

BEFORE THE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA**I.A. NO. 114 / 2025 / EZ**IN CONNECTION WITH****ORIGINAL APPLICATION NO. 72 / 2025 / EZ****IN THE MATTER OF:**

PRAKASH DAS

... APPLICANT

VERSUS

THE STATE OF WEST BENGAL AND
OTHERS

... RESPONDENTS

INDEX NDoH: 09.12.2025

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**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

I.A. NO. _____ / 2025 / EZ

ORIGINAL APPLICATION NO. 72 / 2025 / EZ

IN THE MATTER OF:

PRAKASH DAS

... APPLICANT

VERSUS

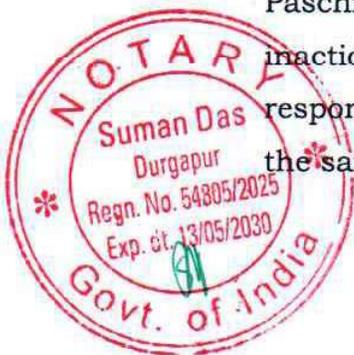
THE STATE OF WEST BENGAL &
OTHERS

... RESPONDENTS

**APPLICATION FOR DELETION OF REPENDENT NO. 14, 16, 20
AND 22 IN THE ARRAY OF PARTIES AND OTHER CONSEQUENTIAL
RELEIFES**

MOST RESPECTDULLY SHEWETH:

1. That the applicant filed an original application under Section 14, 15, 16 and 17 of the National Green Tribunal Act, 2010, being aggrieved by the illegal attempts made by the private respondents to fill up water bodies lying and situated at Village and Mouja Prayagpur, P.S. Kanksa, Block Kanksa, J.L. No. 88, L.R. Dag No. 523, District Paschim Burdwan within Tilokchandrapur Gram Panchayat and inaction by the statutory authorities in not restraining the private respondent from doing so. The applicant craves leave to refer a copy of the said original application at the time of hearing, if necessary.



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2. That the applicant states that on 25.04.2025, this Hon'ble Tribunal, taken up instant O.A. 72 of 2025 and upon hearing the submissions made by the applicant, the Hon'ble Tribunal were pleased issue notice upon respondent. A copy of the order dated 25.04.2025 is annexed here and marked as Annexure-A.

3. That the applicant states the Notice was sent to all private respondents at their respective addresses as mentioned in their Record of Rights.

4. However, notices sent to respondents 8, 12, 20, 22, 25 and 31 were received back with the postal endorsement that no such persons are found thereat, while in respect of respondents 14 and 16, notices sent by speed post were returned by the Postal Department with the endorsement that the addressees are dead.

5. The applicant states that he tried to obtain the particulars of the legal heirs of respondents no. 14 and 16, but he failed to do so because, after filing of the instant original application, the other private respondents were resisting the applicant from entering the said locality. Therefore, the applicant prayed before the learned tribunal to expunge the names of private respondents no. 14 and 16 from the array of the parties.

6. The applicant also states that after careful reading of the Record of Rights and the original application the private respondents no. 20 and 22, which are as follows:

20. Md. Nizamotulla Khan, son of Md. Rahamatulla, residing at Village - Prayagpur, Post Office - Panagarh Bazar, District: Paschim Bardhaman, Pin: 713148.



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22. Md. Sumiyantulla Khan, son of Md. Rahamatulla, residing at Village - Prayagpur, Post Office - Panagarh Bazar, District: Paschim Bardhaman, Pin: 713148.

The said private respondents are already there in the O.A. 72 of 2025 as Private Respondent nos. 36 and 37, which are as follows:

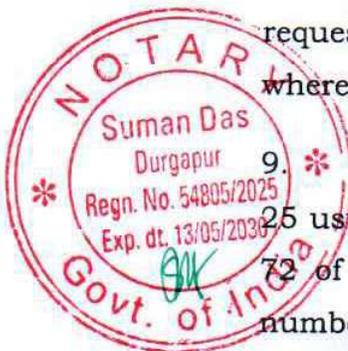
36. Sufiantulla, son of Md. Rahamatulla, residing at Village - Prayagpur, Post Office - Panagarh Bazar, District: Paschim Bardhaman, Pin: 713148

37. Md. Niyamtulla Khan, son of Rahamatulla, residing at Village - Prayagpur, Post Office - Panagarh Bazar, District: Paschim Bardhaman, Pin: 713148

7. The applicant further states that he came to know from reliable sources that Md. Rahamatulla had only three sons, namely Md. Niyamtulla Khan, Md. Sahematulla Khan and Md. Sufiyantulla Khan. The applicant admits that the aforesaid was a mistake on his part. Therefore, the applicant prays before the learned tribunal to expunge the names of private respondents No. 20 and 22 from the array of parties.

