



SL NO 03 Dt 29/08/2025

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

ORIGINAL APPLICATION NO. 01/2025/EZ



29 AUG 2025

In the matter of :

Sarvani Brahma

..... Applicant

-Versus-

The State Of West Bengal & Ors.

..... Respondents.

INDEX

| SL | PARTICULARS | ANNEXURE | PAGE |
|----|---|----------|--------|
| 1. | Affidavit | | 1 to 9 |
| 2. | Copy pf order dated 09.02.2021. | R-1 | 10-11 |
| 3. | Copy of order dated 27.04.2021. | R-2 | 12-20 |
| 4. | Copy of Writ petition order dated 09.01.2025. | R-3 | 21-57 |
| 5. | Copy of Photographs. | R-4 | 58-59 |
| 6. | Copy of Writ petition and order dated 30.07.2025. | R-5 | 60-89 |

Filed by

Krishnendu Bera

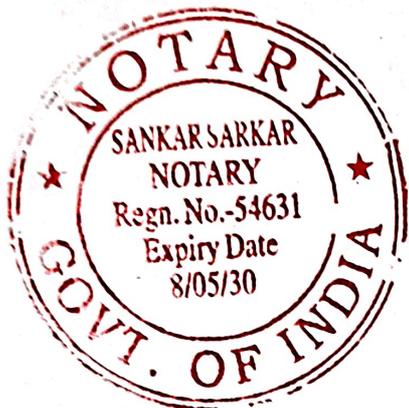
Krishnendu Bera

Advocate

Email: 9804470595

(M):krishnendubera87@gmail.com

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 01/2025/EZ**



In the matter of :

Sarbani Brahma

.....Applicant

-Versus-

The State of West Bengal, & Ors.

..... Respondents.

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NUMBER 12,
13, 14, 15, 16 AND 23.**

Md. Karim Ansari
10/1/25

I, Md. Karim Ansari, son of Late Md. Hakim Ansari, aged about years, by faith- Muslim, by Occupation- Business, residing at 40, Ganga Ram Bairagi Lane, P.S & District- Howrah, Pin- 711101, do hereby solemnly affirm and state as follows :-

1. That I am the respondent no. 14 in the instant original application and as such I am well acquainted with the facts and circumstances of the instant original application and duly authorized by the other respondents to sign and swear this affidavit for self and others.
2. That I have been advised to deal with relevant paragraphs of the application which appears to be material and relevant for proper adjudication of the instant case and the paragraphs

29 AUG 2025

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and/or portion of the paragraphs which are not specifically admitted, be deemed to have been denied by me.

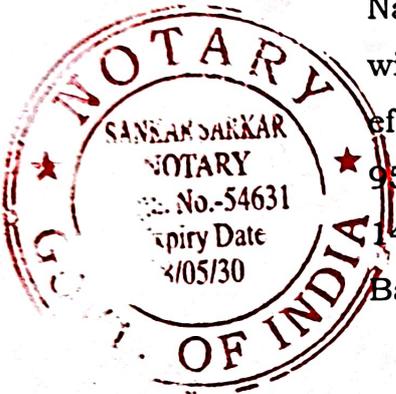
3. Before dealing with averments and/or allegations made in various paragraphs of the petition, I crave leave to place following facts for proper appreciation and / or adjudication of the case :

(a) That instant Original application moved before this Hon'ble National Green Tribunal alleging against illegal pond filling with rubbish, solid waste, rubbish materials industrial effluents, toxic substances at R.S Dag no. 973/LR, Dag no. 953, R.S Khatian no. 1153, L.R Khatian no. 495, 10022, 14368-14387, District- Howrah, Block- Domjur, Mouza- Bankra, Pin- 711403.

(b) That the instant original application filed before this Hon'ble National Green Tribunal upon suppression of material facts and concealment of facts knowingly well.

(c) It is stated that one Buland Javed moved before the Hon'ble High Court, Calcutta by filing one writ petition being WPA 10707 of 2020 alleging unauthorized construction in a water body at R.S Dag no. 973/LR, Dag no. 953, J.L No. 55 in R.S Khatian no. 1153, Mouza- Bankra, P.S- Domjur. That after hearing all the parties Amrita Sinha on 09.02.2021 directed the Bankra-II Gram Panchayat to consider and dispose of the representation made by the petitioners thereafter after giving opportunity of hearing to all the necessary parties within a period of 12 weeks from the communication of the said order and to pass reasoned order thereafter.

29 AUG 2025



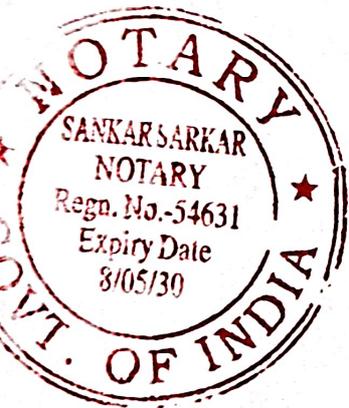
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Copy of the said order dated 09.02.2021 is annexed hereto and marked with the letter 'R-1' to this affidavit.

- (d) That challenging the said order dated 09.02.2021 said petitioner moved before the Hon'ble Division Bench being M.A.T 322 of 2021 Inter-alia praying therein to pass an order of injunction restraining the respondent from making any further construction on the property in question. That the Ld. Advocate on behalf of the State submitted that no construction was found to be going on at the disputed property in recent times. Ultimately after going through the record the Hon'ble Division Bench by an order dated 27.04.2021 observed that Hon'ble Single Bench was justified directing the representation filed by the petitioner to be considered and disposed of by Gram Panchayat. Accordingly the Hon'ble Division Bench extended the period fixed by the Hon'ble Single Bench for consideration and disposed of the representation by a further period of 4 weeks.

Copy of the said order dated 27.04.2021 is annexed hereto and marked with the letter 'R-2' to this affidavit.

- (e) It is stated that thereafter one Sarbani Brahma being the applicant in the instant Original application O.A 01 of 2025 suppressing all those facts moved before the Hon'ble High Court at Calcutta by filing one Public Interest Litigation being WPA (P) 453 of 2024 on the self same issue alleging illegal construction in a pond in R.S Dag no. 973/LR, Dag no. 953,



29 AUG 2025

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R.S Khatian no. 1153, L.R Khatian No. 495, 10022, 14368-14387, District- Howrah, Block- Domjur, Mouza- Bankra.

- (f) That the Learned Advocate on behalf of the State in the said Public Interest Litigation placed the reliance of the order passed in WPA 10707 of 2020 where the Hon'ble Single Bench already directed to take action on the representation and also submitted that an appeal was preferred against the said order which was also dismissed. That after going through the materials on records the Hon'ble Chief Justice T.S Sivagnanam and the Hon'ble Justice Hiranmay Bhattacharyya by an order dated 09.01.2025 were pleased to dismiss the said writ petition on the ground since the matter was already seized by Hon'ble Single Bench therefore the question of entertaining the said writ petition does not arise.

Copy of the Writ petition and order dated 09.01.2025 are annexed hereto and marked with the letter 'R-3' to this affidavit.

- (g) It is stated that upon suppression of the said order of dismissal dated 09.01.2025 passed by Their Lordships the Hon'ble Chief Justice T.S Sivagnanam and the Hon'ble Justice Hiranmay Bhattacharyya in WPA (P) 453 of 2024 the applicant herein once again moved the similar application on the self same cause of action for obtaining an order over the same plots in question at R.S Dag no. 973/LR, Dag no. 953, R.S Khatian no. 1153, L.R Khatian no. 495, 10022, 14368-14387, District-Howrah, Block- Domjur, Mouza- Bankra, Pin- 711403.

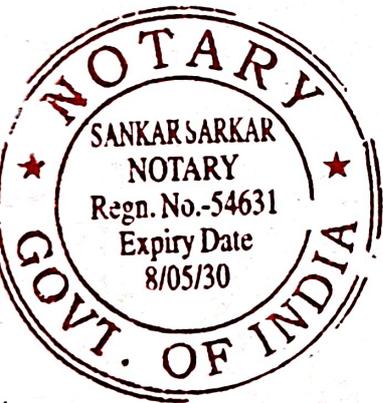
29 AUG 2025



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(h) It is respectfully submitted that by virtue of dismissal of the writ petition being WPA (P) 453 of 2024 before the Hon'ble High Court the applicant is estopped towards approaching the Hon'ble National Green Tribunal on the self same cause of action particularly suppression and/or concealment of facts over the same plot in question at R.S Dag no. 973/LR, Dag no. 953, R.S Khatian no. 1153, L.R Khatian no. 495, 10022, 14368-14387, District- Howrah, Block- Domjur, Mouza- Bankra, Pin- 711403, when already the Hon'ble High Court entered into the merits of the same and passed specific direction upon the Pradhan, Bankra-II Gram Panchayat.

(i) It is stated that the applicant in the instant original application not approached the Hon'ble Tribunal with clean hands as at the time of filing of the instant Original application being O.A 01 of 2025 not made any averments that on the self same issue she already moved before the Hon'ble High Court under Public Interest Litigation jurisdiction and tried to make forum shopping by approaching several courts on the same issue in respect of same plots of land.



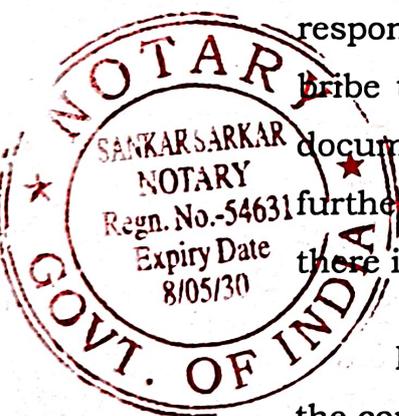
29 AUG 2025⁴. That with regard to the statements made in paragraphs 1 to 8 of the said application I deny and dispute each and every allegations which are contrary to the records and it is specifically denied that the answering respondents in no way in filling up of pond at R.S Dag no. 973/LR, Dag no. 953, R.S Khatian no. 1153, L.R Khatian no. 495, 10022, 14368-14387, District- Howrah, Block- Domjur, Mouza- Bankra, Pin- 711403, since 2024. It is also denied that no unlawful discharge of industrial effluents, toxic substances is done by the

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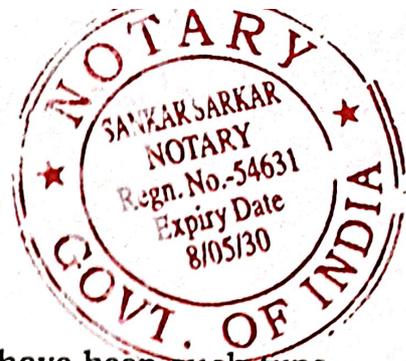
answering respondents over the said plot of land and therefore no air and noise pollution is caused by the respondents which disrupts the life of local residents. It is also stated that no local residents has ever lodged any such complaint alleging such allegations and the applicant not being the local resident alleging such kind of allegations only with an intention to harass the answering respondents herein.

5. That with regard to the statements made in paragraphs 9 to 14 of the said application I deny and dispute each and every allegations which are contrary to the records and it is stated that in any way the answering respondents are not responsible for converting the pond into land upon filling up with rubbish, solid waste rubbish materials, industrial effluents. It is also stated that to get illegal gain the applicant herein made a serious allegation that the answering respondents planned to convert the pond into bastu land upon paying bribe to the state respondent nos. 3, 4, 5 and 6 without having any documentary evidence to substantiate such illegal claim. It is stated further that no illegal pond filling and making constructions over there is done at the instance of the private respondents herein.

It is stated that it is not a fact that there is no pond existing, on the contrary it will be found that pond is still there. That at the time of summer the water of pond becomes low as a result different size of pond came from the Google Earth images which has been taken in the year 2017, 2020, 2021. In rainy season when the pond fills with water due to sufficient rain the alleged pond is also restored in it's nature and character at R.S Dag no. 973/LR, Dag no. 953, R.S Khatian no. 1153, L.R Khatian no. 495, 10022, 14368-14387, District- Howrah, Block- Domjur, Mouza- Bankra, Pin- 711403. It is further denied that the private respondents herein planned to construct high rise building



29 AUG 2025



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over the aforesaid plot as if that is so there would have been such type of construction would had been completed in last years since the time of alleged illegal filling up of pond from the year 2017. Copy of the photographs are annexed hereto and marked as 'R-4' to this affidavit.

6. In this connection the answering respondents further states that at the time of hearing before the Hon'ble Tribunal on last occasions the Ld. Advocate for the applicant made submission that the applicant, Sarbani Brahma and Buland Javed is no way inter connected with each other. The applicant was not aware about any proceeding instituted by said Buland Javed before the Hon'ble High Court. But astonishingly the same Learned Advocate moved a writ petition being W.P.A 16797 of 2025 (Buland Javed -Vs- State of West Bengal) inter-alia praying therein to permanently disconnect the existing electricity supply in the constructions raised at R.S Dag no. 973/LR, Dag no. 953, R.S Khatian no. 1153, L.R Khatian no. 495, 10022, 14368-14387, District- Howrah, Block- Domjur, Mouza- Bankra, Pin- 711403. That the said writ petition came up for hearing before His Lordship the Hon'ble Justice Kausik Chanda on 30.07.2025 and after hearing of the said writ petition His Lordship was pleased to dismiss the said writ petition on the ground that the said construction is still under determination whether unauthorized or not.

Copy of the said Writ petition and order dated 30.07.2025 are annexed hereto and marked with the letter 'R-5' to this affidavit.

7. That with regard to the statements made in paragraphs 15 to 21 of the said application I say those are matter of record and the respondents herein deny and dispute each and every allegations which are contrary to the records. It is stated further that question of

29 AUG 2025

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illegal filling up of pond does not arise for which increasing of PH level of pond water not arise. As such investigating officer from Assistant Director of Fisheries not felt requirement of scientific and chemical tests of the pond water to determine the actual decrease in pond area as the same is restored at the time of monsoon.

8. With regards to the Grounds and prayers as stated in the said original application I say that save and except those grounds having support of law are frivolous and are liable to be rejected.

9. It is further submitted that in facts and circumstances of the case the instant application is liable to dismissed summarily with exemplary cost.

10. That this application is made bonafide and unless this application is allowed by this Hon'ble Tribunal the applicants will suffer irreparable loss and injury.

11. That the statements made in paragraphs 1 to 8 are true to my knowledge and rest are my respectful submission.

Identified by me

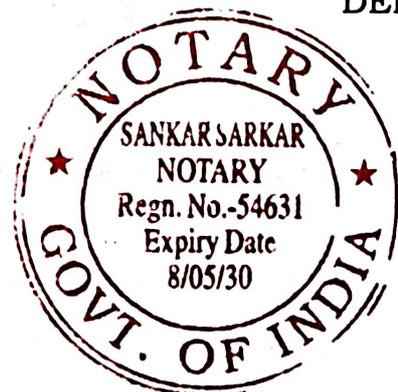
Krishnendu Bera
Advocate

Encl. No. F/1864/2010

29 AUG 2025

MD. Lavine Asami

DEPONENT



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VERIFICATION:

I, Md. Karim Ansari, son of Late Md. Hakim Ansari, the Deponent within named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at Kolkata on the ²⁹ day of August, 2025.

