

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL  
FINANCE CENTRE, 3<sup>RD</sup> FLOOR, NEW TOWN

MEMORANDUM OF APPLICATION

[Under Section 18 (1) read with sections 14, 18, 25 and 26 of the  
National Green Tribunal Act, 2010]

Original Application No. 40 of 2023

IN THE MATTER OF:

Sanjib Poddar

.....Applicant

VS

National Wetland Authority & ORS

INDEX

.....Respondent

Synopsis	3-4
List of Dates	5-6
Application	7-60
Verification	61
Photocopy of the OA 25/16 and order dated 3/01/22- Annexure A	62-169
Copy of the Show cause Letter dated 16/04/22- Annexure B	170
Copy of the order dated 8/12/22- Annexure C	171-172

	Copy of the report filed in the form of an Affidavit affirmed on 1/11/22- Annexure D	173-251
	Copy of the Affidavit dated 28/11/16 filed in OA 25/16-Annexure E	252-268
	Copy of the Affidavit dated 7/08/19 filed in OA 25/16-Annexure F	269-277
	Copy of the Deed of Conveyance with allotment letter- Annexure G	278-295
	Copy of the Assessment book of Kolkata -Municipal Corporation- Annexure H	296

PAUSHALI BANERJEE

Advocate

7A, Kiron Shankar Roy Road, Kolkata-700001

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.....Applicant

VS

National Wetland Authority & ORS

.....Respondent

**SYNOPSIS**

That the applicant abovenamed begs to present this Original Application challenging the report of the joint committee in Original Application No.25/2016/EZ . The said Original Application was disposed off by this Hon'ble Tribunal vide order dated 3<sup>rd</sup> January,2022. The applicant herein was not a party to the Original Application, neither was any notice sent by the Joint Committee to your Applicant giving an opportunity of hearing to your Applicant. Your Applicant pleaded before the Committee to provide an <sup>opportunity</sup> of hearing. The joint Committee heard your applicant on 23/09/22 but simply dismissed the submissions of your Applicant without considering the

submissions and thrusting the post facto decision of the Committee on the Applicant. It is pertinent to mention here that no meeting in terms and as per the direction of the Hon'ble Tribunal in order dated 03.01.2022 was held by the specified and Identified persons mentioned in the order of Hon'ble Tribunal, so the decision of committee in all the meetings are nullity in the eye of law and void ab initio. The Committee was not constituted as per the order of the Hon'ble Tribunal as none from the National Wetland Authority was present in any of the meetings of the committee. It is well settled law that the eight members committee who were granted the authority to conduct hearings and pass orders by this Hon'ble Tribunal cannot abdicate their responsibility by acting on the dictates of outsiders who has no role to play in accordance with the order of the Hon'ble Tribunal. Therefore the decision of the joint committee was not formed as the direction of the Hon'ble Tribunal in order dated 03.01.2022 and is null and void.

PAUSHALI BANERJEE

Advocate

7A, Kiron Shankar Roy Road, Kolkata-700001

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IN THE MATTER OF:

Sanjib Poddar,

.....Applicant

VS

National Wetland Authority & ORS

.....Respondent

LIST OF DATES

	OA 25/16/EZ Sabyasachi Mullick vs State of West Bengal & Ors	17/02/16
	Order in OA 25/16/EZ	3/01/22
	Show cause Letter of Kolkata Municipal Corporation to the Applicant	16/04/22
	report of the alleged Joint Committee filed in the form of an Affidavit	1/11/22

-6-

	Report of the alleged Joint Committee filed before the Hon'ble High Court	15/11/22
	Copy of the order in CAN NO 1/2022 in WP NO 21710/2022	8/12/22
	Applicant received copy of the report of the alleged joint committee	12/02/23

PAUSHALI BANERJEE

Advocate

7A, Kiron Shankar Roy Road, Kolkata-700001

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EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL  
FINANCE CENTRE, 3<sup>RD</sup> FLOOR, NEW TOWN

**MEMORANDUM OF APPLICATION**

[Under Section 18 (1) read with sections 14, 18, 25 and 26 of the  
National Green Tribunal Act, 2010]

Original Application No.        of 2023

IN THE MATTER OF:

Sanjib Poddar, s/o Sukhendra  
Poddar, P-59, Canal South Road,  
Sector-A,        Ground        Floor,  
Metropolitan Co-operative Housing  
Society, Kolkata-700105

...Applicant

VS

1. National Wetland Authority,  
through the Member Secretary being  
represented by Scientist F, Ministry

- 8 -

of Environment, Forest and Climate

Change, Indira Paryavaran Bhawan,

Jorbagh Road, New Delhi - 110003.

Email id- Kodali.rk@nic.in

Ph. No. (011) 20819420.

2. State Wetlands Authority,

through the Member Secretary,

Pranisampad Bhavan, 5<sup>th</sup> Floor, LB-

11, Sector III, Salt Lake, 700106;

Email id- PSecy.env-wb@gov.in

Ph. No. (033) 2335 2742.

3. West Bengal Pollution Control

Board, Department of Environment,

Government of West Bengal, through

the Member Secretary, Paribesh

Bhawan, Bldg. No. 10A, Block - LA,

Sector III, Salt Lake City, Kolkata -

700106. Email id- ms.wbpcb-wb@bangla.gov.in

Ph. No. (033) 2335 8213.

4. Department of Environment,

Government of West Bengal, through

the Secretary, 5<sup>th</sup> Floor, Pranisampad

-9-

Bhavan, 5<sup>th</sup> Floor, LB - II, Sector III,

Salt Lake, 700106; Email id - aeg.envwb@gmail.com; Ph. NO. - (033) 23352742.

5. Central Pollution Control Board

through the Member Secretary,

Parivesh Bhawan, CBD-cum-office

Complex East Arjun Nagar, Delhi-

110032; Email id - mscb.epcb@nic.in  
Ph. NO. - (011) 22391025.

6. MOEF&CC, through the Secretary,

Indira Paryavaran Bhawan, Jor Bagh

Road, New Delhi-110003; Email id - secy-moef@nic.in; Ph. NO. - (011) 24695262.

7. District Magistrate, South 24

Parganas, having its office Treasury

<sup>Kolkata</sup>  
Building - 700027; Email id - dm-ali@nic.in  
Ph. NO. - (033) 24791469.

8. Senior Superintendent of Police,

South 24 Parganas, Alipore Police

Line, Alipore, Kolkata, West Bengal

- 700027. Email id - aliporeps@kolkatapolice.gov.in; Ph. NO. - (033) 24791021.

-10-

9. KMC through its Commissioner, 5

S.N.Banerjee Road, Kolkata-700013.

Email id - kmc@gov.in

Ph NO. - (033) 22 86 1000 ... Respondents

MOST RESPECTFULLY SEWETH:

1. The applicant above named are the law abiding citizen of India and residing at the address mentioned in the cause title for service of notices of this application and that of his representation.
2. That the addresses of the respondents are given above for the service of notice of this application.
3. That the applicant abovenamed begs to present this Original Application challenging the report of the joint committee in Original Application No.25/2016/EZ . The said Original Application was disposed off by this Hon'ble Tribunal vide order dated 3<sup>rd</sup> January,2022. The applicant herein was not a party to the Original Application, neither was any notice sent by the Joint Committee to your Applicant giving an opportunity of hearing to your Applicant. Your Applicant pleaded before the Committee to provide an <sup>opportunity</sup> of hearing. The joint Committee heard your applicant on 23/09/22 but simply dismissed the

submissions of your Applicant without considering the submissions and thrusting the post facto decision of the Committee on the Applicant. It is pertinent to mention here that no meeting in terms and as per the direction of the Hon'ble Tribunal in order dated 03.01.2022 was held by the specified and Identified persons mentioned in the order of Hon'ble Tribunal, so the decision of committee in all the meetings are nullity in the eye of law and void ab initio. The Committee was not constituted as per the order of the Hon'ble Tribunal as none from the National Wetland Authority was present in any of the meetings of the committee. It is well settled law that the eight members committee who were granted the authority to conduct hearings and pass orders by this Hon'ble Tribunal cannot abdicate their responsibility by acting on the dictates of outsiders who has no role to play in accordance with the order of the Hon'ble Tribunal. Therefore the decision of the joint committee was not formed as the direction of the Hon'ble Tribunal in order dated 03.01.2022 and is null and void.

4. BRIEF FACTS OF THE CASE:

1. That one Sunit Mallick Chowdhury instituted a proceeding before the Hon'ble National Green Tribunal duly affirmed on 17/02/16

being OA NO. 25/2016/EZ. The contention of the Original Applicant(Sunit Mallick Chowdhury) therein inter alia was illegal filling up of water body namely 'Ukil Bheri'.

2. That an Interlocutory Application being I.A.No 41/2019/EZ and I.A.No.21/2019 was filed before the Hon'ble Tribunal for substitution of the Original Applicant, the Hon'ble Tribunal vide order dated 18/12//19 allowed the substitution application. Sunit Mullick Chowdhury the deceased original applicant was substituted by Sabyasachi Mallick Chowdhury . In the Original Application the allegations of Sabyasachi Mallick Chowdhury was that Dag No.268 of Ukil Bheri is being encroached by the Metropolitan Co-operative Housing Society limited respondent no.15 of the Original Application.

3. That the Applicant is a member of the Metropolitan Co-operative Housing Society ltd but was not a party to the proceedings before the Hon'ble Tribunal in the matter of the Original Application no.25/16/EZ, the Original Application was disposed off on 3/01/22 with directions to constitute an eight member committee to the status and extent of the wetland in question and whether prohibition against

the construction applies to the area in question. The Ld. Joint Committee was further directed to undertake visits to the site and interact with the stakeholders including the Applicant and the Project Proponents. Photocopy of the OA 25/16 and order dated 3/01/22 are annexed herewith and marked as Annexure A.

4. That your Applicant was completely unaware about the constitution of the committee constituted by the Hon'ble National Green Tribunal vide order dated 3/01/22 neither was the report of the Committee served to your Applicant by the said committee.

5. That all of a sudden on 16/04/22 I received a show cause notice wherein it was stated that some inspection was held by the members of the committee constituted by the Hon'ble Tribunal on 17/02/22 and "from the minutes of that meeting it is understood that CZ -9B/B was constructed on filled up portion of water body RS Plot no 268 in Mouza Nimokpotan.....". It was further stated that the plan was accorded to your Applicant in consequence of material representation in the notice and information furnished u/s 393 of the KMC Act 1980. Therefore your Applicant was issued a show cause as to why the plan issued to

your Applicant cannot be cancelled. Copy of the Show cause Letter dated 16/04/22 is annexed herewith and marked as Annexure B.

6. That after the impugned notice was issued your Applicant went pillar to post to collect the documents mentioned in the impugned show cause notice dated 16/04/22 but to no avail. Your Applicant then on 10/08/22 wrote a representation challenging the legality and validity of the impugned notice on the ground of jurisdiction as well as the fact and legal aspect that the notice have been issued without following natural justice. Moreover the inspection was carried out at the back of your Applicant and your Applicant was clueless about the outcome of any such inspection.

7. That your Applicant was left with no other alternative but to challenge the Show cause notice and file a writ petition being W P A No. 20656 /2022, before this Hon'ble High Court, that petition is still pending before this Hon'ble High Court. Your Applicant seeks leave to produce a copy of the WPA No. 20656 /2022 at the time of hearing.

8. That in the mean while it was noticed by your Applicant that the Sabyasachi Mallick Chowdhury have filed a writ Petition being

W.P.A. No.21710 of 2022 before the Hon'ble High Court Calcutta, inter-alia praying for submission of joint committee report and order of injunction restraining the private respondents from carrying out any further illegal construction and filling up of the wetland area in question including Dag no.267 and Dag No. 268 situated at Mouza-Mimokpoktan, P.S. Pragati Maidan, Ward No.57, Kolkata Municipal Corporation.

9. That your Applicant filed CAN 1/2022 in W.P.A. No.21710 of 2022 before the Hon'ble High Court praying for addition of party. The CAN 1/2022 was rejected on the ground that your Applicant have already filed a writ petition challenging the show cause notice.

Copy of the order dated 8/12/22 is annexed herewith and marked as Annexure 'C'.

10 That the Applicant received a copy of the report of the joint committee from the society which is a party in W.P.A. No.21710 of 2022 before the Hon'ble High Court. The joint committee report is contrary to the spirit and directions of the order dated 3/01/22 of this Hon'ble Tribunal that is detailed as follows:

- (a) The Hon'ble NGT Special Bench by the Judgement and order dated 03.01.2022 in the Applicant filed by Sabyasachi Mullick Chowdhury for estimation of the wetland Ukil Bheri by identifying the Dag no. 268 situated at Mouza- Mimokpoktan, P.S. Pragati Maidan, Ward No.57, Kolkata Municipal Corporation directed the eight member joint committee by mentioning the particulars of the members of such committee in paragraph no. 22 needs as *"In view of above, we consider it necessary to direct an eight-member Joint Committee of National Wetland Authority, State Wetland Authority, CPCB, MoEF & CC, State PCB, Director Environment, West Bengal, District. Magistrate and SSP, South 24 Parganas to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority. The CPCB and the State Wetland Authority will be the nodal agency jointly for coordination a compliance. The meeting of the Committee may be held within two week. The Committee may undertake visit to the site and interact with stakeholders including the applicant and the Project Proponents. The*

*Committee may thereafter, take further measures in accordance with law.*

*The Committee may conclude its proceedings preferably within three months".* The said application was disposed off accordingly. Copy of the report filed in the form of an Affidavit affirmed on 1/11/22 is annexed herewith and marked as Annexure 'D'.

On scanning the order passed by the Hon'ble Tribunal the following points emerged :

(i) The eight member committee Joint Committee as directed to be constituted by the Hon'ble National Green Tribunal by identifying men in particular to this effect.

- a. National Wetland Authority;
- b. State wetland Authority;
- c. CPCB
- d. MOEF & CC
- e. SPCB
- f. Director Environment, West Bengal
- g. DM South 24 Parganas
- h. SSPS 24 Parganas

- (ii) To ascertain factual position and the status and extent of wet land and whether the prohibition against construction applies to the wetland in question as per the application filed by applicant in Dag No. 268 situated at Mouza- Mimokpoktan, P.S. Pragati Maidan, Ward No.57, Kolkata Municipal Corporation.
- (iii) If prohibition is applicable remedial measures for protection of wetland in question be taken by the concerned statutory Authority.
- (iv) CPCB and State wetland authority were mentioned as nodal agency jointly for compliance of the order;
- (v) The said committee will visit the site and interact with stake holders including the Applicant and project proponent;
- (vi) The Committee thereafter will take decision in accordance with law;
- (vii) The Committee has directed to conclude the proceeding preferably within 3(three) months.

(viii) In paragraph no. 23 of the said judgment and order of the tribunal it was directed that if the committee find construction is prohibited then the committee will ensure removal of the construction for restoration of the wetland in question.

(ix) The first meeting of the eight member committee conveyed in 25/1/2022 wherein the following members were present (Annexure - II) 1. Smt Susmita Ekka Scientist D CPCB, 2. Manju Pandey, Joint Secretary, MOEF& CC, 3. Rajsekhar Ratti Scientist D MOEF&CC, 4. Neelam Meena, Director, Institute of Environmental Studies and Wetland 5. Paushali Mukherjee SrLO Department of Environment, 6. Debashis Chakroborty DG(ENG) KMC, Gourav Lal Deputy Commissioner of Police, Nitesh Dhali ADM land Reforms, Rupesh Sapuri OC, Sidarth Guin Deputy DLRO.

On perusal of the names of the members it appears that total 11(eleven) persons participated in the meeting in gross violation of the order of Hon'ble National Green Tribunal, the Hon'ble Tribunal specified the names of the members of the eight

members joint committee. On scrutiny of the names of the persons who attended it appears that one (1) Gaurav Lal, Deputy commissioner of Police, (2) Debashis Chakroborty KMC (3) Paushali Mukherjee Sr L O Department of Environment (4) Neelam Meena IESWM, (5) Rajshekar Rathi, (6) Nitesh Dhali ADM Land Reforms, (7) Rupesh Sapui OC, (8) Siddarth Guin Deputy DLRO were not mentioned or specified as eight member committee of the Hon'ble Tribunal. Hence the first decision on 25/1/22 of the alleged eight member committee is in gross violation of the order of the Hon'ble National Green Tribunal, which as per settled law is null and void besides the action of the committee is contemptuous.

- X) The field visit as conducted on 17/02/22 was not attended by the aforesaid eight member identified by the Hon'ble Tribunal but other persons as mentioned in the attendance sheet. The following persons were present (1) Nitesh Dhali ADM Land Reforms, (2) Dr. Shlion P Quashi, MOEF&CC (3) Siddarth Guin Deputy DLRO (4) Dibendu Pal KMC (5) Debashis Chief

Engineer WBPCB, (6) Susmita Ekka CPCB (7) SDLRO Alipore Sadar;

(xi) The minutes of the meeting dated 15/3/22 of the Joint Committee allegedly constituted by the Hon'ble NGT was also not in conformity with the specified members as identified by the Hon'ble Tribunal. The following persons were present in the meeting dated 15.03.2022 (1) Nitesh Dhali ADM Land Reforms, (2)Dr. Dr. Shahida Parveen Quazi, MOEF&CC (3) Siddarth Guin Deputy DLRO (4) Ujjwal Sarkar KMC (5) Debashis sarkar Chief Engineer WBPCB, (6) Susmita Ekka CPCB (7) Dwaipayan Ghosh LR department (8) Rupesh Sapui OC Pragati maidan (9) Arumcy Mukherjee ACP Kolkata Police;

x(ii) On bare perusal of the names it appears that (1) Nitesh Dhali ADM Land Reforms, (2) Dr. lion P Quashi, MOEF&CC (3) Siddarth Guin Deputy DLRO (4) Ujjwal Sarkar KMC (5) Debashis sarkar Chief Engineer WBPCB, (6) Dwaipayan Ghosh LR department (7) Rupesh Sapui OC Pragati maidan (8) Arumcy Mukherjee ACP Kolkata Police were not the specified members

of eight member committee as specified by the Hon'ble NGT. It is well settled law that no outsider would be entitled to be the party in a meeting not specified by the order of the court/tribunal and the presence has vitiated the entire proceedings. The decision of 15/03/22 as such is null and void in addition to the liability of Contemptuous conduct.

- (xii) The meeting date 22/03/2022 of the alleged Joint Committee as per order of the Hon'ble NGT was not in conformity with the specified members on perusal of the names of the attendants of the said meeting 22/3/22 it appears that (1) K Balamurugan, CEO Environment, (2) Dr. Dr. Shahida Parveen Quazi, MOEF&CC (3) Baskar Bhattacharya KMC (4) Ujjwal Sarkar KMC (5) Dibendu Pal KMC (6) Debashis sarkar Chief Engineer WBPCB, (6) Nitish Dhali ADMLR South 24 Parganas (7) Susmita Ekka CPCB (7) Dwaipayan Ghosh LR department (8) Siddartha Guin DL&LRO (9) Partha Sarathi KMC (10) Hitish Basak KMC (11) Dulal Saha KMC (12) Tatha Gata Mukherjee BL&LRO (13) OC Kolkata Police attended the meeting out of the aforesaid persons (1) Baskar Bhattacharya KMC (2) Ujjwal Sarkar KMC (3)

Dibendu Pal KMC (4) Debashis sarkar Chief Engineer WBPCB, (5) Nitish Dhali ADMLR South 24 Parganas (6) Dwaipayan Ghosh LR department (7) Siddartha Guin DL&LRO (8) Partha Sarathi KMC (9) Hitish Basak KMC (10) Dulal Saha KMC (11)Tatha Gata Mukherjee BL&LRO (12) OC Kolkata Police are outside members who attended the meeting, hence the meetings were vitiated as the specified members as identified by Hon'ble Tribunal were not present in the decision making process. Hence the entire meeting was vitiated and is null and void.

(xiv) In the final meeting dated 27th July 2022 is also vitiated due the entry of many non members in the decision making process, in the attendance sheet it appears that only 4 person out of the eight persons identified by the Hon'ble NGT were present it appeared from the attendance sheet that 10(ten) persons attend the said meeting and participated in the decision making process. Hence the decision/resolution dated 27.07.2022 due to presence of the six persons who were not identified members vitiated the decisions making process dated 27.07.2022 and is

therefore null and void in its entirety besides it is liable of contemptuous conduct.

That the meeting dated 23.09.2022 of the alleged 8 member committee was also vitiated due to the presence of the ADM&DLRO, Deputy commissioner of Police, executive engineer (KMC Building). That in the meeting dated 23.09.2022 though the applicant through his lawyer was allowed to represent and submit written document in support of his claim that plot no 20 A in Dag no 268 situated at Mouza-Mimokpoktan, P.S. Pragati Maidan, Ward No.57, Kolkata Municipal Corporation is not within the area in dispute that is Ukil Bheri, but Dag no 268 is pukur Par recorded in the record of rights prepared by the land reforms department mutated and assessed by the KMC . The decision of 23.09.2022 is post factor to decision dated 27/07/22 confirming the decision date 27.7.2022 without given any reasons on the points as urged by the applicant through his lawyer. Besides in the making of such decision out siders were present vitiating the decision making

process, as post facto decision is bad in law and no reasoned order was passed, hence the applicant was denied proper opportunity in violation of the principle of Natural Justice. Besides the meeting of the joint committee were not held by the specified members in terms of the order of the Hon'ble Tribunal and on that's the entire decision is null and void and not legally sustainable. The decision also is in total disregard of the order of Hon'ble Tribunal. The final report submitted by the Committee is not signed by the designated eight members in accordance with the Order of the Hon'ble Tribunal, only four members of the eight member committee submitted the final report in gross violation of the order of the Hon'ble Tribunal.

