

SL NO. 49 Dt. 22 SEP 2025

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O.A. NO. 72 OF 2025/EZB

In the matter of:

Prakash Das

Applicant

- Versus -

The State of West Bengal & Ors.

Respondents

AFFIDAVIT IN OPPOSITION ON BEHALF OF THE RESPONDENT

NOS.10, 18 AND 33

I, Debanshu Das, son of Gurugoti Das, aged about years, by
Religion- Hindu, by occupation- Business, residing at Village-
Panagarh Bazar, P.O.- Panagarh Bazar, P.S. Kanksa, District-
Paschim Bardhaman, do hereby solemnly affirm and state as follows:-

1. That I am the son of the respondent no. 10 of the above case and I am the constituted attorney holder and I have been duly authorized and competent enough to affirm this affidavit on behalf of other respondents.
2. That a copy of the Original application filed by the applicant in short the said application has been duly served upon the Answering

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Respondents. That I been read over and explained to me the contents and purport of the same.

3. That save and except what are matters of record I do not admit any of the allegations made there in the said application and accordingly I deny and dispute the same. That I have been advised to deal with only those paragraphs of the said application which are material for the purpose of disposal of the same and the allegations which shall not be replied by me will not be treated as my admission and I put the deponent of the said application to the strict proof therefor.

4. That at the very outset I submit that the contents made in the said application are highly misconceived, concocted as well as distortion of true facts of the case which resulted a gross illegality and/or highhandedness and the same has detached from the track.

5. Before going into the discrepancies of the said application, the fact of the case is as follows :-

(a) That your petitioners are the absolute owners of the subject land bearing plot No. 523 under different L.R. Khatians of Mouza-Prayagpur, J.L. No.88 within the jurisdiction of Kanksa Police Station in the district of Paschim Bardhaman. That the nature and character of the subject land is "BASTU" in nature



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and the petitioners are categorically state that till today the applicants are residing in the said land with their family members.

- (b) That it may be mentioned here that at the time of expansion and/or renovation of the G.T. road adjacent to the subject land in the 1976-77, the government agency piled up some earth adjacent to the said pond at that point of time and due to storage of the said earth during the construction of the said road, some portion of said pond was filled up with the said earth and accordingly the nature and character of the said land was changed thereby making the subject land as both high land and low land.
- (c) That considering the use and the said nature and character of the said land, the concerned Authority duly recorded the said land as Bastu in respect of some portion of the said land and the rest portion of the said land has been recorded as pond in the L.R. record of rights.
- (d) That the said land originally belonged to one Magaram Dhibar, Ganesh Dhibar, Gopal Chandra Dhibar, Nepal Chandra Dhibar and Manoranjan Dhibar, all sons of Late Kalipada Dhibar and Smt. Kali Dasi, wife of Late Kalipada Dhibar who were in actual physical possession and occupation in respect of the said land and their names were duly recorded in the Record of rights and while they were in actual physical possession and occupation in respect of the sad land, during their respective turn by virtue of several Registered Deeds of



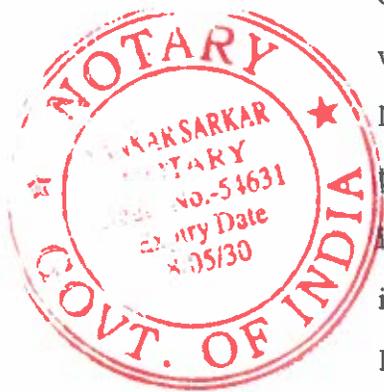
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Sale, the said land respectively transferred in the year 1977 and 1984 respectively in favour of respective petitioners and their vendors. That in the said Deeds it is clearly stated that that the subject land is Bastu in nature.

(e) That by virtue of the said Registered Deeds of Sale, the petitioners started to possess the said land in question and on the basis of the same the concerned Authority duly recorded their names in the Record of rights.

(f) That while the petitioners have been in actual physical possession and occupation in respect of the said land by constructing their respective dwelling houses upon compliance with all formalities and residing thereon with their respective family members, all on a sudden, the petitioners received a copy of an Original Application being O.A. 72 of 2025 /EZB which was filed by one Prakash Das before the Learned National Green Tribunal, Eastern Zone Bench, Kolkata. That the said Original Application was filed against the alleged illegal filling up of water bodies in respect of the subject land in question though the said land has duly been recorded as Bastu.



6. Statement made in paragraphs 1, 2 and 3 of the said application are being matters on record so I do not want to comment on the same save and except what are matters on record.

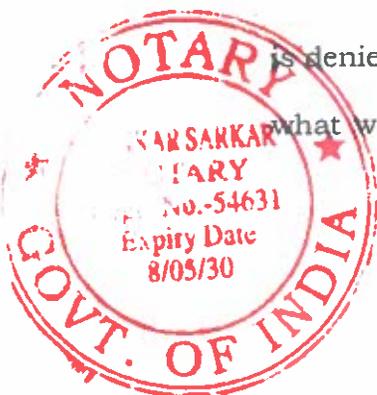
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7. Statement made in paragraphs 4(a) to 4(e) of the said application are denied and disputed same and except what are matters on record. We say that the petitioner has no locus standi in filing the original application as he is neither an owner nor a co-sharer in respect of the subject land in question. That it may be mentioned here that at the time of expansion and/or renovation of the G.T. road adjacent to the subject land in the 1976-77, the government agency piled up some earth adjacent to the said pond at that point of time and due to storage of the said earth during the construction of the said road, some portion of said pond was filled up with the said earth and accordingly the nature and character of the said land was changed thereby making the subject land as both high land and low land.

8. That with further reference to the paragraph stated above we further state that the said nature and character of the said land, the concerned Authority duly recorded the said land as Bastu in respect of some portion of the said land and the rest portion of the said land has been recorded as pond in the L.R. record of rights.