Md. Karim Ansari

Deponent

Identified by me

Krishnendu Bera

Advocate

29 AUG 2025

Solemnly Affirmed & Declared Before me on Identification of Ld. Advocate

Sankar Sarkar 29/08/25

SANKAR SARKAR
NOTARY, GOVT. OF INDIA
REGN NO. 54631

HIGH COURT, CALCUTTA
CHAMBER 4 (479) M. B. ROAD, KOL-5
MAHAJATI HEIGHTS APT
Ph-9232445358



Annexure - R₁

09.02.2021
SL No. 103
Court No. 24
(P.M.)

WPA 10707 of 2020

10

Buland Javed & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Mohit Gupta,
Mr. Chandrakant Kushwaha
... for the petitioners

Ms. Madhurima Sarkar,
Mr. Arghya Kamal Das
... for the respondent Nos. 8 & 11.

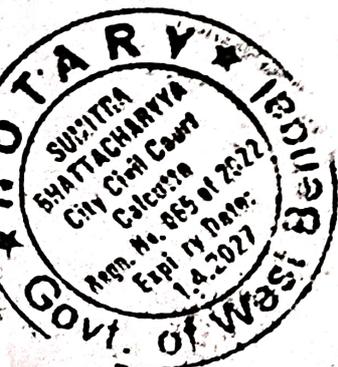
Mr. Amitava Pain
... for the respondent Nos. 7 to 16

Leave granted to the learned advocate on record of the petitioners to correct the presentation form of the writ petition.

The petitioners allege illegal and unauthorized construction in a water body being carried on at R.S. Dag No. 973/ L.R. Dag No. 953, J.L. No. 55 in R.S. Khatian No. 1153 under Mouza Bankra under Police Station Domjur.

The petitioners complain that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

As it appears that the representation of the petitioners objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.



The writ petition is accordingly disposed of by directing the respondent no. 2 being Bankra-II Gram Panchayet to consider and dispose of the representation made by the petitioners, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioners within a period of twelve weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioners immediately thereafter.

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.

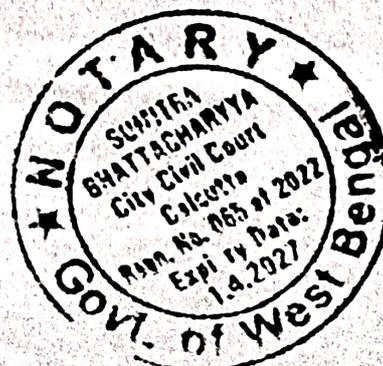
The petitioners are directed to forward a copy of the representation dated 2nd December, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

Affidavit of service filed in court is taken on record.

Writ Petition WPA 10707 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)

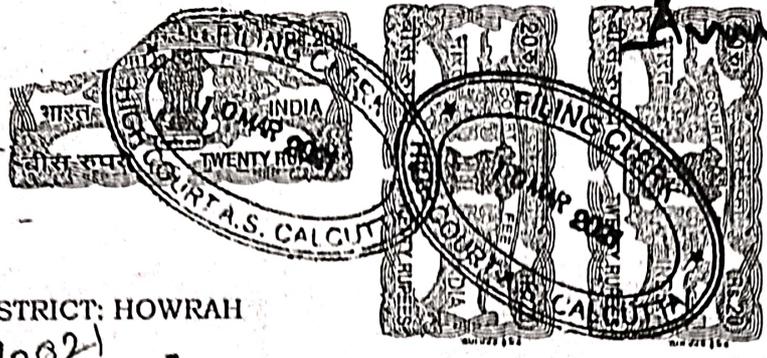


Annexure-

through
Chandrabhat Kishor

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MAT

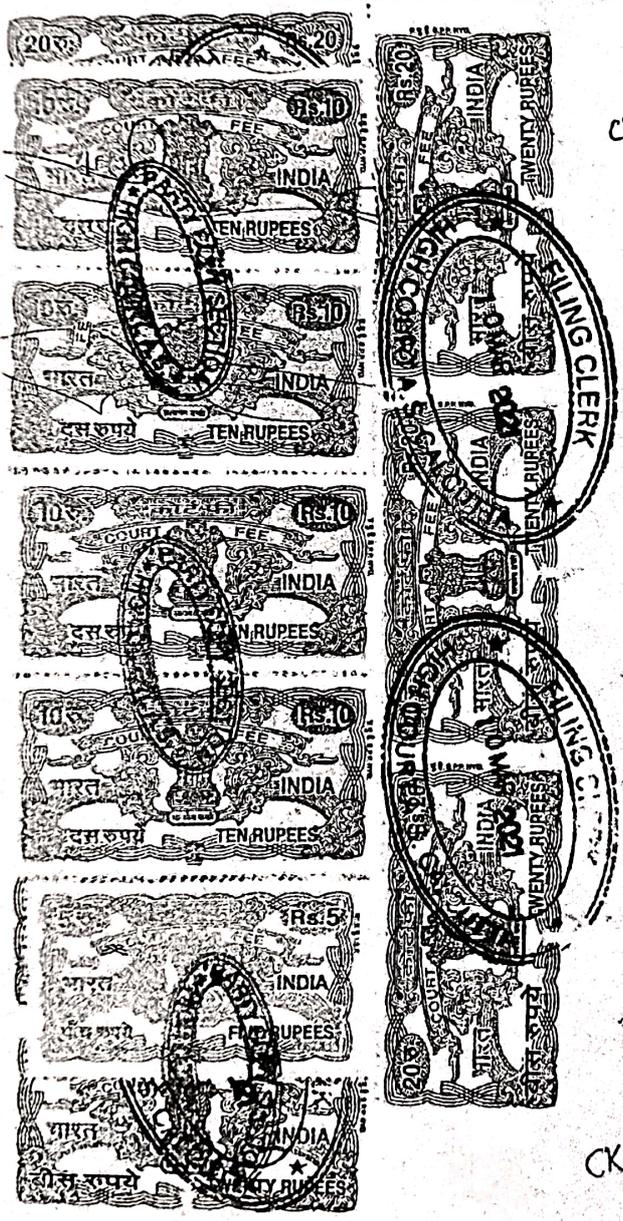


DISTRICT: HOWRAH

T-322/2021
08/03/2021
A 3754

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

MEMORANDUM OF APPEAL FROM THE ORIGINAL ORDER



MAT No. of 2021
N.P.A No 10707 of 2020
In the matter of:-



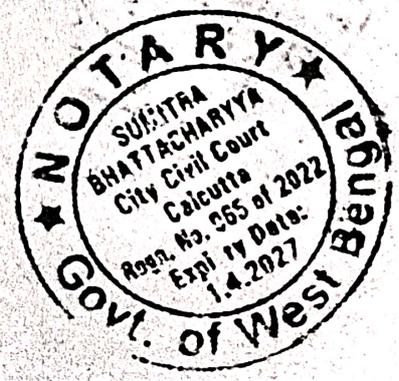
1. BULAND JAVED
2. SHADAB SHABBIR ABBASI
Both sons of Late Abdul Quddus,
residing at 472/9, G.T. Road, Shibpur
Howrah, PIN Code - 711102

... Appellants

Versus

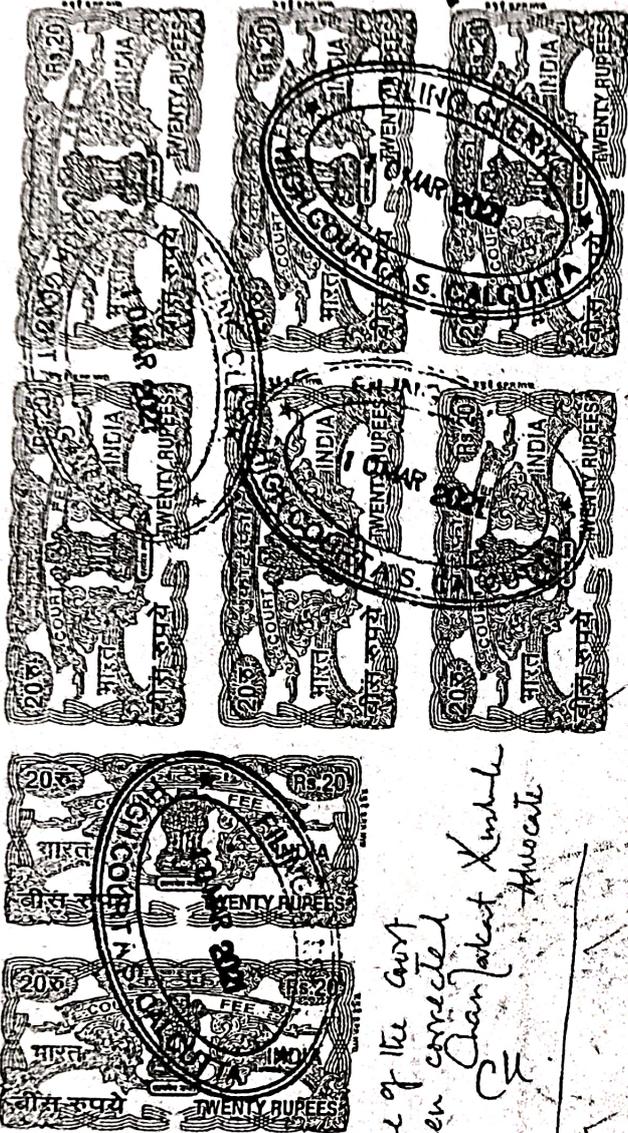
1. THE STATE OF WEST BENGAL,
Service through the Additional Chief
Secretary, Panchayat & Rural
Development, Government of West
Bengal, Joint Administrative Building,
7th floor, Block HC WING B, Plot no. 7,
Sector - III, Salt Lake City, Kolkata -
700106;
2. BANKRA - II GRAM PANCHAYAT,
HOWRAH, Service through the
Pradhan, having his office at ~~Bankra 4~~
No. Gram Panchayet, P.Q. - Bankra
Salap More

Handwritten signature and date: 22/7/21



43

CV P.S. — Domjur, District - Howrah, Pin Code — 711403;



3. THE OFFICER - IN - CHARGE, Domjur Police Station, having his office at Domjur Bazaar, Howrah - Bargachia- Amta Road, Domjur, Howrah - 711405

4. DISTRICT LAND AND LAND REFORMS OFFICERS, Howrah having his office at District Level Office Building (2nd Floor), 12, Nityadhan Mukherjee Road, Howrah - 711101;

5. Block Land & Land Reform Officer having his office at Baruipara Near BDO, Domjur, District - Howrah, Pin Code - 711405.

6. The In-charge Police Station - Bankra Out post (Bankra Phari), Bankra Howrah Pin Code - 711403

7. MD. MAHFUZ ANSARI;

8. MD. SAHIM ANSARI;

9. MD. KARIM ANSARI;

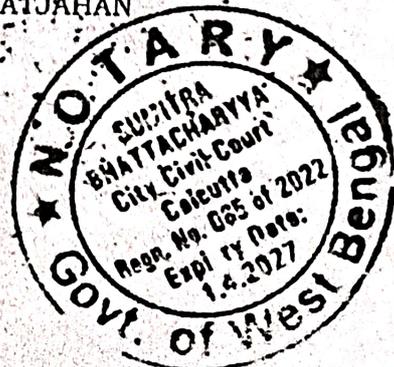
10. MD. RAHIM ANSARI;

11. MD. MATIN ANSARI

12. MUSSARATJAHAN

As per the tenure of the Govt Defects has been corrected
Cham Jahan Khan Advocate
CK

Jama 22/7/21



~~14~~

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~~12. SALMA ANSARI~~

13. IRFAT JAHAN

14. ~~NIKHAT JAHAN~~ SALMA ASHRAFI
w/o HAIDER ALI residing at 15C,
RNC ROAD KOLKATA - 700015

CK

15. NUSSARRAT JAHAN
7 to 11 being sons and 12 to 16 being daughters of Late Md. Hakim Ansari, 67013 residing at 40, Gangaram Bairagi Lane, Police Station - Howrah, District - Howrah, PIN Code - 711 101

15. NIKHAT JAHAN CK
residing at 40, Gangaram Bairagi Lane Howrah - 711101

16. NUSSARRAT JAHAN
c/o Md. Safiullah residing at 3, Deedar Box Lane, Kolkata - 700016

... Respondents

17. NASIM BANU w/o late Abdul Quddus residing at 472/9 G T Road Shibpur District - Howrah Pin Code - 711102

18. ARJUMENT ZAHID

19. SHAHID SHABBIR ABBASI

20. QAMAR JAHAN

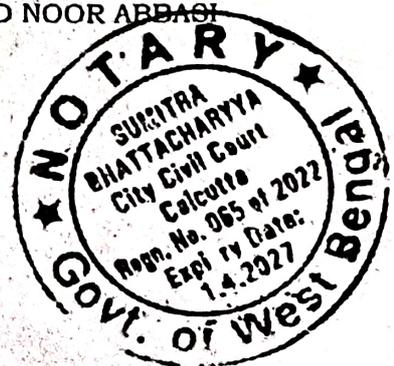
21. FURRSHED ALAM ABBASI

22. SWABA FIRDAUS

23. MUSHAHID NOOR ABBASI

As per leave of the Court
Defects has been corrected
Chandrabanti Kundlik
Advocate

~~Samya~~
22/7/21



September

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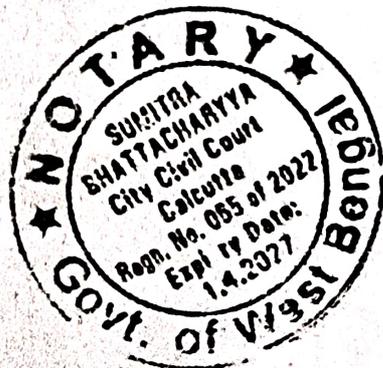
As per leave of the Court
defects have been corrected
Chandant Kumar
Advocate

28:24. MUJAHIR HUSSAIN ABBASI

19 and 21 being daughters and 20 are
and daughters
All sons of Late Abdul Quddus,
residing at 472/9 G. T. Road Shibpur
District - Howrah Pin Code - 711102

... Proforma Respondents

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22/07/2021



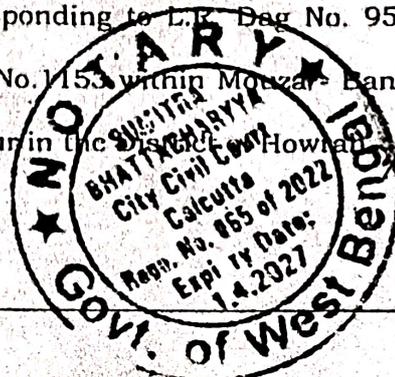
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| Voting by Office or Advocate | Serial No. | Date | Office notes, reports, Orders or proceedings with signature |
|------------------------------|------------|--|--|
| | | 27.04.2021 Item No.3 Crt.No.11 K.B. | <p style="text-align: center;">M.A.T. 322 of 2021 with I.A. No. CAN 1 of 2021 (Through Video Conference)</p> <p style="text-align: center;">Buland Javed & Anr. -Versus- The State of West Bengal & Ors.</p> <p>Mr. Arif Ali Mr. Chandrakant Kushwaha For the appellants.</p> <p>Mr. Manash Kumar Kundu Mr. Sudip Sarkar For the State-respondents.</p> <p>Mr. Haradhan Banerjee Mr. Amitava Pain Mr. Partha Pratim Mukhopadhyay For the Private Respondents.</p> <p>With the consent of the parties, the instant appeal is taken up for hearing by treating the same as on the day's list.</p> <p>The writ petitioners have preferred the instant appeal challenging an order dated February 9, 2021 passed by a Hon'ble Single Bench in WPA No.10707 of 2020.</p> <p>In the writ petition the appellants have alleged that the Private respondents are making illegal and unauthorised construction on a water body being R.S. Dag No.973 corresponding to L.R. Dag No. 953, J.L. No.55 in R.S. Khatian No.1153 within Morzar Bankra under Police Station Domjur in the District of Howrah.</p> |