(xv) Hence it appears no meeting in terms and as per the direction of the Hon'ble Tribunal dated 03.01.2022 was held by the specified and Identified persons mentioning in the order of Hon'ble Tribunal, so the decision of committee in all the meetings are nullity in the eye of law and void ab initio. The Committee was not constituted as per the order of the Hon'ble Tribunal as none

from the National Wetland Authority was present in any of the meetings of the committee.

(xvi) The applicant filed the written notes of argument and represented himself through physical submission of the Learned Advocate, but no reasoned decision was reached by the committee by considering the written notes of argument and submissions. Merely a post factor decision was taken confirming the decision on 27.07.2022 and on scanning the decision dated 27.07.2022, it appears that ten persons attended the said meeting amongst which only 4 persons were specified and identified members in accordance with order of the Hon'ble Tribunal. The decision taken was not a reasoned decision and therefore is void ab initio in absence of reason which is sole and spirit of the decision making process.

(xvii) Where as in the meeting dated 23.09.2022 as post facto decision was taken confirming the decision dated 27.07.2022 only 5 persons out of the 8 specified and identified members in according with the order of the Hon'ble Tribunal were present.

Hence the consequential effect is that all the decisions in the report of the eight members committee are null and void, beside the contemptuous action, all the aforesaid decisions accordingly should be set aside and quashed.

(XVIII) That in the decision making process due to the presence of outsiders not identified and specified by the Hon'ble Tribunal the applicant have suffered great consequence in view of the notice of demolition which has been issued by KMC.

(XIX) That it is well settled principal of law that order in violation of Court's/ Tribunal's orders is nullity.

(XX) That it is settled principal of law that the order of the court/ tribunal should be implemented letter and spirit, which in this instant case is totally absent. That when the rights of the parties have crystalized in the order of the tribunal it cannot be amendment by inclusion of outsiders as members (who took part in the decision making process) in the meetings of the joint committee.

(XXI) That the impugned decisions of the eight man committee as alleged is attracted by the doctrine of dictation of the outsiders .It is a clear case of the doctrine of dictation. Causing injury to the legitimate expectation of fair hearing to the applicant who has suffered civil consequence as notice of demolition is send by KMC against the applicant on advice and direction of the joint committee.

(XXII) It is well settled law that the eight members committee who were granted the authority to conduct hearings and pass orders by this Hon'ble Tribunal cannot abdicate their responsibility by acting on the dictates of outsiders who has no role to play in accordance with the order of the Hon'ble Tribunal.

(XXIII) That the Hon'ble Tribunal directed the remedial action to be taken by the statutory authority as per guidelines for implementing Wetlands (Conservation and Management) Rules, 2017 Published in the official Gazette, 2017.

That the committee as per Clause 7 of the said rules should prepare brief document of wetland to be identified and modalities for enforcement to be issued and scope for objection and hearing by the State wetland authority is provided in the Statue. KMC is not the statutory authority as per statute, Hence the direction to the KMC and consequently notice of demolition of KMC is not as per Statue.

(XXIV) That the post facto decision is not at all a decision as it is general propensity of the administration to confirm the earlier view in post decisional hearing.

(XXV) It is submitted that the building of the appellant have constructed in accordance with the sanctioned plan issued by KMC and duly mutated after assessment. The assessment record of the KMC which was also placed before the committee dates back to 1990, the assessment record shows that land tax was paid by the Applicant from 1990. There is a tree in the said land in the front side of the concerned plot of the applicant that is aged

about 30 to 35 years. Building is constructed as per sanction plan and not on Wetland.

(XXvi) The alleged committee did not consider the mutation record, Assessment record of the KMC and thereby causing injury to the applicant's right to residence in terms of the 21 of the Constitution of India.

(XXvii) The right to residence is a fundamental right under Article 21 of the Constitution as per Judgment of the Apex Court by interpreting the word life as mentioned in the said Article. Hence the action of the said committee is not only in violation of the principle of natural justice but also in violation of Article 14 of the Constitution of India being Arbitrary, unreasonable and unfair and also the fundamental right under Article 21 of the Constitution of India's primary right to residence.

(XXviii) It is submitted that KMC as per the statute grants sanction under the provisions after due assessment of the land of the applicant wherein the building is constructed and applicant is residing.

KMC cannot sit as a judge for remedial action for demolition of building.

“No body could be judge of his own cause”

Hence direction to issue for remedial measure who inturn herein issued the notice of demolition is not legally sustainable in the eye of law be sides the legal question KMC is not the statutory authorities as per Wetlands( Conservation and Management) Rules 2017.

(XXIX) It is submitted that as per Clause 7 of the guidelines for implementing Wetlands( Conservation and Management) Rules 2017 being a statutory guideline, the word aquaculture is exempted from the concept of wetland. The dictionary meaning of the word aquaculture as per Oxford Dictionary 5th edition Page 107- Aquiculture means “The rearing of aquatic or cultivation of aquatic plants for food” fish is also coming within pisciculture, pisciculture require raising fishes in aqua as such it is within the genetic term of aquaculture. It is admitted fact that as it appear for the O.A. 25/16. “ the applicant has been carrying

and running his pisciculture business in the said Bheri since 1954". Ukil Bheri is used for pisciculture long back the land was allowed to be utilized for pisciculture by constructing the bheri that's why the name of Ukil Bheri. Bheri means the place for rearing of fish, fish is a aquatic animal and in view of this the Ukil Bheri should be exempted from wetland. Pisciculture is also within the domain of aquaculture.

(XXX) It is submitted that the doctrine of fair hearing is a species of Article 14 which has been denied from the very beginning namely the violation of Hon'ble Tribunal's order regarding formation of the 8 member committee entrusted with decision process, non-supply of documents, not going through the assessment record, building plan of the KMC and affidavits filed by the KMC before this Hon'ble Tribunal, the Committee entrusted the KMC to be judge of his own case, in violation of rule 10 and 17 which has prescribed a mechanism for considering the issue, the action of the committee by not giving any notice to the stake holders, the applicant who appeared latter on 23/09/22 after a letter was written by the applicant

before the committee, the committee thrust a post facto decision upon the applicant without passing any reasoned order which is sine-qua-non of natural justice.

XXxi) That although it is evident that the Joint Committee was not constituted in accordance with the order of the Hon'ble Tribunal dated 3/01/22, but a reading of the report of the joint committee clearly also show that the said joint committee failed to apply its mind. The joint Committee failed to appreciate that the Hon'ble Tribunal vide the final Order dated 03.01.2022 in the case of Sabyasachi Mallick v. State of West Bengal & Ors. had relied on its Judgment dated 25.11.2021 in Raja Muzaffar Bhat v. State of Jammu and Kashmir & Ors. [OA No. 351/2019] and directed identification and mapping of wetlands beyond the 2.01 lakh wetlands already identified, to extend protection to all such wetlands. In this regard, it is pertinent to highlight the decision of the Hon'ble Supreme Court in the case of Jal Mahal Resorts Pvt. Ltd. v. K.P. Sharma & Others [2014 8 SCC 804] wherein the Apex Court has stated that there must be substantial evidence such as land revenue records or any other material to ascertain

whether the land is a wetland and to determine the applicability of the Wetland Conservation Rules, 2010.

XX(ii) That the joint committee failed to appreciate that in the present, the land deeds for Dag No. 267 were bought by the Metropolitan Housing Society between 1968-1970. The deed of Partition was finalised in the year 1970. It is evident that with respect to the area under possession of the Metropolitan Housing Society, the revenue records clarify the legal status of the area in Dag No. 267. Thus, said revenue records cannot be ignored arbitrarily for categorising Ukhil Bheri, including the Dag No. 267 and 268 as wetland. the Report of the Surveyor appointed by the Hon'ble Tribunal, the District Land and Land Reforms Officer records that in Dag No. 267 approximately 0.67 acre (2.1 Bigha) is the area of the Pukur (pond), the rest of the Dag/Survey number is Pukur Par. Further, in the next column it records that no portion of Survey No. 267 constituting the Pukur has been filled up. Copy of the Affidavit dated 28/11/16 filed in OA 25/16 before this Hon'ble Tribunal containing the survey report is annexed herewith and marked as Annexure E.

(XXIII) That the joint committee failed to conduct an proper inspection of the bheri and no physical measurements were taken. The total area of calculation of Bheri comes to 30 Bighas and 15 Cottahs as opposed to the area of 60 bighas that had been alleged in the Original Application. The demarcation of the Bheri as directed by the Hon'ble Tribunal is not conducted by the joint Committee.

(XXIV) That the joint committee failed to consider the Affidavit filed by the respondent authority Kolkata Municipal Corporation dated 7/08/19 before the Hon'ble Tribunal, it was stated that sanctions were accorded on the basis of the documents submitted and the documents were scrutinized when it was found that the plots in question falls within Dag no.267. Copy of the Affidavit dated 7/08/19 filed before this Hon'ble Tribunal in OA 25/16 is annexed herewith and marked as Annexure F.

(XXV) That the joint committee failed to appreciate that during the inspection conducted by the committee on 17/02/22 the committee observes that the bheri is a marshy land with less

water. The Committee fails to include in the report that the bheri is covered with dense vegetation to such an extent that it is impossible to locate the bheri unless it is particularly known that the bheri exists in that place.

(XXXVI) The joint committee failed to demarcate the Bheri, the report only states that water body stretches within parts of R.S. plot nos 267,268, 271, 272, 274, 127,275,276, of Mouza Nimokpotan, Comprising of 21.32 Acres, but the demarcation is vague, as it do not indicate as to which part of the dags of R.S Plot no 267,268, 271, 272, 274, 127,275,276, are within the bheri, neither are the boundaries of the Bheri demarcated.

(XXXVII) The joint committee failed to appreciate the report of the the District Land and Land Reforms Officer that records that in Dag No. 267 approximately 0.67 acre (2.1 Bigha) is the area of the Pukur (pond), the rest of the Dag/Survey number is Pukur Par. The land record states Dag no 268 is Pukur and Dag No- 267 is Pukur Par, there is no record that the Dag No 268 is Bheel. Therefore The Committee wrongly in the report assumes both Dag no 267 and 268 as Bheel.

(XXXVIII) The joint committee in the report do not state that Ukil Bheri is a wetland and therefore Ukil Bheri can be viewed in the context of Rule 166(1) of the West Bengal Land Manual, 1991 especially for the land use before 24.03.1986.

(XXXIX) The joint committee in the report state that Deeds, Survey observation report, Assessment Book, Building scantion Plan of Building at 9B, 14A and 14 B were called for and such documents were scrutinised, based on which KMC should proceed in the process of revocation of plan. It is therefore evident that the documents of plot no of your Applicant that is Plot 20B were never verified and neither considered.

(XXX.X) That the joint committee in the report fails to actually ascertain the encroachment of the Bheri, as the report mentions the complaints filed by Sunit Kumar Mallick Chowdhury but does not take into account the FIR and the Chargesheet filed against Sunit Kumar Mallick Chowdhury where the chargesheet clearly finds Sunit Kumar Mallick Chowdhury guilty of encroachment of the bheri.

(XXXI) That the joint committee failed to appreciate that simply on the basis of Goole Earth imagery it cannot reach to any conclusions. One degree of latitude equals approximately 364,000 feet (69 miles), one minute equals 6,068 feet (1.15 miles), and one-second equals 101 feet. One-degree of longitude equals 288,200 feet (54.6 miles), one minute equals 4,800 feet (0.91 mile), and one second equals 80 feet. Therefore a slight difference in one degree in a plot completely changes the location of the plot.

(XXXII) That the joint committee failed to appreciate that Goole Earth imagery can not be conclusive evidence of reaching into conclusion, more over the latitude and the longitude of the plots while assessing google earth imagery were not provided in the report therefore your Applicant cannot ascertain whether or not correct latitude and longitude was used by the joint Committee.

(XXXIII) The joint committee failed to appreciate that in the year 1966, the Metropolitan Housing Society was registered in accordance with the provisions of the Bengal Co-operative Societies Act, 1940 (now known as the West Bengal Co-operative Societies Act,

2006) having its registration No. 75/Cal of 1966. That from the year 1968 till 1970, the Metropolitan Housing Society vide numerous Sale Deeds purchased several pieces and parcels of land in Mouza Dhapa and Nimokpaktan, in Dag No. 87 under Mouza Dhapa and Dag Nos. 248,186,187 and 267 falling under Mouza Nimopoktan. The Dag No. 267 was thus purchased as early as 1968 and neither the State Authorities nor the Applicant raised any objection on transfer of ownership of Dag No. 267 in favour of the Metropolitan Housing Society at the time of the sale deed. Subsequently on 29.04.1970, a deed of Partition was executed between the Metropolitan Housing Society and Smt. Saibalini Chaudhurani and Others, making Metropolitan Housing Society the absolute owner of the Western Portion of the Taki Estate Bheri Land i.e., Dag Nos 201,401 and 140 of the District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire Revisional Settlement Dag No. 248, 187,187 and 267 recorded in the revised settlement Khanda Khatian Nos. 407,408, 352 and 353 of Mouza Nimakpaktak under District 24, South Parganas .

(X XXXIV) That the joint committee failed to appreciate that on 21.03.2014, was allotted Plot No. CZ/20-A in Sector B, admeasuring four Cottah (267.57 sq. mts) and eight chittak (33.44 sq mts.) of land along with 150 sq ft Kuccha Structure in the District of 24-South Parganas under Mouza Dhapa, Touzi No. 173, 1298/2833, J.L. No. 2, R.S. Dag No. 87 (Western Part), under C.S. Khatian No. 654 and Mouza Nimakpoktan, Revisional Settlement Khand Khatian Nos. 352 and 353, District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 248, 186, 187 and 267 under Police Station Jadavpur (Old Tollygunge) at present Police Station Tiljala under the District Collectorate at Alipore, District 24- South Parganas. Therefore your Applicant was allotted a piece of land by the society and it is not humanly possible for your applicant to encroach the bheri. Copy of the Deed of Conveyance with allotment letter is annexed herewith and marked as Annexure G.

(X XXX V) That the joint committee failed to appreciate that on 04.04.2014, the Housing Society granted the No Objection Certificate to the Undersigned and the Deed of Conveyance was executed on

08.05.2015 recording that on the North side of the plot a 9 t wide common passage exists, on the South plot No. CZ21, on the East, Plot no. CZ-20 and on the West Ukhil Bheri. The Municipal assessment book shows the tax for the plot of the Applicant was accepted by the Corporation from 1990. Therefore it is evident that the said plot was land at that point of time and further it can be said that the Bheri was not encroached by the Applicant. Copy of the Assessment book of Kolkata Municipal Corporation is annexed herewith and marked as annexure 'H'.

## 5, GROUNDS:

- I. FOR THAT the respondent authorities have miserably failed to appreciate that no meeting in terms and as per the direction of the Hon'ble Tribunal dated 03.01.2022 was held by the specified and Identified persons mentioning in the order of Hon'ble Tribunal, so the decision of committee in all the meetings are nullity in the eye of law and void ab initio. The Committee was not constituted as per the order of the Hon'ble Tribunal as none from the National Wetland Authority was present in any of the meetings of the committee;

- II. FOR THAT the respondent authorities failed to appreciate that the applicant filed the written notes of argument and represented himself through physical submission of the Learned Advocate, but no reasoned decision was reached by the committee by considering the written notes of argument and submissions. Merely a post factor decision was taken confirming the decision on 27.07.2022 and on scanning the decision dated 27.07.2022, it appears that ten persons attended the said meeting amongst which only 4 persons were specified and identified members in accordance with order of the Hon'ble Tribunal.
- III. FOR THAT in the decision making process due to the presence of outsiders not identified and specified by the Hon'ble Tribunal the applicant have suffered great civil consequence in view of the notice of demolition which has been issued by KMC;
- IV. FOR THAT it is well settled principal of law that order in violation of Court's/ Tribunal's orders is nullity;

- V. FOR THAT the respondent authorities failed that the committee as per Clause 7 of the said rules should prepare brief document of wetland to be identified and modalities for enforcement to be issued and scope for objection and hearing by the State wetland authority is provided in the Statue. KMC is not the statutory authority as per statute, Hence the direction to the KMC and consequently notice of demolition of KMC is not as per Statue;
- VI. FOR THAT the respondent authorities have failed to appreciate that That the impugned decisions of the eight man committee is acting under dictation of the outsiders .It is a clear case of the doctrine of dictation. Causing injury to the legitimate expectation of fair hearing to the applicant who has suffered civil consequence as notice of demolition is send by KMC against the applicant;
- VII. FOR THAT the respondent authority violated the doctrine of fair hearing is a species of Article 14 which has been denied from the very beginning namely the violation of Hon'ble

Tribunal's order regarding formation of the 8 member committee entrusted with decision making process, non supply of documents, not going through the assessment record, building plan of the KMC and affidavits filed by the KMC before this Hon'ble Tribunal, the Committee entrusted the KMC to be judge of his own case, in violation of rule 10 and 17 which has prescribed a mechanism for considering the issue, the action of the committee by not giving any notice to the stake holders thrusting a post facto decision upon the applicant by the Committee (the applicant wrote a letter to the said committee and on 23/09/22 the applicant was represented before the committee);

VIII. FOR THAT the respondent authorities failed to appreciate that the right to residence is a derived fundamental right under Article 21 of the Constitution of India as per Judgment of the Apex Court by interpreting the word life as mentioned in the said Article. Hence the action of the said committee is not only in violation of the principal of natural justice but also in violating of Article 14 of the Constitution of India being

Arbitrary, unreasonable and unfair and also the fundamental right under Article 21 of the Constitution of India and the primarily right to residence;

- IX. FOR THAT the respondent authority failed to appreciate that as per Clause 7 of the guidelines for implementing Wetlands( Conservation and Management) Rules 2017 being a statutory guideline, the word aquaculture is exempted from the concept of wetland. The dictionary meaning of the word aquaculture as per Oxford Dictionary 5<sup>th</sup> edition Page 107- Aquiculture means "The rearing of aquatic or cultivation of aquatic plants for food" fish is also coming within pisciculture, pisciculture require rearing of fishes in aqua as such it is within the genetic term of aquaculture. It is admitted fact that as it appear for the O.A. 25/16. "the applicant has been carrying and running his pisciculture business in the said Bheri since 1954." Ukil Bheri is used for pisciculture long back the land was allowed to be utilized for pisciculture by constructing the bheri that's why the name of Ukil Bheri. Bheri means the place for rearing of fish, fish is a aquatic animal

and in view of this the Ukil Bheri should be exempted from wetland;

- X. FOR THAT the respondent authority failed to appreciate that the eight members committee who were granted the authority to conduct hearings and pass orders by this Hon'ble Tribunal cannot abdicate their responsibility by acting on the dictates of outsiders who has no role to play in accordance with the order of the Hon'ble Tribunal.
- XI. FOR THAT the respondent authority failed to appreciate that the Hon'ble Tribunal directed the remedial action to be taken by the statutory authority as per guidelines for implementing the Wetland ( Conservation and Management) Rules, 2017 published in the official Gazette, 2017. In accordance with per Clause 7 of the said rules the Committee should prepare brief document of wetland to be identified and modalities for enforcement to be issued and scope for objection and hearing by the State wetland authority is provided in the Statue. KMC

is not the statutory authority as per statute, Hence the direction to the KMC and consequently notice of demolition of KMC is not as per Statue.

- XII. FOR THAT the respondent authority failed to appreciate that the post facto decision is not at all a decision as it is general propensity of the administration to confirm the earlier view in post decisional hearing.
- XIII. FOR THAT the respondent authority failed to appreciate that the building of the appellant have constructed in accordance with the sanctioned plan issued by KMC and duly mutated after assessment. The assessment record of the KMC which was also placed before the committee dates back to 1990, the assessment record shows that land tax was paid by the Applicant from 1990. There is a tree in the said land in the front side of the concerned plot of the applicant that is aged about 30 to 35 years. Building is constructed a per sanction plan and not on Wetland.
- XIV. FOR THAT the respondent authority failed to appreciate The alleged committee did not consider the mutation record,

Assessment record of the KMC and thereby causing injury to the applicant's right to residence in terms of the <sup>Article</sup> 21 of the Constitution of India.

- XV. FOR THAT the respondent authority failed to appreciate the right to residence is a fundamental right under Article 21 of the Constitution as per Judgment of the Apex Court by interpreting the word life as mentioned in the said Article. Hence the action of the said committee is not only in violation of the principle of natural justice but also in violation of Article 14 of the Constitution of India being Arbitrary, unreasonable and unfair and also the fundamental right under Article 21 of the Constitution of India's primarily right to residence.
- XVI. FOR THAT the respondent authority failed to appreciate that KMC as per the statute grants sanction under the provisions after due assessment of the land of the applicant wherein the building is constructed and applicant is residing. KMC cannot sit as a judge for remedial action for demolition of building . . .

“No body could be judge of his own cause”

Hence direction to issue for remedial measure who in turn herein issued the notice of demolition is not legally sustainable in the eye of law be sides the legal question KMC is not the statutory authorities as per Wetlands( Conservation and Management) Rules 2017.

XVII. FOR THAT the respondent authority failed to apply its mind. The joint Committee failed to appreciate that the Hon'ble Tribunal vide the final Order dated 03.01.2022 in the case of Sabyasachi Mallick v. State of West Bengal & Ors. had relied on its Judgment dated 25.11.2021 in Raja Muzaffar Bhat v. State of Jammu and Kashmir & Ors. [OA No. 351/2019] and directed identification and mapping of wetlands beyond the 2.01 lakh wetlands already identified, to extend protection to all such wetlands. In this regard, it is pertinent to highlight the decision of the Hon'ble Supreme Court in the case of Jal Mahal Resorts Pvt. Ltd. v. K.P. Sharma & Others [2014 8 SCC 804] wherein the Apex Court has stated that there must be substantial evidence such as land revenue records or any other

material to ascertain whether the land is a wetland and to determine the applicability of the Wetland Conservation Rules, 2010.

