Agarpara, Police Station - Ghola, District - North 24-Parganas, Pin - 700 109.

16. Suchitra Majhi
Wife of late Velo Majhi, resides at 1 no. Azad Hind Nagar, Jhilpar, Post Office - Agarpara, Police Station - Ghola, District - North 24-Parganas, Pin - 700 109.

17. Jhumki Mahali @ Riya
Wife of Shankar Mahali, residing at resides at 2 no. Azad Hind Nagar, Jhilpar, Post Office - Agarpara, Police Station - Ghola, District - North 24-Parganas, Pin - 700 109.
... .. Respondents.

To
The Hon'ble T. S. Sivagnanam, Chief Justice and His Companion
Justices of the said Hon'ble Court.

The humble petition made on
behalf of the petitioners
abovenamed most respectfully -

Sheweth:-

7

01.. That, the petitioners are the citizen of India having permanent places of their residences at the addresses as mentioned in the cause title of the instant writ application.

02.. That, the petitioners state that the petitioners are living in separation locations in the city of Kolkata and it is not possible for them to look-after their property, son they have appointed one Sri Sujoy Sarkar as their constituted Power of Attorney, who has duly been empowered by the petitioners herein to look-after their property.

Petitioner crave leave to produce the copy of the power of attorney at the time of hearing if required.

03.. That, the petitioners state that the petitioners are the co-owners of a water-body (Jhil), namely Ashram Jhil, measuring about 37.4038 acres more or less comprising in CS Dag No.682 and 683, Mouza - Oshmanpur and a portion of CS Dag No.720, Mouza - Ghola, and situated at 1/2, Azad Hind Nagar, Police Station - Agarpara, Police Station - Ghola, District - North 24-Pargana within Ward No.27, Holding Nos. 218 and ²¹⁹ ~~218A~~ under Panihati Municipality.

04.. That, the petitioners further state that the private respondent nos.7 to 17 herein are the outsiders and do not have any right, title, interest over any portion of the said water-body, namely Ashram Jhil. However, they have started construction illegally and unauthorizedly by filling up the said water-body without having any valid sanctioned plan.

05.. That, the petitioners state that finding no other alternative, the petitioners filed an application under Section 144(2) of the Code of Criminal Procedure, 1973, being M. P. Case No.2073 of 2022 against Sri Dipak Saha and Sri Surajir Pal @ Tappa, being the private respondent nos.7 and 8 herein, for illegally filling up the said water-body and for construction of houses thereon and the Learned Executive Magistrate,

Barrackpore, North 24-Pargana passed an order dated 13.06.2022 thereby directing the Inspector-in-Charge, Ghola Police Station to inquire into the matter and submit a report by next day and the opposite parties therein were directed to stop construction work immediately and submit a valid and authenticated documents in support of such construction on the next date of hearing scheduled to be held on 18.07.2022.

Photocopies of the said under Section 144(2) of the Code of Criminal Procedure, 1973 and the order dated 13.06.2022 are annexed hereto and collectively marked as Annexure - "P/1".

06.. That, the petitioners stat that in spite of the said order dated 13.06.2022, the private respondents did not stop such construction and finding no other alternative, the petitioner no.3 herein made a representation before the Executive Officer, Panihati Municipality on 03.03.2022 against such illegal and unauthorised construction, which is going on by filling up the said water-body and without having any sanctioned plan and requested the said authority to take immediate step against such unauthorised construction, but no step has been taken.

A photocopy of the said representation dated 03.03.2022 is annexed hereto and marked as Annexure - "P/2".

07.. That, the petitioners state finding no other alternative, the constituted Power of Attorney, namely Sri Sujay Sarkar, on behalf of the petitioners lodged a written complaint before the Chairman, Panihati Municipality on 10.04.2023 against one Sri Dipak Saha, Radhashym Saha, Smt.Asha Mondal, Sri Bapi Rajbanshi, Sri Pritam @ Bapi, Sri Shibu Saha and Sri Swapan Das, who are involved in such illegal construction by illegally filling the said water body without having any valid permission and requested the Municipal authorities to take

appropriate
no step

06.2022
to

appropriate steps and demolish the said unauthorised construction, but no step has been taken.

A photocopy of the said representation dated 10.04.2023 is annexed hereto and marked as Annexure "P/3".

08.. That, the petitioners state that the petitioner as well as their constituted Attorney on repeated occasions requested the Municipal authorities to stop and demolish such unauthorised construction made over the said Jhil, namely Ashram Jhil and restore the said water-body in its original position, but no steps have been taken by the Municipal authorities.

09.. That, the petitioners state that finding no other alternative, the petitioners through their constituted Power of Attorney filed a writ application, being W.P.A.No.12265 of 2023 (Sri Arun Kumar Datta & Ors vs. The Panihati Municipality & Ors.) before this Hon'ble Court.