9. Statement made in paragraph 4(f) to 4(i) of the said application is denied and disputed save and except what are matter on record and what we have stated above. We further state that the subject land in



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question is adjacent to the P.W.D. Roads and the said roads was constructed by the P.W.D. Roads Department in the year 1976-77 and at the time of construction of the said Road, the concerned Govt. Department filled up the subject land in question. That such filling up was done long before the inception of the conversion law under the WBLR Act, 1955. That it is also pertinent to mention that the character of the subject land was changed by the authority concerned at the time of preparation of the L.R. record of rights. That the nature and character of the subject land was changed to "Bastu" at the time of preparation of P.W.D. Roads in the year 1976-77 and thereafter at the time of preparation of the L.R. Record of rights, the classification of the said land has been duly effected as Bastu before the conversion law came into force.

9. Statement made in paragraphs 4(j) to 4(v) of the said application are denied and disputed save and except what is matter on record and what we have stated above.

10. Statement made in paragraphs 5 to 10 of the said application are denied and disputes save and except what are matters of record and what we have stated above.

11. That the answering respondents further state that during the pendency of the original application. the answering respondents were



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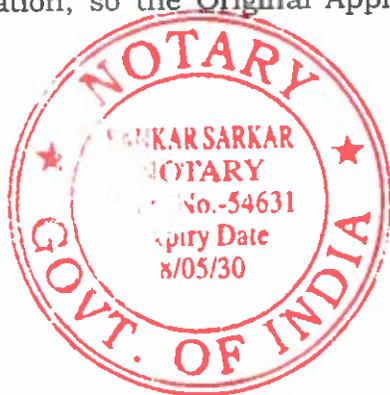
served notice under Section 4C(5) of the WBLR Act, 1955 from the Block Land and Land Reforms Officer, Kanksa to restore the subject land to its original character within a period of 4 weeks after receiving the notice failing which consequences will follow as per provisions laid down under Section 4D of the WBLR Act 1955. That challenging the said notices, the answering respondents file an original application being O.A. No. 2078 of 2025 (LRTT) before the Learned Land Tribunal.

12. That the Original application came up for hearing on 21.08.2025 and the answering respondents prayed for interim order of stay of the notices which was rejected by the Learned Land Tribunal and the next date has been fixed on 15.06.2026.

Xerox copy of the Order dated 21.08.2025 is annexed hereto and marked as Annexure "X".

13. That being aggrieved by such order, the answering respondents preferred a writ petition before the Hon'ble High Court, Calcutta, which is currently pending for hearing.

14. That we submit that the applicant has come up before the Learned Tribunal with unclean hands and has suppressed several records which goes to show that the applicant has no locus in filing this Application, so the Original Application should be dismissed in limine.



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15. The statements made in paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 are true to my knowledge and the statements made in paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 are derived from source / records/ information which I verily believe to be true and the statements made in paragraphs 3, 4, 10, 11, 12 are my respectful submissions before this Learned Tribunal.

Prepared in my office.

Santimay Bhattacharya
Advocate

Debangshu Sechar Das
Deponent is known to me
Read over, explained in Bengali
and Identified by me.
Santimay Bhattacharya
Advocate

This the *22nd* day of September, 2025.

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Solemnly Affirmed & Declared Before
me on Identification of Ld. Advocate
B. Das 22/9/2025
SANKAR SARKAR
NOTARY, GOVT. OF INDIA
REGN NO. 54631
HIGH COURT, CALCUTTA
CHAMBER - 4 (479) M. B. ROAD, KOL-5
MAHAJATI HEIGHTS APT
Ph. 0232445358

documents annexed with the original application, we find no justification to issue interim order staying the notices issued by the Assistant Director and the B.L&L.R.O., Kanksa, Paschim Bardhamman particularly when the Fact Finding Committee formed as per order of the Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata has recorded opinion as regards change of character of the land in question. Hence, prayer for interim order of stay is rejected. Call for a status report from the B.L&L.R.O., Kanksa, Paschim Bardhamman.

The matter stands adjourned.

Let the matter appear in the list on 15/06/26 under the heading "Hearing".

Sd/-
K. Bhattacharyya
T. Chowdhury



Date of application for copy... 22/8/25
 Date of Notifying the charges... 15/9/25
 Date of Putting to the charges
 Date of making the copy
 Date of making the copy to the applicant... 15/9/25

Serial No. 11090
 Page/Pages..... 02

Certified to be a true copy

Authorised Analogous
 Principle of Section
 75 of Evidence Act, 1872

S. Sultana
 Comparing Assistant
 Land Reforms &
 Tenancy Tribunal
 West Bengal

S. Sultana
 Head Comparing Assistant
 West Bengal Land Reforms
 and Tenancy Tribunal



IN THE WEST BENGAL LAND REFORMS
AND TENANCY TRIBUNAL BLOCK EE, 3
& 3/1, SECTOR- II, BIDHAN NAGAR,
SALT LAKE CITY
KOLKATA -700 091

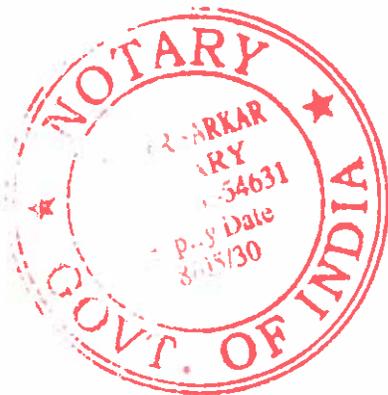
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SANTIMAY BHATTACHARYYA

Advocate

Bar Association, Room No. 5,

High Court, Calcutta

Mobile No.9433303823.