

S.L. No. 84

-X-

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO.124/2025/EZ

- 1 -

In The Matter of:-

Subhas Dutta

..... Applicant

- Versus -

The State of West Bengal & Ors.

...Respondent(s)



**FACT FINDING REPORT IN THE FORM OF AFFIDAVIT ON BEHALF OF
RESPONDENT NUMBER 05, THE DISTRICT MAGISTRATE, COOCH BEHAR**

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Filed by:

Sibojyoti Chakrabarti

Mr. SIBOJYOTI CHAKRABARTI,

Advocate,

State of West Bengal

(M): 9007035534

Email: subho.advocate@gmail.com

24 NOV 2025

- X -

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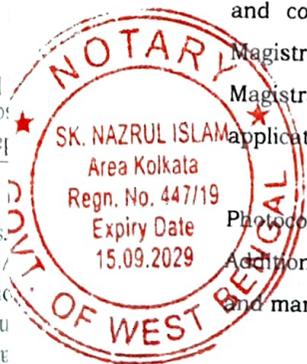
**FACT FINDING REPORT IN THE FORM OF AFFIDAVIT ON BEHALF OF
RESPONDENT NUMBER 05, THE DISTRICT MAGISTRATE, COOCH BEHAR**

I, Sri Himadri Sarkar, S/o Late Gaajendra Nath Sarkar, aged about 44 years, by faith-Hindu, by occupation- Government Service, now posted as Additional District Magistrate (LR) & District Land & Land Reforms Officer, Cooch Behar, having office at Sagar Dighi Complex, P.O & District: Cooch Behar, Pin: 736101, West Bengal, do hereby solemnly affirm and declare as follows: -

1. That I am presently posted as the Additional District Magistrate (LR) & District Land & Land Reforms Officer, Cooch Behar, having office at Sagar Dighi Complex, P.O & District: Cooch Behar, Pin: 736101, 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 District Magistrate & Collector, Cooch Behar and I have duly authorized by the District Magistrate to swear this affidavit on his behalf, in the instant original application.

Photocopy of the Authorization by the District Magistrate, Cooch Behar to the Additional District Magistrate (LR) to swear this affidavit is annexed herewith and marked with the letter 'A'.

2. That this Fact-Finding Report in the form of Affidavit 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.



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3. That in paragraph 15 & 16 of the Solemn Order dated 06.08.2025 the Hon'ble Tribunal has been interalia pleased to direct " *Considering the allegations made, we deem it appropriate to constitute a Fact Finding Committee comprising of the following Members:-*

- i. District Magistrate, District – Cooch Behar, or his representative not below the rank of Additional District Magistrate (ADM); and
- ii. Senior Scientist, West Bengal Pollution Control Board.

The Committee shall visit the site in question and thereafter submit a Fact Finding Report on affidavit within four weeks with regard to the allegations made in the Original Application".

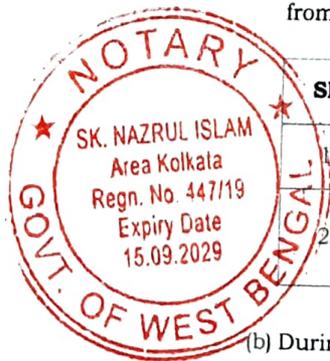
4. That further it has been observed by the Hon'ble Tribunal in Paragraph 17 of the above referred Solemn Order that the District Magistrate Cooch Behar shall be the nodal office for all logistic purposes and for filing the Fact Finding Report on Affidavit.

5. That accordingly the Committee constituted by the Hon'ble Tribunal had visited the site in question and made the following observations:

(a) In compliance with the directions issued by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, in O.A. No. 124/2025/EZ, the Fact-Finding Team, constituted for the said purpose, undertook a comprehensive revisit to the locations alleged to be affected by illegal mining along the River Dharala. The inspection was carried out in the presence of the representative of Mainak Hills Tea Estate and officials from the office of the BL & LRO, Mekhliganj.

