

S.L. No. 40/25



-X-

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.124/2025/EZ

In The Matter of:-

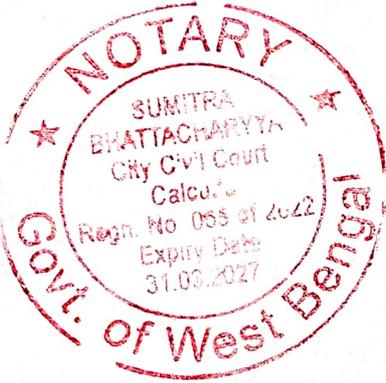
Subhas Dutta

..... Applicant

- Versus-

The State of West Bengal & Ors.

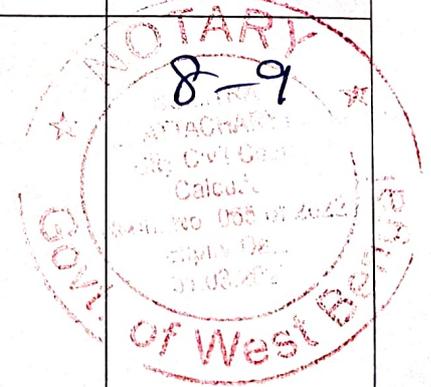
...Respondent(s)



AFFIDAVIT-IN-OPPOSITION ON BEHALF OF RESPONDENT NUMBER 03,
THE PRINCIPAL SECRETARY, DEPARTMENT OF IRRIGATION AND
WATERWAYS

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3.	Photocopy of the letter dated 25.08.2025 written by the Sub Divisional Officer, Maynaguri Irrigation Sub Division, Debinagar, Maynaguri had vide letter dated 25.08.2025 to the Executive Engineer, Jalpaiguri Irrigation Division, Club Road, Jalpaiguri is annexed	'B'	10
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Filed by:



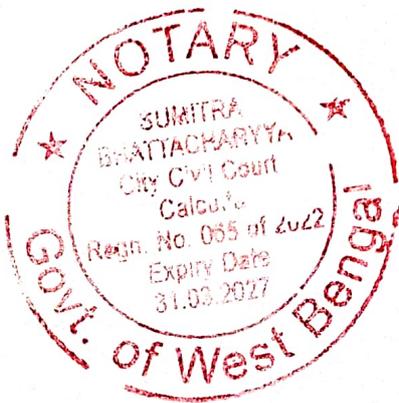
Mr. SIBOJYOTI CHAKRABARTI,

Advocate,

State of West Bengal

(M): 9007035534

Email: subho.advocate@gmail.com



- X -

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.124/2025/EZ**



In The Matter of:-

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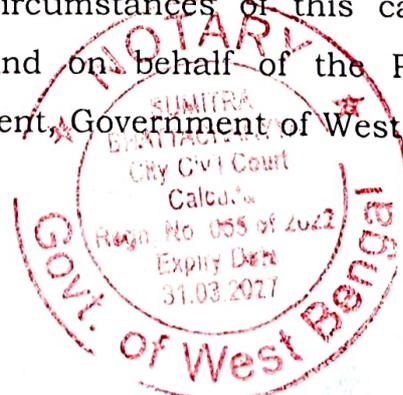
The State of West Bengal & Ors.

...Respondent(s)

**AFFIDAVIT-IN-OPPOSITION ON BEHALF OF RESPONDENT NUMBER 03,
THE PRINCIPAL SECRETARY, DEPARTMENT OF IRRIGATION AND
WATERWAYS**

I, Sri Sarat Chandra Roy, S/o Late Surendranath Roy, aged about 57 years, by faith-Hindu, by occupation- Government Service, now posted as Executive Engineer, Jalpaiguri Irrigation Division, having office at Club Road, Jalpaiguri, P.O – Jalpaiguri, P.S- Kotwali, Pin: 735101, District: Jalpaiguri, West Bengal, do hereby solemnly affirm and declare as follows: -

1. That I am presently posted as the Executive Engineer, Jalpaiguri Irrigation Division, having office at Club Road, Jalpaiguri, P.O – Jalpaiguri, P.S- Kotwali, Pin: 735101, District: Jalpaiguri, West Bengal and I have made myself acquainted with the facts and circumstances of this case and competent to affirm this affidavit for and on behalf of the Principal Secretary, Irrigation & Waterways department, Government of West Bengal, in the instant original application.