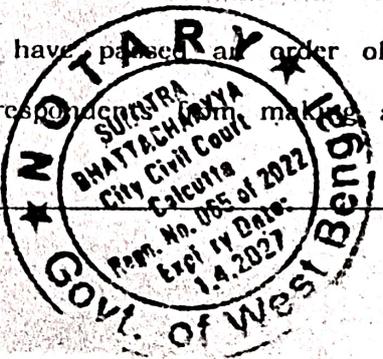
22/7/21
20/07/21



| Noting by Office or Advocate | Serial No. | Date | Office notes, reports, Orders or proceedings with signature |
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| | | | <p>The appellants submitted a representation before the Prodhan of Bankra-II Gram Panchayat praying for taking immediate steps to stop the ongoing construction and for demolition of the structure which has already been constructed alleging that the construction was made without obtaining permission and in violation of the provisions of Section 23 of the West Bengal Panchayat Act, 1973.</p> <p>The Hon'ble Single Judge, by the order impugned, disposed of the writ petition by directing the Prodhan of the concerned Gram Panchayat to consider and dispose of the representation of the appellants strictly in accordance with law and by passing a reasoned order within a specified time frame.</p> <p>Being aggrieved against the aforesaid order, the writ petitioners have preferred the instant appeal.</p> <p>Mr. Ali, Learned Advocate for the appellants submits that the Hon'ble Single Judge instead of directing disposal of the representation by the Prodhan of the concerned Gram Panchayat ought to have also directed the competent authority under the Inland Fisheries Act to consider the allegation of the appellants that the Respondents herein were making construction in a portion of a water body by illegally filling up of the same.</p> <p>Mr. Ali further contended that the Hon'ble Single Judge ought to have passed an order of injunction restraining the respondents from making any further</p> |

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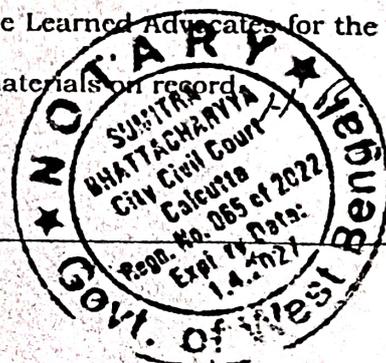
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| Noting by Office or Advocate | Serial No. | Date | Office notes, reports, Orders or proceedings with signature |
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| | | | <p>construction on the property in question till a decision is taken by the concerned authorities on the representation of the appellants.</p> <p>Mr. Banerjee, Learned Advocate appearing for the Private Respondents raised a preliminary objection with regard to the maintainability of the instant appeal as, according to him, the impugned order cannot be said to be a "judgement" against which an appeal lies under Clause 15 of the Letters Patent.</p> <p>Mr. Banerjee relied upon a judgement of the Hon'ble Supreme Court of India in the case of <i>Shah Babulal Khimji vs. Jayaben D. Kania and Another</i> reported at (1981) 4 <i>Supreme Court Cases</i> 8 in support of his aforesaid contention.</p> <p>Mr. Kundu, Learned Advocate appears for the State and submits, on instructions, that no construction was found to be going on at the disputed property in recent times.</p> <p>In reply, Mr. Ali submits that since the writ petition was finally disposed of by the order impugned, the same falls within the expression "final judgement". As such, according to Mr. Ali, an appeal lies before the Hon'ble Division Bench under Clause 15 of the Letters Patent against such order.</p> <p>We have heard the Learned Advocates for the parties and have perused the materials on record</p> |

22/7/21

[Signature]



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n. 10

| Noting by Office or Advocate | Serial No. | Date | Office notes, reports, Orders or proceedings with signature |
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The Hon'ble Supreme Court in Shah Babulal Khimji (supra) held that if any order has the effect of finally determining any controversy forming the subject matter of the litigation, such an order will normally constitute "judgement" within the meaning of Clause 15 of the Letters Patent to be appealable under the provisions thereof.

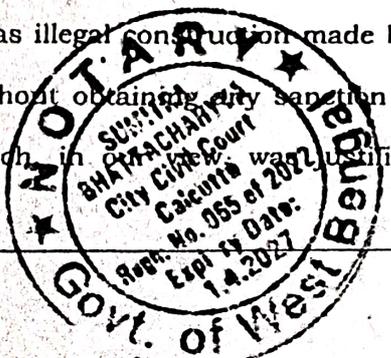
Upon perusing the order impugned, we are of the concerned view that the order impugned did not finally determine the controversies between the parties to the writ petition and, therefore, such order cannot be said to constitute "judgement" under Clause 15 of the Letters Patent to be appealable under the provisions thereof.

Furthermore, it is evident from the materials on record that a suit being Title Suit No.844 of 2020 is pending before the Learned Civil Judge, 4th Court at Howrah with regard to the rights of the private parties in respect of the property which is the subject matter of the instant writ petition. From the materials placed it further appears that the Civil Court has passed an order of status quo in respect of the property in question. Thus the Hon'ble Single Bench was justified in not passing an order of injunction in respect of the property which was the subject matter of the writ petition.

Since the principal allegation of the appellants herein before the writ Court was illegal construction made by the private respondents without obtaining city sanction plan, the Hon'ble Single Bench in *SUNIL KUMAR BHATTACHARYA vs City Civil Court Calcutta* was justified in

H.B

[Signature]
22/07/2021



28

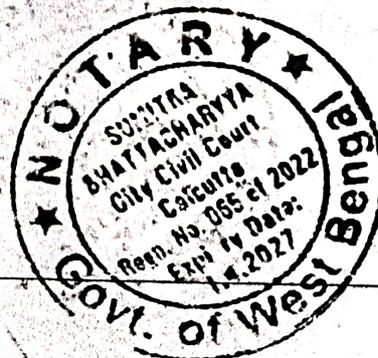
m. 10

| Noting by Office or Advocate | Serial No. | Date | Office notes, reports, Orders or proceedings with signature |
|------------------------------|------------|------|--|
| | | | <p>directing the representation to be considered and disposed of by the concerned Gram Panchayat. The impugned order thus calls for no interference by this Court.</p> <p>We, however, extend the period fixed by the Hon'ble Single Bench for consideration and disposal of the representation by a period of four weeks from the date of passing of this order since a substantial period of the time allowed by the Hon'ble Single Bench has expired in the meantime on account of pendency of the instant appeal.</p> <p>With the aforesaid directions, the appeal being MAT 322 of 2021 with IA No. CAN 1 of 2021 are disposed of. There shall, however, be no order as to costs.</p> <p>All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.</p> <p>Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.</p> |

Sd/ Hiranmay Bhattacharyya, J.
(Hiranmay Bhattacharyya, J.)

Sd/ Subrata Talukdar, J.
(Subrata Talukdar, J.)

[Handwritten Signature]
22/07/2021



Amended - R3

GIASUL ISLAM

BALLB, LL.M. Advocate
Calcutta High Court
Bar Association, Room No.18
Kolkata - 700001

Mobile : 9433014080

Email : adv.glasul@gmail.com

Chamber :

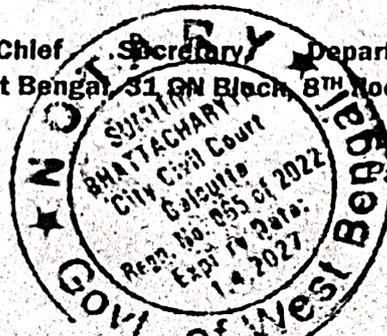
13/H/20 Braunfeld Row,
4th FloorPost Office - Allpore
Kolkata - 700027

21

Date : 21.10.2024

TO

1. The Secretary, Panchayat and Rural Development, Joint Administrative Building, 7th Floor, Wing B, Block HC, Plot no 7, Salt Lake, Sector-III, Kolkata-700106. Phone: 033-2335-6103. Email: secyprd@gmail.com, secy.prd-wb@bangla.gov.in
2. The Pradhan, Bankra-II Gram Panchayat, Village + Post Office - Bankra, Howrah-711403. Email: bankrailgp@rediffmail.com Phone no: 03326534209
3. The District Magistrate & Collector, Howrah District, Office of the District Magistrate & Collector, Howrah, 3rd Floor, New Collectorate Building, at 6, Rishi Bankim Chandra Road, Post + PS + District - Howrah, Pin-711 101. Email: dm-how-wb@nic.in Phone: 033-2641-2024
4. The District Land & Land Reform Officer, Howrah District, at 12 Nityadhan Mukherjee Road, 2nd Floor, Howrah - 711101. Email: dlrohhowrah2017@gmail.com Phone no - 033-26412749
5. The Block Land & Land Reform Officer, Block - Domjur, Barulpara, Near B D O, Domjur, Howrah - 711405. Email: domjurbilro@gmail.com Phone no - 03326701561
6. The Additional Director of Land Records and Survey, Directorate Of Land Records And Survey, West Bengal Survey Building, at 35 Gopal Nagar Road, Kolkata-700027. Mobile: 9433051090. Phone: 033-2479 5726/5727/5991. Email: dirswb@gmail.com, sabujskr@yahoo.com, britishbarman2013@gmail.com
7. The Chairman, West Bengal Pollution Control Board, at 10A, Block-LA Sector III, Salt Lake City, Kolkata-700098. Phone: 033-22023000. Email: net.wbpcb-wb@bangla.gov.in
8. The Additional Chief Secretary, Department of Fisheries, Government of West Bengal, 31, GN Block, 8th Floor, Sector V,



GIASUL ISLAM

BALLB, LL.M. Advocate
Calcutta High Court
Bar Association, Room No.18
Kolkata - 700001

Mobile : 9433014080

Email : adv.giasul@gmail.com

Chamber :

13/H/20 Braunfeld Row,
4th Floor
Post Office – Alipore
Kolkata – 700027

Salt Lake, Kolkata-700091. Phone: 033-23570077

Email: prsecy.flsherles@gmail.com

9. The Municipal Commissioner, Howrah Municipal Corporation, at 4 Mahatma Gandhi Road, Howrah- 711101. Phone: (+91-33) 26383211/ 3212/3213. Email: commissioner.howrah@gmail.com, amrut.howrah.wb@gmail.com, citizen.care@myhmc.in

10. The Mayor, Howrah Municipal Corporation, at 4, Mahatma Gandhi Road, Howrah- 711101. Mobile:033-2660-3211/3214, 9830177722. Email:mhowrah@yahoo.com

11. The Executive Engineer, Howrah Municipal Corporation, Building Department at 4, Mahatma Gandhi Road, Howrah- 711101. Mobile: 9883330904. Email: commissioner.howrah@gmail.com, amrut.howrah.wb@gmail.com, citizen.care@myhmc.in

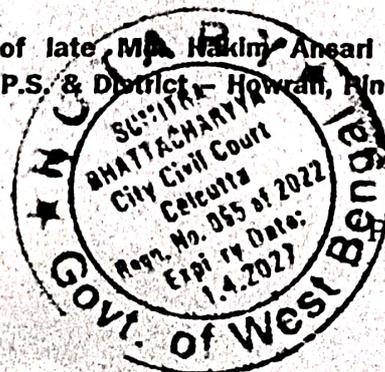
12. The Assistant Engineer & Officer-In-Charge, Howrah Municipal Corporation, Borough-III at 50, Panchanantala Road, Howrah-711101. Mobile: 9062534565, 033-26405059. Email: borough3hmc@gmail.com

13. The Commissioner of Police, Howrah Police Commissionerate at 28 No. Nityadhan Mukherjee Road, Howrah-711101. Phone: 033-2637-4761. Email:commhowrah@gmail.com, croomhpc@gmail.com

14. The Inspector-In-Charge, Domjur Police Station, Domjur Bazaar, Howrah-Bargachla-Amta Road, Domjur, Howrah-711405. Phone no. 033-26706666. Email: domjurps@gmail.com

15. The In-Charge, Police Station – Bankra Outpost (Bankra Phari), Bankra, Howrah – 711403. Email: bankraop@gmail.com Phone no – 8420313977

16. Mahfuz Ansari son of late MA Hakim Ansari residing at 40,GangaRam Balragi Lane, P.S. & District - Howrah, Pin - 711101. Phone: 9339250302



23

GIASUL ISLAM

BALLB, LL.M. Advocate
Calcutta High Court
Bar Association, Room No.18
Kolkata - 700001

Mobile : 9433014080

Email : adv.giasul@gmail.com

Chamber :

13/H/20 Braunfeld Row,
4th Floor
Post Office – Alipore
Kolkata – 700027

17. Sahim Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Balragi Lane, P.S. & District – Howrah, Pin – 711101. Phone: 743938752

18. Karim Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Balragi Lane, P.S. & District – Howrah, Pin – 711101. Phone: 9330064928

19. Rahim Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Balragi Lane, P.S. & District – Howrah, Pin – 711101. Phone: 8100460325

20. Matin Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Balragi Lane, P.S. & District – Howrah, Pin – 711101. Phone: 8910258854

21. Munna Driver c/o G M Tailors of KabarPara, New Bastee (Baraf Kal), Bankra, Howrah – 711403. Phone:8777280893, 9674152378

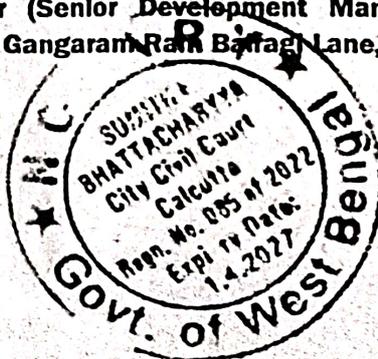
22. Qaiser Imam Resident of KabarPara, New Bastee (Baraf Kal), Bankra, Howrah – 711403.

23. Md. Jafiruddin resident of KabarPara, New Bastee (Baraf Kal), Bankra, Howrah – 711403 also at Gram Baghmara, Post - Mango Bandar, Thana - Khalra, Man-gobandar, Jamul, Bihar – 811305. Phone : 6290889051

24. Parwej Alam C/o Asgar residing at 95, Cowles Ghat Road, 2nd Floor, Shibpur Howrah – 711102 . Phone : 9883620045

25. Sk. Javed s/o late Sk. Alam of KabarPara, New Bastee (Baraf Kal), Bankra, Howrah – 711403.

26. Priyabrata Kar (Senior Development Manager at Babubhai Ashrafi Estate) at 40, Gangaram Balragi Lane, Howrah – 711101. Phone:9830843172.