Sl.	Name of Organization	Name & Designation of the committee members
1	District Magistrate, Cooch Behar	Sri Himadri Sarkar, Additional District Magistrate (L.R.) & D.L. & L.R.O.
2	State PCB	Dr. Prasun Kumar Mondal, Asst. Environmental Engineer & In-Charge, Siliguri RO

(b) During the meticulous field inspection conducted on 01/09/2025, the team undertook a multi-layered appraisal of the terrain, employing predominantly direct visual observation combined with detailed evaluation. M/s. Mainak Hills Tea Estate has its gardens adjacent to both the south & north banks of the Dharala river, located at Mouza -





Baro Panishala (JL.74) & Kamat Changrabandha (JL.77) with respect to a bridge connecting the metal road running through the tea garden.

(c) It was observed that the alterations had been made along the southern embankment of the river, specially near the newly constructed bridge. At present, the river flows nearer to southern bank than the northern bank at the said site. The bank protection works taken up by the tea garden was found damaged, and the adjacent garden land predominantly non-cultivated tracts devoid of tea plantation eroded in the southern side of the river. This has been occurring continuously for more than 15 years.

(d) The northern segment of the inspected stretch displayed minor scouring at 2-3 locations. During inspection, several activities were observed along the northern side of the river. These include manual sand mining by some unidentified people and some vehicle movement. Temporary sloped pathways from the river bank to river bed at different points of the river bank were also seen. A huge stock of sand was also observed near the Dharala river bridge on the Cooch Behar - Changrabandha state highway, about 1 km from the site involved.

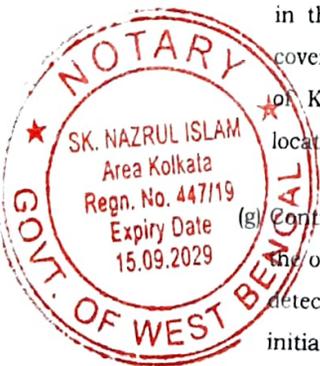
(Photographs taken during inspection are enclosed in Annexure-I).

(e) In light of all the above findings, the bank erosion along the River Dharala by the side of Mainak Tea Estate can be attributed to natural manifestation of long-standing river flow dynamics mostly. However, the role of illegal sand mining activities on riverbed cannot be ruled out completely.

(f) It is submitted that a sanctioned mining lease does exist since last year in the adjacent Mouza- Andaran Panishala (JL. 75), in Plot No. 367, covering an area of 1.16 acres in favour of one Afijul Md. S/o- Osman Ali of Kamat Changrabandha, Mekhliganj. However, this leased site is located nearly 1 km away from the area under present inspection.

(g) Continuous and coordinated surveillance is being maintained jointly by the office of the BL & LRO, Mekhliganj and the local Police authorities to detect and deter any unlawful mining activities along the river. The case initiated by Mekhliganj P.S., vide Case No. 43/2025 dtd. 14/02/2025, also forms part of this ongoing monitoring mechanism.

Photocopy of the Inspection Report is annexed herewith and marked with the letter 'B'.



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

7. 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.

8. That the statements made in paragraph 1 is true to my knowledge and paragraphs 2 to 7, 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.

Identified by me

Sibojyoti Chakrabarti
Advocate

State of West Bengal 24.11.2025

Hind Kumar
Deponent ^{24/11/25}
A.D.M and D.L & L.R.O
COOCHBEHAR



Solemaly Affirmed and
Declared before me on the
Identification of the Advocate

[Signature]
Notary

SK. Nazrul Islam
Notary, Govt. of W B
Govt. No. 447/19
City Civil Court, Calcutt

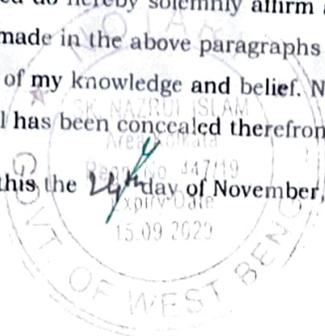
24 NOV 2025



Verification

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.

Verified at Kolkata, on this the 24 day of November, 2025.



