

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
3rd FLOOR, NEW TOWN, KOLKATA
Ref: Original Application No 133/2023/EZ**

SERAJUL ISLAM & ANR.

.....Applications

Versus

THE STATE OF WEST BENGAL & ORS

.....Respondents

**WRITTEN NOTES OF ARGUMENT ON BEHALF OF THE
RESPONDENT NOS 13, 14 AND 15.**

1. That the applicant preferred the present application under Section 18(1) read with Sections 14, 15 and 17 of National Green Tribunal Act, 2010 assailing the non-action and/or inaction on the part of the respondent authorities in the matter of illegal and unlawful mining and stone quarry activities going on at several plots of land at Mouza – Madna, Police Station – Nalhati, District – Birbhum in the State of West Bengal and prayed for restoration of the environment and also prayed for other consequential reliefs.

2. These respondents state and submit that the proceedings instituted by the applicant is speculative, harassive and made with a malafide intention and for ulterior motive.

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3. These respondents on receiving copy of the application have duly entered appearance and contesting the proceedings by filing Affidavit-In-Opposition to the original application.
4. It was specifically contended that the respondents no.13, 14 and 15 has been unnecessarily impleaded as party respondent in as much they does not own and possess any land amongst the plots of land allegedly involved in mining activities at Mouza – Madna.
5. That the applicant no 1 had lodged several police complaints against respondents no 13, 14 and 15 to the officer in charge Nalhati Police station, Superintendent of police Birbhum, the Sub- divisional of police officer, and West Bengal Pollution Control Board, Bidhannagar Kolkata dated 11.04.2023 and 07.08.2023.
6. That the respondents no 13 to 15 are not the registered owner and recoded possessors and the respondents no 13 to 15 have not been recorded owner of plot nos 707, 708, 712,713, 714, 715, 716, 670, 677 in khatian no 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L no 11, mouza- Madna, P.S. - Nalhati within district- Birbhum.
7. That the respondents no 13 to 15 are no way involved in the illegal and unauthorized mining and stone quarrying activities at 707,

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708, 712, 713, 714, 715, 716, 670, 677 in khatian no 88, 1070, 1074, 1076, 1205, 1316, 322, 346, 807, 813, 814, 815, 1206, 1214, 12346, J.L no 11, mouza- Madna, P.S.- Nalhati within district- Birbhum as has been alleged against us.

8. That the applicant no 2 had filed a suit being Title Suit no 94 of 2023 and Title Suit no 144 of 2023. He also filed an application under 39 Rule 1 & 2 read with section 151 of the code of civil procedure for passing an order for temporary injunction as well as ad- interim injunction by an order dated 10th April, 2023 by directing the parties to maintain statusquo as regards the nature, character and possession of the suit property, as mentioned in the schedule of the plaint till the disposal of the suit.

9. That the applicant have been filing multiple cases against us such as Title Suits, applications under section 144 of the code of Criminal Procedure and has been filling police complaints against the respondents no 13 to 15 only for harass falsely implicate with an intention to tarnish of respondents 13 to 15 repute in the society.

10. That the applicant namely Sirajul Islam is a broker dealing with the lands and he himself is engaged in quarry of stones and mining activities, that the applicant no 1 namely Serajul Islam is not a social activist. He is notorious for engaging in various illegal activities and has a racket where tries to extract money from people by falsely

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implicating their name in false case and he has been trying to do the same with the respondent no 13 to 15 in connivance with the applicant no 2 by filling multiple cases in different forums, he along with other persons were necessarily impleaded in the instant proceedings under Section 18(1) read with Sections 14, 15 and 17 of the National Green Tribunal Act, 2010.

11. That these respondents state and submit that from the initial report which was submitted by way of an affidavit by the District Magistrate, Birbhum before this Tribunal it is apparent that these respondents are not involved in any quarry activity. Furthermore from the notice to show cause vide Memo No. 161/ZM dated 27.02.2025 it is crystal clear that the petitioner was not involved in any quarry activity and the petitioners land is free from any quarry activities as evident from the notice to show cause dated 27.02.2025.

12. That the original application is an abuse of process of law, vindictive in nature and filed by the applicants to settle business rival with personal vendetta and the same be dismissed with exemplary cost.

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PRAYER

The respondents no 13, 14 and 15 are no way involved in the illegal and unauthorized mining and stone quarrying activities and thus prays to the Hon'ble Tribunal kindly dismissed the same and exemplary cost.

Prepared in my chamber

Mostafijur Rahman

Advocate

Enrolment No WB/2222/13

Filed by
M. Rahman
Deponent
Advocate

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WRITTEN NOTES OF ARGUMENT

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