GIASUL ISLAM

BALLB, LL.M. Advocate
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Email : adv.giasul@gmail.com

Chamber :

13/H/20 Braunfeld Row,
4th Floor
Post Office – Allpore
Kolkata – 700027

27. The Learned Government Pleader, High Court at Calcutta,
Kolkata-700001. Email: lrgphc@gmail.com

IN THE HIGH COURT AT CALCUTTA
REF: WPA(P) No. 453 of 2024

SARBANI BRAHMA...Petitioner

-Versus-

**THE SECRETARY, PANCHAYAT AND RURAL
DEVELOPMENT, JOINT ADMINISTRATIVE
BUILDING AND ORS....Respondents**

Sir(s)

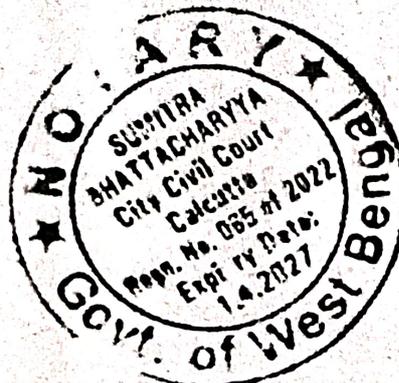
Enclosed please find herewith a copy of Writ Petition which has been filed before the Hon'ble High Court at Calcutta, and the same is expected to appear before Hon'ble Chief Justice T.S Sivagnanam & Hon'ble Justice Hiranmay Bhattacharyya on 07.11.2024 or so soon thereafter when the business of the Hon'ble Court permits. Please note that the matter will be taken up for listing under the "UPGRADED" category on every date of mentioning until the matter gets listed under the "UPGRADED" category. Kindly acknowledge the receipt and make it convenient to appear at the time of hearing, and on every date of mentioning before the Hon'ble court having the determination.

Thanking you,

With Regards,

GIASUL ISLAM, Advocate

Enclosed: Photocopy of Writ Petition with enclosures



25

DISTRICT: HOWRAH

IN THE HIGH COURT AT CALCUTTA
 CONSTITUTIONAL WRIT JURISDICTION
 APPELLATE SIDE

W.P.A.(P) 453 of 2024

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

Subject Matter relation to:
 Group-IX, Head-() of the
 classification list.

Computer Code: 121000

CAUSE TITLE

SARBANI BRAHMA

...Petitioner

-Versus-

THE SECRETARY, PANCHAYAT
 AND RURAL DEVELOPMENT &
 OTHERS ...Respondents

Advocate-on-Record

s/d - Giasul Islam

Mr. GIASUL ISLAM

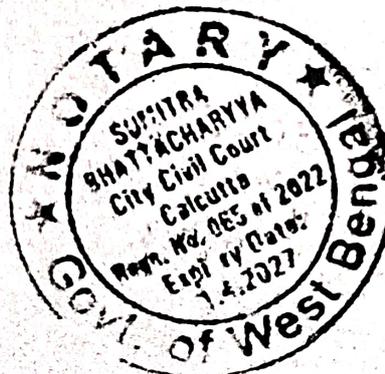
Advocate

High Court at Calcutta,
 Bar Association Room No.18

Kolkata- 700001.

Mobile 9433014080

Email: adv.giasul@gmail.com



26

DISTRICT: HOWRAH

IN THE HIGH COURT AT CALCUTTA
 . CONSTITUTIONAL WRIT JURISDICTION
 APPELLATE SIDE

W.P.A. (P) 453 of 2024

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

-AND-

In the matter of:
 SARBANI BRAHMA

...Petitioner

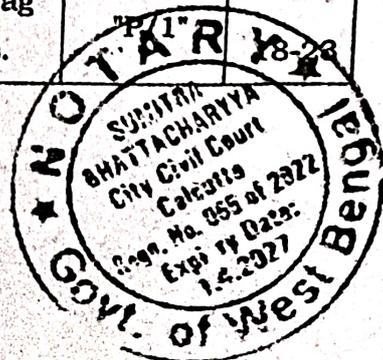
-Versus-

THE SECRETARY, PANCHAYAT
 AND RURAL DEVELOPMENT &
 OTHERS

.....Respondents

INDEX

| Sl No. | Particulars | Annexure | Pages |
|--------|---|----------|-------|
| 1. | Writ Petition with affidavit | | 1 -17 |
| 2 | Photocopy of the Land information at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. | | |



27

| | | | |
|---|---|-------|-------|
| | No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387 | | 18-23 |
| 3 | Photography of the illegal filling up of pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387 | "P/2" | 24-26 |
| 4 | Photography of the illegal building constructions/Pucca structure on the aforesaid pond | "P/3" | 27 |
| 5 | Photography of the gradual illegal pond filling and illegal building constructions/Pucca structure on the aforesaid pond from the Google Earth images | "P/4" | 28-31 |
| 6 | Photocopy of the complaint of the petitioner by email dated 27.07.2024 | "P/5" | 32-41 |



28

DISTRICT: HOWRAH

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P.A. (P) 453 of 2024

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

-AND-

In the matter of:
SARBANI BRAHMA

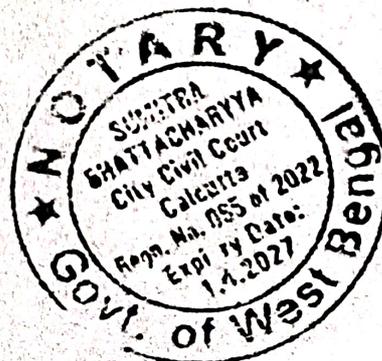
...Petitioner

-Versus-

THE SECRETARY, PANCHAYAT
AND RURAL DEVELOPMENT &
OTHERS ...Respondents

LIST OF DATES

27.07.2024: Petitioner made complain by email on 27.07.2024 to all the concerned authority. The petitioner also served hardcopy of the complaint to respondents to state respondents.



28

DISTRICT: HOWRAH

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

W.P.A. (P) 453 of 2024

In the matter of:

An application under Article 226
of the Constitution of India;

-AND-

In the matter of:

SARBANI BRAHMA

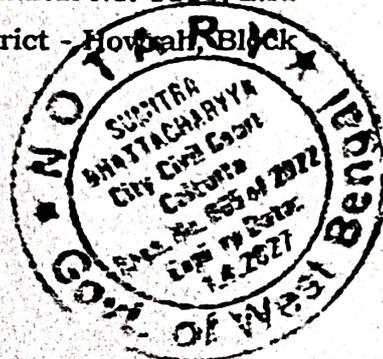
...Petitioner

-Versus-

THE SECRETARY, PANCHAYAT
AND RURAL DEVELOPMENT &
OTHERS ...Respondents

POINTS OF LAW

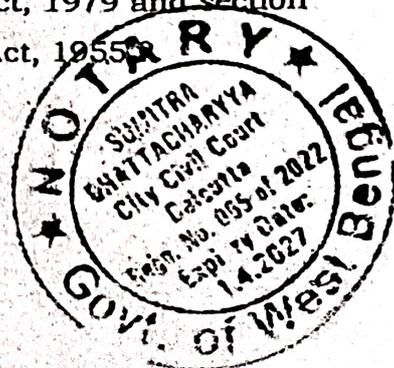
- 1) Whether the respondent Nos.1 to 4 hereof and their men, agents and subordinates and each one of them should completely demolish all the illegal building constructions on the pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block



30

- Domjur, Mouza - Bankra Pin - 711403 ?

- II) Whether the respondents more particularly the respondent Nos.1 to 4 hereof and their men, agents and subordinates and each one of them permit conversion of the pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 into a Bastu land ?
- III) Whether the illegal filling up the pond with solid waste rubbish materials & industrial effluents, and gradual illegal building constructions on the pond, is in violation of section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979 and section 23 of the West Bengal Gram Panchayat Act, 1973 and 4C and 4D of the West Bengal Gram Panchayat Act, 1955 ?
- IV) Whether the illegal filling up the pond with solid waste rubbish materials & industrial effluents, and gradual illegal building constructions on the pond by the private respondents constitutes criminal offence punishable under sections 326(a) read with section 324, 279, 280, 292, 270 of the Bharatiya Nyaya Sanhita, 2023, section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979 and section 4C & 4D of the West Bengal Land Reforms Act, 1955 ?



31

DISTRICT: HOWRAH

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. (P) 453 of 2024

In the matter of:

An application under section 226 of
the Constitution of India;

-And-

In the matter of:

Sarbani Brahma daughter of Nalini
Ranjan Brahma residing at 278,
Kalighat Road, P.S. Kalighat,
Kolkata-700026.

Phone: 9339208757

Email: sarbani.brahma.2024@gmail.com

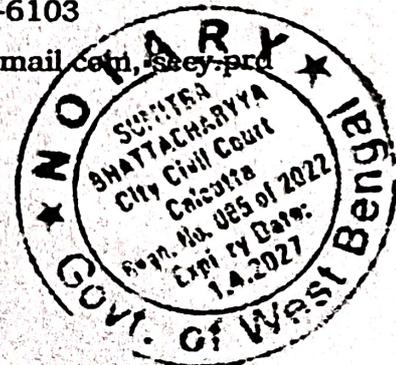
...Petitioner

-Versus-

1. The Secretary, Panchayat and Rural
Development, Joint Administrative
Building, 7th Floor, Wing B, Block
HC, Plot no 7, Salt Lake, Sector-III,
Kolkata-700106,

Phone: 033-2335-6103

Email: secyprd@gmail.com, secy-prd

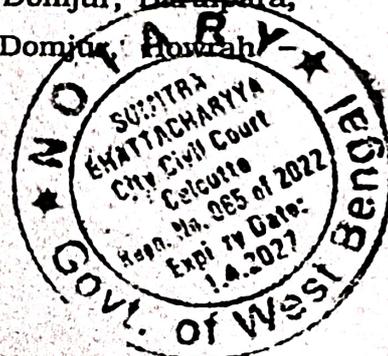


32

- 2 -

-wb@bangla.gov.in

2. The Pradhan, Bankra-II Gram Panchayat, Village + Post Office - Bankra, Howrah-711403.
Email: bankraiigp@rediffmail.com
Phone no: 03326534209
3. The District Magistrate & Collector, Howrah District, Office of the District Magistrate & Collector, Howrah, 3rd Floor, New Collectorate Building, at 6, Rishi Bankim Chandra Road, Post + PS + District - Howrah, Pin-711 101.
Email: dm-how-wb@nic.in
Phone: 033-2641-2024
4. The District Land & Land Reform Officer, Howrah District, at 12 Nityadhan Mukherjee Road, 2nd Floor, Howrah - 711101.
Email: dllrohowrah2017@gmail.com
Phone no - 033-26412749
5. The Block Land & Land Reform Officer, Block - Domjur, Baruipara, Near B D O, Domjur, Howrah



- 3 -

711405.

Email: domjurbllro@gmail.com

Phone no - 03326701561

6. The Additional Director of Land Records and Survey, Directorate Of Land Records And Survey, West Bengal Survey Building, at 35 Gopal Nagar Road, Kolkata-700027.
Mobile: 9433051090.
Phone: 033-2479 5726/5727/5991,
Email: dlrswb@gmail.com,
sabujskr@yahoo.com,
britishbarman2013@gmail.com
7. The Chairman, West Bengal Pollution Control Board, at 10A, Block-L.A Sector III, Salt Lake City, Kolkata-700098.
Phone: 033-22023000
Email: net.wbpcb-wb@bangla.gov.in
8. The Additional Chief Secretary, Department of Fisheries, Government of West Bengal, 31 GN Block, 8TH floor, Sector V, Salt Lake, Kolkata-700091.



- 4 -

Phone: 033- 23570077

Email: prsecy.fisheries@gmail.com

9. The Municipal Commissioner,
Howrah Municipal Corporation, at 4
Mahatma Gandhi Road, Howrah-
711101. Phone: (+91-33) 26383211/
3212/3213.

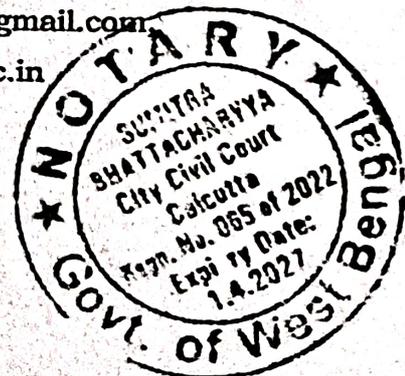
Email: commissioner.howrah@gmail.com,
amrut.howrah.wb@gmail.com,
citizen.care@myhmc.in

10. The Mayor, Howrah Municipal
Corporation, at 4, Mahatma
Gandhi Road, Howrah- 711101.
Mobile:033-2660-3211/3214,
9830177722.

Email:mhowrah@yahoo.com

11. The Executive Engineer, Howrah
Municipal Corporation, Building
Department at 4, Mahatma
Gandhi Road, Howrah- 711101
Mobile: 9883330904

Email: commissioner.howrah@gmail.com,
amrut.howrah.wb@gmail.com,
citizen.care@myhmc.in



- 5 -

35

12. The Assistant Engineer & Officer-In-Charge, Howrah Municipal Corporation, Borough-III at 50, Panchanantala Road, Howrah-711101. Mobile: 9062534565, 033-26405059.

Email: borough3hmc@gmail.com

13. The Commissioner of Police, Howrah Police Commissionerate at 28 No. Nityadhyan Mukherjee Road, Howrah-711101. Phone: 033-2637-4761. Email: commhowrah@gmail.com, croomhcp@gmail.com

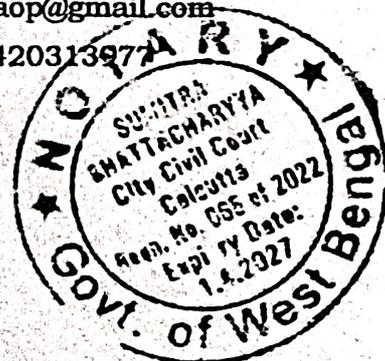
14. The Inspector-In-Charge, Domjur Police Station, Domjur Bazaar, Howrah-Bargachia-Amta Road, Domjur, Howrah-711405. Phone no. 033-26706666

Email: domjurps@gmail.com

15. The In-Charge, Police Station - Bankra Outpost (Bankra Phari), Bankra, Howrah - 711403.

Email: bankraop@gmail.com

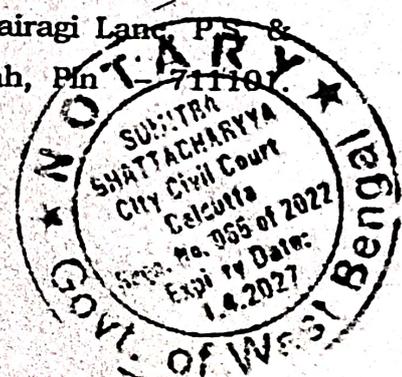
Phone no - 8420313977



36

- 6 -

- ✓ 16. Mahfuz Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District - Howrah, Pin - 711101. Phone: 9339250302
- ✓ 17. Sahim Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District - Howrah, Pin - 711101. Phone: 743938752
- ✓ 18. Karim Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District - Howrah, Pin - 711101. Phone: 9330064928
- ✓ 19. Rahim Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District - Howrah, Pin - 711101. Phone: 8100460325
- ✓ 20. Matin Ansari son of late Md. Hakim Ansari residing at 40,GangaRam Bairagi Lane, P.S. & District - Howrah, Pin - 711101.