Identified by me

Sibojyoti Chakrabarti
Advocate
State of West Bengal 24.11.2025

Hint Sarkar
Deponent 24/11/25
A.D.M and D.L & L.R.O
COOCHBEHAR



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GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE, COOCH BEHAR
 SagarDighi Complex, P.O.: Cooch Behar, Dist.: Cooch Behar, Pin: 736101, West Bengal

Memo No. Rm/594/2025

Date : 24/11/2025

Sub: AUTHORISATION LETTER

I, Sri Raju Mishra, IAS, District Magistrate, Cooch Behar do hereby authorize Sri Himadri Sarkar, S/o Late Gaajendra Nath Sarkar, presently posted as Additional District Magistrate (LR) & District Land & Land Reforms Officer, Cooch Behar to affirm and file the Fact Finding Report in the form of affidavit on my behalf in compliance of the Solemn Order dated 06.08.2025 passed by Hon'ble Mr. Justice B. Amit Sthalekar, Judicial Member and Hon'ble Dr. Satyagopal Korlapati, Expert Member of National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No.124/2025/EZ, Subhas Datta Vs. State of West Bengal & Ors.

Himadri Sarkar

Signature of Sri Himadri Sarkar
is attested by me


District Magistrate,
Cooch Behar


District Magistrate,
Cooch Behar



Annexure - B
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Fact-Finding Team Report in Compliance with the Order of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, in O.A. No. 124/2025/EZ — regarding alleged illegal sand mining carried out on the banks of the river Dharala, causing bank erosion, damage to Tea Garden land and threat of flood affecting the livelihood of workers and residents living in the area.

In compliance with the directions issued by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, in O.A. No. 124/2025/EZ, the Fact-Finding Team, constituted for the said purpose, undertook a comprehensive revisit to the locations alleged to be affected by illegal mining along the River Dharala. The inspection was carried out in the presence of the representative of Mainak Hills Tea Estate and officials from the office of the BL & LRO, Mekhliganj.

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2.	State PCB	Dr. Prasun Kumar Mondal, Asst Environmental Engineer & In-Charge, Siliguri RO

During the meticulous field inspection conducted on 01/09/2025, the team undertook a multi-layered appraisal of the terrain, employing predominantly direct visual observation combined with detailed evaluation. M/s. Mainak Hills Tea Estate has its gardens adjacent to both the south & north banks of the Dharala river, located at Mouza - Baro Panishala (JL.74) & Kamat Changrabandha (JL.77) with respect to a bridge connecting the metal road running through the tea garden.

It was observed that the alterations had been made along the southern embankment of the river, specially near the newly constructed bridge. At present, the river flows nearer to southern bank than the northern bank at the said site. The bank protection works taken up by the tea garden was found damaged, and the adjacent garden land predominantly non-cultivated tracts devoid of tea plantation eroded in the southern side of the river. This has been occurring continuously for more than 15 years.

The northern segment of the inspected stretch displayed minor scouring at 2-3 locations. During inspection, several activities were observed along the northern side of the river. These include manual sand mining by some unidentified people and some vehicle movement. Temporary sloped pathways from the river bank to river bed at different points of



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the river bank were also seen. A huge stock of sand was also observed near the Dharala river bridge on the Cooch Behar - Changrabandha state highway, about 1 km from the site involved.

(Photographs taken during inspection is enclosed along with this Inspection Report).

In light of all the above findings, the bank erosion along the River Dharala by the side of Mainak Tea Estate can be attributed to natural manifestation of long-standing river flow dynamics mostly. However, the role of illegal sand mining activities on riverbed cannot be ruled out completely.

It is submitted that a sanctioned mining lease does exist since last year in the adjacent Mouza-Andaran Panishala (JL. 75), in Plot No. 367, covering an area of 1.16 acres in favour of one Afijul Md. S/o- Osman Ali of Kamat Changrabandha, Mekhliganj. However, this leased site is located nearly 1 km away from the area under present inspection.

Continuous and coordinated surveillance is being maintained jointly by the office of the BL & LRO, Mekhliganj and the local Police authorities to detect and deter any unlawful mining activities along the river. The case initiated by Mekhliganj P.S., vide Case No. 43/2025 dtd. 14/02/2025, also forms part of this ongoing monitoring mechanism.