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- XX. FOR THAT the joint committee failed to consider the Affidavit filed by the respondent authority Kolkata Municipal Corporation dated 7/08/19 before the Hon'ble Tribunal, it was stated that sanctions were accorded on the basis of the documents submitted and the documents were scrutinized when it was found that the plots in question falls within Dag no.267.
- XXI. FOR THAT the joint committee failed to appreciate that during the inspection conducted by the committee on 17/02/22 the committee observes that the bheri is a marshy land with less water. The Committee fails to include in the

report that the bheri is covered with dense vegetation to such an extent that it is impossible to locate the bheri unless it is particularly known that the bheri exists in that place.

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- XXIV. FOR THAT the joint committee in the report do not state that Ukil Bheri is a wetland and therefore Ukil Bheri can be viewed in the context of Rule 166(1) of the West Bengal Land Manual, 1991 especially for the land use before 24.03.1986.
- XXV. FOR THAT the joint committee in the report state that Deeds, Survey observation report, Assessment Book, Building scantion Plan of Building at 9B, 14A and 14 B were called for and such documents were scrutinised, based on which KMC should proceed in the process of revocation of plan. It is therefore evident that the documents of plot no of your Applicant that is Plot 20B were never verified and neither considered.
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XXVII. FOR THAT the joint committee failed to appreciate that simply on the basis of *Google* Earth imagery it cannot reach to any conclusions. One degree of latitude equals approximately 364,000 feet (69 miles), one minute equals 6,068 feet (1.15 miles), and one-second equals 101 feet. One-degree of longitude equals 288,200 feet (54.6 miles), one minute equals 4,800 feet (0.91 mile), and one second equals 80 feet . Therefore a slight difference in one degree in a plot completely changes the location of the plot.

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XXX. FOR THAT the joint committee failed to appreciate that on 21.03.2014, was allotted Plot No. CZ/20-A in Sector B, admeasuring four Cottah (267.57 sq. mts) and eight chittak (33.44 sq mts.) of land along with 150 sq ft Kuccha Structure in the District of 24-South Parganas under Mouza Dhapa, Touzi No. 173, 1298/2833, J.L. No. 2, R.S. Dag No. 87 (Western Part), under C.S. Khatian No. 654 and Mouza Nimakpoktan, Revisional Settlement Khand Khatian Nos. 352 and 353, District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 248, 186, 187 and 267 under Police Station Jadavpur (Old Tollygunge) at present Police Station Tiljala under the District Collectorate at Alipore, District 24- South Parganas. Therefore your Applicant was

allotted a piece of land by the society and it is not humanly possible for your applicant to encroach the bheri.

(XXXI) FOR THAT the joint committee failed to appreciate that on 04.04.2014, the Housing Society granted the No Objection Certificate to the Undersigned and the Deed of Conveyance was executed on 08.05.2015 recording that on the North side of the plot a 9 t wide common passage exists, on the South plot No. CZ21, on the East, Plot no. CZ-20 and on the West Ukhil Bheri.

6. **LIMITATION:**

The applicant declares that the cause of action in the instant case, accrues from the Metropolitan Co-operative Housing Society on 12<sup>th</sup> February 2023, after the report was served by the Committee in WP 21710/2022. Such cause of action is renewing on a day-to-day basis and as such the question of applicability of the limitation prescribed in Section 14 (3) of the National Green Tribunal Act, 2010 does not arise.

**7. INTERIM PRAYER:**

Pending final disposal of the application the applicant seeks issuance of the following interim orders:

- a) An interim order of injunction directing the respondents and/or their servants and/or their employees and/or their agents not to take give effect to the report of the alleged Joint Committee {filed in the form of an Affidavit affirmed on 1/11/22 and annexed in this Application as Annexure D}, in any manner whatsoever, till the disposal of the instant application;
- b) Ad-interim order in terms of prayers (a) as above.

**8. PRAYER:**

In view of the facts mentioned in paragraphs 4 & 5 above the applicant prays for the following reliefs :

- a) Mandatory order do issue commanding the respondents each one of them and their men, agents, assigns and subordinates to certify and transmit to this Hon'ble Tribunal all records forming the basis of their inaction regarding the report of the Joint

Committee formed by this Hon'ble in its order dated 3/01/22 so that conscionable justice may be rendered;

- b) Direct the respondents and/or their servants and/or their employees and/or their agents not act to in accordance with the report of the Joint Committee report {filed in the form of an Affidavit affirmed on 1/11/22 and annexed in this Application as Annexure D) allegedly formed by the Hon'ble Tribunal vide order dated 3/01/22 in OA 25/16/EZ, in any manner whatsoever, till the disposal of the instant application.
- c) Stay the report of the alleged Joint Committee {filed in the form of an Affidavit affirmed on 1/11/22 and annexed in this Application as Annexure D) allegedly formed by order dated 3/01/22 in OA 25/16/EZ of the Hon'ble Tribunal.
- d) Direct the eight member committee to reconsider its report {filed in the form of an Affidavit affirmed on 1/11/22 and annexed in this Application as Annexure D) and conduct a fresh inspection of Ukil Bheri and give a fresh report after consulting and

hearing all the stake holders concerned and to pass a reasoned decision.

- e) Direct the respondents and/or their servants and/or their employees and/or their agents to demarcate the Ukil Bheri in a proper manner with boundaries for restoration of the Ukil Bheri.
- f) Mandatory order do issue commanding the respondents each one of them and their men, agents, assigns and subordinates to take adequate measures and take steps to restore and clear the Bheri.
- g) Any other appropriate direction/directions and/or order /orders as this Hon'ble Tribunal may deem fit and proper;
- h) Cost of and/or incidental to the instant application;

VERIFICATION

I, Sanjib Poddar, son of Sukhendra Poddar, aged about 42 years, by faith- Hindu, by occupation -Business, residing at P-29, Canal South Road, Sector -A, Ground Floor, Metropolitan Co-operative Housing Society, Kolkata-700105 do hereby verify that the contents of the paragraphs 1, 7, 8, 9 are true to my belief and/ or based on information and/or derived from sources which I verily believe to be true and rest of the paragraphs are my humble submissions before this Hon'ble Bench and I have not suppressed any material facts and circumstances.



Signature of the applicant

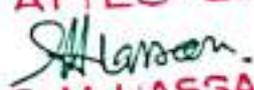
Prepared in my office and  
signed in my presence



Advocate.

Date : 3/3/23



ATTESTED  
  
S. M. HASSAN  
NOTARY  
Regn. No. 13789/18  
High Court, Calcutta  
Kolkata - 700 001

03 MAR 2023

- 62 -  
Annexure - 'A'

22/02/2016/EZ  
19/02/16

BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH  
BLOCK - 3B, 3<sup>rd</sup> FLOOR, ACTION AREA - II, NEW TOWN, KOLKATA -  
700157.

APPLICATION

(Under Section 18(1) read with Sections 14 of the National Green  
Tribunal Act, 2010)

ORIGINAL APPLICATION NO. 25 OF 2016/EZ

In the matter of:

~~Sunit Kumar Mallik Chowdhury.~~

Sri Sabyasachi Mallik Chowdhury - Substituted vide order  
dt. 18/12/2019. ....Applicant.

AND

The State of West Bengal & Ors.

.....Respondents.

NATIONAL GREEN TRIBUNAL, EZB, KOLKATA  
(i) Serial No. of the copy application. 87/2022/EZ  
(ii) Name of the applicant. Panchali Banerjee  
(iii) Date of presentation of application. 04/08/2022  
(iv) No. of Pages. 97x51  
(v) Copying fee (for govt. General Category). 485/- + 20/-  
(vi) Date of Preparation of copy. 04/08/2022  
(vii) Date on which copy is ready. 04/08/2022  
(viii) Date given for collection of copy. 04/08/2022  
(ix) Date of Delivery

For Registrar (NGT)

*[Signature]*  
04/08/2022

"Certified that this is a true and accurate  
copy of the document of order as in the case  
(Application / Appeal No. 25/2016/EZ)  
that all the matters appearing therein  
have been legibly and faithfully copied w  
modification"

For Registrar

*[Signature]*  
04/08/2022



**PAPER BOOK**

Santanu Maji

Advocate

High Court, Calcutta

Bar Association Room No. 16.

Mob: 9681526663

17 FEB 2016



-63-

... COPY

BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH  
BLOCK - 3B, 3<sup>rd</sup> FLOOR, ACTION AREA - II, NEW TOWN, KOLKATA -  
700157.

APPLICATION

(Under Section 18(1) read with Sections 14 of the National Green  
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ORIGINAL APPLICATION NO. 25 OF 2016/EZ

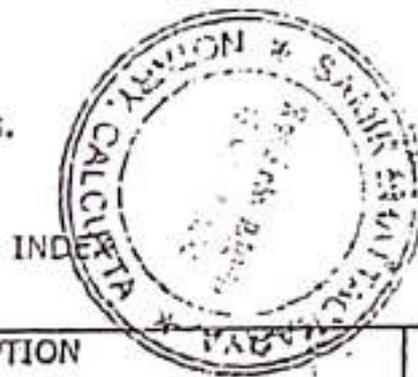
In the matter of:

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Respondents.

Sl. No.	DESCRIPTION	Annexure	Page No.
1.	Original Application		1 to 30
2.	Affidavit		31
3.	Verification		32
4.		A-1	33-37
5.		A-2	38
6.		A-3	39

- 64 -

...PY.

7.		A-4	40
8.		A-5	41-49
9.		A-6	50-53
10.		A-7	54-61
11.		A-8	62-75
12.		A-9	76-77
13.		A-10	78-94



BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH

BLOCK -- 3B, 3<sup>rd</sup> FLOOR, ACTION AREA -- II, NEW TOWN, KOLKATA --

700157.

APPLICATION

(Under Section 18(1) read with Sections 14 of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO.

OF 2016/EZ

Between

*Sabyasachi Mallick  
Chowdhury,  
applicant substituted  
vide order dt 18/12/2019*

Sunit Kumar Mallick Chowdhury,  
son of Late Banku Behari Mallick  
Chowdhury, of 64/11G, Suren  
Sarkar Road, Police Station -  
Belegkata, District - South 24  
Parganas, Kolkata - 700010;

....Applicant.

AND

1. The State of West Bengal service through the Chief Secretary, Government of West Bengal, Nabannya Bhaban, Mandirtalla,



2

-66-

325 Sarat Chatterjee Road,  
Shibpur, Howrah - 711102;

2. The Chief Secretary, Government of West Bengal, having its office at Nabannya Bhaban, Mandirtalla, 325 Sarat Chatterjee Road, Shibpur, Howrah - 711102.
3. The East Kolkata Wetlands Management Authority, service through the Chairperson, having its office at Poura Bhaban, 4<sup>th</sup> Floor, Block - FD, 415A, Sector - II, Salt Lake City, Kolkata - 700106;
4. The Chairperson, East Kolkata Wetlands Management Authority, having its office at Poura Bhaban, 4<sup>th</sup> Floor, Block - FD, 415A, Sector - II, Salt Lake City, Kolkata - 700106;



5. The West Bengal Pollution Control Board, service through the Chairman, having its office at Paribesh Bhaban, 10A, Block-LA, Sector-III, Bidhannagar, Kolkata-700098;
6. The Chairman, West Bengal Pollution Control Board, having its office at Paribesh Bhaban, 10A, Block - LA, Sector - III, Bidhannagar, Kolkata-700098;
7. The Kolkata Municipal Corporation, service through the Municipal Commissioner, having its office at 5, S.N. Banerjee Road, Kolkata - 700013;
8. The Director General (Project Management Unit), Kolkata Municipal Corporation, Having its office at 48 Market Street, Kolkata - 700087;



9. The Commissioner of Police, Kolkata Police, having its office at B.B. Ganguly Street, Lal Bazaar, Kolkata - 700001;
10. The Additional District Magistrate (LR), South 24 Parganas, having its office at Treasury Building, Kolkata - 700027;
11. The Block Land and Land Reforms Officer (Kasba), South 24 Parganas, having its office at 1582, South End Conclave Building, T.M. Block, Kasba, Rajdanga Main Road, Kolkata - 700107;
12. The Environment officer, High Power Committee, Paura Bhaban, Fourth Floor, Block - FD 415A, Sector - III, Salt Lake City, Kolkata - 700106;



13. The Officer In Charge , Pragati Maldan Police Station, having its office at Eastern Metropolitan Bypass Road, Kolkata - 700039;
14. Metropolitan Co Operative Housing Society Limited, a Co-Operative Housing Society formed and registered under West Bengal Co Operative Societies Act, service through the secretary having its office at CZ - 28, Sector - B, Canal South Road, District South 24 Parganas, Kolkata - 700105;
15. The Secretary, Metropolitan Co-Operative Housing Society Limited, having its office at CZ - 28, Sector - B, Canal South Road, District South 24 Parganas, Kolkata - 700105;
16. Paritosh Dutta Roy, of P - 74, Metropolitan Co-operative



Housing Society, Limited, Sector -  
A, Canal South Road, District  
South 24 Parganas, Kolkata -  
700105;

17. Jagadish Chandra Mitra, of P -  
76, Metropolitan Co-operative  
Housing Society Limited, Sector -  
A, Canal South Road, District  
South 24 Parganas, Kolkata -  
700105;

18. Niranjan Mondal, P - 116/EA,  
Metropolitan Co-operative  
Housing Society Limited, Sector -  
A, Canal South Road, District  
South 24 Parganas, Kolkata -  
700105;

ChA stand abated  
with respect to  
R. 19 vide order  
dt. 28.10.2014

19. Amulya Ratan Dutta, P - 138/EA,  
Metropolitan Co-operative  
Housing Society Limited, Sector -  
A, Canal South Road, District  
South 24 Parganas, Kolkata -  
700105;



20. Pankaj Majumdar, P - 3/SC  
 Metropolitan Co-operative  
 Housing Society Limited, Sector -  
 A, Canal South Road, District  
 South 24 Parganas, Kolkata -  
 700105;

*Debjyoti Kar*

21. ~~Aleke~~ Kar, of P - 102,  
 Metropolitan Co-operative  
 Housing Society Limited, Sector -  
 A, Canal South Road, District  
 South 24 Parganas, Kolkata -  
 700105;

*23. Principal Secretary  
 Deptt of environment  
 Govt of W.B*

22. Uma Biswas, of P - 142,  
 Metropolitan Co-operative  
 Housing Society Limited, Sector -  
 A, Canal South Road, District  
 South 24 Parganas, Kolkata -  
 700105;



..... Respondents

(1) The address of the applicants is given above for the service of notices of this Application.

- (2) The addresses of the Respondents are given above for the service of notices of this Application.
- (3) The Applicant above-named begs to present the Original Application against the actions of the respondent nos. 14 and 15 herein which have resulted in destruction, damage, illegal filling up and illegal construction thereupon of the water body known as "Ukil Bheri", situated at Mouza - Nimokpoktan, Pagladanga, Dihi Panchanangram, near Chingrighata, within Police Station - Pragati Maidan, Ward No. 57 of Kolkata Municipal Corporation, measuring about 60 bighas of water body, which is a continuing offence, and non action of the state respondents in preventing such action, on the grounds set out hereunder:

**FACTS IN BRIEF**

- 1. Your applicant that that he is 90 years of age, and he is in possession of a water body named 'Ukil Bheri', situated at Mouza - Nimokpoktan, Pagladanga, Dihi Panchanangram, near Chingrighata, within Police Station - Pragati Maidan, Ward No. 57 of Kolkata Municipal Corporation, measuring about 60 bighas of water body for pisciculture. There are at least six undivided plots contained within the abovementioned water body. The applicant has been carrying on business of fishery



since 1954 at the abovementioned water body. Cultivation of fish is for the benefit of maintenance and upkeepment of biodiversity.

- 2. Your applicant states that respondent nos. 14, and 15 i.e. the Metropolitan Co-operative Housing Society Limited and its Secretary respectively are illegally trying to construct brick built boundary wall by filling sand, mud, garbage, building materials and other waste materials on the eastern bank of the water body since 17.10.2015. The applicant made a written complaint to the Officer In Charge of Pragati Maldan Police Station in the month of October, 2015. The local police did not take any action to stop or prevent illegal filling up of the water body. Recently on 05.02.2016 the respondent nos. 14 and 15 again tried to fill up and build construction wall over the said water body and on being informed by the local people and environmentalists the applicant made complaints before the police authority as well as other state respondents praying for stopping and preventing illegal filling up of Ukil Bheri, a large water body of East Kolkata. Despite receipt of the said representations, the state respondents did not take any action against the respondent nos. 14 and 15, who are influential politically and economically; as such the illegal filling up of the



water body and illegal construction thereupon is continuing till date.

3. Your applicant states that it is pertinent to mention that the "eastern" bank herein includes the north-eastern as well as the south-eastern side of the aforesaid Ukil Bheri.
4. Your applicant states that the respondent nos. 16 to 22 are the Board of Directors of Metropolitan Co-operative Housing Society Limited and they are involved in the illegal filling up and illegal construction over the Ukil Bheri.
5. Your applicant states that the actions of the respondent nos. 14 and 15 are not only severely damaging the aforesaid Ukil Bheri, but also hampering the environment of the surrounding locality of the said water body.
6. Your applicant desires to move before this Hon'ble Tribunal to restore and preserve the water body for proper maintenance of eco balance and biodiversity for greater public interest. The matter involved herein affects the environment of the area and violates various provisions of the environmental laws, for example the West Bengal Inland Fisheries Act, 1984 and as amended thereafter, the West Bengal Town and Country (Planning and Development) Act, 1979, the East Kolkata



Wetlands (Conservation and Management) Act, 2006, and the Rules framed under the aforesaid Acts. As such, the interest of the environment at large is being affected.

7. Your applicant states that your applicant is the lessee of the said Ukil Bheri situated in Mouza - Nimokpoktan, JL No. - 01, Dihi Panchanangram, Police Station - Pragati Maidan, Ward No. - 57 of the Kolkata Municipal Corporation, R.S. Khatian Nos. - 415, 416, 318, 410, 300 and 434, the Dag Nos. being 268, 273, 271, 272, 274, 127, 275, 276. The applicant has been carrying and running his pisciculture business in the said Bheri since 1954. Subsequently on and from 28.03.1987 the applicant has been running his pisciculture business at the said Ukil Bheri under the trade name of "Sunit Fishery and Trading Corporation."

8. Your applicant states that the applicant obtained License from the Joint Director of Fisheries (ME & MS), Government of West Bengal for purchase/sale and storage for sale of fish under West Bengal Fish Producer's Licensing Order, 1994. The said license was renewed from time to time and it was lastly renewed up to 31.12.2015.

Photostat copies of the License from the Joint Director of Fisheries (ME & MS), Government of West Bengal for



purchase/sale and storage for sale of fish under West Bengal Fish Producer's Licensing Order, 1994, are annexed herewith and marked with letter "A-1" collectively.

9. Your applicant states that since he is an octogenarian, and he has been an environmentalists throughout his life. In order to prevent destruction and/or misuse of the environment and greenery the applicant has moved before this Hon'ble Tribunal for seeking relief.
10. Your applicant states the said Ukil Bheri is a natural wetland and is ecologically sensitive and important, within Kolkata Municipal Corporation (Ward 57). The term wetland/water body not only means the water body itself, but also the mud 'bandh' surrounding the water body, which is being expanded more and more into the water by the respondent nos. 14 and 15. The respondent nos. 14 and 15 with their miscreants, are widening the mud 'bandh' by filling up with soil, bricks, garbage, etc. Pisciculture has been taking place upon the said Ukil Bheri since the last 60 years.
11. Your applicant states that the boundary of the said water body are stated as follows:-
  - a. North - A building being a closed factory namely Abresives Casting Limited.



-77-

- b. South - A portion of Dakshinee Co-operative Housing Society Limited.
- c. East - A Portion of Metropolitan Co-operative Housing Society Limited.
- d. West - A village namely Pangladanga Patrapara.

Photostat copy of the Mouza Map of Ukil Bheri is annexed herewith and marked with letter "A-2".

12. Your applicant states that on 04.07.2013, a news article was published in the Times of India English newspaper, under the caption, "Ukiler Bheri filled up under councilor's nose, KMC clueless". It was reported that one does not have to go a remote place to see large chunk of water bodies under East Kolkata Wetlands being filled up. Parts of 100 bigha bheri located right next to Metropolitan Housing Co-operative Housing Society are being gobbled up in broad daylight. The bheri under East Kolkata Wetlands is just a five minute walk from EM Bypass but that does not prevent a section of land sharks from filling up Ukiler Bheri, one of the most well known bheris of EM Bypass.

Photostat copy of the news articles in Times of India dated 04.07.2013 is annexed herewith and marked with letter "A-3".



Your applicant states that thereafter again on 17.07.2013 another news article was published in the English newspaper Times of India, under the caption, "Uklier Bheri gets a second life", and it was reported in the article that the earth had been dug up from the bheri and the water body had been restored.

Photostat copy of the news article dated 17.07.2013 under Times of India, is annexed herewith and marked with letter "A-4".