37

- 7 -

Phone: 8910258854

21. Munna Driver c/o G M Tailors of
KabarPara, New Bastee (Baraf Kal),
Bankra, Howrah - 711403.

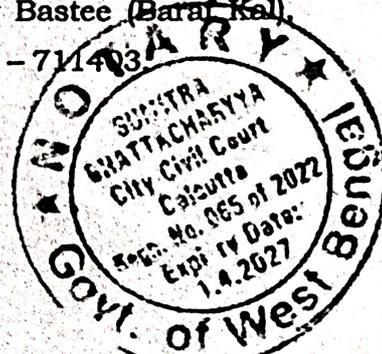
Phone: 8777280893, 9674152378

22. Qaiser Imam Resident of
KabarPara, New Bastee (Baraf Kal),
Bankra, Howrah - 711403.

23. Md. Jafiruddin resident of
KabarPara, New Bastee (Baraf Kal),
Bankra, Howrah - 711403 also at
Gram Baghmara, Post - Mango
Bandar, Thana - Khaira, Man-
gobandar, Jamui, Bihar - 811305.
Phone : 6290889051

24. Parwej Alam C/o Asgar residing
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Phone : 9883620045

25. Sk. Javed s/o late Sk. Alam of
KabarPara, New Bastee (Baraf Kal),
Bankra, Howrah - 711403



38

- 8 -

26. Priyabrata Kar (Senior Development Manager at Babubhai Ashrafi Estate) at 40, Gangaram Ram Bairagi Lane, Howrah - 711101
Phone: 9830843172.

...Respondents

To

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

The humble petition on behalf of the petitioner above named:-

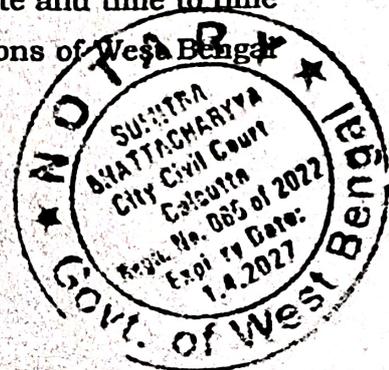
Most respectfully Sheweth:

1. The petitioner is a Law-abiding citizen of India, having permanent residence at the address mentioned in the cause title.

2. The Respondents No. 1 to 6 are the creatures of the statute and time to time they have been following the relevant provisions of West Bengal Panchayat. Act, 1973.

The Respondents No. 7 is the creature of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 and Rules made there under.

The respondent No. 8 is the creature of statute and time to time they have been following the relevant provisions of West Bengal Inland Fisheries Act, 1984.



- 9 -

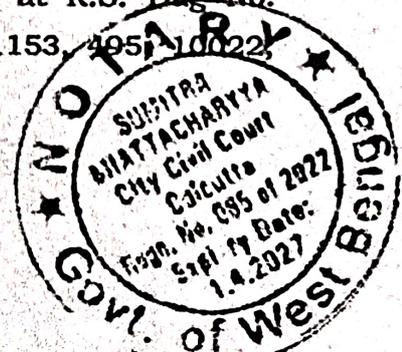
The respondent No. 9 to 12 are the Body Corporate having been framed under the relevant provisions of the Howrah Municipal Corporation Act, 1980.

The respondent No. 13 to 15 are the Body Corporate having been framed under the relevant provisions of the Police Regulation Bengal, 1943 as well as the Police Act, 1861 and carried business inter alia in their respective administrative sectors providing administrative assistance to the society of people at large. It is needless to mention that the aforesaid Respondents are Administrative wings of the State and they function to the extent of their statutory obligation and duties and to provide safety and security to the inhabitants residing within its local limit in accordance with Law.

Hence, all of their actions are amenable to the Writ Jurisdiction of this Hon'ble Court. The said Respondents 1 to 15 are all therefore 'state' within the purview of the Article 12 of the Constitution of India, 'person' or 'authority' within the meaning of Article 226 of the Constitution of India thereof.

3. That the Petitioner states that this Public Interest Litigation (PIL) under Article 226 of the Constitution of India seeks redressal against the illegal filling up of a natural pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387, District Howrah, Block Domjur, Mouza Bankra, Pin 711403.

Photocopy of the Land information at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022,



- 10 -

48

14368-14387 is annexed and marked as Annexure-"P/1".

3. The Petitioner, a public-spirited individual, is deeply concerned about the environmental degradation caused by such illegal activities that are being carried out without statutory clearances, which adversely affect the ecology, biodiversity, and natural water resources of the area.

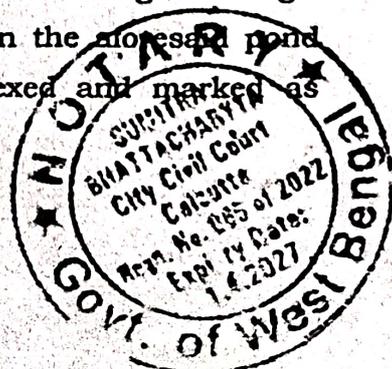
Photography of the illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387 is annexed and marked as Annexure-"P/2".

4. The petitioner states that the private respondents constructed illegal building and Pucca structures on the aforesaid pond by illegally filling up of the aforesaid pond.

Photography of the illegal building constructions/Pucca structure on the aforesaid pond is annexed and marked as Annexure-"P/3".

5. The petitioner states that there has been gradual illegal pond filling and illegal building constructions/Pucca structure on the aforesaid pond which is evident from the Google Earth images dated 24/09/2017, 07/11/2017, 22/11/2020, and 31/3/2021.

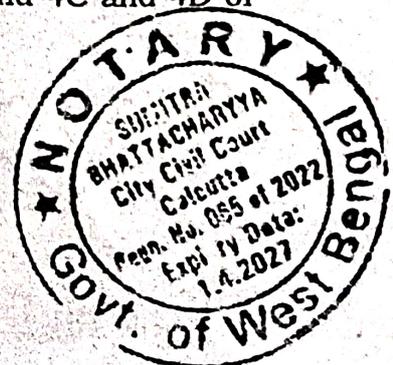
Photography of the gradual illegal pond filling and illegal building constructions/Pucca structure on the aforesaid pond from the Google Earth images are annexed and marked as



- 11 -

Annexure-"P/4".

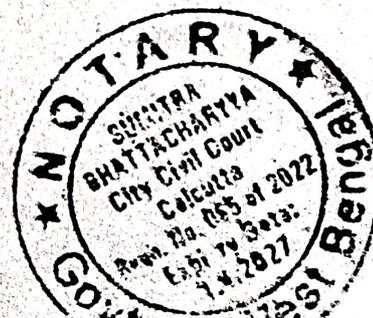
6. That the pond, situated on the land described above, has historically served as a crucial ecological feature, providing groundwater recharge, natural habitat for aquatic life, and serving the needs of local communities for water supply. It is a protected natural resource that must be safeguarded.
7. That over the past several months, illegal dumping of solid waste materials, rubbish, and industrial effluents by the private individuals/entities has led to the gradual destruction and filling of this pond, which has resulted in severe environmental damage. This illegal activity is being carried out without any statutory clearances or permissions, in violation of environmental laws and regulations, including the West Bengal Inland Fisheries Act, 1984.
8. The petitioner states that the activities of the private respondents pertaining to the illegal filling up of the pond with solid waste rubbish materials & industrial effluents, and gradual illegal building constructions on the pond, is in violation of section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country(Planning and Development) Act, 1979 and section 23 of the West Bengal Gram Panchayat Act, 1973 and 4C and 4D of the West Bengal Gram Panchayat Act, 1955.



42

- 12 -

9. The petitioner states that the activities of the private respondents pertaining to the illegal filling up of the large pond with solid waste rubbish materials & industrial effluents and gradual illegal building constructions on the pond, constitutes criminal offence punishable under sections 326(a) read with section 324, 279, 280, 292, 270 of the Bharatiya Nyaya Sanhita, 2023. The offence is also punishable under section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979 and section 4C & 4D of the West Bengal Land Reforms Act, 1955.
10. That despite complaint by email dated 27.07.2024 and by hardcopy of the complaint to all the concerned authority, no concrete action has been taken to prevent the illegal filling up of the pond and/or to restore it to its natural state.
- Photocopy of the complaint of the petitioner by email dated 27.07.2024 is annexed herewith and marked as Annexure-"P/5"
11. That the inaction on the part of the authorities has led to an irreversible loss of ecological balance, threatening not only the immediate environment but also the overall health of the local community. The illegal pond filling is likely to lead to flooding, disruption of natural drainage and loss of biodiversity, as well as harm to the local water table.



- 13 -

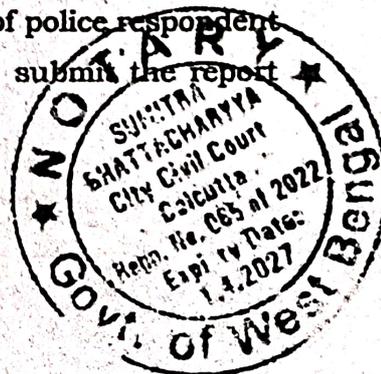
12. That the petitioner states and submits that until and unless order, as most humbly requested for herein, is passed, the petitioners and local inhabitants will suffer irreparable loss and injury. That the petitioners state that she did not move before any Court of Law on the self same cause of action.

13. That the petitioners states that there is no other efficacious, alternative remedy available to the petitioner other than to move the instant Writ Petition.

14. That the petition is made bonafide for the ends of justice.

Under facts and the circumstances set forth herein above, the Petitioner most humbly seeks that this Hon'ble High Court would graciously be pleased enough to issue:

a) writ of or in the nature of mandamus do issue commanding the respondents more particularly the respondent Nos.1 to 6 hereof and their men, agents and subordinates and each one of them to completely demolish all the illegal building constructions on the pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, with the assistance of police respondent No. 13 and 15, and submit the report

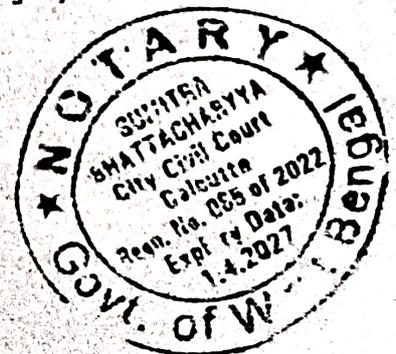


- 14 -

before this Hon'ble Court;

b) writ of or in the nature of mandamus do issue commanding the respondents more particularly the respondent Nos.1 to 6 hereof and their men, agents and subordinates and each one of them not to permit conversion of the pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 into a Bastu land;

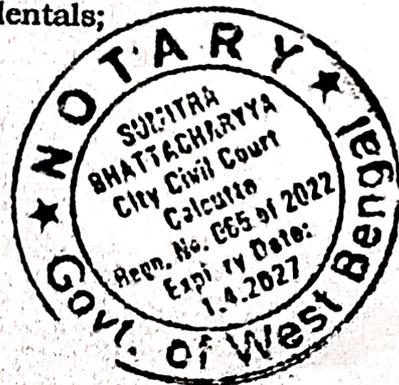
c) writ of or in the nature of mandamus do issue commanding the respondents more particularly the respondent Nos.1 to 6 hereof and their men, agents and subordinates and each one of them not to grant any building sanction plan on the pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403;



- 15 -

45

- d) writ of and/or in the nature of certiorari directing the concerned respondents being respondents to transmit and/or produce all relevant records lying with them before this Hon'ble Court so that conscionable justice may be administered therein;
- e) Rule NISI in terms of prayers (a), (b), (c), and (d) as above;
- f) An interim order restraining the private respondents from making any further building construction on the pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403;
- g) An ad-interim order in terms of prayer (a), (b), (c), and (d) as above;
- h) Rule be made absolute;
- i) Costs and incidentals;

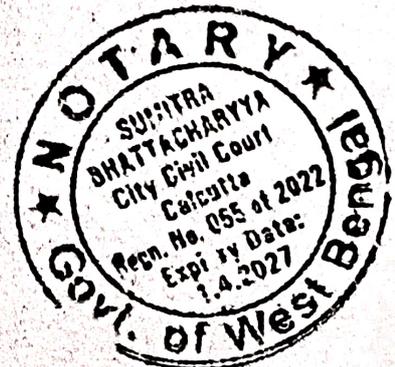


- 16 -

46

j) And to pass such other or further order or orders as your Hon'ble Court may deem and proper;

And for this act of kindness your petitioner, as in duty bound, shall ever plead.



- 17 -

AFFIDAVIT

I, Sarbani Brahma D/O Nalini Ranjan Brahma by faith hindu, by occupation service, aged about years, residing at premises No. 278 Kalighat Road, P.S. Kalighat, Kolkata-700026, do hereby solemnly affirm and say as follows:-

1. That I am the petitioner herein as such I am well acquainted with the facts and circumstances of this case. Hence, I am competent enough to affirm this Affidavit.
2. That the statements contained in Paragraph Nos. 1 to are true to my knowledge and belief and rest are my respectful submissions before this Hon'ble Court.

Prepared in my office

s/d - Giasul Islam
GIASUL ISLAM, Advocate

BCI No. WB/2474/2010

s/d - Giasul Islam

I certify that all the annexure are legible with 05 annexure

GIASUL ISLAM, Advocate

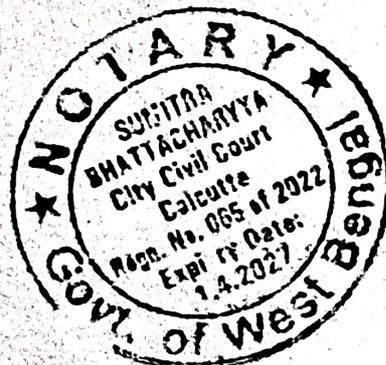
Solemnly affirmed before me on

this 05th day of ~~September~~ ^{October}, 2024

Commissioner

s/d - Sarbani Brahma
The deponent is known to me

s/d - Giasul Islam
GIASUL ISLAM, Advocate

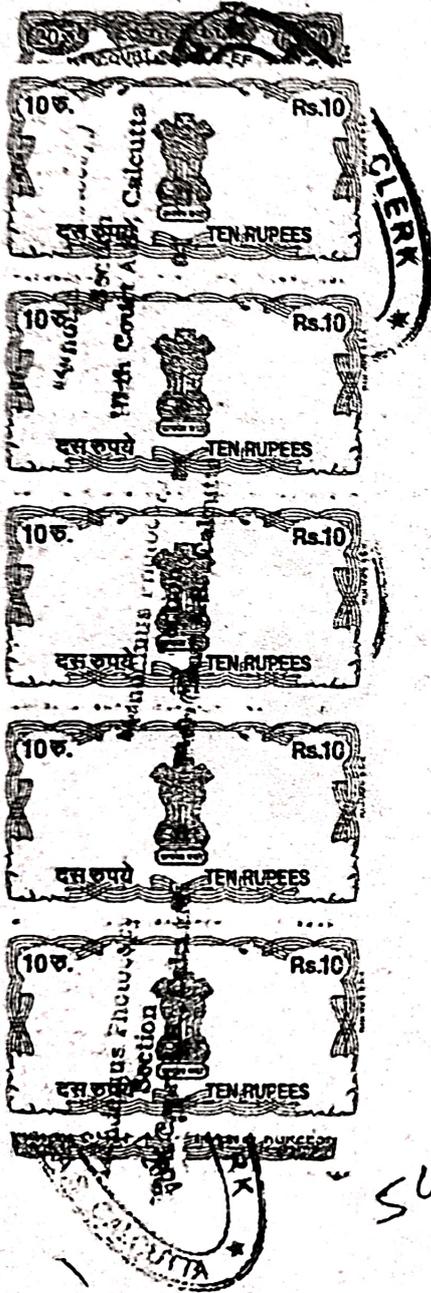


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*Through
Grand
Awarate*

DISTRICT: HOWRAH

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE



W.P.A. (P) 453 of 2024

In the matter of:
An application under section 226 of
the Constitution of India;

-And-

In the matter of:
Sarbani Brahma daughter of Nalini
Ranjan Brahma residing at 278,
Kalighat Road, P.S. Kalighat,
Kolkata-700026.