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2. That this Affidavit-in-Opposition is filed in compliance and obedience to the Solemn Order dated 06.08.2025, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

3. That with regard to the statements made in paragraphs 1 to 6, 7, of the original application, this deponent does not comment on the same as being matters of fact and record.

4. That with regard to the statements made in paragraph 6A, 8, of the original application it is stated that the same may be stated by the Committee constituted by the Hon'ble Tribunal.

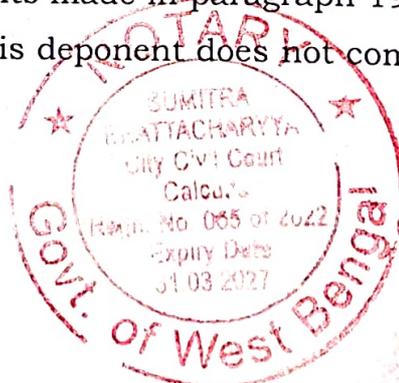
5. That with regard to the statements made in paragraph 9, 10, 11, of the original application it is stated this deponent does not comment on the same as being matters of record and fact.

6. That with regard to the statements made in paragraph 12, of the original application it is stated that the site in question has been directed to be inspected by the Committee constituted by the Hon'ble Tribunal and the report of the Committee will give the current status.

7. That with regard to the statements made in paragraphs 13 to 16, of the original application it is stated that the same are denied and disputed and as such no illegal mining activities has been noticed.

8. That with regard to the statements made in paragraph 17 & 18, of the original application it is stated this deponent does not comment on the same.

9. That with regard to the statements made in paragraph 19 & 20, of the original application it is stated that this deponent does not comment on the same being matters of record.



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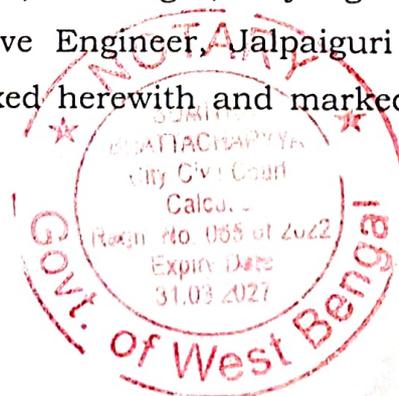
10. That with regard to the statements made in paragraph 21, & 24, of the original application it is stated that it is concerned with the working of the District Administration and this deponent does not comment on the same.

11. That with regard to the statements made in paragraph 22 & 23, of the original application it is stated that the Joint secretary (Works) of the Irrigation and Waterways department, Government of West Bengal vide letter dated 24.07.2025 requested the Chief Engineer (North-East) to look into the matter regarding the letter written by the applicant regarding illegal sand mining affecting Dharala river and adjacent Mainak Hills Tea Estate in Cooch Behar district.

Photocopy of the letter dated 24.07.2025 written by the Joint secretary (Works) of the Irrigation and Waterways department, Government of West Bengal to the Chief Engineer (North-East), Irrigation and Waterways department is annexed herewith and marked with the letter 'A'.

12. That subsequently the Sub Divisional Officer, Maynaguri Irrigation Sub Division, Debinagar, Maynaguri had vide letter dated 25.08.2025 to the Executive Engineer, Jalpaiguri Irrigation Division, Club Road, Jalpaiguri that the spot has been visited on 22.08.2025 and during visit no mining activity was noticed from the bed of river Dharala near upstream and down stream of Bir Chila Roy Setu, however during night the illegal mining activities along the left bank of the river and the same has been informed to B. L. & L.R.O Mekhliganj, Charangrabandha and also to the police administration.

Photocopy of the letter dated 25.08.2025 written by the Sub Divisional Officer, Maynaguri Irrigation Sub Division, Debinagar, Maynaguri had vide letter dated 25.08.2025 to the Executive Engineer, Jalpaiguri Irrigation Division, Club Road, Jalpaiguri is annexed herewith and marked with the letter 'B'.



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13. That with regard to the statements made in paragraph 25 & 26, of the original application it is stated this deponent does not comment on the same.

14. That with regard to the statements made in grounds of the original application it is stated that the same are not at all good grounds and this instant application is not maintainable.

15. That this deponent craves leave to file supplementary affidavit as may be directed by the Hon'ble Tribunal.

16. That it is respectfully prayed before the Hon'ble Tribunal may be pleased to pass such further Order/Orders as is deemed fit for the ends of justice.