Your applicant states that on 15.07.2013, one Executive Engineer, Kolkata Municipal Corporation namely Pradip Kumar Basak, made a complaint before the Officer in Charge, Pragati Maidan Police Station, against applicant and one Dilip Das, for illegal filling up of water body of Ukil Bheri and a criminal case was started being Pragati Maidan Police Station Case No. 269 of 2013 dated 22.07.2013 under section 53 of the West Bengal Town and Country (Planning and Development) Act, 1979, and section 22 of the West Bengal Inland Fisheries Act, 1993. The said case was charge sheeted against the petitioner and another. Interestingly the complainant Pradip Kumar Basak specifically stated before the Court below as PW 1 that he went to inspect the spot and found that the water body was restored back into its original form within thirty days. On 29.11.2013, the Kolkata Municipal Corporation informed the applicant that they withdrew



the notice for illegal filling in contravention to the notification made under the West Bengal Town and Country (Planning and Development) Act, 1979, against Ukil Bheri. It was stated in the said letter that the Officer in Charge, Pragati Maidan Police Station was requested to withdraw the case.

Photostat copies of the FIR, Written Complaint, Charge Sheet along with deposition of PW 1 and communication dated 29.11.2013 are annexed herewith and marked with letter "A-5" collectively.

15. Your applicant states that on 17.10.2015, the applicant made a complaint before the Officer in Charge, Pragati Maidan Police Station, stating Inter alia that the officials of the Metropolitan Co-operative Housing Society, i.e. respondent no. 14 herein, are trying to encroach upon the areas of Ukil Bheri. The said encroachment is likely being made in respect of Dag No. 268, which is a part of the abovementioned water body. The applicant requested the police authority to take action against the officials of the respondent no. 14. The police authority refused to accept the complaint by hand and as such the learned advocate of the applicant sent the complaint by speed post vide letter dated 19.10.2015. Thereafter the local police called the applicant over phone and on query the applicant submitted all the documents.



The police inspected the spot and assured the applicant that the action would be taken against the officials of the respondent no. 14. However, the local police is helpless as the officials of the respondent no. 14 are under the umbrella of the ruling party of the state and as such the police kept mum over the matter.

Photostat copies of the petitioner's complaint along with advocate's letter are annexed herewith and marked with letter "A-6" collectively.

16. Your applicant states that the learned advocate of the applicant sent a legal notice to the respondent no. 15 on 19.10.2015, requesting him to stop the illegal filling up of the water body. In response to the said legal notice on behalf of the applicant, the learned advocate of the respondent no. 15 specifically stated on 29.10.2015, that the land belongs to the said society and such plots have been allotted to the members of the said society. The learned advocate of the respondent no. 15 denied the allegation of encroachment.

It is stated that on 19.11.2015, the learned advocate of the applicant made a legal notice wherein it was specifically stated that the respondent no. 15, encroached upon the portion of the water body by filling up in Dag no. 268; measuring about 2 bighas. In reply the respondent no. 15 denied the allegation.



Photostat copies of the advocate's letter dated 19.10.2015 of the applicant, advocate's letter of the respondent no. 15 dated 29.10.2015 and advocate's letter of the applicant dated 19.11.2015, are annexed herewith and marked with letter "A-7" collectively.

17. Your applicant states that on 31.01.2016, the applicant made a representation to the respondent authorities, wherein the applicant prayed for interference for safeguarding the interest of the society in conserving the environment as per law. It was stated further in the representation that on 17.10.2015, just before the Court closed for puja vacation, officials of the respondent no. 14 encroached upon and erected brick walls over 40 to 45 cottahs of the water body. The police did not accept the complaint made by the applicant and as such the learned advocate of applicant had sent complaint to the police station by speed post. It was stated further that request was made before the appropriate authority to initiate action against such illegal filling up, encroachment and construction upon the water body. It was stated that the said water body is measuring 60 bighas and is an environmental heart of East Kolkata and the members of the respondent no. 14 have been eyeing the said water body for a long time for construction of housing with aid of political persons. It was also stated that the respondent no. 14 has



already changed the nature and character of the water body which is in violation of relevant provisions of the environmental laws. Lastly the applicant requested the respondent authorities to take necessary action regarding the matter. The representation was sent via speed post but no action was taken by them regarding the same, till date.

Photostat copies of the representation dated 31.01.2016 along with postal receipt and track records are annexed herewith and marked with letter "A-8" collectively.

18. Your applicant states that on the night of 04.02.2016, the workers of Ukil Bheri as well as local people informed the applicant that the men and agents of respondent no. 14 were further filling up the said Ukil Bheri and the respondent 14's men and agents were illegally constructing brick walls thereupon. On 05.02.2016, the applicant made a complaint before the Officer in Charge, Pragati Maidan Police Station, stating inter alia that the officials of the respondent no. 14 have been further illegally and forcefully filling up the eastern part of Ukil Bheri since night of 04.02.2016. It was stated that the said water body is protected under the East Kolkata Wetlands (Conservation and Management) Act, 2006 and further as per the Wetlands (Conservation and Management) Rules, 2010. It was further



18 8.3

stated that the officials of the respondent no. 14 are illegally and forcibly filling up the abovementioned water body by using cement and concrete to further undertake unauthorized construction within the water body. The respondent no. 14's officials and men and agents are using force and muscle power to threaten the applicant's employees and representatives and any one approaching the illegal filling site is being threatened with dire consequences and risk to life. It was stated also that the officials of the respondent no. 14 are habitual offenders and politically influential. The applicant requested the police authority to take immediate and urgent action to stop the illegal filling up and illegal construction upon the abovementioned water body. The said representation was duly received by the police authority but no appropriate action was taken regarding the matter.

Photostat copy of the representation dated 05.02.2016 is annexed herewith and marked with letter "A-9".

19. Your applicant states that there exists photographic evidence to clearly show that the respondent nos. 14 and 15 have made illegal construction upon Ukil Bheri. When compared to pictures of Ukil Bheri taken in the year 2013, with recent pictures taken in 2016, it is clearly visible in the photographs that the respondent nos. 14 and 15 are filling up the bank of the Ukil Bheri and the



said respondent nos. 14 and 15 are trying to encroach upon the bank of the water body by filling up the water with mud, concrete and other materials.

Photostat copies of the photographs of the Ukil Bheri are annexed herewith and marked with letter "A-10" collectively.

20. Your applicant states that the aforesaid Ukil Bheri is an important aspect of well being of environment in the Eastern part of Kolkata. The proper preservation of Ukil Bheri is required in order to maintain the ecological balance as well as greenery and environmental well being of the concerned locality.
21. Your applicant states that section 11 of the East Kolkata Wetlands (Conservation and Management) Act, 2006, deals with restoration of land to original character or mode of use. As per the section 11, the authority, if satisfied, either suo moto or on receipt of any information that the character or mode of use of a land is being changed or has been changed in contravention to any provision of the said Act, the authority may by order in writing, require the person responsible for change to restore the land at his own expense.
22. Your applicant states that section 18 of the East Kolkata Wetlands (Conservation and Management) Act, 2006, provides



the penalty for failing to comply with or contravening any provision of the Act. Section 18 (2) of the said Act makes offence committed under the Act cognizable and non-bailable.

23. Your applicant states that section 17A of the West Bengal Inland Fisheries Act, 1984, lays down the following:-

"(1) No person shall— (a) put any water area including embankment measuring 5 cottahs or 0.005 hactre or more, which is capable of being used as fishery, or any naturally or artificially depressed land holding measuring 5 cottahs or 0.035 hectare or more, which retains water for a minimum period of six months in a year, to such use, other than fishery, as may result in abolition of fishery, or (b) fill up any water area including embankment or naturally or artificially depressed land holding as aforesaid, with a view to converting it into solid land for the purpose of construction of any building thereon or for any other purpose, or (c) divide any water area including embankment or naturally or artificially depressed land holding as aforesaid into parts so as to make any such part measure less than 5 cottahs or 0.035 hectare for any purpose other than pisciculture or transfer any part of any such water area including embankment or naturally or



artificially depressed land holding as so divided to any other person.

(2) If the competent authority, on receipt of an information or on his own motion or otherwise, is satisfied that—

(a) any water area including embankment or naturally or artificially depressed land holding, referred to in clause (a) of sub-section (1), is being, or is about to be, put to any use, other than fishery, or (b) any such water area including embankment or naturally or artificially depressed land holding is being, or is about to be, filled up, or (c) any such water area including embankment or naturally or artificially depressed land holding is being, or is about to be, divided into parts, or any part of any such water area including embankment or naturally or artificially depressed land holding as so divided is being, or is about to be transferred to any other person, in contravention of the provisions of sub-section (1), and that it is necessary for the purpose of promotion of pisciculture, checking of destruction of fisheries and prevention of environmental degradation so to do, he may by order in writing, take over the management and control of such water area including embankment or naturally or artificially depressed land holding as the case may be. (3)



An order under sub-section (2) shall be served in the prescribed manner on the owner of the water area including embankment or naturally or artificially depressed land holding, as the case may be, or, where the water area including embankment or naturally or artificially depressed land holding is in occupation of any person, not being the owner of such water area including embankment or naturally or artificially depressed land holding, on such person. (4) The management and control of such water area including embankment or naturally or artificially depressed land holding may be transferred by the competent authority to any person for proper utilization for piscicultur of such water area including embankment or naturally or artificially depressed land holding, as the case may be, in such manner as may be prescribed. (5) Every co-sharer or co-owner of a water area including embankment or naturally or artificially depressed land holding, referred to in clause (a) of sub-section (I), shall be entitled to receive rent for taking over the management and control of such water area including embankment or naturally or artificially depressed land holding, as the case may be, by the competent authority at such rate as may be determined by that authority in the manner prescribed, (6) The management and control of any water area including



embankment or naturally or artificially depressed land holding may be taken over under sub-section (2) for a period not exceeding 25 years or transferred to any person under sub-section (4) for a period not exceeding 10 years at a time. (7) If the person referred to in sub-section (4) fails to utilize the water area including embankment or naturally or artificially depressed land holding, as the case may be, in accordance with the prevailing norms of pisciculture, the competent authority may, after giving notice to such person, resume the management and control of such water area including embankment or naturally or artificially depressed land holding, as the case may be, without payment of any rent or compensation to such person; and such water area including embankment or naturally or artificially depressed land holding, as the case may be, may thereafter be managed by the competent authority or transferred to some other person for pisciculture. (8) The provisions of this section shall apply, mutatis mutandis, to any water area including embankment or naturally or artificially depressed land holding, referred to in clause (a) of sub-section (1), which is owned or possessed by any person or persons either jointly or severally or owned by the State Government jointly with other person or persons. (9) No water area including embankment or naturally or



artificially depressed land holding, referred to in clause (a) of sub-section (I), shall be (a) put to any use other than fishery, or (b) filled up with a view to converting it into solid land, for the purpose of implementation of any development scheme by any department of the Central Government or the State Government or any public undertaking under the administrative control of the Central Government or the State Government or any statutory body or local authority or any organization in the public sector or any organization or individual in the private sector, except with the prior approval of the State Government in the Department of Fisheries. (10)

(a) The competent authority may, by a written notice, require an) person who, by contravening the provisions of sub-section (I),— (i) puts any water area including embankment or naturally or artificially depressed land holding to any use other than fishery, or (ii) fills up any water area including embankment or naturally or artificially depressed land holding with a view to converting it into solid land, or (iii) divides any water area including embankment or naturally or artificially depressed land holding into parts for any purpose other than pisciculture or transfer any part of any such water area including embankment or naturally or artificially depressed land holding as so divided to any other person, to restore,



within such period as may be specified in the notice, 'such water area including embankment or naturally or artificially depressed land holding, as the case may be, to its original condition at his own expense. (b) If such person fails to restore such water area including embankment or naturally or artificially depressed land holding to its original condition within the period specified in the notice under clause (a), the competent authority may, by order in writing, take over the management and control of such water area including embankment or naturally or artificially depressed land holding, as the case may be, restore it to its original condition, and recover the entire cost in this behalf or any part thereof from such person. (c) The management and control of such water area including embankment or naturally or artificially depressed land holding as may be Taken over by the competent authority under clause (b) may be transferred by the competent authority to any person for proper utilisation of such water area including embankment or naturally or artificially depressed land holding, as the case may be, in such manner as may be prescribed. And, thereupon, the provisions of sub-sections (5), (6), (7) and (8) shall apply to such water area including embankment or naturally or artificially depressed land holding as the case



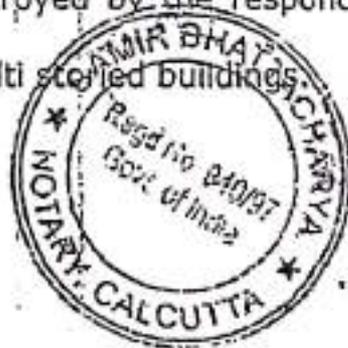
may be. (11) Any person who commits any offence by contravening the provisions of sub-section (1) shall, without prejudice to the provisions of sub-section (10), be punished with imprisonment for a term which may extend to two years or with fine which may extend to two lakh rupees or with both, and the provisions of section 20 shall not apply to such person.] 3 [(12) An offence under sub-section (11) shall be cognizable and non-bailable.]

24. Your applicant has not filed any such application before this Hon'ble Tribunal or any other court on self same cause of action.
25. Your applicant craves leave to make appropriate submission of law at the time of hearing of this instant application.

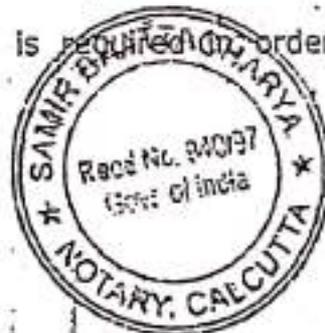
#### GROUNDS

FOR THAT the grounds on which the applicant relies for the purpose of this application are as follows:

- I. For that it is a tragic matter that the state respondents are not fully grasping the importance of pisciculture and protection and preservation of wetland and the environment. The said water body is being destroyed by the respondent nos. 14 and 15 for constructing multi storied buildings



- II. For that due to such actions of the respondents hereinabove, the environment of the concerned area has been severely affected. Furthermore, natural wetland is an extremely important for the preservation of the environment, and it is deemed to be extremely essential in the future as there is a constant threat on the environment. Thus, the respondents have not only conducted an illegal and act by filling the wetland, but also put the future of the people and the natural environment itself, into jeopardy. The action and/or inaction of the respondents hereinabove are completely irresponsible and atrocious in nature.
- III. For that the actions of the respondents are damaging the livelihood of the people of the locality as well severely disturbing the ecological balance in the environment of the locality as well as the natural environment at large and such offence is a continuing offence as the said wetland is getting filled till date and illegal constructions are being made thereupon.
- IV. For that the aforesaid Ukil Bheri is an important aspect of well being of environment in the Eastern part of Kolkata. The proper preservation of Ukil Bheri is required in order to



maintain the ecological balance as well as greenery and environmental well being of the concerned locality.

- V. For that the actions of the respondent nos. 14 and 15 are not only severely damaging the aforesaid Ukil Bheri, but also hampering the environment of the surrounding locality of the said water body.
- VI. For that respondent nos. 14, and 15 i.e. the Metropolitan Co-operative Housing Society Limited and its Secretary respectively are illegally trying to construct brick built boundary wall by filling sand, mud, garbage, building materials and other waste materials on the eastern bank of the water body since 17.10.2015. As such the environment and ecology of the concerned area is getting severely damaged and the Intervention of this Hon'ble Tribunal into the instant matter is essential to the well being of the environment.

#### LIMITATION

That the instant application is being filed within the period of limitation as prescribed under Section 14 of the National Green Tribunal Act, 2010.



**PRAYER**

TRUE COPY

The applicants, therefore, pray that:

Under the circumstances the applicants most humbly pray that your Honour will be kind enough to direct the respondent authorities to take the following measures:-

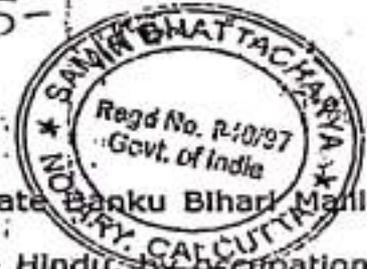
- a) To take necessary steps in order to immediately restore the original character and nature of Ukil Bheri, as existent before illegal filling up and illegal construction by the respondent nos. 14 and 15;
- b) To take appropriate steps to stop and prevent illegal filling up of Ukil Bheri and any illegal construction thereupon;
- c) Any other order as this Hon'ble Tribunal may deem fit and necessary;

**INTERIM PRAYER**

- A. To take necessary steps so that the illegal filling up and construction upon Ukil Bheri is stopped immediately so that the environment and ecology of Ukil Bheri is not hampered any further.



32-95-



TRUE COPY

**AFFIDAVIT**

I, Sunit Kumar Mallick Chowdhury, son of Late Banku Bihar Mallick Chowdhury, aged about 90 years, by faith - Hindu, by occupation - businessman, of 64/11G, Suren Sarkar Road, Police Station - Belegkata, District - South 24 Parganas, Kolkata - 700010, do hereby solemnly affirm and say as follows:-

1. That I am the applicant herein and as such I am well acquainted with the facts and circumstances of the above case and I am competent to affirm this affidavit.
2. That the statements made in paragraph nos. 1 to 19 are true to my knowledge and those made in paragraph nos. 20 - 23 are my humble submissions before this Hon'ble Tribunal.

Prepared in my office,

*Santanu Maji*  
Advocate

*Sunit Kumar Mallick Chowdhury*

Signature of the Applicant

*Samir Bhattacharya*  
Notary, Govt. of India  
Regd. No. - 940/97  
City Civil Court, Calcutta

Solemnly Affirmed and  
Declared before me U/S 139  
CPC U/S 297 (C) CRP



17 FEB 2016

17.2.16

32 - 96 -



JF CC

**VERIFICATION**

I, Sunit Kumar Mallick Chowdhury, son of Late Banku Bihari Mallick Chowdhury, aged about 90 years, by faith - Hindu, by occupation - businessman, of 64/11G, Suren Sarkar Road, Police Station - Belegkata, District - South 24 Parganas, Kolkata - 700010 do hereby verify that the contents of paragraph nos. 1 to 19

are true to my personal knowledge and paragraph nos. 20

to 23 are derived from records and the rest are the respectful submissions before the Hon'ble Tribunal and that I have not suppressed any material fact.

*Sunit Kumar Mallick Chowdhury*

Signature of Applicant

Date

Place

Identified by me-

*Santanu Maji*

Advocate



13720

FORM "B"  
[vide paragraph (3)(1)]

SEWEGE FE

Licence issued to a producer for Purchase/sale and for storage for sale of fish under the West Bengal Fish Producer's Licensing Order, 1994 :

No. J.D.F.(MEMS.)N-1(105)/97-R-316(376)01 Dated 08-02-12  
- R 646 (12/12)

- Subject to the provisions of the West Bengal Fish Producer's Licensing Order, 1994, Shri/Sarbashri .....  
Sunit K. Mallik Choudhury  
is (Proprietor/Partner/Manager/Secretary/Director of firm/Organisation) Sunit Fisher & Trading Corp., son of Lt. Banka Bihari Mallik Choudhury of P.S. Tiljala is/are hereby authorised to produce, sell or store for sale fish\*  
(Portion in the bracket to be filled in the case of Corporate body only)
- The licensee shall carry on the aforesaid business only at the following place: "Ukil Bhai" Mouja - Nimakpattan, Chingrighata, South 24 Pgs
- (i) the licensee shall maintain separately for each place of business mentioned in clause 2 above, a Register showing correctly:  
(a) Opening Stock on each day: W. Area - 23.00 Acce  
(b) The quantities produced/caught on each day showing the place (s) of fishery and the total value in respect of each species of fish:  
(c) The quantities sold or otherwise disposed of on each day and the sale price of each species of fish buy size.  
(d) Closing Stock of each day including variety.
- (ii) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause, the burden of proving which shall rest on him.
- The licensee shall give all facilities at the place of business at all reasonable time to the Licensing Authority or any officer authorised by him for inspection of his accounts, books, registers or any other documents about the transactions relating to his business.
- The licensee shall comply with any directions that may be given to him by the State Government or any Officer duly authorised, in regard to production sale and storage for sale of fish and in regard to the language in which the returns, receipts, mentioned in clause 4 shall be written and the Registers mentioned in clause 3 shall be maintained and authenticated.
- The licensee shall not fraudulently or wilfully fail, neglect or refuse to maintain regular supply of fish for sale or suspend his business. If this licence is suspended or cancelled it shall be delivered to the licensing authority within three days of the order of suspension or cancellation of the Licence.
- The Licensee shall not offer for sale or store any fish which is rotten or decomposed or unfit for human consumption.
- The Licensee shall use the standard metric weights in his transactions.
- The Licensee shall not refuse to sell fish lying in his stock to any customer.
- Licence shall be valid up to December, 31, 2012
- This licence shall be attached to the application for renewal.

TRUE COPY

Place : Kol. Kata  
Date : 08/02/12

[Signature]  
(Signature and designation of the Officer issuing Licence.)

[Seal]  
(Seal of the Officer issuing licence.)

\* Subject to valid registration of Coastal Fish Producer's Licence No. 2 of 2003



[ vide paragraph (3) (1) ]

a producer for purchase/sale and for storage for sale of fish in West Bengal Fish Producers' Licensing Order, 1984

No. ME(M.E.M.S)/N-1(105)/97/R-316(6376)/2001 Dated 7/6/01

1. Subject to the provisions of the West Bengal Fish Producers' Licensing Order, 1984, Shri/Sarbasmi.....

Sunit Kumar Mallick Chowdhury  
\* (Proprietor/Partner/Manager/Secretary/Director of Firm/Organisation Sunit Fishery and Trading Corp.), son of St. Banika Bihari Mallick Chowdhury of P.S. Tiljala is/are hereby authorised to produce..... fish.  
(Portion in the bracket to be filled in the case of Corporate body only.)