Phone: 9339208757

Email: sarbani.brahma.2024@gmail.com

...Petitioner

-Versus-

1. The Secretary, Panchayat and Rural
Development, Joint Administrative
Building, 7th Floor, Wing B, Block
HC, Plot no 7, Salt Lake, Sector-III,
Kolkata-700106,

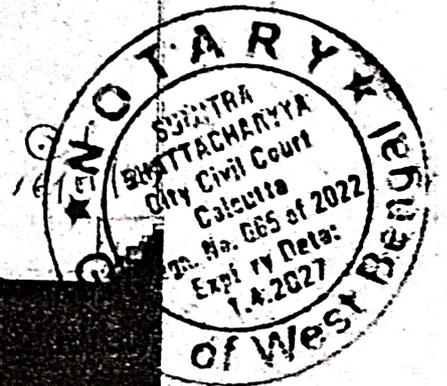
Phone: 033-2335-6103

Email: secyprd@gmail.com, secy.prd

54359

WITHOUT TRANSLATION

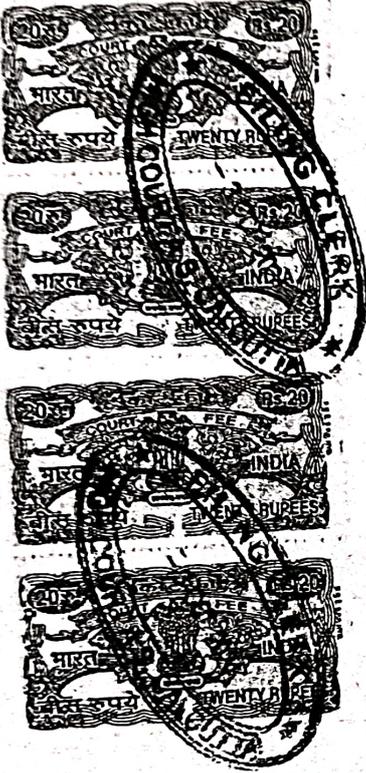
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Commissioner



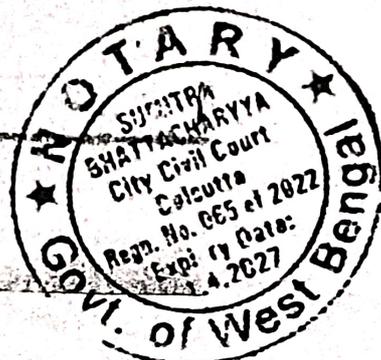
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- 2 -

-wb@bangla.gov.in



2. The Pradhan, Bankra-II Gram Panchayat, Village + Post Office - Bankra, Howrah-711403.
Email: bankraiigp@rediffmail.com
Phone no: 03326534209
3. The District Magistrate & Collector, Howrah District, Office of the District Magistrate & Collector, Howrah, 3rd Floor, New Collectorate Building, at 6, Rishi Bankim Chandra Road, Post + PS + District - Howrah, Pin-711 101.
Email: dm-how-wb@nic.in
Phone: 033-2641-2024
4. The District Land & Land Reform Officer, Howrah District, at 12 Nityadhan Mukherjee Road, 2nd Floor, Howrah - 711101.
Email: dlrohohrah2017@gmail.com
Phone no - 033-26412749
5. The Block Land & Land Reform Officer, Block - Domjur, Baruipara, Near B D O, Domjur, Howrah -



- 3 -



711405.

Email: domjurbllro@gmail.com

Phone no - 03326701561

6. The Additional Director of Land Records and Survey, Directorate Of Land Records And Survey, West Bengal Survey Building, at 35 Gopal Nagar Road, Kolkata-700027.

~~Mobile: 9433051090.~~

Phone: 033-2479 5726/5727/5991,

Email: dlrswb@gmail.com,

sabujskr@yahoo.com,

britishbarman2013@gmail.com

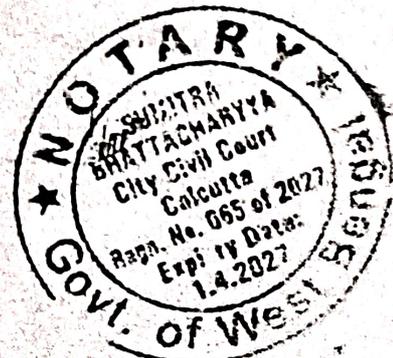
7. The Chairman, West Bengal Pollution Control Board, at 10A, Block-L.A Sector III, Salt Lake City, Kolkata-700098.

Phone: 033-22023000

Email: net.wbpcb-wb@bangla.gov.in

8. The Additional Chief Secretary, Department of Fisheries, Government of West Bengal, 31 GN Block, 8TH floor, Sector V, Salt Lake, Kolkata-700091.

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Phone: 033- 23570077

Email: prsecy.fisheries@gmail.com

9. The Municipal Commissioner,
Howrah Municipal Corporation, at 4
Mahatma Gandhi Road, Howrah-
711101, Phone: (+91-33) 26383211/
3212/3213.

Email: commissioner.howrah@gmail.com,
amrut.howrah.wb@gmail.com,
citizen.care@myhmc.in

10. The Mayor, Howrah Municipal
Corporation, at 4, Mahatma
Gandhi Road, Howrah- 711101.
Mobile:033-2660-3211/3214,
9830177722.

Email:mhowrah@yahoo.com

11. The Executive Engineer, Howrah
Municipal Corporation, Building
Department at 4, Mahatma
Gandhi Road, Howrah- 711101
Mobile: 9883330904

Email: commissioner.howrah@gmail.com,
amrut.howrah.wb@gmail.com,
citizen.care@myhmc.in

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- 5 -

52

12. The Assistant Engineer & Officer-In-Charge, Howrah Municipal Corporation, Borough-III at 50, Panchanantala Road, Howrah-711101. Mobile: 9062534565, 033-26405059.

Email: borough3hmc@gmail.com

13. The Commissioner of Police, Howrah Police Commissionerate at 28 No. Nityadhyan Mukherjee Road, Howrah-711101. Phone: 033-2637-4761. Email: commhowrah@gmail.com, croomhcp@gmail.com

14. The Inspector-In-Charge, Domjur Police Station, Domjur Bazaar, Howrah-Bargachia-Amta Road, Domjur, Howrah-711405. Phone no. 033-26706666 Email: domjurps@gmail.com

15. The In-Charge, Police Station - Bankra Outpost (Bankra Phari), Bankra, Howrah - 711403. Email: bankraop@gmail.com Phone no - 8420313977

5

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53

- 6 -

16. Mahfuz Ansari son of late Md.
Hakim Ansari residing at
40, Ganga Ram Bairagi Lane, P.S. &
District - Howrah, Pin - 711101.
Phone: 9339250302
17. Sahim Ansari son of late Md.
Hakim Ansari residing at
40, Ganga Ram Bairagi Lane, P.S. &
District - Howrah, Pin - 711101.
Phone: 743938752
18. Karim Ansari son of late Md.
Hakim Ansari residing at
40, Ganga Ram Bairagi Lane, P.S. &
District - Howrah, Pin - 711101.
Phone: 9330064928
19. Rahim Ansari son of late Md.
Hakim Ansari residing at
40, Ganga Ram Bairagi Lane, P.S. &
District - Howrah, Pin - 711101.
Phone: 8100460325
20. Matin Ansari son of late Md.
Hakim Ansari residing at
40, Ganga Ram Bairagi Lane, P.S. &
District - Howrah, Pin - 711101.



54

- 7 -

Phone: 8910258854

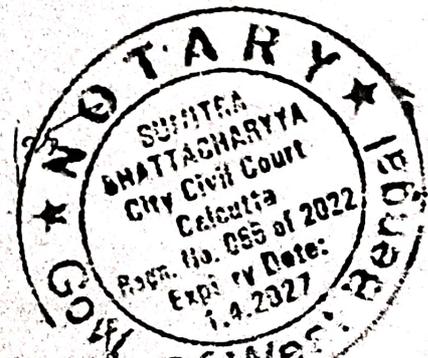
21. Munna Driver c/o G M Tailors of
KabarPara, New Baste (Baraf Kal),
Bankra, Howrah - 711403.
Phone: 8777280893, 9674152378

22. Qaiser Imam Resident of
KabarPara, New Baste (Baraf Kal),
Bankra, Howrah - 711403.

23. Md. Jafiruddin resident of
KabarPara, New Baste (Baraf Kal),
Bankra, Howrah - 711403 also at
Gram Baghmara, Post - Mango
Bandar, Thana - Khaira, Man-
gobandar, Jamui, Bihar - 811305.
Phone : 6290889051

24. Parwej Alam C/o Asgar residing
at 95, Cowies Ghat Road, 2nd Floor,
Shibpur Howrah - 711102
Phone : 9883620045

25. Sk. Javed s/o late Sk. Alam of
KabarPara, New Baste (Baraf Kal),
Bankra, Howrah - 711403.



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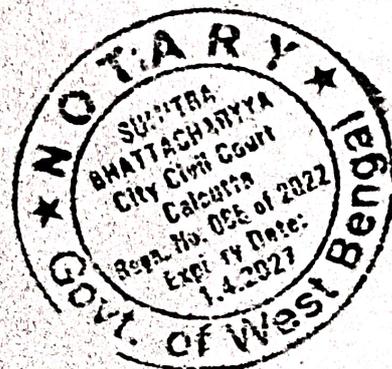
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- 8 -

26. Priyabrata Kar (Senior
Development Manager at Babubhai
Ashrafi Estate) at 40, Gangaram
Ram Bairagi Lane, Howrah - 711101
Phone: 9830843172.

...Respondents

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16/07/25

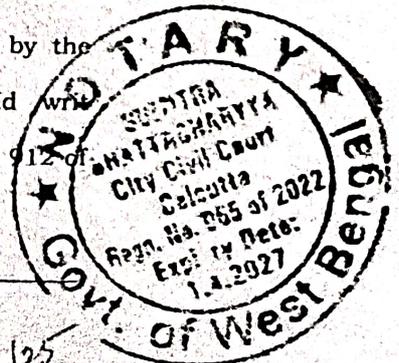


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| Noting by Office or Advocate | Serial No. | Date | Office notes, reports, Orders or proceedings with signature |
|------------------------------|------------|--|---|
| | | 09.01.2025 Item No.6 PG/KS Ct. No.1 | <p style="text-align: center;">W.P.A.(P) 453 of 2024</p> <p style="text-align: center;">Sarbani Brahma Versus The Secretary, Panchayat and Rural Development & ors.</p> <p>Mr. Gausul Islam Mr. Aktaruzzamanfor the petitioner</p> <p>Mr. Sandipan Banerjee Mr. Ankit Surekha.....for the Howrah Municipal Corporation</p> <p>Mr. Sk. Md. Galib Mr. Abu Siddique Mallik.....for the State</p> <p>Ms. Manideepa (Paul) Roy.....for the respondents 16 to 20</p> <p>1. This is a writ petition filed as a public interest litigation by a person, who is a resident of Kalighat alleging that there is illegal construction in a pond in R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No.-495,10022,14368-14387, District-Howrah, Block-Domjur, Mouza-Bankra by the respondent nos. 13 and 15.</p> <p>2. Mr. Galib, learned Government Counsel submitted that in respect of the same property, another writ petition was filed in W.P.A. 10707 of 2020 in which direction was issued to the Pradhan to take action on the representation and as against that order, an intra-Court appeal was filed, which was dismissed by the Hon'ble Division Bench. Thereafter the said writ petitioner has filed a contempt petition in CPAN 912 of 2021.</p> |



H/A

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| Noting by Office or Advocate | Serial No. | Date | Office notes, reports, Orders or proceedings with signature |
|------------------------------|------------|------|--|
| | | | <p>2021 and by order dated December 6, 2024 service of copies of the affidavit has been directed.</p> <p>3. Since the matter is already seised of by a learned Single Bench, the question of entertaining this writ petition that too at the behest of a resident of Kalighat does not arise.</p> <p>4. Accordingly, the writ petition is dismissed.</p> <p>5. No costs.</p> <p>6. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.</p> <p style="text-align: center;">sdt T. S. Sivagnanam (T.S. SIVAGNAM) CHIEF JUSTICE</p> <p style="text-align: center;">sdt H. Bhattacharyya, J. (HIRANMAY BHATTACHARYYA, J.)</p> |

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GIASUL ISLAM

BALLB, LLM. Advocate
Calcutta High Court
Bar Association, Room No.18
Kolkata - 700001

Mobile : 9433346571

Email : adv.giasul@gmail.com

Chamber :

13/H/20 Braunfeld Row,
4th Floor
Post Office – Allpore
Kolkata – 700027

EO

Date: 24.07.2025

TO:-

1. The Howrah Regional Manager, WBSEDCL, at 13 Netaji Subhas Road, (1st floor), Mullick Fatak, Howrah-711101 . Phone 8900798323. E-mail: rm.howrah@wbstedcl.in
2. The Station Manager, SALAP CCC, WBSEDCL, KantliaSalap, Post Nibra, P.S. Domjur, Howrah-711409. Mobile: 033-26537942. E-mail: salapccc@gmail.com
3. The Secretary, Panchayats and Rural Development, Government of West Bengal, Joint Administrative Building, 7th Floor, Block HC, Plot no 7, Salt Lake, Wing B, Sector-III, Kolkata-700106. Phone: 03323356103. Email: citizen.prd@gmail.com
4. The Pradhan, Bankra-II Gram Panchayat, Village + Post Office – Bankra, Howrah-711403. Email: bankraiigp@rediffmail.com. Phone no - 9339599026, 9143779626.
5. The District Magistrate & Collector, Howrah District, Office of the District Magistrate & Collector, Howrah, 3rd Floor, New Collectorate Building, at 6, Rishi Bankim Chandra Road, Post + PS + District – Howrah, Pin-711101. Email: dm-how-wb@nic.in. Phone: 033-2641-2024.
6. The District Land & Land Reform Officer, Howrah District, at 12, Nityadhan Mukherjee Road, 2nd Floor, Howrah – 711101. Email: dllrohowrah2017@gmail.com. Phone no – 033-26412749.
7. The Block Land & Land Reform Officer, Block-Domjur, Baruipara, Near B D O, Domjur, Howrah – 711405. Email: domjurllro@gmail.com. Phone no – 03326701561
8. The Additional Director of Land Records and Survey, Directorate of Land Records And Survey, West Bengal Survey Building, at 35 Gopal Nagar Road, Kolkata-700027. Mobile: 9433051090. Phone: 033-24795726 /5727/5991. Email: dllrswb@gmail.com, sabujskr@yahoo.com, britishbarman2013@gmail.com
9. The Inspector-In-Charge, Domjur Police Station, Domjur Bazaar, Howrah-Bargachia-Amta Road, Domjur, Howrah-711405 Email: domjurps@gmail.com. Phone no. 033-26706666