Prasun K. Mondal

Asst Environmental Engineer & I/C
Siliguri Regional Office
West Bengal Pollution Control Board

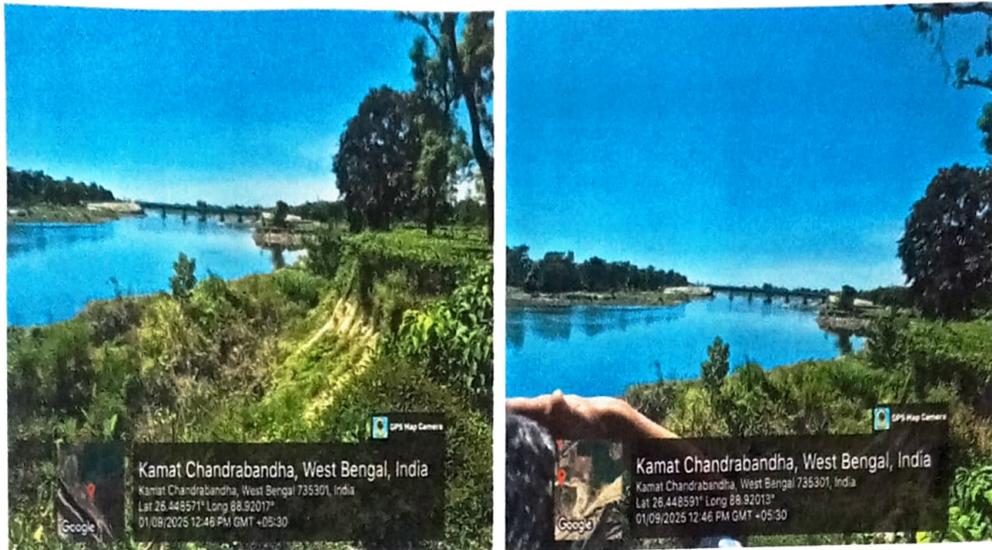
Jijali Sarkar

Addl. District Magistrate (LR)
& District Land & Land Reforms Officer
Cooch Behar





ANNEXURE-I



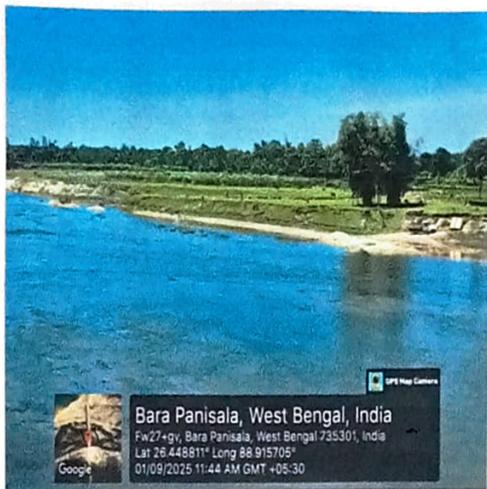
Sothern river bank adjacent to Mainak Tea Estate



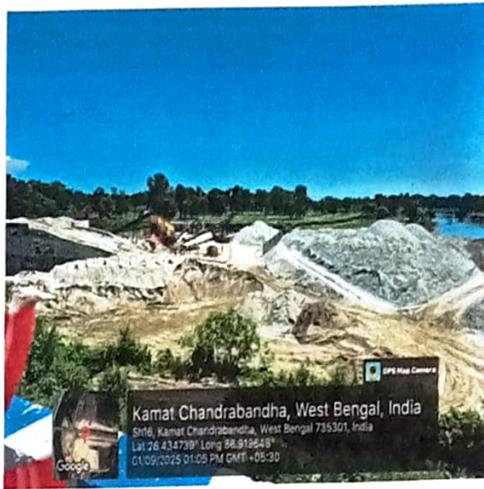
Northern side of the river where manual sand mining within the river bed observed



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Truck Movement along the northern river bank through temporary sloping road



Sand stock near Dharala bridge over the State Highway



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**FACT FINDING REPORT IN THE
FORM OF AFFIDAVIT ON BEHALF
OF RESPONDENT NUMBER 05, THE
DISTRICT MAGISTRATE, COOCH
BEHAR**

Filed by:

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