2. The licensee shall carry on the aforesaid business only at the following place Ulak Bhera

3. (i) the licensee shall maintain separately for each place of business mentioned in clause 2 above, a Register showing correctly: W. area - 23-00 Acres

(a) Opening Stock on each day (Twenty three Acres)

(b) The quantities produced/catched on each day showing the place(s) of fishery and the total value in respect of each species of fish

(c) The quantities sold or otherwise disposed of on each day and the sale price of each species of fish by size.

(d) Closing Stock of each day including variety.

(ii) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause, the burden of proving which shall rest on him.

4. The licensee shall give all facilities at the place of business at all reasonable time to the Licensing Authority or any officer authorised by him for inspection of his accounts, books, registers or any other documents about the transactions relating to his business.

5. The licensee shall comply with any directions that may be given to him by the State Government or any Officer duly authorised, in regard to production sale and storage for sale of fish and in regard to the language in which the returns, receipts, mentioned in clause 4 shall be written and the Registers mentioned in clause 3 shall be maintained and authenticated.

6. The licensee shall not fraudulently or wilfully sell, neglect or refuse to maintain regular supply of fish for sale or suspend his business. If this licence is suspended or cancelled it shall be delivered to the licensing authority within three days of the order of suspension or cancellation of the licence.

7. The licensee shall not offer for sale or store any fish which is rotten or decomposed or unfit for human consumption.

8. The licensee shall use the standard metric weights in his transactions.

9. The licensee shall not refuse to sell fish lying in his stock to any customer.

10. Licence shall be valid up to December, 31, 2001

This licence shall be attached to the application for renewal.

Place: Ko. Kate

Date: 7/6/01



[Signature]  
(Signature and designation of the Officer issuing Licence.)

**Jt. Director of Fisheries**  
(M. E. & M. S.)

(Seal of the Officer issuing licence.)

\* Subject to valid registration of Central Registration Authority Act & Rules 2003

**RENEWED**

Valid upto 31st December 2002  
Renewal No. R-22/02 dt 02/01/02

Licensing Authority,  
Jt. Director of Fisheries  
(M.E. & M.S.)  
Govt. of West Bengal

**RENEWED**

Valid upto 31st December 2003  
Renewal No. R-23/03 dt 02/01/03

Licensing Authority,  
Jt. Director of Fisheries  
(M.E. & M.S.)  
Govt. of West Bengal

**RENEWED**

Valid upto 31st December 2004  
Renewal No. R-22/04 dt 29/03/04

Licensing Authority,  
Jt. Director of Fisheries  
(M.E. & M.S.)  
Govt. of West Bengal

**RENEWED**

Valid upto 31st December 2005  
Renewal No. R-23/05 dt 25/03/05

Licensing Authority,  
Jt. Director of Fisheries  
(M.E. & M.S.)  
Govt. of West Bengal

**RENEWED**

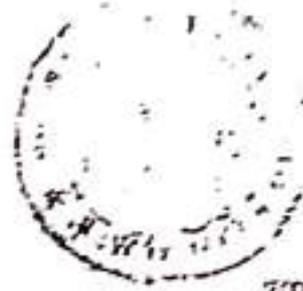
Valid upto 31st December 2007  
Renewal No. R-24/07 dt 27/01/07

Licensing Authority,  
Jt. Director of Fisheries  
(M.E. & M.S.)  
Govt. of West Bengal

**RENEWED**

Valid upto 31st December 2008  
Renewal No. R-37/08 dt 27/03/08

Licensing Authority,  
Jt. Director of Fisheries  
(M.E. & M.S.)  
Govt. of West Bengal



20/1/07  
10/3/07

2008-09-01

SEWEGE FED

13720

FORM "B"  
[ vide paragraph (3) (1) ]

Licence issued to a producer for Purchase/sale and for storage for sale of fish under  
the West Bengal Fish Producer's Licensing Order, 1964 :

No. ID.F. (MEAS.) N-1 (105) / 97-R-316 (6276) / 01 Dated 08-02-12  
- R.G. 46 (1827) / 12

1. Subject to the provisions of the West Bengal Fish Producer's Licensing Order, 1964, Shri/Sarabashri .....  
Sunit K. Mallik Choudhury  
\* (Proprietor/Partner/Manager/Secretary/Director of firm/Organisation) Sunit Fishery  
Trading Corp., son of Lt. Banka Bihari Mallik Choudhury  
of PS Tiljala is/are hereby authorised to produce, sell or store for sale fish \*  
\* (Person in the bracket to be filled in the case of Corporate body only.)

2. The licensee shall carry on the aforesaid business only at the following place "Ukiel Bheri"  
Mouza - Nimankhalan, Chingrihat, South 24 P.S.

3. (i) The licensee shall maintain separately for each place of business mentioned in clause 2 above, a Register showing correctly:  
(a) Opening Stock on each day;  
(b) The quantities produced/caught on each day showing the place (s) of fishery and the total value in respect of each species of fish;  
(c) The quantities sold or otherwise disposed of on each day and the sale price of each species of fish by size.  
(d) Closing Stock of each day including variety.

W. Area - 23.00 Acre

TRUE COPY

(E) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause, the burden of proving which shall rest on him.

4. The licensee shall give all facilities at the place of business at all reasonable time to the Licensing Authority or any officer authorised by him for inspection of his accounts, books, registers or any other documents about the transactions relating to his business.

5. The licensee shall comply with any directions that may be given to him by the State Government or any Officer duly authorised, in regard to production sale and storage for sale of fish and in regard to the language in which the returns, receipts, mentioned in clause 4 shall be written and the Registers mentioned in clause 3 shall be maintained and authenticated.

6. The licensee shall not fraudulently or wilfully fail, neglect or refuse to maintain regular supply of fish for sale or suspend his business. If this licence is suspended or cancelled it shall be delivered to the licensing authority within three days of the order of suspension or cancellation of the licence.

7. The Licensee shall not offer for sale or store any fish which is rotten or decomposed or unfit for human consumption.

8. The Licensee shall use the standard metric weights in his transactions.

9. The Licensee shall not refuse to sell fish lying in his stock to any customer.

10. Licensee shall be valid up to December, 31, 2012

11. This licence shall be attached to the application for renewal.

Place : Kol Kata  
Date : 08/02/12



P. S. Ghosh  
(Signature and designation of the  
Officer issuing Licence.)

M. K. R.  
(Seal of the Officer issuing licence.)

RENEWED

Valid upto 31st December 2013

Renewal No. R-320/13 dt. 12-2-2013

*P. Prasad*  
Licensee Authority  
Jt. Director of Fisheries  
(M.E. & M.S.)  
Govt. of West Bengal

RENEWED

Valid upto 31st Dec 2013

Renewal No. R-4359/13 dt. 13/02/13

*P. Prasad*  
Licensee Authority  
Jt. Director of Fisheries  
(M.E. & M.S.)  
Govt. of West Bengal

RENEWED

Valid upto 31st Dec 2015

Renewal No. R-284/15 dt. 4.9.15

*P. Prasad*  
Licensee Authority  
Jt. Director of Fisheries  
(M.E. & M.S.)  
Govt. of West Bengal

TRUE COPY



НИМАКРОКТАН

মোজা - নিম্নক পোস্তান নং ৩  
রেজিনিউ সার্ভে নং ৫

থানা - যাদবপুর  
জিলা ২৪ পল্লীগণা

ফেল ১৬ = ৩ মাইল

১০০ একডিকে এক জমিদার  
৫০ একডিকে এক মাইল



কালিকাতা -



# TIMES CITY

THE PAPER OF HOLLAND AND SURROUNDING DISTRICTS

CID SEERS FAST IN MANDUNI CASE FILES MO TAXERS FOR 217 HT SEATS FACULTY RUE

## Corporates may bail Presi out of fund crisis

Millions of shareholders are expected to be asked to contribute to the rescue of the company's financial position. In the process, the company's assets will be sold off and the company's name will be sold to a new owner.

**A NEW ROUTE**  
The company's new route is expected to be a success. The company's new route is expected to be a success.

**NEW FOR INVESTORS**  
The company's new route is expected to be a success. The company's new route is expected to be a success.

The company's new route is expected to be a success. The company's new route is expected to be a success.

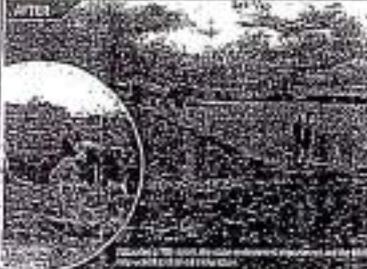
...of the company's financial position. In the process, the company's assets will be sold off and the company's name will be sold to a new owner.

The company's new route is expected to be a success. The company's new route is expected to be a success.

The company's new route is expected to be a success. The company's new route is expected to be a success.

The company's new route is expected to be a success. The company's new route is expected to be a success.

## Ukiler Bheri gets a second life



Ukiler Bheri gets a second life

The project is expected to be a success. The project is expected to be a success.

The project is expected to be a success. The project is expected to be a success.

The project is expected to be a success. The project is expected to be a success.



City corp approves... election...



Office of the  
**PROJECT MANAGEMENT UNIT**  
The Kolkata Municipal Corporation  
48, Market Street, Kolkata - 700 087



No: PMU / 259 / 13-14

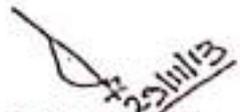
Date : 29.11.2013

To  
Mr. Sunit Kr. Mullick Chowdhury  
Ukil Bheri  
Chingrighata (Near Metropolitan Cooperative  
Housing Society)  
Ward-057, Borough-VII  
P.S. : Pragati Maidan

Sub.: Withdrawal of Notice for illegal filling in contamination to the notification made under West Bengal T&C(P&D) Act 1979 against the Ukil Bheri.

A notice was served by this department against the illegal filling of Ukil Bheri on 15.07.2013 U/S 53 of West Bengal Town & Contry (P&D) Act 1979 vide Notice No. PMU/125/13-14 and an F.I.R. was lodged at Pragati Maidan P.S. vide letter no. nil dated 15.07.2013. Subsequently, it is found that, you have restored the Ukil Bheri by removing the filled up earth as per instruction.

The matter was informed to the higher authority of KMC and it is decided that the above mentioned notice served to you is hereby withdrawn and allowing you to pici culture as usual.



E.E.(C)/PMU  
Ex. Eng. (C)/PMU  
Copy to: K. M. C.

- i) D.G.(PMU) - for information please
- ii) D.G.(Civil) - for information please
- iii) D.G.(Building) - for information please
- iv) Executive Engineer (Br.-VII)-for information please
- v) Chief Valuer & Surveyor - for his information please
- vi) Dy.Assessor Collector (Br.-VII) - for information please
- vii) Officer-in-Charge, Pragati Maidan Police Station - he is requested to withdraw the FIR

E.E.(C)/PMU





5/10/13. 5/10/13. 5/11/13. 5/11/13

JM-5445A/15.

Seen :- Sd/- Illegible, A.C.J.M., Alipore, 23.7.13.  
W.B.R. Form No. 21

TRUE COPY

FIRST INFORMATION REPORT

First Information of a cognizable crime reported under Section 154 Cr.P.C. at P.S.- ACR 4838/13.

1. Dist.- SED, Kolkata, Sub-Divn.- Id. A.C.J.M., Alipore,  
P.S.- Pragati Maidan, Year - 2013, FIR No.- 269, Date - 22.7.13.

2. (1) Act & ~~Sections~~ Sections - 53 of Town & Country Planning Act, 1979 & 22 of West Bengal Inland Fisheries Act, 1993 (Amended)

3. (a) General Diary Reference : Entry No.- 1585, Time - 17.15 hrs

(b) Occurrence of Offence : Sometime before 15.07.13.

(c) Information received : Date - 22.07.2013, Time - 17.15 hrs.

G.D. No.- 1585 at the Police Station - Pragati Maidan.

4. Type of Information : Written.

5. Place of Occurrence :

(a) Direction and Distance from P.S. - North-west 2 Kms. (Approx)

(b) Address - Near Metropolitan Co-operative Housing Society in Ward No. 57, Br. No.- VII.

6. Complainant/Informant :

(a) Name - Pradip Kr. Dasg, (Executive Engineer(C) Project Management Unit.

(e) Address - 4B, Market Street (3rd Floor), Kolkata - 700 037.

7. Details of known/suspected/unknown/accused with full particulars :- Unknown person/persons responsible.

8. Reasons for delay in reporting by the Complainant/Informant: X

9. Particulars of properties stolen/involved :- X

10. Total Value of properties stolen/involved :- X



TRUE COPY

- / 2 / -

11. Inquest report/U... : Case No. if any :- X

12. FIR Contents :- The above noted accused person/persons started illegally filling up of water body located at Ujil Bheri (near metropolitan Co-operative Housing Society) in Ward No. 57 Sr. No. VII without sanction from KMC Authority and violating the provision of the above noted act.

13. Action taken :- Since the above report reveals commission of offence(s) U/S - 53 of Town & Country Planning Act, 1979 and 22 of West Bengal Inland Fisheries Act 1993 (Amended) registered the case and took up the investigation/directed S.I. P.Das of Sec. PGM U/O of O/C. Sec. PGM to take up the investigation/transferred to P.S. .... on Point of Jurisdiction. FIR read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to the Complainant/Informant free of Cost.....

The letter of complaint of the Sd/- Suroj Kumar Ghosh. complainant has been treated as X Inspector of Police, FIR of the Case. O/C. Pragari Maidan P.S. Sd/- P.Das, 22.7.13. Dte - 22.7.13.

S.I. Sec. PGM.  
Typed by :-  
*(Handwritten signature)*





Seen :- SA- Illegible, A.C.J.H., Alipore, 23.7.13.  
The Kolkata Municipal Corporation, Project Management Unit,  
40, Market Street (3rd Floor), Kolkata - 700 027.

Date - 15.7.13.

To  
The Officer-in-charge,  
Pragati Nandan P.S.,  
South 24-Parganas.

Sub :- FIM against illegal filling up of water body at Ukil Bheri  
Near Metropolitan Co-operative Housing Society) in ward No. 57,

Dr. No. VII.

Dear Sir,

In reference to the complain lodged before LG(PMU) Kol-  
katta Municipal Corporation, this is to inform you that an  
illegal filling up of water body at the abovesmentioned premises is  
going on in violation of Section 53 of T & CP Act, 1979 & 22 of  
West Bengal Inland Fisheries Act 1993 (Amended).

Therefore you are requested to take immediate action  
considering this as an FIM.

Thanking you,

Yours faithfully,  
Sd/- Pradip Kr. Bhowmik  
Ex. Eng. (C) PMU, K.M.C.

Copy to :-

- 1) S.P. (South 24-Parganas) Bhambani Bhawan, Kol- 27/DC Kol. Police.
- 2) Dy. Director, Fisheries, K.M.C.
- 3) M-HIC, Environment, K.M.C.
- 4) Executive Eng. (C) Dr.

S.I. P.O. :

Pl. Start a case and investigate.

Sd/- Illegible, 20.7.13.

C/S. M.H.

Typed by :-





5/11/16. 5/11/16. 5/11/16. 5/11/16.

Se/- Illegible, ...C.J.N., Alipore, 16.11.13.  
W.D.P. Form No; 39.

CHARGE SHEET

(Section 173 Cr.P.C.)

1. In the Court of Lt. A.C.J.N., Alipore, 24-Parganas (S).  
Dist.- SEU, P.S.- Pragati Maidan, Year - 2013, FIR No.- 259,

Date - 22.07.2013.

2. Charge Sheet No.- 282/13, Date - 23.10.2013.

3. (1) Act x 53 of Town & Country Planning Act, 1979 and 22 of West Bengal Inland Fisheries Act, 1993 (Amended).

4. Type of Final Report :- Charge Sheeted.

5. If F.M. unoccurred :- X

6. If Supplementary or Original :- Original.

7. Name, Rank and Number of the I.O. :- S.I. P.Das of Pragati Maidan P.S.

8. (a) Name of Complainant/Informant :- Pradip Kr. Basak (Executive Engineer (c)). of Project Management, Unit.

9. Date on which the Complainant/Informant was informed of the Result :- 23.10.2013.

10. Details of Properties/Articles/Documents recovered/seized during investigation and relied upon :- Nil.

10a. Number of accused persons charge-sheeted :- 2(Two).

10b. Number of accused persons not charge-sheeted :- Nil.

11. Particulars of accused persons charge-sheeted :-

1) Sunit Kumar Mullick Chowdhury, S/O. Lt. Banka Bihari Mullick Chowdhury, - 64/11/0, Suren Sarkar Road, Kolkata - 700 010.

2) Dilip Das, S/O. Suren Das, of P-11, Sector-A Metropolitan Co-operative Housing Society, Kol- 105, P.S.- Pragati Maidan.

xviii) Bailed by Court till 03.04.2014.

12. Particulars of accused persons not charge-sheeted(suspected) :- Nil.



TRUE COPY.

-/ 2/-

13. Particulars of witnesses to be examined :-

- 1) Pradip Kr. Basak (Executive Engineer (c) Project Management Unit) - 4B, Market Street, (3rd Floor), Kol- 87 - U/Compt.
- 2) Sarun Pramanik (38) S/O. Kalipado Pramanik of 8 No. Pagladanga Road, (Patrapara, Kol- 105) - witness.
- 3) Babu Parahi (48), S/O. Lt. Mahadeb Parahi -do- witness.
- 4) Pratyap Nayak (50) S/O; Lt. Sudhir Nayak -do- -do-
- 5) Sanjay Naskar (53), S/O. Lt. Gobor Chand Naskar -do- -do-
- 6) Arun Mondal (55), S/O. Lt. Suatokanta Mondal, 105, Canal South Road, Chingrighata, Kol- 105 - do -
- 7) Nazreen Bari (Ali) Block Lund & Lund Reforms Officer, A.T.M., at Kasba, 24-Pgs. (S) - witness.
- 8) S.I. & P.Dns of Pragati Maidan P.S. - I.O. of the Case.

16. Brief facts of the case :- The fact of the case is that sometime before 15.07.2013 unknown persons started illegally filling up of water body located at Ukil Bheri (near Metropolitan Co-op. Housing Society) Ward No.- 57, sr. No. VII without sanction from KMC authority and violating the provision of 53 of Town & Country Planning Act 1979 and 2 of WB Inland Fisheries Act, 1993 (Amended). During investigation had been to the P.O. Contracted with the witnesses & took photographs of the said Bheri. Also contracted with BLD Officer, A.M. Kasba Nazreen Ali and took her statement. Letters were received from Commissioner of Police & Project Management Unit where the accused persons revealed their illegal filling in the Bheri. Snids were conducted. The n/noted persons appealed for U/S. 438 Cr.P.C. before the Id. Sessions Judges Court and got bail. According to the letter of complaint, statement of witnesses and other relevant documents charge sheet has been submitted against the accused persons U/S. 53 of Town &



-111-

TRUE COPY

-/ 3/-

and Country Planning Act, 1979 and 22 of West Bengal Inland Fisheries Act, 1973. So that the needy persons go up and face the trial before the Id. Court.

Sd/- Pintu Das

Sub-Inspector of Police,

Pragati Maidan P.S.

Kolkata - 105.

Date - 23.10.2013.

Forwarded -

Sd/- Illegible, 23.10.13.

Officer-in-charge,

Pragati Maidan P.S.

Kolkata - 105.

Typed by :-

*N. S. Das*  
5/11/13



FORM FOR RECORDING DEPOSITION

The deposition of Witness No. PW 1 for the  
aged about 62 years, taken on oath or \*solemn affirmation before me

\*Strike out words as may be unnecessary.

of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2011

My name is Pradip K. Basak

My father's / husband's name is Mr. Nishi Kanta Basak

by religion Hindu My home is at Mauza 50, Krishna Pur Tal.  
WOL-28

Police Station Dum Dum District \_\_\_\_\_

I reside at present in Mauza \_\_\_\_\_ Police Station \_\_\_\_\_  
District \_\_\_\_\_ where I am

Examination of PW1 is recorded on 29/07/15

I have been identified before this Court by my Ld. Advocate.  
At the relevant time, I used to work in the Project Management Unit  
of KMC, 48 Market Street, Kolkata 87, as Executive Engineer-Civil.  
I lodged this complaint against \_\_\_\_\_  
We received a complaint that a bheri named as Ukil bheri was being  
filled up by earth. Thereafter we went to inspect the spot and found  
that the information received was right.  
On the basis of that, we served a notice u/s 53 of W.B. Town and  
Country Planning and Development Act 1979. This is the said notice. It  
bears my signature. The same are marked as Exbt 1 and 1/1.  
Thereafter we lodged an FIR with the Pragati Maidan P.S.  
This is my complaint. The same are marked as Exbt 2 and 2/1.  
The illegal filling of the waterbody was done at Ukil Bheri.

*Pradip Kumar Basak*

Cross Examination of PW1 is recorded on 29/07/15

As per the rules, after service of notice, if the waterbody is not  
restored back to its previous state within 30 days of service of notice,  
thereafter criminal proceedings are to be initiated.



However, in the present case, the water body was restored back to its original form within those 30 days.  
We have the power to withdraw the complaint.  
We have submitted a letter for withdrawal of this complaint before the concerned P.G.  
I can submit the photocopy of the same.  
We have withdrawn the complaint from our side.  
I was duly authorized to act in the above mentioned manner.  
The withdraw procedure was done as per law.