10.. That, the said writ application was taken up for hearing before Her Lordship the Hon'ble Justice Amrita Sinha on 26.02.2024, when Her Lordship was pleased to dispose of the said writ application by passing the following order:-

"Affidavit-of-service filed in Court today is taken on record.

Leave is granted to the learned advocate appearing for the respondent nos. 5 and 7 to file vakalatnama in the department in course of the day.

The petitioners complain that construction is being raised by filling up a water body known as 'Asharam Jheel' under jurisdiction of the Panihati Municipality.

Complaint was lodged before the Panihati Municipality and the same is alleged to be kept pending.

Learned advocate appearing for the respondent nos. 8 to 13 submits that the said respondents are residing at the subject premises by raising construction prior to 1970.

Learned advocate appearing for the respondent nos. 5 and 7 submits, upon instructions, that the constituted attorney of the petitioners is creating disturbance in the rearing of fish in the water body. The allegation of unauthorized construction has been denied.

Without going into the merits of the allegation and the counter allegation of the parties as it appears that the complaint filed before the Municipality is pending consideration for a considerable period of time, accordingly, the instant writ petition is disposed of by directing the Panihati Municipality to consider the representation dated 3rd March, 2022 filed by one of the co-owners of the subject property in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

11

Learned advocate appearing for the petitioners are directed to forward a copy of the representation dated 3rd March, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

A photocopy of the said order dated 26.02.2024 passed in connection with W.P.A.No.12264 of 2023(Sri Arun Kumar Datta & Ors vs. The Panihati Municipality & Ors.) is annexed hereto and marked as Annexure - 'P/4'.

11.. That, the petitioners further state the learned Advocate-on-Record of the petitioners duly communicated the said order dated 26.02.2024 to the Chairman, Panihati Municipality on 28.02.2024, but the said authority did not bother to take any step.

A photocopy of the said communication dated 28.02.2024 is annexed hereto and marked as Annexure - "P/5".

12.. That, finding no other alternative, the learned Advocate-on-Record of the petitioners further communicated the said order on 18.03.2024 and 20.04.2024 upon the Chairman of Panihati Municipality, but the respondent authorities did not take a single step to comply with the solemn order dated 26.02.2024.

Photocopies of the said communications dated 18.03.2024 and 20.04.2024 are annexed hereto and collectively marked as Annexure - "P/6".

13.. That, the petitioners state that the said property is still now recorded as a water-body and the private respondents herein have no right, title, interest and possession over the said water-body, but in spite of that, they are continuing such illegal construction work by filling up the said water-body and the respondent authorities are not

ps. 8 to 13
-emises

taking any step to stop such unauthorised construction and demolish the same on the basis of the specific order of this Hon'ble Court.

14. That your petitioner states that the municipal authority is well aware that the property is a water body and is also recorded as a water body (Pukur) in the record of right but they did not take any step to demolish the unauthorized construction and protect the water body.

Photocopy of the Porcha is annexed hereto and marked as Annexure "P/7"

15. That your petitioner states that the water body is duly recorded in the record of Municipal authority and petitioner is depositing taxes regularly.

Photocopy of the municipal tax receipt is annexed hereto and marked as Annexure "P/8"

16.. That, subsequently the petitioners by a representation dated 27.11.2023 intimated the entire thing to the Commissioner of Police, Barrackpore Police Commissionerate, but no step has been taken. The petitioners also informed through a representation dated 25.05.2024 to the Inspector-in-Charge, Gholia Police Station thereby intimating entire thing, but no step has been taken again such illegal activities of the private respondents.

A photocopy of the said representation dated 27.11.2023 and 25.05.2024 is annexed hereto and marked as Annexure - "P/9".

17.. That, the petitioners again by a representation dated 25.05.2024 reiterated their prayer before the Chairman of Panihati Municipality. But, as usual no step has been taken.

A photocopy of the said representation dated 25.05.2024 is annexed hereto and marked as Annexure - "P/10".

18.. That, the petitioners state that the private respondent nos.7 to 15 are continuing the unauthorised and illegal works by filling up the said water-body and in spite of knowing everything the Municipal authorities are not taking any step and also not trying to protect the said water-body.

19.. That, the private respondents herein with the help of the Municipal authorities are continuing their unauthorised construction work over the said water-body.

Photocopies of the photographs showing such construction work are annexed hereto and collectively marked as Annexure - "P/11".

20.. That, the respondent authorities have failed to discharge their statutory duties in spite of knowing the specific direction of this Hon'ble Court and allow the private respondents to continue with their illegal and unauthorised construction work over the said water-body by illegally filling up the same.