GIASUL ISLAM

BALLB, LL.M. Advocate
Calcutta High Court
Bar Association, Room No.18
Kolkata - 700001

Mobile : 9433346571

Email : adv.giasul@gmail.com

Chamber :

13/H/20 Braunfeld Row,
4th Floor
Post Office – Alipore
Kolkata – 700027

21. Sk. Javed s/o late Sk. Alam of KabarPara, New Bastee (Baraf Kal), Bankra, Howrah – 711403 ✓
22. M/S Meraj Industries, an unregistered industry, managed by the sole proprietor Md Mahfuz Ansari son of late Md. Hakim Ansari, having its office situated at 40, Ganga Ram Bairagi Lane, Howrah PIN- 711101. Phone: 9330064928, 9681228391. Email: meraj.indus@yahoo.com ✓
23. Ashrafi Copper And Alloys Cent Cast, an unregistered industrial grade Workshop, managed by the sole proprietor Md Karim Ansari son of late Md. Hakim Ansari, having office situated at Babubhai Ashrafi Estate, Bankra, KabarPara, New Basti, near Baraf Kal, Howrah, PIN-711403. Phone: 9330064928 ✓
24. The Learned Government Pleader, High Court at Calcutta, Kolkata-700001. Email: lrgphc@gmail.com

IN THE HIGH COURT AT CALCUTTA

REF: WPA No. 16797 of 2025

BULAND JAVED...Petitioner

-Versus-

HOWRAH REGIONAL MANAGER WBSEDCL

AND ORS ...Respondents

Sir(s)

Enclosed please find herewith a copy of Writ Petition which has been filed before the Hon'ble High Court at Caicutta, and the same is expected to appear before Hon'ble Justice Kausik Chanda on 30.07.2025 or so soon thereafter when the business of the Hon'ble Court permits. Please note that the matter will be taken up for listing under the "UPGRADED" category on every date of mentioning until the matter gets listed under the "UPGRADED" category. Kindly acknowledge the receipt and make it convenient to appear at the time of hearing, and on every date of mentioning before the Hon'ble court having the determination.

Thanking you,

With Regards,

GIASUL ISLAM, Advocate

Encl: as above

62

DISTRICT: Howrah

IN THE HIGH COURT AT CALCUTTA
 CONSTITUTIONAL WRIT JURISDICTION
 APPELLATE SIDE

W.P.A. 16797 of 2025

In the matter of:

An application under Article 226
 of the Constitution of India;

Subject Matter relation to:

Group-IX, Head-() of the
 Classification List.

Computer Code: 108011

CAUSE TITLE

BULAND JAVED

...Petitioner

-Versus-

THE HOWRAH REGIONAL
 MANAGER, WBSEDCL, AND
 OTHERS

...Respondents

Advocate-on-Record

GIASUL ISLAM

Advocate

High Court, Calcutta

Bar Association Room No. 18

Kolkata- 700001.

Mobile: 9433014080

Email : adv.giasul@gmail.com

62

SYNOPSIS

The state respondents No. 1 and 2 provided electricity to the private respondents in the illegal constructions raised on the subject pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387, District - Howrah, Block - Domjur, Mouza - Bankra, Pin - 711403. The electricity supply in the illegal constructions on the subject pond is in violation of Supreme Court of India Judgment in Rajendra Kumar Barjatya And Another Vs U.P. Avas Evam Vikas Parishad & Ors reported at SCC OnLine SC 3767 especially paragraph 21(IV). The electricity supply in the illegal constructions raised on the subject pond is also in violation of Section 17A of the West Bengal Inland Fisheries Act, 1984, Sections 23, 4C, and 4D of the West Bengal Gram Panchayat Act, 1973 and section 4C of the West Bengal Land Reforms Act, 1955 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979.

The state respondent No. 5 i.e The District Magistrate & Collector, Howrah District, submitted a "FACT FINDING REPORT IN THE FORM OF AN AFFIDAVIT" dated 30.06.2025 before The National Green Tribunal, Eastern Zone in OA 1(EZ) of 2025 concerning the subject pond. In the report submitted before NGT in OA 1(EZ) of 2025, The District Magistrate & Collector, Howrah District admitted the illegal constructions raised on the subject pond vide paragraphs 6(i), 6(ii), 6(vi), 6(vii). The aforesaid Fact Finding Report by the The District Magistrate & Collector, Howrah District suggested restoration of pond including demolition of the illegal constructions raised on the subject pond.

The petitioner served hard copy of the legal notice including by an

64

email dated 17.05.2025 to all state respondent authorities to permanently disconnect the existing electricity supply in the illegal constructions raised on the pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387, District - Howrah, Block - Domjur, Mouza - Bankra , Pin - 711403, without any effect.

The petitioner served hard copy of the legal notice including by an email dated 17.05.2025 to all state respondent authorities not to supply any new electricity connection to any pucca structure construction on the pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387, District - Howrah, Block - Domjur, Mouza - Bankra, Pin - 711403, without sanction plan and/or completion certificate from the competent authority, without any effect.

SHORT LIST OF DATES

27.04.2021: Order dated 27.04.2021 in M.A.T. 322 of 2021

21.05.2025: Order dated 21.05.2025 in CPAN 912 of 2021

17.05.2025: Legal notice of the petitioner by email dated 17.05.2025 to all state respondent authorities

30.06.2025: "FACT FINDING REPORT IN THE FORM OF AN AFFIDAVIT" dated 30.06.2025 submitted by the District Magistrate & Collector, Howrah District before The National Green Tribunal, Eastern Zone in OA 1(EZ) of 2025 concerning the subject pond

6/5

DISTRICT: HOWRAH

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 6797 of 2025

In the matter of:

An application under section 226
of the Constitution of India;

-And-

In the matter of:

Buland Javed son of late Abdul
Quddus, residing at 472/9 G.T.
Road, Shibpur, Howrah-711102.

Email:

buland.javed.hc@gmail.com

Mobile: +91-9123679839

...Petitioner

-Versus-

1. The Howrah Regional Manager,
WBSEDCL, at 13 Netaji Subhas
Road, (1st floor), Mullick Fatak,
Howrah-711101

Phone 8900798323

E-mail: rm.howrah@wbasedcl.in

66

2. The Station Manager, SALAP
CCC, WBSEDCL, KantliaSalap,
Post Nibra, P.S. Domjur,
Howrah-711409
Mobile: 033-26537942
E-mail: salapccc@gmail.com

3. The Secretary, Panchayats and
Rural Development, Government
of West Bengal, Joint
Administrative Building, 7th
Floor, Block HC, Plot no 7, Salt
Lake, Wing B, Sector-III, Kolkata-
700106.
Phone: 03323356103.
Email: citizen.prd@gmail.com

4. The Pradhan, Bankra-II Gram
Panchayat, Village + Post Office -
Bankra, Howrah-711403.
Email: bankraiigp@rediffmail.com
Phone no - 9339599026,
9143779626.

5. The District Magistrate &
Collector, Howrah District, Office
of the District Magistrate &
Collector, Howrah, 3rd Floor,

- 3 -



New Collectorate Building, at
6, Rishi Bankim Chandra Road,
Post + PS + District – Howrah,
Pin-711101.

Email: dm-how-wb@nic.in

Phone: 033-2641-2024.

6. The District Land & Land Reform
Officer, Howrah District, at 12,
Nityadhan Mukherjee Road, 2nd
Floor, Howrah – 711101.

Email: dllrohowrah2017@gmail.com

Phone no – 033-26412749.

7. The Block Land & Land Reform
Officer, Block-Domjur,
Baruipara, Near B D O, Domjur,
Howrah – 711405

Email: domjurllro@gmail.com

Phone no – 03326701561

8. The Additional Director of Land
Records and Survey, Directorate
of Land Records And Survey,
West Bengal Survey Building, at

35 Gopal Nagar Road, Kolkata-
700027. Mobile: 9433051090.

Phone: 033-24795726



/5727/5991,

Email: dlrswb@gmail.com,
sabujskr@yahoo.com,
britishbarman2013@gmail.com

9. The Inspector-In-Charge, Domjur
Police Station, Domjur Bazaar,
Howrah-Bargachia-Amta Road,
Domjur, Howrah-711405
Email: domjurps@gmail.com
Phone no. 033-26706666

10. The In-Charge, Police Station –
Bankra Outpost (Bankra Phari),
Bankra, Howrah – 711403.
Email: bankraop@gmail.com
Phone no – 8420313977

11. The Member Secretary, West
Bengal Pollution Control Board,
Paribesh Bhawan, 10A, Block-L.A
Sector III, Bhidhannagar,
Kolkata-700106.
Email: ms.wbpcb-wb@bangla.gov.in
Phone: 03322023000

12. Md Mahfuz Ansari son of late Md.
Hakim Ansari residing at

6/9

40,Ganga Ram Bairagi Lane, P.S.
& District - Howrah, Pin -
711101. Phone: 9339250302

13. Sahim Ansari son of late Md.
Hakim Ansari residing at 40,
Ganga Ram Bairagi Lane, P.S. &
District - Howrah, Pin - 711101.
Phone: 743938752

14. Md Karim Ansari son of late Md.
Hakim Ansari residing at
40,Ganga Ram Bairagi Lane, P.S.
& District - Howrah, Pin -
711101. Phone: 9330064928

15. Rahim Ansari son of late Md.
Hakim Ansari residing at
40,Ganga Ram Bairagi Lane, P.S.
& District - Howrah, Pin -
711101. Phone: 8100460325

16. Matin Ansari son of late Md.
Hakim Ansari residing at
40,Ganga Ram Bairagi Lane, P.S.
& District - Howrah, Pin -
711101. Phone: 8910258854

70

17. Munna Driver c/o G M Tailors of KabarPara, New Baste (Baraf Kal), Bankra, Howrah - 711403. Phone :8777280893,9674152378
18. Qaiser Imam resident of KabarPara, New Baste (Baraf Kal), Bankra, Howrah - 711403
19. Md. Jafiruddin resident of KabarPara, New Baste (Baraf Kal), Bankra, Howrah - 711403 also at Gram Baghmara, Post - Mango Bandar, Thana - Khaira, Man-gobandar, Jamui, Bihar - 811305. Phone : 6290889051
20. Parwej Alam C/o Asgar residing at 95, Cowies Ghat Road, 2nd Floor, Shibpur Howrah - 711102 Phone : 9883620045
21. Sk. Javed s/o late Sk. Alam of KabarPara, New Baste (Baraf Kal), Bankra, Howrah - 711403
22. M/S Meraj Industries, an unregistered industry, managed



by the sole proprietor Md Mahfuz Ansari son of late Md. Hakim Ansari, having its office situated at 40, Ganga Ram Bairagi Lane, Howrah PIN- 711101. Phone: 9330064928, 9681228391.
Email: meraj.indus@yahoo.com

23. Ashrafi Copper And Alloys Cent Cast, an unregistered industrial grade Workshop, managed by the sole proprietor Md Karim Ansari son of late Md. Hakim Ansari, having office situated at Babubhai Ashrafi Estate, Bankra, KabarPara, New Basti, near Baraf Kal, Howrah, PIN-711403
Phone: 9330064928

...Respondents

To

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

The humble petition on behalf of the petitioner above named:-

Most respectfully Sheweth:

1. The petitioners are a Law abiding citizen of India, having permanent residence at the address mentioned in the Cause

72

Title herein above.

2. The respondent No. 1 to 2 is the Body Corporate having been framed under the relevant provisions of the Electricity Act, 2003 and rules framed there under.

The Respondents No. 3 to 8 are the creatures of the statute and time to time they have been following the relevant provisions of West Bengal Town and Country (Planning and Development) Act, 1979 and the West Bengal Land Reforms Act, 1955. The respondent No.9 and 10 are the Body Corporate having been framed under the relevant provisions of the Police Regulation Bengal, 1943 as well as the Police Act, 1861 and carried business inter alia in their respective administrative sectors providing administrative assistance to the society of people at large. The respondent No. 11 is the Body Corporate having been framed under the relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Environment (Protection) Act, 1986 and rules framed there under. It is needless to mention that the aforesaid Respondents are Administrative wings of the State and they function to the extent of their statutory obligation and duties and to provide safety and security to the inhabitants residing within its local limit in accordance with Law.

Hence, all of their actions are amenable to the Writ Jurisdiction of this Hon'ble Court. The said Respondents 1 to 11 are all therefore 'state' within the purview of the Article 12 of the Constitution of India, 'person' or 'authority' within the meaning of Article 226 of the Constitution of India thereof.

73

3. The private respondent No. 12 to 23 are the persons responsible for the illegal filling of a pond with rubbish, solid waste, industrial effluents, toxic substances, and hot wastewater at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387, District - Howrah, Block - Domjur, Mouza - Bankra, Pin - 711403 (hereinafter referred to as "the subject pond"). The petitioner states that he is a co-sharer by inheritance in the subject pond who has no control and possession of the subject pond.

Photocopy of the Information of Dag issued by the office of the block land & land reforms officer, Government of West Bengal, at R.S. Dag No. 973/L.R. Dag No. 953 is annexed and marked as Annexure-"P/1".

4. The petitioner states that the private respondent No. 12 to 23 are the persons responsible for illegal constructions erected on the pond at R.S. Dag No. 973/L.R. Dag No. 953 and R.S. Dag No. 974/L.R. Dag No. 954, Mouza - Bankra, Howrah, without valid building sanction plans and/or completion certificates from the competent authority, Bankra-II Gram Panchayat.

Photography of the illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances at R.S. Dag No. 973/L.R. Dag No. 953 is annexed and marked as Annexure-"P/2".

5. The petitioner states that the state respondents No. 1 and 2 provided electricity to the private respondents in the illegal constructions raised on the subject pond at R.S. Dag No.

74

973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387, District - Howrah, Block - Domjur, Mouza - Bankra, Pin - 711403. The electricity supply in the illegal constructions on the subject pond is in violation of Supreme Court of India Judgment in Rajendra Kumar Barjatya And Another Vs U.P. Avas Evam Vikas Parishad & Ors reported at SCC OnLine SC 3767 especially paragraph 21(IV). The electricity supply in the illegal constructions raised on the subject pond is also in violation of Section 17A of the West Bengal Inland Fisheries Act, 1984, Sections 23, 4C, and 4D of the West Bengal Gram Panchayat Act, 1973 and section 4C of the West Bengal Land Reforms Act, 1955 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979.

6. The petitioner states that he came to know from his learned advocate that the state respondent No. 5 i.e The District Magistrate & Collector, Howrah District, submitted a "FACT FINDING REPORT IN THE FORM OF AN AFFIDAVIT" dated 30.06.2025 before The National Green Tribunal, Eastern Zone in OA 1(EZ) of 2025 concerning the subject pond. In the report submitted before NGT in OA 1(EZ) of 2025, The District Magistrate & Collector, Howrah District admitted the illegal constructions raised on the subject pond vide paragraphs 6(i), 6(ii), 6(vi), 6(vii). The aforesaid Fact Finding Report by the The District Magistrate & Collector, Howrah District suggested restoration of pond including demolition of the illegal constructions raised on the subject pond.