8. The applicant further states that some local persons of the locality of the said waterbody, who support the applicant, were requested by the applicant to make enquiries regarding the whereabouts of private respondents nos. 8, 12, 25 and 31.

9. * Upon enquiry, the applicant came to learn that respondent no. 25 usually resides at the address mentioned in the cause title of O.A. 72 of 2025. However, the applicant was able to gather the mobile number of respondent no. 25 and on 11.08.2025 the learned Advocate of the applicant served a scanned copy of the Original Application along with all annexures and the Solemn Orders dated 25.04.2025



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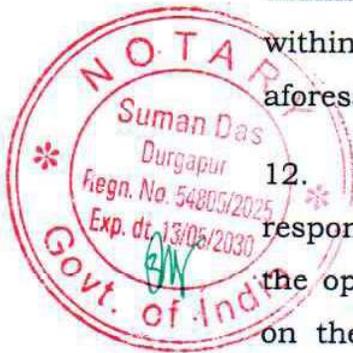
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and 26.05.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in the instant Original Application No. 72 of 2025, through WhatsApp Messenger (from his WhatsApp number 7980144836 to respondent no. 25's WhatsApp number 9635332482), upon respondent no. 25. Screenshot of the said WhatsApp is annexed hereto and collectively marked as Annexure-B.

10. Moreover, the applicant has since learned that private respondents No. 8 and 12 reside at the same address as stated in the cause title of O.A. 72 of 2025, and that private respondent No. 31 has shifted his residence from Village Kanksa Mallapara, Post Office Panagarh Bazar, District Paschim Bardhaman, Pin 713148 to Village Prayagpur, Post Office Panagarh Bazar, District Paschim Bardhaman, Pin 713148. Accordingly, the applicant instructed his learned advocate to again serve the application at the aforementioned addresses. Original forwarding letter dated 04.12.2025 and Original Postal receipts are annexed hereto and collectively marked as Annexure-C.

11. The applicant wants to states that he came to know that private respondent nos. 8 to 38 again started illegal construction of multistoried building on the illegally filled up waterbody which is lying and situated at Village and Mouja Prayagpur, P.S. Kanksa, Block Kanksa, J.L. No. 88, L.R. Dag No. 523, District Paschim Burdwan within Tilokchandrapur Gram Panchayat. Photographs evincing the aforesaid fact are annexed hereto and marked as Annexure-D.

12. Your applicant states that there is a complete nexus between the respondent no. 5 & 6 and private respondent no. 8 to 38, to facilitating the operation of the said illegal construction of multistoried building on the illegally filled up waterbody which is lying and situated at Village and Mouja- Prayagpur, P.S. Kanksa, Block Kanksa, J.L. No. 88, L.R. Dag No. 523, District Paschim Burdwan within Tilokchandrapur Gram Panchayat.



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13. Your applicant states that the respondent no. 6, by an affidavit dated 23rd May 2025, stated that the official of the Kanksa Police Station did not find any incident regarding the illegal filling of the waterbody located at Village and Mouja Prayagpur, P.S. Kanksa, Block Kanksa, J.L. No. 88, L.R. Dag No. 523, District Paschim Burdwan within Tilokchandrapur Gram Panchayat. Moreover, the said respondent also states that they continued to maintain sharp vigilance in the area to ensure that the environment is not polluted and that the basic environmental elements, namely air, water, and soil, are not disturbed.

14. Your applicant states that under the nose of the respondent no. 6, the private respondents no. 8 to 38 is continuing the operation of the said illegal construction of multistoried building on the illegally filled up waterbody which is lying and situated at Village and Mouja Prayagpur, P.S. Kanksa, Block Kanksa, J.L. No. 88, L.R. Dag No. 523, District Paschim Burdwan within Tilokchandrapur Gram Panchayat

15. In view of aforesaid, the applicant states that that during pendency of O.A. 72 of 2025 it is expedient that the private respondent may be restrained from altering the nature and character of the said waterbody lying and situated at Village and Mouja Prayagpur, P.S. Kanksa, Block Kanksa, J.L. No. 88, L.R. Dag No. 523, District Paschim Burdwan within Tilokchandrapur Gram Panchayat and also restraining them from transferring and/or alienating and/or leasing out and/or creating any kind of third party interest in respect of the said waterbody lying and situated at Village and Mouja Prayagpur, P.S. Kanksa, Block Kanksa, J.L. No. 88, L.R. Dag No. 523, District Paschim Burdwan within Tilokchandrapur Gram Panchayat.