TRUE COPY

(closed and discharged)



Pradip Kumar Basak



*Subrata Das*  
ADVOCATE  
Alipore Judges & Criminal Court  
Associated Public Prosecutor  
Senior Defence Advocate District Judge Panel  
Senior Panel Calcutta Legal Aid  
Advocate of Legal Aid District 24 Parganas(s)

Residence & Chamber :  
1/16A, Panna Ujain Rd. Road  
Calcutta-700 014  
Phone : 484-4272  
Alipore Criminal Court  
Phone : 479-1477

Date 19th Oct. 2015.

The Officer-in-Charge,  
Pragati Maidan Police Station,  
Eastern Metropolitan Bypass Road,  
Kolkata-700039.

TRUE COPY

Re: The Complain letter dated 17.10.2015, written by  
Sri Sumit Mullick Chowdhury, s/o, Lt. B. B. Mullick-  
Chowdhury, of 64/11G, Suren Sarkar Road,  
Kolkata-700010.

My Client: Sri Sumit Mullick Chowdhury,  
of 64/11G, Suren Sarkar Road,  
Kolkata-700010.

Sir,

Under instruction and on behalf of my Client above mentioned  
I write to you as follows:

That on 17.10.2015 My client went to your office to submit a  
complain which is submitted herewith for necessary steps, but  
your the then duty officer refused to accept.

That as such I am sending the said letter herewith for  
necessary steps by an early date.

Thanking you.

Yours Faithfully.

*Subrata Das*  
advocate.

Copy to :

- ✓ 1. Honble. Mayor T. K. S. C.
- ✓ 2. S. S. W. Sanjay Bhow, Kolkata-700113
- ✓ 3. Honble Minister incharge  
of Municipal Affairs
- ✓ 4. Director General, P.M.V.-K.M.C.
- ✓ 5. Commissioner of Police
- ✓ 6. B.L. & R.O.
- ✓ 7. Officer Official Trustee of W.O.
- ✓ 8. The Chairman, Human Right Comm.



-115-

The Officer Incharge,  
Pragati Maidan Police Station,  
Kolkata.

Dated 17<sup>th</sup> October 2008

Sir,

Sub-Illegal attempt for encroachment in UkilBheri, situated at  
Mouja Nimok Poktan, Chingrighata.

TRUE COPY

This is to inform you that the undersigned has been carrying on his fishery Business at UkilBheri, Mouja Nimok Poktan, Near Chingrighata since past over 50 years with all necessary Licenses and Certifications from the Competent Authorities. The undersigned is 69 years old and has been suffering from Major heart ailments since past 20 years and his mobility is restricted and consequently, the day to day operation and monitoring of the Bheri has been left to Sri Dilip Das, who is a Partner in the Business.

It has come to the notice of the undersigned that the officials of Metropolitan Housing Cooperative Society Limited are trying to encroach into the areas of UkilBheri unauthorisedly with some antisocial elements forcibly and illegally and without due process of Law and are involved in illegal activities using force and clout and by taking advantage of the ailing condition of the undersigned. It may be noted that the encroachment is being made in Dag No:268 which is a part of the above said water body belonging to the Official Trustee of West Bengal, Government of West Bengal, of which the undersigned is a tenant/Lessee since past fifty years.



- 116 -

- 116 -

Myself is hereby requesting to take appropriate action to stop the illegal attempt to encroach on the areas of Ukilbheri by the officials/representatives of Metropolitan Housing Cooperative Society Limited and their men.

So, I being a senior Citizen of India do hereby request to ensure no such illegal acts be done by the above mentioned persons in any manner what so ever

This letter may please be considered as an Affidavit

Thanking you,

Yours faithfully,

S. M. Chowdhury

Sunit Kumar Mullick Chowdhury

64/11 G, Suren Sarkar Road,

Kolkata - 700010.

CC- 1. Hon'able Mayor - Kolkata Municipal Corporation

2. Hon'able Minister Incharge of Municipal Affairs

3. Director General - PMU - WB

4. Commissioner of Police

5. BL&RO

6. Officer - Official Trustee of WB

7. Human Rights Commission



READ KULKATA EPD <700001>  
 N RM601341939114  
 Counter No14, CP-Codes03PM  
 TOLL FREE NUMBER OF POLICE, H.I. & M  
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 Counter No14, CP-Codes03PM  
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 KOLKATA, PIN:700001  
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 N RM601341940514  
 Counter No14, CP-Codes03PM  
 TOLL FREE NUMBER OF POLICE, H.I. & M  
 KOLKATA, PIN:700001  
 From:ML BANGALAY, XL-26  
 Wt:20grams,  
 Val:25.00, 20/10/2015, 12:00  
 <Track on www.indiapost.gov.in>



*Nikhil Roy* M.Com.LL.B.  
ADVOCATE

Alipore Judges' & Criminal Court  
Associated Public Prosecutor  
Senior Defence Advocate District Judge Panel  
Senior Panel Calcutta Legal Aid  
Advocate of Legal Aid District 24 Parganas(s)

Regd. with A.P.

-118-

Residence & Chamber:  
1/16A, Prince Golem Md. Road  
Calcutta-700 026  
Phone : 484-4272

Alipore Criminal Court  
Phone : 470-1477

Date 19 th October

To  
The Secretary,  
Metropolitan Housing Cooperative Society Ltd.  
Sector-B, Plot No. 28,  
Canal South Road, Kolkata -700105.

Re : Illegal attempt to encroachments portion in  
Ukil Bheri, situated at Mouja Nimokpota,  
Chingrighata, P. S. Taljala, District, 24 Parg  
My client : Sri. Sri. Smt. Mullaik Chowdhury, s/o. Lt.  
S. S. Mullaik Chowdhury, of 64/11g, Suren  
Sarker Road, Kolkata-700010, who running  
a Fishery Business at Ukil Bheri, under  
Mouja-Nimokpota, Chingrighata, District  
South 24 Parganas, obtaining all Licenc

Sir,

Under instructions and on behalf of my above mentioned client  
I write to you as follows :

That my client above mentioned since more than 50 years running a  
a Fishery business having all necessary Licences and certificates  
from the competent authorities of W.B.

That it has come to the Notice to my client, that some persons of  
your department with some designing brains for wrongfull gain  
are trying encroach a portion of the the said Ukil Bheri under  
Mouja Nimokpota, Chingrighata, forcibly and illegally, which my  
client possessed more than 50 years and running Fishery business  
thereto, through the Official Trustees of West Bengal, which are  
going to be filled up by illegal encroachment of the waterbody for  
wrongfull purpose by violating the Law.

So, you are hereby requested through me by my client to stop such  
illegal acts and restrain from illegal filling by illegal encroac  
ment of the Fishery waterbody,

Thanking you.  
Copy to:

Yours faithfully,



*[Handwritten signature]*  
19/10/15

-119-



RAJ KALWA (FC 00000)  
N RM601342087IN  
Counter No:1, CP-Code:2344  
To: SENEVI, PMS LTD, CIVIL SUPPLY  
KALWA, PD-700105  
From: H. PATIL, EL-26  
M. 10/10/2013, 12:11  
<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>



- 120 -

*Himangshu Saha*  
ADVOCATE

Residence & Chamber:  
18B/78, PRINCE ANWAR SHAH ROAD  
KOLKATA 700 045  
Mobile : 9831014956

Date: 19.11.2015

To,  
Smt Indrani Nandi, Advocate  
Res:16B A C Sarkar Road,  
Kolkata - 700076,  
Chem: 8, Old Post Office street,  
(1<sup>st</sup> Floor), Kolkata -700001



RE: Your letter dated 29.10.2015

Your Client : The Secretary Metropolitan Co-Operative , Housing  
Society Ltd ,CZ-28 Sector B , Canal South Road , Kolkata -  
700105.

My Client : Sri Sunit Kumar Mullick Chowdhury, Son of Late Banku  
Behari Mullick Chowdhury, 64/11 G, Suren Sarkar Road, Kolkata - 700010

Madam,

My client has received your letter dated 29.10.2015 addressed to Sri Nil Ratan  
Ray , Advocate and has gone through the same and has handed over the  
same to me with instructions to give reply thereto as follows -

*[Handwritten signature]*

-121- TRUE COPY

At the outset, my client repeats, reiterates and asserts all the statements made in the letter dated 19.10.2015 sent to your above said client through his advocate Sri Nil Ratan Ray. My client, denies disputes each and every allegation made in your letter 29.10.2015 as they are palpably untrue, concocted and misleading.

My client is astonished to note your clients admission that the said encroached waterbody belonging to the Official Trustee of West Bengal in Dag No 268 has been divided into plots and allotted to the members of the Society. Your Clients claim is all the more astonishing as this encroached Bandh of the Ukil Bheri is the subject matter of Notice issued by Kolkata Municipal Corporation under section 53 of the West Bengal Town & Country (planning & Development) Act 1979. It is also a subject matter of an FIR and a Criminal case is pending in the Alipore Police Court wherein my client is a defendant. It is all the more astonishing that in spite of your clients claim of possession and ownership of the same disputed area as mentioned above, no FIR lodged against the society and each of the members for wrongfully occupying this encroached area, which is a subject matter of notice issued under section 53 of the West Bengal Town & Country (planning & Development) Act 1979, issued by Kolkata Municipal Corporation. A copy of this letter is being forwarded to the Officer - In charge, Pragati Maidan Police Station for their information and necessary action based on your letter of admission dated 29.10.2015.

It may be noted that My client has been carrying on Pisciculture business in the Jalkar (Bheri) since 1354BS with all valid Licenses and receipts as a tenant. The said Jalkar is covered by Bandh on all sides but there is no Bandh within the Jalkar, Since 28<sup>th</sup> March 1987, the Pisciculture Business is being run under the name and style of M/S Sunit Fishery & Trading Corporation, Dilip Das as per the terms of the Partnership agreement for the period 01.11.2012 to

*Dilip Das*  
29.11.2015



-122-

TRUE COPY

31.10.2013, 01.11.2013 to 31.10.2014 and 01.11.2014 to 31.10.2015, was responsible for carrying on the Pisciculture Business and prevent encroachment in the said Jalkar as per the specific terms of the Agreement. Shri Dilip Das has completely betrayed the trust of the 89 year old ailing senior citizen and allowed unlawful encroachment for wrongful gains. Plot No CZ 10-21A, Metropolitan Cooperative Housing Society Ltd, Kolkata - 700105 has been allotted to Smt. Tinku Das in violation of Laws and Bylaws of the Society. Concrete Buildings such as CZ- 26 and CZ - 8 were constructed on the society plots on the eastern side bordering the Ukil Bheri almost two decades back. To generate land and distribute allegedly as plots beyond the concrete Buildings as stated above and which formed the end of society area and beginning of Ukil Bheri Area, without any evident legal process of Law during last five decades is indeed an act of magic by your client more so in an area which is a subject of notice issued under section 53 of the West Bengal Town & Country (planning & Development) Act 1979, issued by Kolkata Municipal Corporation And a subject matter of criminal proceeding in Alipore Police Court.

Your Clients claim of title is totally untrue and denied by my client. Your Client being a registered Co Operative Housing Society has been involved in illegal acts in violation of the principles of Co Operative System and has been bent upon to encroach into other man's property, which is totally illegal and unfortunate. The act of your client is not only illegal but also atrocious.

In the premises I on behalf of my client request you ask your client to deliver and hand over possession of the said encroached portion of the land measuring about 2 Bighas more or less comprised in dag no 268 of Mouza Nimok Poktan within 15 days from the receipt of this letter failing which, my client shall be compelled to take appropriate legal action against your client and others as he will be advised.

Yours faithfully,  
*S. M. Hassan*  
Advocate

19. 11. 2015



-123-



BLAD GEDH SIMAN 27000915  
B: RW710828793LN  
Counter No:2, CP Code:SNITP  
To:INDIAPOST

KOLKATA, PIN:700076  
Fyca:K SWA, KOL-45  
Wt:20gms,  
Act:25.00, 21/11/2018, 13:25  
<<Track on [www.india-post.gov.in](http://www.india-post.gov.in)>>

INDIAPOST



- 124 -

INDRANIL NANDI  
ADVOCATE

**Chamber :**  
B, Old Post Office Street,  
(1st Floor), Kolkata - 700001  
Phone : 2243-0981  
Telefax : (033) 2210-7955  
**Residence :**  
16B, A.C. Sarkar Road,  
Kolkata - 700076  
Phone : 2564-7176  
E-mail : indranil.adv@gmail.com

Ref No

Dated 29.10.2015

By Speed Post with A/D

To  
Sri Nilratan Ray,  
Advocate,  
Residence & Chamber:-  
1/16A, Prince Golan Md. Road,  
Kolkata-700026.



Dear Sir,

TRUE COPY

Re: Your letter dated 19<sup>th</sup> October.

My client: The Secretary, Metropolitan Co-Operative  
Housing Society Ltd., CZ-28, Sector-B,  
Canal South Road, Kolkata-700105.

Your client : Sri Sumit Mullick Chowdhury.

My client has received your letter dated 19<sup>th</sup> October, under reference on 27.10.2015 and has handed over the same to me with the instruction to reply to the same as follows :-

At the outset, my client states that your client has not instructed you properly in drafting your letter under reference. My client states that the contentions of your client as are appearing in your letter under reference are absolutely false, concocted, imaginary and atrocious. My client, therefore, denies and disputes each and every allegation made by your client against my client in your letter under reference.

It is, therefore, categorically denied that some persons belonging to my client with designed brains are trying to encroach a portion of your client's Bheri for wrongful gain, forcibly and illegally.

INDRANIL NANDI  
ADVOCATE

Chamber :

8, Old Post Office Street,  
(1st Floor), Kolkata - 700001  
Phone : 2243-0981  
Telefax : (033) 2210-2955

Residence :

16B, A.C. Sarkar Road,  
Kolkata - 700076  
Phone : 2564-7176  
E-mail : indranil.adv@gmail.com

tel. No

Dated

2

as alleged. My client denies that they have filled up by illegal encroachment the water body for wrongful purpose by violating the law, etc. as alleged. My client further denies that they have done any illegal act by illegally filling and/or illegally encroaching the Fishery Water Body, etc. as alleged.

In this connection, it is stated that my client is the Secretary of the Metropolitan Co-operative Housing Society Ltd. which is a Co-operative Housing Society duly registered in accordance with the provisions of the extant Co-operative Law. The land belonging to the said Society has been divided into plots and such plots have thereafter being allotted to the members of the said Society, who have been enjoying the same since the date of their respective allotment. Therefore, the question of any illegal encroachment of the land belonging to your client, on the part of my client does not arise.

In the aforesaid circumstances, I have been instructed by my client to request your client, which I hereby do, to refrain from making such wild and reckless allegation against my client and further request you to withdraw the allegations made in your letter under reference, failing which my client shall be constrained to explore alternate legal avenues against your client without any further reference, when your client shall remain liable for all consequences, which please note.

Yours faithfully,

*Indranil Nandi*  
(Indranil Nandi)

Copy to:-  
The Officer-In-Charge,  
Pragati Maldan Police Station,  
Kolkata.



126-

Date: 31st January 2016.

1. The Chairman,  
East Kolkata Wetland Management Authority,  
PouraBhawan, Fourth Floor, Block - FD 415A,  
Sector -III, Salt Lake, Kolkata -700106.

2. The Member-Secretary,  
East Kolkata Wetland Management Authority,  
PouraBhawan, Fourth Floor, Block - FD 415A,  
Sector -III, Salt Lake, Kolkata -700106.

3. The Chief Technical Officer,  
East Kolkata Wetland Management Authority,  
PouraBhawan, Fourth Floor, Block - FD 415A,  
Sector -III, Salt Lake, Kolkata -700106.

4. The Chief Environment Officer,  
East Kolkata Wetland Management Authority,  
PouraBhawan, Fourth Floor, Block - FD 415A,  
Sector -III, Salt Lake, Kolkata -700106.

5. The Block Land & Land Reforms Officer (Kasba),  
South 24 Paraganas, 1582, South End Conclave Building,  
T.M. Block, KasbaRajdanga Main road,  
Kolkata-700107.

6. The Chairman Pollution Control Board,  
ParibeshBhavan,  
Salt Lake - 700091.

7. The Police Commissioner,  
Kolkata Police,  
Lalbazar, Kolkata-700001.

8. The Mayor, Kolkata Municipal Corporation,  
5, S. N. Banerjee Road, Kolkata-700013.

9. The Director General-PMU,  
Kolkata Municipal Corporation, 48, Market Street, Kolkata-700087.

TRUE COPY



*Some*

10. The ADM LRO-Land,  
Treasury Building,  
Kolkata- 700027.

✓ 11. The Environment Officer,  
High Powered Committee,  
PouraBhawan, Fourth Floor, Block - FD 415A,  
Sector -III, Salt Lake, Kolkata -700106.

Sub: Illegal filling, encroachment and construction of brick boundary wall on the eastern bundh of UkilBheri by Metropolitan Cooperative Housing Society Limited which along with the surrounding Mud Bundh is covered and protected under the East Kolkata Wetlands (Conservation and Management) Act, 2006.

Dear Sir,

Myself, Shri Sunit Kumar Mullick Chowdhury, the undersigned, aged about 90 years, is in possession of the UkilBheri since last 60 years measuring more or less 60 bighas of water body consisting of Dag No. 268 & 271, 272, 274, 275, 275 and 276 Khaitan being No. 415, 416, 318, 410, 300 and 438 respectively, for conducting pisci culture. The lease deed and rental documents pertaining to this water body is in my possession since long dating back to 1954. Also valid upto date license is in my possession. The location of the bheri is in MoujaNimokPoktan, Ward No.57of Kolkata Municipal Corporation under PragatiMaidan Police Station. Presently my concern is about the encroachment that has been undertaken by Metropolitan Cooperative Housing Society, having its office at CZ-28, Sector B, Canal South Road, Kolkata-700105, on the said bheri in my possession for conducting pisci culture. In this regard I prey your interference for safeguarding the interest of the society in conserving the environment as per the East Kolkata Wetlands (Conservation and Management) Act, 2006 as it falls under this category and further as per the Ministry of Environment and Forests, Government of India framed rules under Wetlands (Conservation and Management Rules, 2010. For pursuing the same you are requested to kindly take into consideration the following points:

- (i) As I am 90 years old and suffering from cancer and other heart related ailments, my movements being restricted, so to carry on the activities of pisci culture and to keep ensured the sanctity of the bheri from any encroachment and illegal activities, I had entered

*Sme*



into an agreement with one alias Shri Dilip Das, son of Shri Suren Das, residing at P-11, Sector-A, Metropolitan Housing Society Limited, Kolkata - 700105, as a Partner in the year 2012 on specific terms and conditions.

- (ii) In early 2013, Dilip Das on the plea that the subsoil of the Bheri has become gaseous and pisci culture was getting adversely affected resulting in substantial reduction in fish production thereby leading to loss, undertook drying and dredging of the bheri, 60 bighas in size and 2 to 4 feet in depth) but in the meantime a news was published in Times of India stating that the bheri was being filled up and being sold as plots. Pursuant to this news dated 04.07.2013 and others news, Officials of Kolkata Municipal Corporation issued notice under section 53 of the West Bengal Town and Country (Planning & development) Act, 1979 on 15.07.2013, though question of making plots and selling in the Bheri does not arise as no ownership right was bestowed upon me. A FIR was also lodged with Pragati Maidan Police Station being case No. 269 dated 22.07.2013 under section 53 of Town and Country (Planning and Development) Act 1979 and section 22 of the West Bengal Inland Fisheries Act 1993 against myself and said Dilip Das, though it is a normal practice to dry and dredge bheri to increase fish production.
- (iii) The said criminal case was charge sheeted and The Executive Engineer (c) Project Management Unit, the Kolkata Municipal Corporation adduced evidence before the Learned Trial Court as PW 1 and stated that in the present case the water body was restored back and the said notice and FIR has been withdrawn and the Kolkata Municipal Corporation submitted a letter for withdrawal of the complaint before the Pragati Maidan Police Station and the said case is pending for proper adjudication.
- (iv) Subsequent to this the bheri returned to its normal activities after dredging. Kolkata Municipal Corporation after inspection, survey and based on NRSA map (aerial) and photographs withdrew the notice and advised Pragati Maidan Police Station to withdraw the FIR vide letter dated 29.11.2013. With respect to the case filed in Alipore Police Court due to the notice issued under section 53, Kolkata Municipal Corporation informed the Hon'ble Court that the notice and FIR was withdrawn after restoration was done.

TRUE COPY

Bme



- (v) The scenario changed on the evening of 17.10.2015 just before the Court closed for puja vacation when Officials of Metropolitan Cooperative Housing Society Limited encroached and erected brick walls over 40 to 45 cottah of the water body. When my representative went to lodge an FIR with the Pragati Maidan Police Station the police authority refused to accept the same. Learned Advocate on my behalf had to send the complaint to the said Police Station by registered post on 19.10.2015.
- (vi) Request was made to the appropriate authority to initiate action against such illegal filling up, encroachment and construction on the said water body. It is to be noted that the said water body is measuring about 60 bighas and is an environmental heart of East Kolkata and the members of the Metropolitan Cooperative Housing Society Limited has been having a luring eye on this bheri since long for construction of housing with aid of political persons.
- (vii) It is further stated that the said Metropolitan Cooperative Housing Society limited has already changed the nature and character of the water body which is in violation of the relevant provisions of the environmental laws.

Hence I am requesting you to take necessary steps so that the encroached or filled up portion of the said bheri is restored to its original position and to take appropriate action as per the provisions of the law.

Thanking you,

Yours faithfully,

*Sunit Kumar Mullick Chowdhury*

Sunit Kumar Mullick Chowdhury  
64/11 G, Suren Sarkar Road,  
Kolkata - 700010.