75

Photocopy of the FACT FINDING REPORT IN THE FORM OF AN AFFIDAVIT" dated 30.06.2025 in OA 1(EZ) of 2025 is annexed herewith and marked as Annexure-"P/3".

7. The petitioner states that the private respondents' No. 22 and 23 are the industrial units operate without requisite licenses, approvals, or consent to operate from competent authorities, in violation of West Bengal Gram Panchayat Act, 1973, West Bengal Land Reforms Act, 1955, West Bengal Town and Country (Planning and Development) Act, 1979, Water (Prevention and Control of Pollution) Act, 1974, the Environment (Protection) Act, 1986, the West Bengal Inland Fisheries Act, 1984.

Photocopy of the Trade License, GST search revealing existence of private respondents 22 & 23 on the pond are collectively annexed herewith and marked as Annexure-"P/4".

8. The petitioner states that the illegal constructions/pucca structures on the pond violate Section 17A of the West Bengal Inland Fisheries Act, 1984, Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979, and Sections 23, 4C, and 4D of the West Bengal Gram Panchayat Act, 1973 and West Bengal Land Reforms Act, 1955, resulting in the extermination of aquatic organisms and ecological imbalance.
9. The petitioner states that the Google Earth images dated 24th September 2017, 7th November 2017, 22nd November 2020, and 31st March 2021, evidence the gradual illegal filling and construction on the subject pond.

7/6

Photocopy of the Google Earth images showing the progression of illegal pond filling and construction are collectively annexed herewith and marked as Annexure-"P/5".

10. The petitioner states that the supply of electricity in the illegal building construction on the subject pond without valid building sanction forbidden by law, fraudulent, involves injury to the residents and building property of the residents, and opposed to public policy and prohibited within the meaning of section 23 of The Indian Contract Act, 1872.
11. The petitioner states that the illegal filling has caused a significant reduction in the pond's area, leading to the death of numerous fish species and ecological imbalance in the area.
12. The petitioner states that the private Respondents (Nos. 12-23) have bribed State Respondents Nos. 4 to 7, 9 and 10 to convert the subject pond into Bastu land, facilitating illegal constructions. The Private Respondents planned to construct a high-rise building on the subject pond by continuing the illegal filling activities.
13. The petitioner states that he served hard copy of the legal notice including by an email dated 17.05.2025 to all state respondent authorities without any effect.

Photocopy of the legal notice by email dated 17.05.2025 to all state respondent authorities annexed hereto and marked as "P/6".



14. The State Police Respondents Nos. 9 and 10 have failed to register an FIR against the Private Respondents for cognizable offenses under Sections 326(a), 324, 279, 280, 292, and 270 of the Bharatiya Nyaya Sanhita, 2023, Section 17A of the West Bengal Inland Fisheries Act, 1984, and other applicable laws. The State Police Respondents Nos. 10 and 11 are liable for permanent police service termination in terms of well established judicial precedents of Supreme Court of India.
15. The petitioner states that he filed WPA 10707 of 2020 and M.A.T. 322 of 2021 before the Calcutta High Court which concerned demolition of unauthorized constructions and injunctions against further construction on the schedule pond.
- Photocopy of the order dated 09.02.2021 in WPA/10707/2020 is annexed herewith and marked as Annexure-"P/7".
16. The petitioner states that in the order dated 27.04.2021 in M.A.T. 322 of 2021, a Division Bench of the Calcutta High Court passed the following operative part: -

"Since the principal allegation of the appellants herein before the writ Court was illegal construction made by the private respondents without obtaining any sanction plan, the Hon'ble Single Bench, in our view, was justified in directing the representation to be considered and disposed of by the concerned Gram Panchayat. The impugned order thus calls for no interference by this Court. We, however, extend the period fixed by the

7/8

Hon'ble Single Bench for consideration and disposal of the representation by a period of four weeks from the date of passing of this order since a substantial period of the time allowed by the Hon'ble Single Bench has expired in the meantime on account of pendency of the instant appeal."

Photocopy of the order dated 27.04.2021 in M.A.T. 322 of 2021 is annexed herewith and marked as Annexure-"P/8".

17. The petitioner states that in the order dated 21.05.2025 in CPAN/912/2021 arising out of M.A.T. 322 of 2021, a Division Bench of the Calcutta High Court passed the following operative part:-

"Pursuant to the last order dated December 6, 2024, the petitioners have served a copy of this contempt application upon the alleged contemnor. Despite service, none represents the alleged contemnor. Affidavit of service is on record. Let a rule be issued against the alleged contemnor returnable on June 18, 2025."

That on 18.06.2025, a holiday was declared by the Calcutta High Court.

Photocopy of the order dated 21.05.2025 in CPAN/912/2021 is annexed herewith and marked as Annexure-"P/9".

18. The petitioner states that in M.I. Builders Pvt. Ltd. versus Radhey Shyam Sahu and others (1999) 6 SCC 464, where the Hon'ble Supreme Court in unequivocal terms held that no

consideration should be shown to the builder or any other person where construction is unauthorized and it was further held that this dicta is now almost bordering the rule of law. It was further held that the Courts cannot exercise discretion which encourages illegality and perpetuates any illegality. Unauthorized construction, if it is illegal cannot be compounded and has to be demolished. There is no way out. Judicial discretion cannot be guided by expediency. Further, it was held that the Courts are not free from statutory fetters. Justice is to be rendered in accordance with law. Judges are not entitled to exercise discretion wearing the robes of judicial discretion and pass orders solely on their personal predilections and peculiar dispositions. Judicial discretion whenever it is required to be exercised has to be in accordance with law and set legal principles.

19. The private respondents in collusion and conspiracy with police officers have threatened to murder the petitioner and his family, if he files any case in Calcutta High Court.
20. The petitioner states that the private respondents issued multiple threats of dire consequences to exterminate life of the petitioner and his family if they file any case against them in Calcutta High Court. The petitioner urgently needs police protection from reliable police until the electricity supply in the illegal building constructions is completely disconnected in accordance with law.



21. The petitioner states that the private respondent in collusion and conspiracy with the police respondents issued multiple threats of dire consequences, to falsely implicate the petitioner in false fabricated NDPS, Arms and Robbery cases.
22. The petitioner states that the state respondent authorities deliberately never took any effectual steps to completely demolish the illegal constructions and disconnect electricity in the illegal constructions on the subject pond.
23. That being aggrieved by and dissatisfied with the inaction on the part of the police respondent authorities, your petitioner begs to prefer this Application under Article 226 of the Constitution of India with inter-alia on the following amongst other :-

GROUNDNS

- I) FOR THAT electricity supply in the illegal constructions erected on the pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387, District - Howrah, Block - Domjur, Mouza - Bankra, Pin - 711403, without sanction plans and/or completion certificates from the competent authority, Bankra-II Gram Panchayat, is in violations Supreme Court of India Judgment in Rajendra Kumar Barjatya And Another Vs U.P. Avas Evam Vikas Parishad & Ors reported at SCC OnLine SC 3767 especially paragraph 21(IV).
- II) FOR THAT electricity supply in the illegal constructions erected on the pond at R.S. Dag No. 973/L.R. Dag No. 953

~~8/1~~

and R.S. Dag No. 974/L.R. Dag No. 954, Mouza - Bankra, Howrah, without valid sanction plans and/or completion certificates from the competent authority, Bankra-II Gram Panchayat, is also in violations of Section 17A of the West Bengal Inland Fisheries Act, 1984, Sections 23, 4C, and 4D of the West Bengal Gram Panchayat Act, 1973 and section 4C of the West Bengal Land Reforms Act, 1955 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979.

- III) FOR THAT electricity supply in the subject pond should not be provided since it is most likely to cause electrical fire hazards in the illegal building. The supply of electricity in the illegal building without valid building sanction forbidden by law, fraudulent, involves injury to the residents and building property of the residents, and opposed to public policy.
- IV) FOR THAT supply of electricity supply in the illegal constructions raised on the pond prohibited within the meaning of section 23 of The Indian Contract Act, 1872
- V) FOR THAT supply of electricity supply in the illegal constructions raised on the pond is in violation of constitutes furtherance in the commission of the cognizable offence under in violations of Section 17A of the West Bengal Inland Fisheries Act, 1984, Sections 23, 4C, and 4D of the West Bengal Gram Panchayat Act, 1973 and section 4C of the West Bengal Land Reforms Act,

82

1955 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979.

- VI) FOR THAT supply of electricity supply in the illegal constructions raised on the pond is in violation of The Kolkata Municipal Corporation Act, 1980 read with the Kolkata Municipal Corporation Building Rules, 1990
- VII) FOR THAT supply of electricity supply in the illegal constructions raised on the pond without valid building sanction at the aforesaid premises suffers from illegality under various provisions of law and judicial precedents.
- VIII) FOR THAT under Rule 118 of the Police Regulations of Bengal, 1943, the "first and most important duty of the police is the prevention of crime and maintenance of law and order." But in spite of such statutory duty, the police authorities and state authorities had failed to perform their duties and legal obligations in prevention of continuing cognizable
- IX) FOR THAT under section 23 of the Police Act, 1861, inter alia, it is a statutory duty of every police officer promptly, "to prevent the commission of offences and public nuisances, to detect and bring offences to justice and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists....." However, in spite of such statutory duty the police have failed to act;

82

- X) FOR THAT the respondent authorities being public body has acted unlawfully since it failed to carry out its constitutional obligation to ensure transparency in administration;
- XI) FOR THAT the respondent authorities have failed to exercise the jurisdiction by not considering multiple complaints made by the petitioner and other local residents;
- XII) FOR THAT the deliberate inaction on the part of the respondent authorities is arbitrary and in violation of the right guaranteed under articles 14 and 21 of Constitution of India;
24. That the petitioner states and submits that until and unless order, as most humbly requested for herein, is passed, the local inhabitants will suffer irreparable loss and injury. The petitioners states that he did not move before any Court of Law on the self same cause of action.
25. That the petitioners states that there is no other efficacious, alternative remedy available to the petitioner other than to move the instant Writ Petition.
26. That the petition is made bonafide for the ends of justice.

Under the circumstances set forth herein above, your petitioner most humbly prays that the Hon'ble Justices in the Hon'ble High Court would graciously be pleased enough to issue:

84

a) writ of or in the nature of mandamus do issue commanding the respondents more particularly the respondent Nos.1, 2 hereof and their men, agents and subordinates and each one of them to permanently disconnect the existing electricity supply in the illegal constructions raised on the pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387, District - Howrah, Block - Domjur, Mouza - Bankra, Pin - 711403, in terms of Supreme Court of India Judgment in Rajendra Kumar Barjatya And Another Vs U.P. Avas Evam Vikas Parishad & Ors reported at SCC OnLine SC 3767 especially in paragraph 21(IV) of said judgment, and to submit the compliance report before the Hon'ble Court;

b) writ of or in the nature of mandamus do issue commanding the respondents more particularly the respondent Nos.1, 2 hereof and their men, agents and subordinates and each one of them not to supply any new



electricity connection to any pucca structure constructions on the pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387, District - Howrah, Block - Domjur, Mouza - Bankra, Pin - 711403, without sanction plan and/or completion certificate from the competent authority, in terms of Supreme Court of India Judgment in Rajendra Kumar Barjatya And Another Vs U.P. Avas Evam Vikas Parishad & Ors reported at SCC OnLine SC 3767 especially in paragraph 21(IV) of said judgment

c) writ of or in the nature of mandamus do issue commanding the respondents more particularly the respondent Nos.5 i.e. The District Magistrate & Collector, Howrah District to submit a "Fact Finding Report On Affidavit" concerning the subject pond before this Hon'ble Court;

d) a writ of and/or in the nature of certiorari directing the concerned respondents being respondents to

- 22 -

8/6

transmit and/or produce all relevant records lying with them before this Hon'ble Court so that conscionable justice may be administered therein;

e) Rule NISI in terms of prayers (a), (b) and (c) as above;

f) An interim order restraining the respondents No. 1 to 2 from supplying any new electricity connection on the subject pond;

g) An ad-interim order in terms of prayer (a), (b) and (c) as above;

h) Rule be made absolute;

i) Costs and incidentals;

j) And to pass such other or further order or orders as your lordship may deem and proper thereon;

And for this act of kindness your petitioner, as in duty bound, shall ever plead.

87

AFFIDAVIT

I, Buland Javed son of late Abdul Quddus, residing at 472/9 G.T. Road, Shibpur, Howrah-711102, aged about 47 years, by faith Muslim, by occupation self employed do hereby solemnly affirm and say as follows:-

1. That I am the petitioner herein as such I am well acquainted with the facts and circumstances of this case. Hence, I am competent enough to affirm this Affidavit.
2. That the statements contained in Paragraph Nos. 1 to 23 are true to my knowledge and belief and rest are my respectful submissions before this Hon'ble Court.

Prepared in my office

The deponent is known to me

GIASUL ISLAM, Advocate
Enrolment No. WB/2474/2010

GIASUL ISLAM, Advocate

I certify that all the annexure are legible with 9 annexure

GIASUL ISLAM, Advocate
Solemnly affirmed before me on
this nd day of July, 2025

Commissioner



30.07.2025
Sl No.18
Ct. No.15
S.A.

WPA 16797 of 2025

Buland Javed

-vs-

The Howrah Regional Manager, WBSEDCL & Ors.

Mr. Giasul Islam

...for the petitioner

Mr. Supriyo Chattopadhyay

...for WBSEDCL

Mr. Krishnendu Bera

...for respondent nos.12 to 17

Mr. Somnath Ganguli

Ms. Shayani Das

...for the State

Mr. Soumya Mukherjee

...for WBPCB

The petitioner seeks disconnection of the electricity supply of respondent nos. 12 to 17, alleging that the construction for which the electricity connection has been effected by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) is unauthorised.

It appears that, pursuant to the order of the Division Bench of this Court dated 27th April, 2021, passed in MAT 322 of 2021, the issue of unauthorised construction is presently pending before the concerned Gram Panchayat. The Panchayat has not yet taken any decision regarding the alleged illegality of the construction.



In my considered view, until a determination is made as to whether the construction in question is unauthorised, this writ petition cannot be entertained.

Accordingly, **WPA 16797 of 2025** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA,
WEST BENGAL

O. A NO. 01/2025/EZ

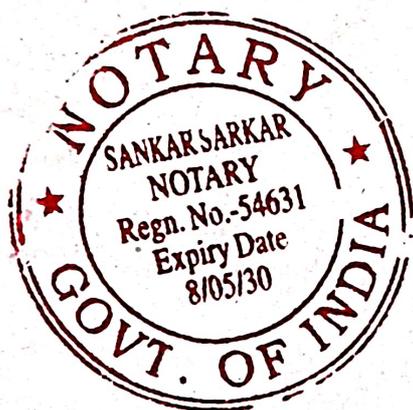
In the matter of :
Sarbani Brahma

.....Applicant

-Versus-

The State of West Bengal & Ors.

....Respondents.



COUNTER AFFIDAVIT ON BEHALF OF
RESPONDENT NOS. 12, 13, 14, 15, 16

and 23

29 AUG 2025

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