16. Your applicant states that he filing this instant application, seeking to delete the Respondent No. 14, 16, 20 and 22 respectively in



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the array of parties and further craves leave to amend the cause title of the O.A. 72 of 2025.

17. That this application is made bona fide and for the best interest of justice, and if the prayer of the applicant is not allowed, he shall suffer irreparable losses and injuries.

18. The applicant humbly submits that the balance of convenience is entirely in favour of the applicant in getting the order as prayed for otherwise, a serious prejudice would be caused to the applicant if orders are not passed.

19. Unless the orders prayed for herein are passed, your applicant will suffer irreparable loss and prejudice.

20. This application is bona fide and made for the ends of justice.

In the premises, the petitioner most humbly prays that Your Lordship will be graciously pleased to

- a. Delete the Respondent No. 14, 16, 20 and 22 in the array of parties in O.A. 72 of 2025.
- b. Leave to be granted to amended the cause title of the O.A. 72 of 2025
- c. An order directing the private respondents from altering the nature and character of the said waterbody lying and situated at



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Village and Mouja Prayagpur, P.S. Kanksa, Block Kanksa, J.L. No. 88, L.R. Dag No. 523, District Paschim Burdwan within Tilokchandrapur Gram Panchayat;

- d. An order directing state respondents, more particularly the respondent no. 6 from altering the nature and character of the said waterbody lying and situated at Village and Mouja Prayagpur, P.S. Kanksa, Block Kanksa, J.L. No. 88, L.R. Dag No. 523, District Paschim Burdwan within Tilokchandrapur Gram Panchayat;
- e. An order directing the private respondents, restraining them from transferring and/or alienating and/or leasing out and/or creating any kind of third party interest in respect of the said waterbody lying and situated at Village and Mouja Prayagpur, P.S. Kanksa, Block Kanksa, J.L. No. 88, L.R. Dag No. 523, District Paschim Burdwan within Tilokchandrapur Gram Panchayat.



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- f. Costs of and incidental to this application;
- g. Pass such order or further order or orders and/or give direction or directions as this Ld. Tribunal may deem fit and proper.

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

Prananda Das



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Before the Notary
Govt. of India
Durgapur
District - Paschim Bardhaman

AFFIDAVIT

I, PRAKASH DAS, son of Late Atul Krishna Das, age about 66 years, by occupation - retired, by religion - Hindu, residing at Village Panagarh, P.O. Panagarh Bazar, P.S. Panagarh, District Paschim Burdwan, West Bengal - 713148, do hereby solemnly affirm and state as follows:-

1. I am applicant and I am well acquainted with the facts and circumstances of the present case and as such, I am competent affirm instant affidavit.
2. The statements made in paragraph Nos. 1 to 11 and it's sub-paragraphs are true to my knowledge, which also includes information derived from records which I verily believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

Prakash Das
Deponent

Prepared in my office

B. V. Shau

Advocate.

Solemnly affirmed before me

this the 05th day of December, 2025

Identified by me

S. Sharma
Advocate

Solemnly affirmed before me by

Sri / Smt. *Prakash Das*

Id by *S. Sharma* Advocate

on this *06th* day of *Dec* 20 *25*

Suman Das
Suman Das, Notary

Durgapur, Paschim Bardhaman
Regn. No. 54805/2025. Govt of India



06 DEC 2025

ANNEXURE- "A"

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.72/2025/EZ

Prakash Das

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 25.04.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

For Applicant(s) : Mr. Bikash Shaw, Advocate

ORDER

1. Mr. Bikash Shaw, learned Counsel is present for the Applicant.
2. The Applicant has filed this Original Application alleging that the Respondent Nos.8 to 38, private respondents, are illegally filling up water bodies situated in Village and Mouja- Prayagpur, P.S.- Kanksa, Block- Kanksa, J.L. No. 88, L.R. Dag No. 523, District- Paschim Burdwan within Trilokchandrapur Gram Panchayat.
3. It is stated that the private respondents are owners of the water bodies measuring about 0.99 acres situated in the village in question. Photographs have been filed with the Original Application.
4. Matter requires consideration.
5. Issue notice to the Respondents, returnable within four weeks.
6. Mr. Rajib Ray, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1, 2, 4, 5, 6 and 7, State Respondents, Government of West Bengal.

7. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.3, West Bengal Pollution Control Board.
8. Issue notice to the Respondent Nos.8 to 38, private respondents, returnable within four weeks.
9. All the Respondents shall file their counter-affidavits within four weeks.
10. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-
 - i. Collector & District Magistrate, District- Paschim Burdwan or his nominee not below the rank of Additional District Magistrate (ADM); and
 - ii. Senior Scientist, West Bengal Pollution Control Board
11. 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.
12. The District Magistrate, District- Paschim Burdwan shall be the Nodal office for all logistic purposes and for filing the Fact finding Report on affidavit.
13. The Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Rajib Ray and Mr. Dipanjan Ghosh, learned Counsel for the Respondents as well as upon the private respondents within 24 hours.
14. **List on 26.05.2025.**

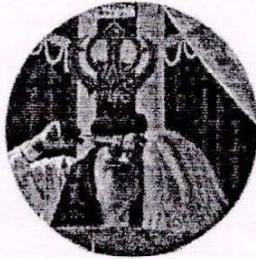
.....
B. Amit Sthalekar, JM

.....
Dr. Vijay Kulkarni, EM

April 25, 2025,
Original Application No.72/2025/EZ
OM

X Contact info

ANNEXURE- "B"



Hardyal Singh Urf Nata Singh

+91 96353 32482

About

Singh



Media, links and docs

3



Starred messages

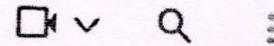


Mute notifications





Hardyal Singh Urf Nata Singh



Yesterday

Messages and calls are end-to-end encrypted. Only people in this chat can read, listen to, or share them. Click to learn more

Item No 01

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL DELIVERY BY REGISTERED POST)



ORDER DATED 25.04.2025.pdf
2 pages • PDF • 173 kB



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Item No 1

Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA



ORDER DATED 26.05.2025.pdf
2 pages • PDF • 85 kB



Type a message





ADVOCATE
HIGH COURT AT CALCUTTA

ANNEXURE-"C"

04.12.2025

To,

1. Madina Khatun, Wife of Abdul Aje
Station Road, Panagarh Bazar,
Post Office: Panagarh Bazar,
District: Paschim Bardhaman, Pin- 713 148.
2. Sahida Bibi, Wife of Mohammad Kaium Ansari,
Village: Prayagpur, Post Office: Panagarh Bazar,
District: Paschim Bardhaman, Pin- 713 148
3. Abdul Raja, Son of Aziz Raja,
Village: Prayagpur, Post Office: Panagarh Bazar,
District: Paschim Bardhaman, Pin- 713 148.

Ref: O.A. 72 of 2025

PRAKASH DAS

..... Applicant

Vs.

The State of West Bengal & Others

..... Respondents

My Client: Applicant

Dear Sir,

This is in reference to the above. Please find enclosed herewith a copy of the Original Application along with all annexures filed by my client abovenamed, which is otherwise self-explanatory.

The above matter is due to appear on 09.12.2025 before the Hon'ble National Green Tribunal, Eastern Zone Bench.

This is for your information and necessary action.

Yours faithfully,

Enclosed: As above

Bikash Shaw, Advocate

KOLKATA GPO (700001) Counter No.8
 SP-B EW362266311IN ITR:6987362266311
 04-12-2025 19:16:33,170 (Actual)gms,
 To: MADINA KHATUN, PASCHIM BARDHAMAN
 Panagar Baza, WEST BENGAL - 713148
 From:BIKASH SHAW-700001
 (Base:59.00)



Track@ www.indiapost.gov.in Dial-18002666868

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 To: ABDUL RAJA, PASCHIM BARDMAN
 Panagar Baza, WEST BENGAL - 713148
 From:BIKASH SHAW-700001
 (Base:59.00)



Track@ www.indiapost.gov.in Dial-18002666868

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 Panagar Baza, WEST BENGAL - 713148
 From:BIKASH SHAW-700001
 (Base:59.00)



Track@ www.indiapost.gov.in Dial-18002666868

BOOKING REF:IB: 3335000104122506691
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 Total Base Tariff: 177
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 Track @ www.indiapost.gov.in



ANNEXURE- "D"