21.. Thus, being aggrieved by and/or dissatisfied with the purported inaction or non-action on the part of the respondent authorities in taking steps against the private respondents, the petitioners beg to move this application under Article 226 of the Constitution of India before this Hon'ble Court, inter alia, on the following, amongst other -

G R O U N D S

- I.. For that, the said property is still now recorded as a water-body and the private respondents herein have no right, title, interest and possession over the said water-body, but in spite of that, they are continuing such illegal construction work by filling up the said water-body and the respondent authorities are not taking any step to stop such

unauthorised construction and demolish the same on the basis of the specific order of this Hon'ble Court.

- II.. For that, the private respondent nos.7 to 15 are continuing the unauthorised and illegal works by filling up the said water-body and in spite of knowing everything the Municipal authorities are not taking any step and also not trying to protect the said water-body.
- III.. For that the private respondents herein with the help of the Municipal authorities are continuing their unauthorised construction work over the said water-body.
- IV.. For that, the respondent authorities have failed to discharge their statutory duties in spite of knowing the specific direction of this Hon'ble Court and allow the private respondents to continue with their illegal and unauthorised construction work over the said water-body by illegally filling up the same.
- V.. For that, the acts and/or actions on the part of the respondent authorities as impugned herein suffer from the vices of illegality, irrationality and/or procedural impropriety for which judicial interdiction thereon under Article 226 of the Constitution of India is warranted for setting things right.
- VI.. For that, the purported actions on the part of the respondent authorities are grossly illegal, malafide, arbitrary and vindictive in nature and such action of the

respondent authorities is liable to be interfered with by this Hon'ble Court.

VII.. For that, the respondent authorities have acted in a manner, which is perverse and inconsistent with their duties as the administrative authorities.

22.. That, the petitioners submit that unless and until, therefore, orders as prayed for hereinbelow are passed in favour of the petitioners by this Hon'ble Court, the petitioners would continue to suffer irreparable loss, injury and prejudice.

23.. That, the petitioners submit that there is no other speedy and/or efficacious remedy and/or alternative remedy other than taking recourse to the writ petition and the reliefs as prayed for herein, if granted, would afford adequate and complete reliefs to the petitioners.

24.. That, the petitioners submit that the balance of convenience and/or inconvenience is heavily tilted in favour of the petitioners in the instant case.

25.. That, the petitioners submit that no other writ petition/application on the self-same cause of action save and except the present one has been filed or moved by an/or on behalf of the petitioners before this Hon'ble Court or any other Forum.

26.. That, the petitioners submit that the entire records of the instant case are lying in the office of the respondent authorities concerned outside the Original Side Jurisdiction of this Hon'ble Court, which may be called for referred to above at the time of hearing of this writ application, if necessary.

27.. That, the petitioners submit that, in the facts and circumstances of the instant case, any further demand for justice would be an idle and hollow formality and the same, if denied, would enable the respondent authorities concerned to complete the mischief.

28.. That, the petitioners submit that the petitioners are not guilty of any willful delay and/or laches in presenting the instant writ application before this Hon'ble Court.

29.. That, the petitioners submit that the instant writ application is made bona fide and for the ends of justice, equity and fair play.

In the circumstances stated above, the petitioners most humbly pray that Your Lordship may graciously be pleased to pass the following orders:-

a).. A writ of and/or in the nature of Mandamus do issue commanding the respondent authorities concerned, each one of them, their men, agents, servants, subordinates and/or assigns, particularly the concerned authorities of Panihati Municipality, to forthwith comply with the order dated 26.02.2024 passed in connection with W.P.A.No.12265 of 2023 (Sri Arun Kumar Datta & Ors vs. The Panihati Municipality & Ors.).

b).. A writ of and/or in the nature of Mandamus do issue commanding the respondent authorities concerned, each

one of them, their men, agents, servants, subordinates and/or assigns, particularly the concerned authorities of Panihati Municipality, to forthwith initiate a proceeding under Section 218 of the West Bengal Municipal Act, 1993 and demolish the unauthorised construction carried out by the private respondents by filling up the said body, namely Ashram Jhil, without having any sanctioned plan of the said Municipality.

c).. A writ of and/or in the nature of Mandamus do issue commanding the respondent authorities concerned, each one of them, their men, agents, servants, subordinates and/or assigns, particularly the concerned authorities of Panihati Municipality, to forthwith clean the said water body and restore it in its original position by removing unauthorised and illegal construction carried out by the private respondents.

d).. A writ or and/or in the nature of Certiorari do issue directing the respondent authorities concerned, each one of them, their men, agents, servants, sub-ordinates and/or assigns to forthwith transmit the entire records relating to the instant case before this Hon'ble Court; so

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that conscionable justice may herein be administered.

c)..Rule NISI in terms of prayers (a), (b), (c) and (d) as above.

f).. An order do issue directing the respondent authorities concerned, each one of them, their men, agents, servants, sub-ordinates and/or assigns to stop such unauthorised construction so that the water body could not be filled up further and it could be protected till the disposal of this application.

g).. Ad-interim order in terms of prayer (f) , as above.

h).. Pass such other or further order or orders and/or direction or directions as to Your Lordship may deem fit and property.