R Net Tracking

-130-



RWB05706021IN Track More

Booked at	Booked on	Destination	Tariff	Article Type	Delivered at	Delivered on
SECH BHAWAN	03/03/2018	KOLKATA GPO	32.00	FLAD	KOLKATA GPO	04/03/2018

Detailed Track Events for: RWB05706021IN

Date	Time	Office	Event
04/03/2018	16:06:13	KOLKATA GPO	Article Delivered
04/03/2018	07:23:22	KOLKATA GPO	Bag Opened
04/03/2018	07:14:58	KOLKATA GPO	Bag Bagged
04/03/2018	01:49:34	KOLKATA RMS (CRC)	Bag Dispatched to KOLKATA GPO
04/03/2018	01:24:17	KOLKATA RMS (CRC)	Article Bagged to KOLKATA GPO
03/03/2018	21:33:07	KOLKATA RMS (CRC)	Bag Opened
03/03/2018	21:30:59	KOLKATA RMS (CRC)	Bag Received
03/03/2018	18:55:37	SECH BHAWAN	Article Bagged to KOLKATA RMS (CRC)
03/03/2018	14:02:49	SECH BHAWAN	Article Booked

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-131-

R Mail Tracking



RWB13273693IN - Track Mail

Booked at	Booked on	Destination	Tarif	Article Type	Delivered at	Delivered on
SECH BHAWAN	03/02/2018	SECH BHAWAN	30.00	PLAD		

Detailed Track Events for: RWB13273693IN

Date	Time	Office	Event
05/02/2018	03:13:21	KOLKATA RMS (CRC)	Bag Despatched to SIDHAN NAGAR SAI COMPLEX
05/02/2018	02:48:14	KOLKATA RMS (CRC)	Article Bagged to SIDHAN NAGAR SAI COMPLEX
04/02/2018	21:28:32	KOLKATA RMS (CRC)	Bag Opened
04/02/2018	21:29:34	KOLKATA RMS (CRC)	Bag Received
04/02/2018	18:21:07	SECH BHAWAN	Article Bagged to KOLKATA RMS (CRC)
04/02/2018	12:41:42	SECH BHAWAN	Article Undelivered : [REDIRECTION]
03/02/2018	14:02:57	SECH BHAWAN	Article Booked

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RW813273835IN Track More

Booked at: SECH BHAYAN 04/02/2018 Booked on: 04/02/2018 Destination: BIDHAN NAGAR IB MARKET 30.00 Tare Article Type: ROAD Delivered at: BIDHAN NAGAR IB MARKET Delivered on: 04/02/2018

Detailed Track Events for: RW813273835IN

Date	Time	Office	Event
04/02/2018	18:07:31	BIDHAN NAGAR IB MARKET	Article Delivered
04/02/2018	10:13:32	BIDHAN NAGAR IB MARKET	Bag Opened
04/02/2018	02:08:32	BIDHAN NAGAR IB MARKET	Bag Received
04/02/2018	02:24:59	KOLKATA RMS (CRC)	Bag Dispatched to BIDHAN NAGAR IB MARKET
04/02/2018	02:04:22	KOLKATA RMS (CRC)	Article Bagged to BIDHAN NAGAR IB MARKET
03/02/2018	21:28:07	KOLKATA RMS (CRC)	Bag Opened
03/02/2018	21:30:59	KOLKATA RMS (CRC)	Bag Received
03/02/2018	16:55:37	SECH BHAYAN	Article Bagged to KOLKATA RMS (CRC)
03/02/2018	14:33:07	SECH BHAYAN	Article Booked

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-133-

R Net Tracking



RW813273557IN Track View

Booked at	Booked on	Destination	Tariff Article Type	Delivered at	Delivered on
SECH BHAWAN	03/02/2018	BIDHAN NAGAR IS MARKET	30.00 PLAD	BIDHAN NAGAR IS MARKET	04/02/2018

Detailed Track Events for: RW813273557IN

Date	Time	Office	Event
04/02/2018	18:07:31	BIDHAN NAGAR IS MARKET	Article Delivered
04/02/2018	00:11:22	BIDHAN NAGAR IS MARKET	Bag Opened
04/02/2018	10:08:32	BIDHAN NAGAR IS MARKET	Bag Received
04/02/2018	02:24:53	KOLKATA R43 (CRC)	Bag Despatched to BIDHAN NAGAR IS MARKET
04/02/2018	02:54:22	KOLKATA R43 (CRC)	Article Bagged to BIDHAN NAGAR IS MARKET
03/02/2018	21:09:07	KOLKATA R43 (CRC)	Bag Opened
03/02/2018	21:00:39	KOLKATA R43 (CRC)	Bag Received
03/02/2018	18:55:37	SECH BHAWAN	Article Bagged to KOLKATA R43 (CRC)
03/02/2018	14:03:17	SECH BHAWAN	Article Booked

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-134-

R Net Tracking



RW805706049IN Track More

Booked at	Booked on	Destination	Tarif	Article Type	Delivered at	Delivered on
SECH SHAWAN	05/02/2018	BIDHAN NAGAR IB MARKET	3600	FLAD	BELEGHATA HO	06/02/2018

Detailed Track Events for : RW805706049IN

Date	Time	Office	Event
05/02/2018	17:03:02	BELEGHATA HO	Article Delivered
05/02/2018	19:22:40	BELEGHATA HO	Bag Closed
05/02/2018	19:17:29	BELEGHATA HO	Bag Received
05/02/2018	02:42:17	KOLKATA RMB (CHC)	Bag Dispatched to BELEGHATA HO
05/02/2018	02:24:39	KOLKATA RMB (CHC)	Article Bagged to BELEGHATA HO
05/02/2018	22:18:53	KOLKATA RMB (CHC)	Bag Closed
05/02/2018	22:15:21	KOLKATA RMB (CHC)	Bag Received
05/02/2018	12:33:33	BIDHAN NAGAR IB MARKET	Article Bagged to KOLKATA RMB (CHC)
04/02/2018	18:07:31	BIDHAN NAGAR IB MARKET	Article Unclaimed : (NEDURE CTOR)
04/02/2018	10:11:32	BIDHAN NAGAR IB MARKET	Bag Closed
04/02/2018	10:06:32	BIDHAN NAGAR IB MARKET	Bag Received
04/02/2018	03:24:59	KOLKATA RMB (CHC)	Bag Dispatched to BIDHAN NAGAR IB MARKET
04/02/2018	02:54:22	KOLKATA RMB (CHC)	Article Bagged to BIDHAN NAGAR IB MARKET
03/02/2018	21:29:07	KOLKATA RMB (CHC)	Bag Closed
03/02/2018	21:30:53	KOLKATA RMB (CHC)	Bag Received
03/02/2018	18:59:37	SECH SHAWAN	Article Bagged to KOLKATA RMB (CHC)
03/02/2018	14:33:24	SECH SHAWAN	Article Booked

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-135-

Rail Tracking



RW805705896IN Track More

Booked at: SECH SHAWAN 03/02/2018  
 Booked on: SECH SHAWAN 03/02/2018  
 Destination: BIDHAN NAGAR IB MARKET  
 To/From Article Type: 30.00 PLAD  
 Delivered at: BIDHAN NAGAR IB MARKET  
 Delivered on: 04/02/2018

Detailed Track Events for: RW805705896IN

Date	Time	Office	Event
04/02/2018	16:07:31	BIDHAN NAGAR IB MARKET	Article Delivered
04/02/2018	10:11:32	BIDHAN NAGAR IB MARKET	Bag Opened
04/02/2018	10:08:32	BIDHAN NAGAR IB MARKET	Bag Received
04/02/2018	08:24:53	KOLKATA RMS (CRC)	Bag Dispatched to BIDHAN NAGAR IB MARKET
04/02/2018	02:54:22	KOLKATA RMS (CRC)	Article Bagged to BIDHAN NAGAR IB MARKET
03/02/2018	21:34:07	KOLKATA RMS (CRC)	Bag Opened
03/02/2018	21:30:59	KOLKATA RMS (CRC)	Bag Received
03/02/2018	18:55:37	SECH SHAWAN	Article Bagged to KOLKATA RMS (CRC)
03/02/2018	14:32:31	SECH SHAWAN	Article Booked

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-136-

R N Tracking

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RWB05705905IN Track More

Booked at	Booked on	Destination	Yatit	Article Type	Delivered at	Delivered on
SECH BHAWAN	03/02/2018	E.K.T	30.00	FLAD	E.K.T	04/02/2018

Detailed Track Events for : RWB05705905IN

Date	Time	Office	Event
04/02/2018	17:00:12	E.K.T	Article Delivered
04/02/2018	09:41:28	E.K.T	Bag Opened
04/02/2018	09:34:13	E.K.T	Bag Received
04/02/2018	03:03:34	KOLKATA RMS (CRC)	Bag Dispatched to E.K.T
04/02/2018	02:38:30	KOLKATA RMS (CRC)	Article Bagged to E.K.T
03/02/2018	21:32:07	KOLKATA RMS (CRC)	Bag Opened
03/02/2018	21:30:59	KOLKATA RMS (CRC)	Bag Received
03/02/2018	16:53:27	SECH BHAWAN	Article Bagged to KOLKATA RMS (CRC)
03/02/2018	14:30:42	SECH BHAWAN	Article Booked

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-137-

R Mail Tracking



RW805731918IN Track More -

Booked at	Booked on	Destination	Tariff	Article Type	Delivered at	Delivered on
SECH BHAWAN	03/02/2018	ALIPORE HPO	30.00	READ	ALIPORE HPO	04/02/2018

Detailed Track Events for : RW805731918IN

Date	Time	Office	Event
04/02/2018	18:16:06	ALIPORE HPO	Article Delivered
04/02/2018	09:06:07	ALIPORE HPO	Bag Opened
04/02/2018	08:08:28	ALIPORE HPO	Bag Received
04/02/2018	09:21:14	KOLKATA RMS (CRC)	Bag Dispatched to ALIPORE HPO
04/02/2018	00:58:52	KOLKATA RMS (CRC)	Article Bagged to ALIPORE HPO
03/02/2018	21:09:07	KOLKATA RMS (CRC)	Bag Opened
03/02/2018	21:30:09	KOLKATA RMS (CRC)	Bag Received
03/02/2018	18:55:37	SECH BHAWAN	Article Bagged to KOLKATA RMS (CRC)
03/02/2018	14:03:54	SECH BHAWAN	Article Booked

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-138-

R Net Tracking



RW805731822IN Track Note

Booked at: SECH BHAWAN, Booked on: 03/02/2018, Destination: BIDHAN NAGAR IB MARKET, Tariff Article Type: 30.00 PLAD, Delivered at: BIDHAN NAGAR IB MARKET, Delivered on: 04/02/2018

Declared Track Events for: RW805731822IN

Date	Time	Office	Event
04/02/2018	18:07:31	BIDHAN NAGAR IB MARKET	Article Delivered
04/02/2018	12:11:32	BIDHAN NAGAR IB MARKET	Bag Opened
04/02/2018	12:08:32	BIDHAN NAGAR IB MARKET	Bag Received
04/02/2018	09:24:59	KOLKATA RMS (CRC)	Bag Despatched to BIDHAN NAGAR IB MARKET
04/02/2018	02:44:22	KOLKATA RMS (CRC)	Article Bagged to BIDHAN NAGAR IB MARKET
03/02/2018	21:39:07	KOLKATA RMS (CRC)	Bag Opened
03/02/2018	21:30:59	KOLKATA RMS (CRC)	Bag Received
03/02/2018	18:55:37	SECH BHAWAN	Article Bagged to KOLKATA RMS (CRC)
03/02/2018	14:34:24	SECH BHAWAN	Article Booked

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RW005700035IN Track Area

Booked at	Booked on	Destination	Tarif	Article Type	Delivered at	Delivered on
SECH BHAWAN	03/02/2018	DHARMATALA	30.00	PLAD	DHARMATALA	04/02/2018

Detailed Track Events for : RW005700035IN

Date	Time	Office	Event
04/02/2018	18:48:51	DHARMATALA	Article Delivered
04/02/2018	08:49:29	DHARMATALA	Bag Opened
04/02/2018	08:43:50	DHARMATALA	Bag Received
04/02/2018	03:24:12	KOLKATA RMS (CNC)	Bag Dispatched to DHARMATALA
04/02/2018	02:47:37	KOLKATA RMS (CNC)	Article Begged to DHARMATALA
03/02/2018	21:20:07	KOLKATA RMS (CNC)	Bag Opened
03/02/2018	21:00:58	KOLKATA RMS (CNC)	Bag Received
03/02/2018	18:55:37	SECH BHAWAN	Article Begged to KOLKATA RMS (CNC)
03/02/2018	14:34:39	SECH BHAWAN	Article Booked

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To,  
The Officer Incharge,  
Pragati Maidan Police Station,  
Eastern Metropolitan Bypass Road,  
Kolkata-700039.

RECEIVED

for  
Complaint No. Ver/300  
Pragati Maidan P.S.  
Kolkata-700039  
5/2/16 at  
M. S. H.

Dated 5<sup>th</sup> February 2016.

Sir,

Sub- Illegal filling of waterbody and illegal construction by officials of Metropolitan Cooperative Housing society Limited at Ukil Bheri, situated at Mouja Nimok Poktan, Chingrighata.

This is to inform you that I have been carrying on my fishery Business at Ukil Bheri , Mouja Nimok Poktan ,Near Chingrighata since past over 50 years with all necessary Licenses and Certifications from the Competent Authorities. I am about 89 years old and have been suffering from Major ailments since past few years and my mobility is restricted .

It has come to my notice that the officials of Metropolitan Housing Cooperative Society Limited are further illegally and forcefully filling up the eastern part of Ukil Bheri since evening of 04.02.2016. This water body is protected under the East Kolkata Wetlands (Conservation and Management ) Act 2006 as it falls under this category and further as per the ministry of Environment and Forests , Government of India framed rules under Wetlands (Conservation and Management ) rules 2010.

The officials of Metropolitan Housing Cooperative Society Limited are illegally and forcefully further filling up the above said water body and using cement and concrete to further undertake unauthorised construction within the water body. They are using force and muscle power to threaten my employees and representatives .Any one approaching the illegal filling and construction area is being threatened with dire consequences and life risk .The officials of Metropolitan Housing Cooperative Society Limited are politically influential and habitual offenders.

*S. M. Chatterjee*



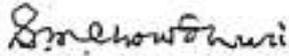
-141-

You are hereby requested to take immediate and urgent action to stop the illegal filling of the above said water body and stop all illegal and unauthorised construction therein and book the culprits as per provisions of law .

This letter is to be considered as an FIR.

Thanking you,

Yours faithfully,



Sunit Kumar Mullick Chowdhury

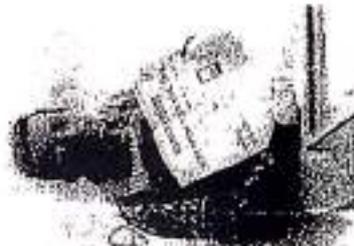
64/11 G , Suren Sarkar Road,

Kolkata - 700010.

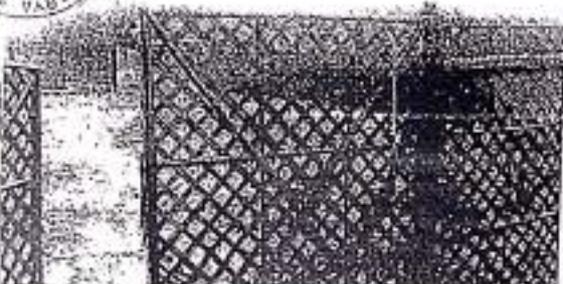
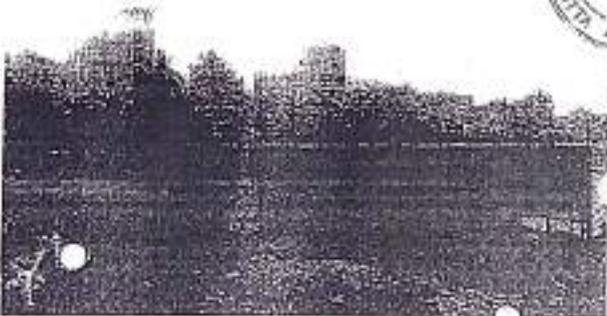
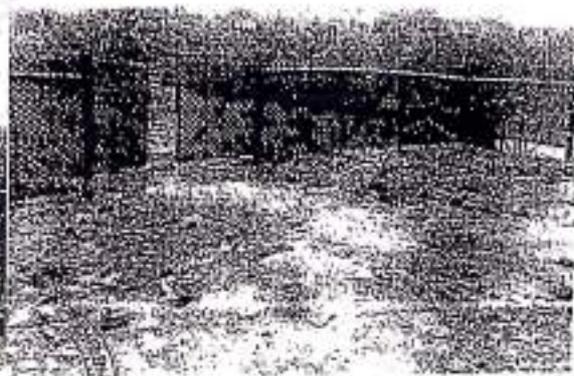
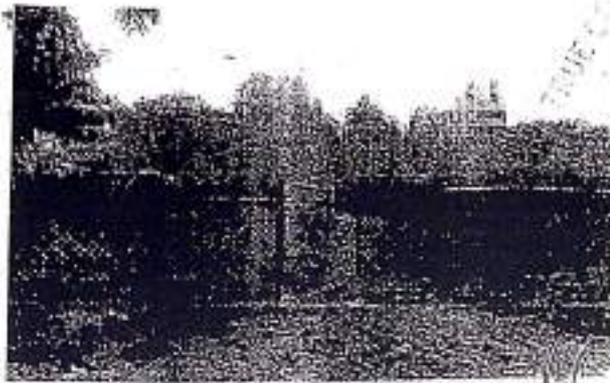
13/06/2018



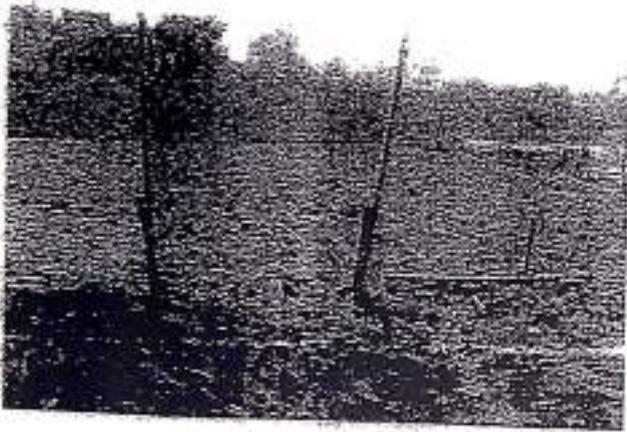
- 142 -



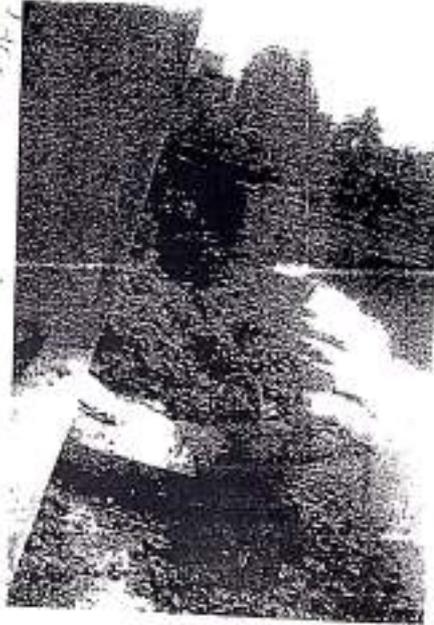
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-144



19/4/50



-145-

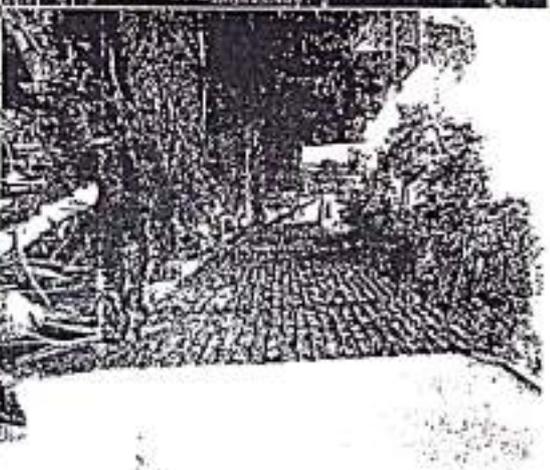
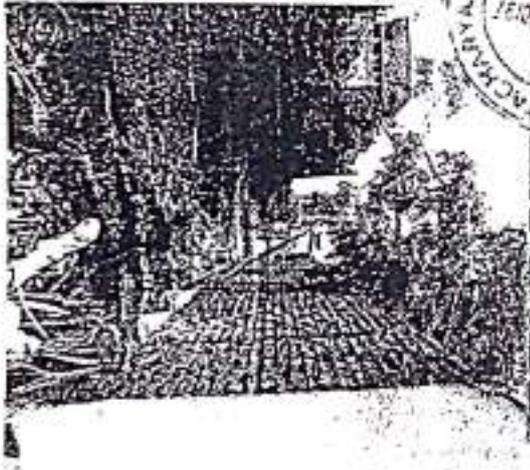
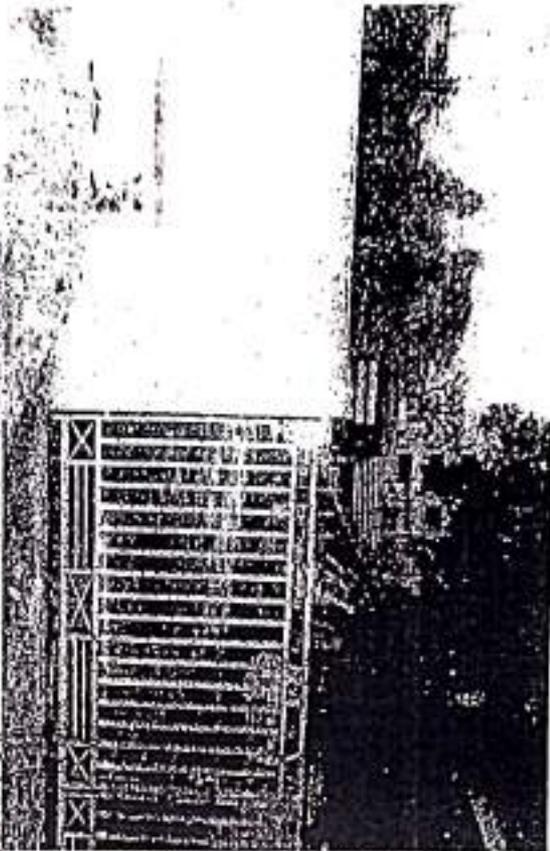
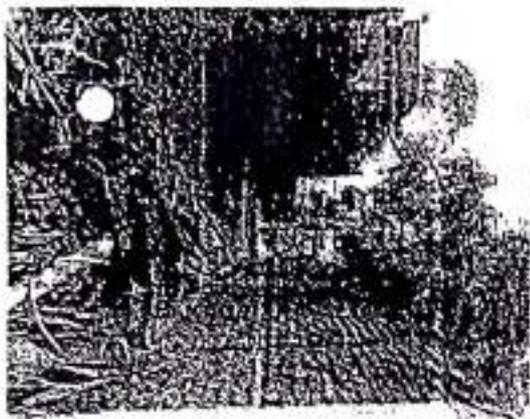