17. That the statements made in paragraph 1 is true to my knowledge and paragraphs 2 to 14, are based on information derived from the record and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Sarat Chandra Roy

Deponent

**Executive Engineer
Jalpaiguri Irrigation Division
Club Road, Jalpaiguri**

Identified by me

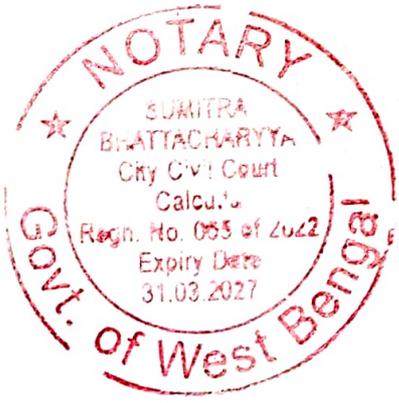
Sibojyoti Chakrabarti
Advocate 21.11.2025

State of West Bengal

**Solemnly Affirmed and
Declared before me U/S 139
CPC, (C)**

Smriti Bhattacharya
Notary

**Smriti Bhattacharya
Notary, Govt. of W.B
Regn. No. 005 of 2022
City Civil Court, Calcutta**



21 NOV 2025



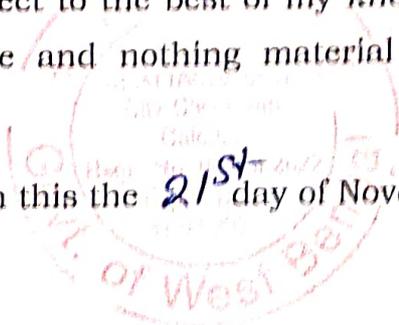
Verification

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I, the deponent within named do hereby solemnly affirm and verify that the contents of the statements made in the above paragraphs of the affidavit are true and correct to the best of my knowledge and belief. No part of the same is false and nothing material has been concealed therefrom.

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Verified at Kolkata, on this the 21st day of November, 2025.



Identified by me

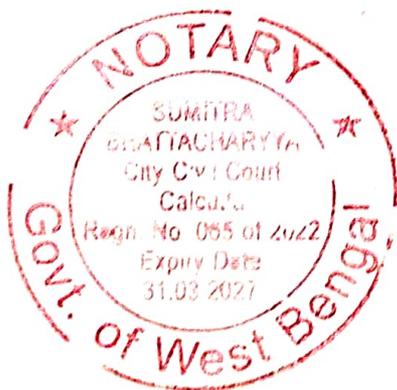
Sibojyoti Chakrabarti
Advocate

State of West Bengal

21.11.2025

Sarat Chandra Roy
Deponent

Executive Engineer
Jalpalguri Irrigation Division
Club Road, Jalpalguri



21 NOV 2025

Annexure-A⁴ 12

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Copy to the
Sub-Div and
URGENT
M. J. Pans
5/10/25



Government of West Bengal
Irrigation & Waterways Department
Jalasangrad Bhawan, 3rd Floor, Western Block
Bidhannagar, Salt Lake City, Kolkata 700 091
Ph-(033)23212706, email- biplab_mukherjee05@yahoo.co.in

Memo. No. 283-IRC Dated. 14.07.2025
IW-160997/2023-SECTION(IW)-Dept. of IW(Computer No-E-777574)

From : Biplab Mukhopadhyay
Joint Secretary (Works)
to the Govt. of West Bengal

Memo No: 757(2)/AGN-I Dated: 24.07.2025

Copy forwarded for information &
Submission of Comprehensive report
in consultation with the District
Administration, Cooch Behar at an
earliest
1) The SE/NEIC-II
2) The Ex. Engrs/ Cooch Behar Irrigation D.

To : The Chief Engineer(North-East)
I&W Directorate
Jalasangrad Bhawan, Club Road
Jalpaiguri-735101

Sub : Alleged illegal sand mining affecting Dharala river and adjacent Mainak Hills Tea Estate in Coochbehar District.

Executive Engineer
and
T. A. to Chief Engineer
North East I & W Dte.
Club Road, Jalpaiguri

Ref. : (1) Letter of Sri Subhas Datta, environmental activist addressed to the Chief Secretary, Govt. of West Bengal, dated 28.06.2025(copy enclosed).