And the petitioners, as in duty bound, shall ever pray.

I do hereby certify that the constituted Attorney of the petitioners namely Sri Sujoy Sarkar is duly authorized to swear And affirm this affidavit on behalf of the Petitioners

Srijoy Sarkar

Gobhan Raju
Advocate

AFFIDAVIT

I, Sri Sujay Sarkar, son of Sri Nirmal Sarkar, age about 38 years, by faith - Hindu, by occupation - Business, residing at 3/48, Azad Hind Nagar, Post Office - Agarpara, Police Station - Ghola, District - North 24-Pargana, Kolkata - 700 109, do hereby solemnly affirm and state as follows:-

1.. That, I am the constituted Power of Attorney petitioner. herein and, as such, I am well acquainted with the facts and circumstances of the present case. I have been duly authorised by the petitioners to swear and affirm this affidavit for myself and on their behalf.

2.. That, the statements made in paragraph nos. 1, 4, 8, 13, 18, 20 and 21 are true to my knowledge, those made in paragraph nos. 2, 3, 5, 6, 7, 9, 10, 11, 12, 14, 15, 16, 17, and 19 are based on records and information, which I verily believe to be true and the rest are my humble submissions before this Hon'ble Court.

Prepared in my office.

Jobhan Majumdar
Advocate.

Enrolment No. WB/429/2010

Sujay Sarkar
Deponent is known to me.

Clerk to:-

Advocate

All documents are legible.

Jobhan Majumdar
Advocate.

Solemnly affirmed before me
on this day of May, 2024.

Commissioner

2/6
 Leave is granted by the
 Honble Justice Sugato Majumdar.
 to move this Writ Petition
 before the Vacation
 Bench on 03/06/24.

20

DISTRICT = NORTH 24-PARGANAS

IN THE HIGH COURT AT CALCUTTA
 CONSTITUTIONAL WRIT JURISDICTION

W.P.A.NO. OF 2024.

Amir
cc (at-5)
30/05/24

In the matter of:
 An application under Article 226 of the
 Constitution of India.

-And-

In the matter of: -
 Sri Arun Kumar Datta & Ors.
 Petitioners

-Versus-

The State of West Bengal & Ors.
 Respondents.,

WRIT APPLICATION

Mr. Sobhan Majumder
 Advocate

High Court, Calcutta

Raja Chamber, 4, Kiran Sankar Roy Road,

Kolkata- 70001

Phn No 7044002257/7980076115

Email: majumdersobhan7@gmail.com

Sl. No.	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		Sl. No.25 06.12.2024 Suman Ct. 15	<p style="text-align: center;">WPA 15140 of 2024</p> <p style="text-align: center;">Arun Kumar Datta and Ors. Vs. The State of West Bengal and Ors.</p> <p>Mr. Sobhan Majumder Ms. Kalpita Paul ..for the petitioners</p> <p>Mr. Soumyajit Bhatta ..for Panihati Municipality</p> <p>Mr. Swapan Banerjee Mr. Bikash Goswami Md. Hasanuzzaman ..for the State</p> <p>Let the report filed by the Municipality be kept with the records.</p> <p>A copy of the report has been made over to the learned advocate appearing for the petitioners.</p> <p>It appears that the petitioners have also approached the National Green Tribunal, Eastern Zone Bench, Kolkata with a similar grievance as made in this writ petition.</p> <p>I am not inclined to allow the petitioners to pursue two remedies simultaneously.</p> <p>Accordingly, WPA 15140 of 2024 is dismissed.</p> <p style="text-align: center;">d</p>

23.12.2024

Sd/- By Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.</p> <p style="text-align: right;"><i>Sd/- K. Chanda, J.</i> (Kausik Chanda, J.)</p>

Sy
23 12. 2024

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✕

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL, EAST ZONE
BRANCH, KOLKATA

In the matter of:

An Application:- Original Application No.
162 of 2024(EZ);

And

In the matter of:

Sri Arun Kumar Dutta & Ors.

... Applicants.

-Versus-

The State of West Bengal & Ors.

... Respondents.

Affidavit-in-opposition filed by
respondents nos. 9-18, 21-30, 32-36
Prasad Bhattacharyya
C/o- Mr. Prantick Ghosh
Advocate
Calcutta High Court
Bar Assn. Rom No.13
Mob- 6290980940
theprasad98@gmail.com
F/2831/2022