24.07.25

Sir,

I am directed to forward one letter of Sri Subhas Datta, environmental activist, stating illegal sand mining affecting Dharala river and adjacent Mainak Hills Tea Estate in Coochbehar District causing land erosion which in turn is affecting the livelihood of workers and residents living in and around the area. Sri Datta stated that the river Dharala in Coochbehar District near the tea garden within Changrabandha Gram Panchayet has already claimed more than 30 acres of land during the recent past. In his letter Sri Datta mentioned that mechanised mining is taking place on the banks of the river Dharala as well as within the river and one road is created by the illegal miners within the river and dividing the river into two halves.

Page 1 of 2

Chief Engineer (North East)
Irrigation & Waterways Department
Club Road Jalpaiguri
Regd. No. 1296



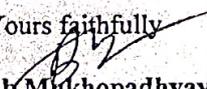
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2. Sri Datta also stated that the illegal and indiscriminate sand mining is also done within 20 to 25 meters of the crematorium that exists on the bank of the river and also near the bridge "Bir Chila Roy Setu". In his views this sand mining operation is in violation of Sustainable Sand Mining Guideline 2016, Enforcement and Monitoring of Sand Mining Guidelines 2020, Sand Mining Framework 2018, EIA Notification 2006 and subsequent amendment 2016.

3. In view of this, I am directed to request you to enquire the complaint raised by Sri Subhas Datta in consultation with the District Administration of Coochbehar and submit a comprehensive report as soon as possible.

Encl:- As stated.

Yours faithfully


(Biplab Mukhopadhyay)
Joint Secretary (Works)
Irrigation & Waterways Department
Govt. of West Bengal

Annexure - B

-X-



GOVERNMENT OF WEST BENGAL
IRRIGATION & WATERWAYS DIRECTORATE
OFFICE OF THE SUB-DIVISIONAL OFFICER
MOYNAGURI IRRIGATION SUB-DIVISION
DEBINAGAR, MOYNAGURI

Memo No: 280

Dated: 25.09.2025

To
The Executive Engineer
Jalpaiguri Irrigation Division
Club Road, Jalpaiguri

Sub: **Report regarding alleged illegal sand mining affecting Dharala River and adjacent Malnak Hills Tea Estate in Coochbehar District.**

- Ref: i) Memo No. 283-IRC/IW-16099/7/2023- SECTION (IW)-Dept. of IW (Computer No-E-777574) dated 14.07.2025 of the Joint Secretary (Works), I&W Dept. Govt. of West Bengal.
ii) Your memo No. 1696 dated 07.08.2025.
iii) T.O No. 216 dated 10.07.2025 addressed to the B.L & L.R.O, Mekhliganj Block, Charangrabandha, Mekhliganj, Coochbehar.

Sir,

In continuation to the subject vide memos under reference above this is to inform you that, I have visited the accused spot along with the concerned Sectional Officer (J.E) of Mekhliganj Irrigation Section on 22.08.2025. During my visit no mining activities was noticed from the bed of river Dharala near upstream & downstream of Bir Chila Roy Setu. But according to information collected from the local people that, illegal mining activities along the left bank of River still continuing off and on by some miscreants during night.

In this context I want to mention that regarding this illegal mining activities already a letter was sent from this end to the B.L & L.R.O, Charangrabandha, Mekhliganj, Dist-Coochbehar vide this office memo no. 216 dated 10.07.2025 to look in to the matter and necessary action to stop such illegal activities, copy of which also sent to the local police administration (copy enclosed).

This is for favour of your kind information and necessary action.

Encls: As stated.

Yours faithfully,

Sub-Divisional Officer
Maynaguri Irrigation Sub-Division
Debinagar, Maynaguri



**BEFORE THE HON'BLE
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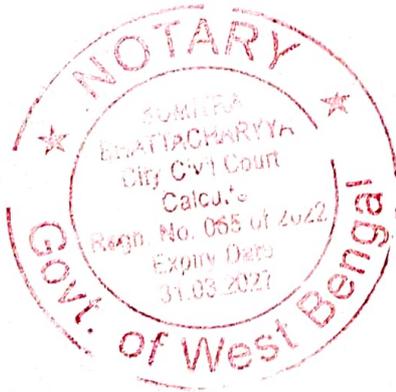
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**AFFIDAVIT-IN-OPPOSITION ON
BEHALF OF RESPONDENT NUMBER
03, THE PRINCIPAL SECRETARY,
DEPARTMENT OF IRRIGATION AND
WATERWAYS**

Filed by:

Mr. SIBOJYOTI CHAKRABARTI,
Advocate,
State of West Bengal
(M): 9007035534
Email: subho.advocate@gmail.com