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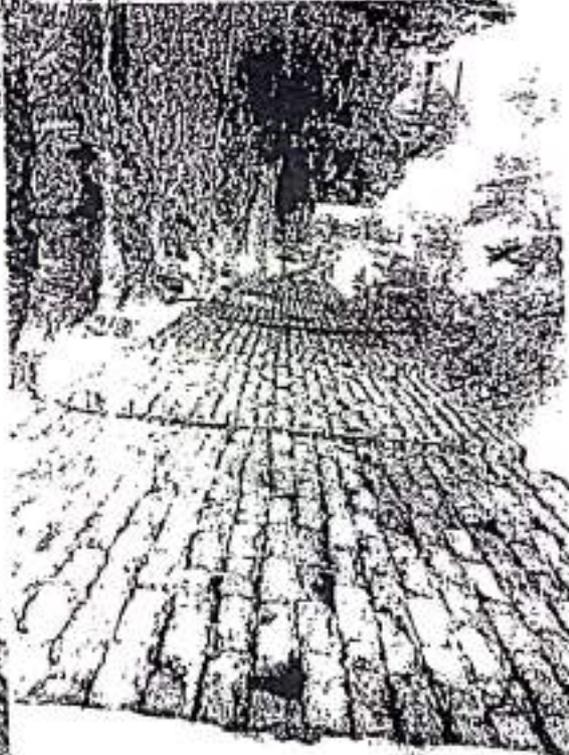
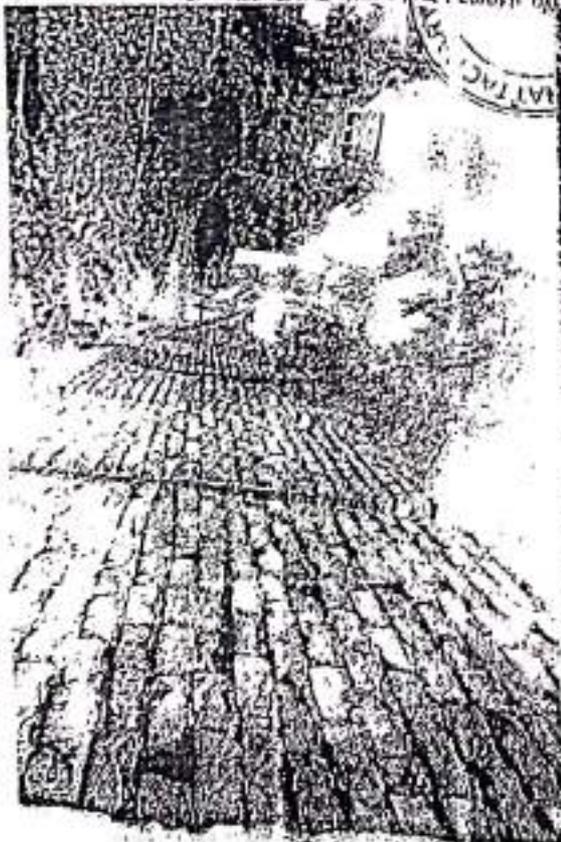
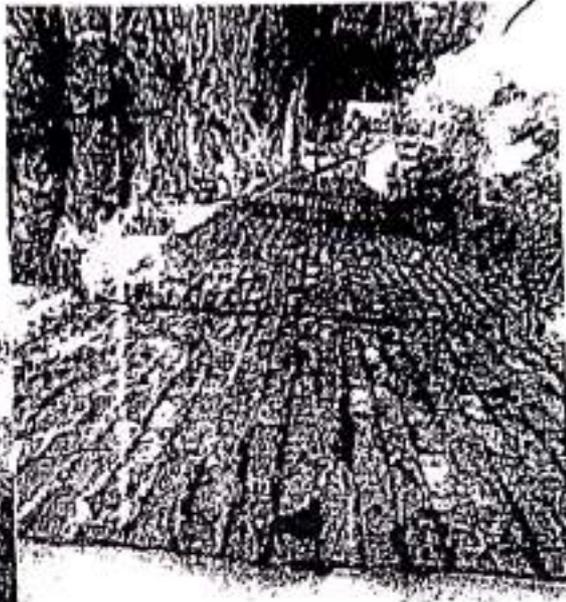
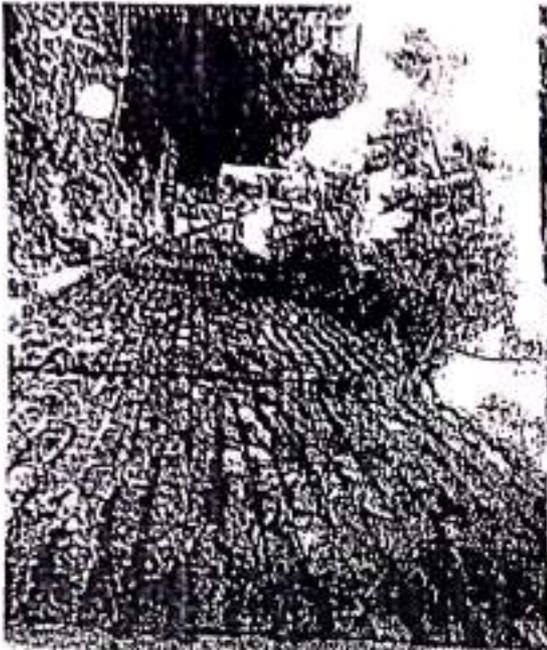
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মহাশয়



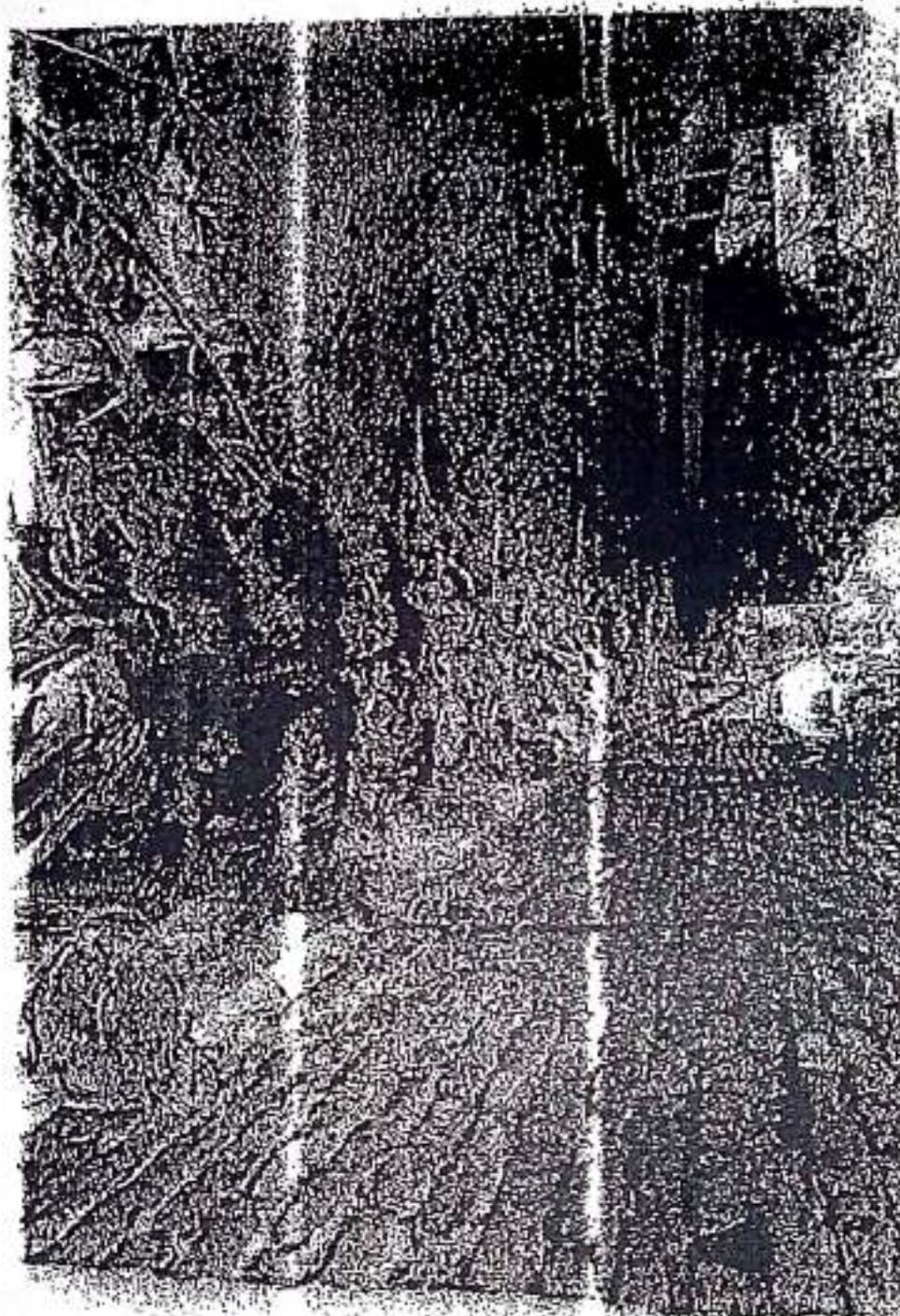


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GOVT.

NOTARY  
KOLKATA  
P. M. HASSAN  
REGD. NO.  
13789/18  
INDIA

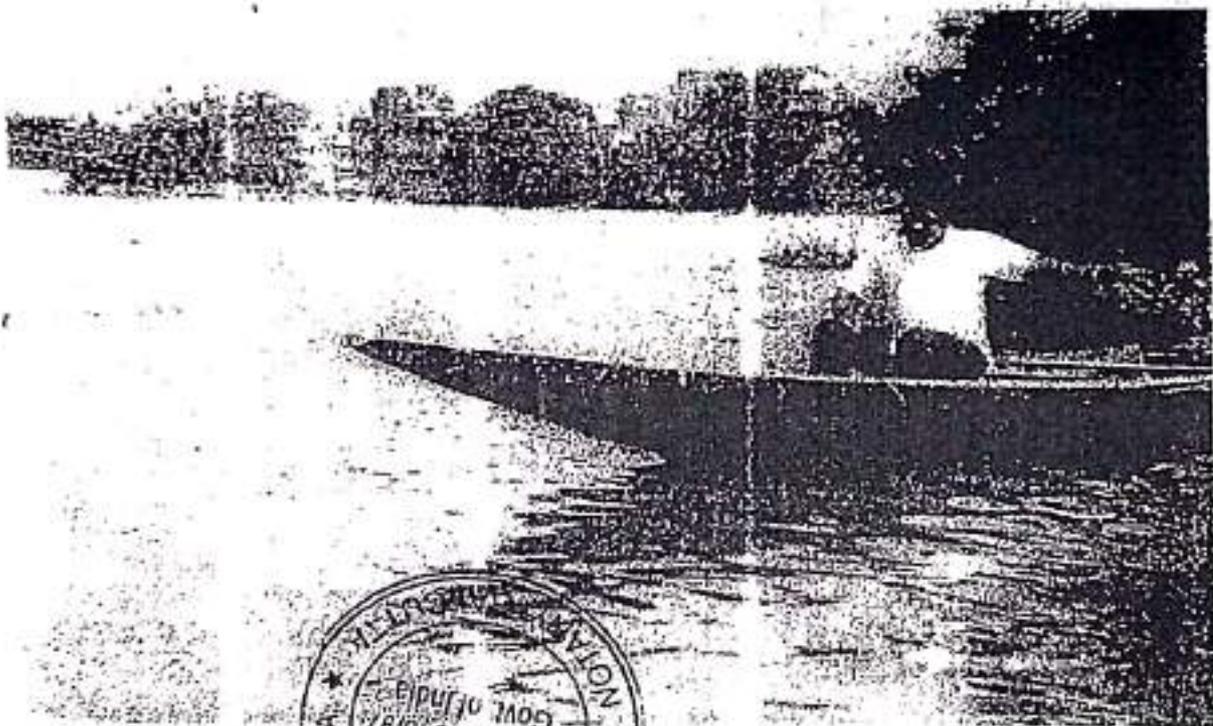
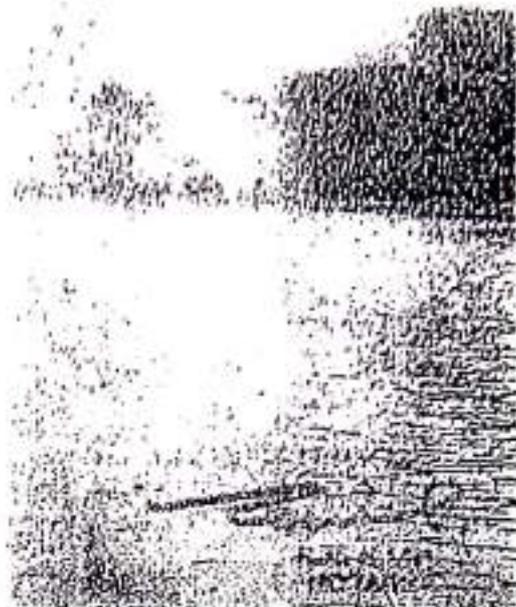


- 148 -

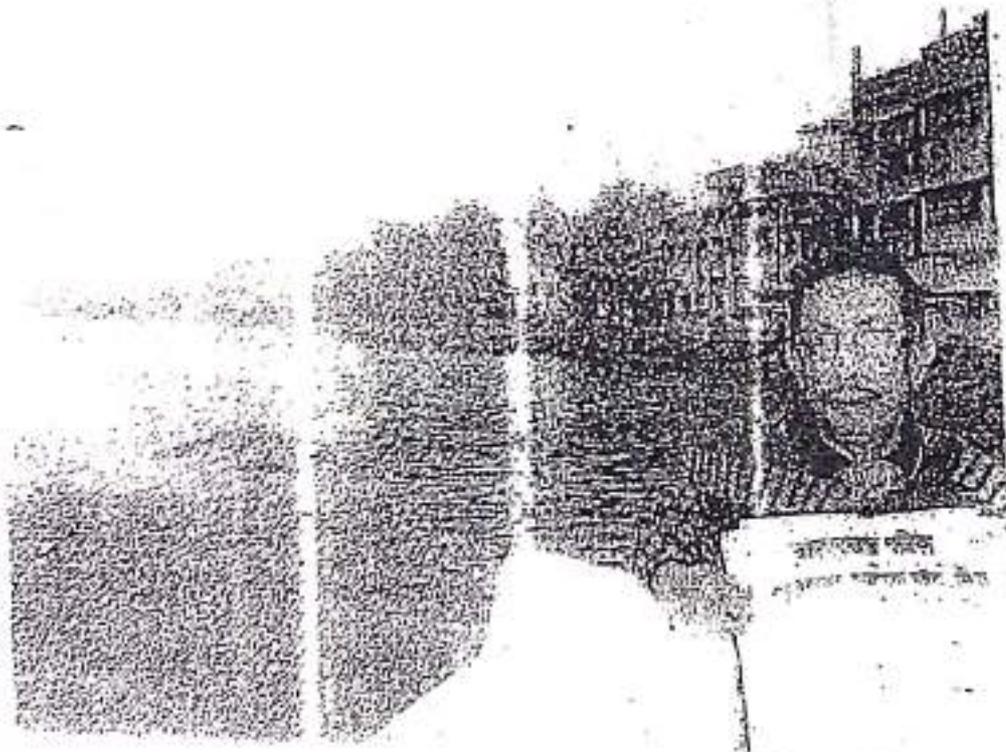
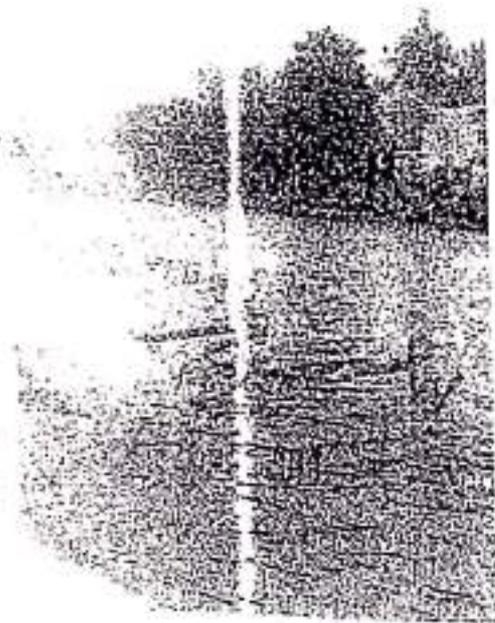
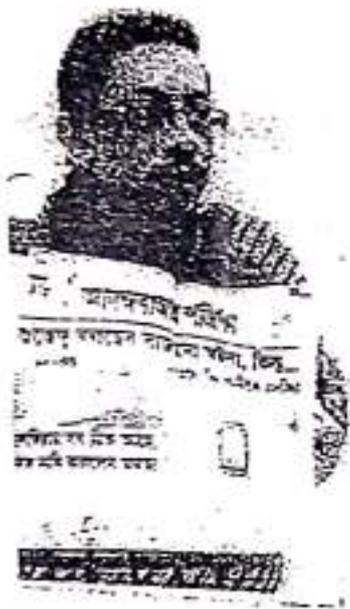




नाम: श्री  
पता: श्री, वि.  
श्री, श्री

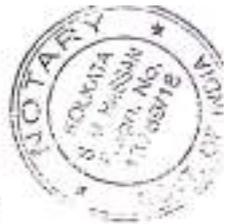


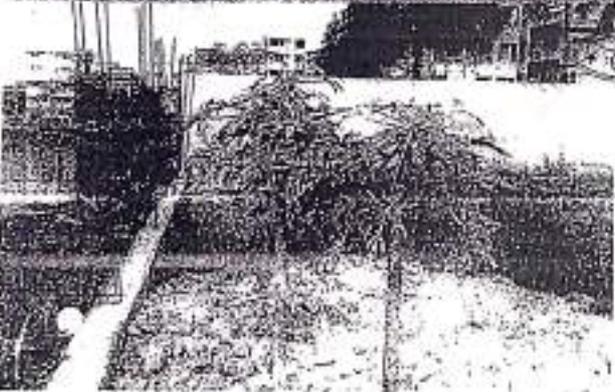
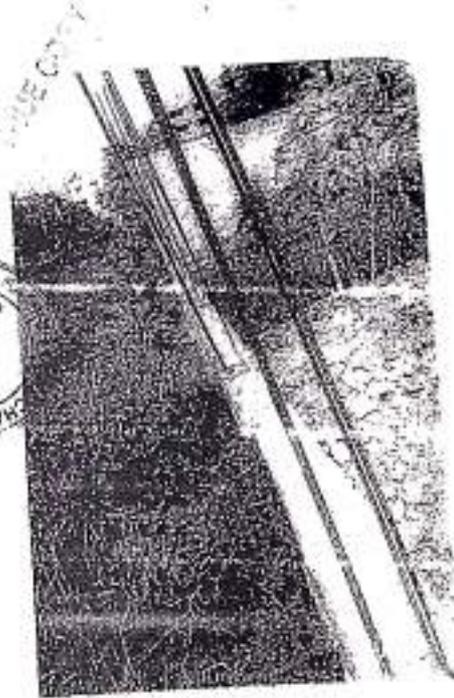
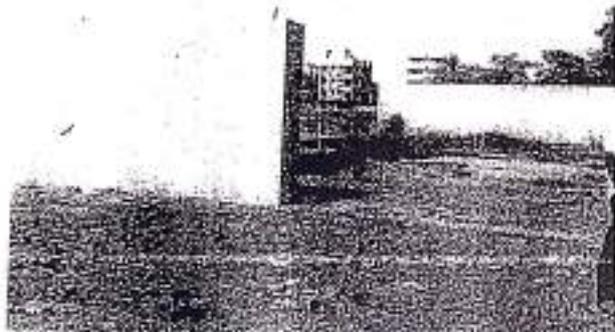
NOTARY PUBLIC  
SAMIR BHATTACHARYA  
Regd No. 940197  
Govt. of India



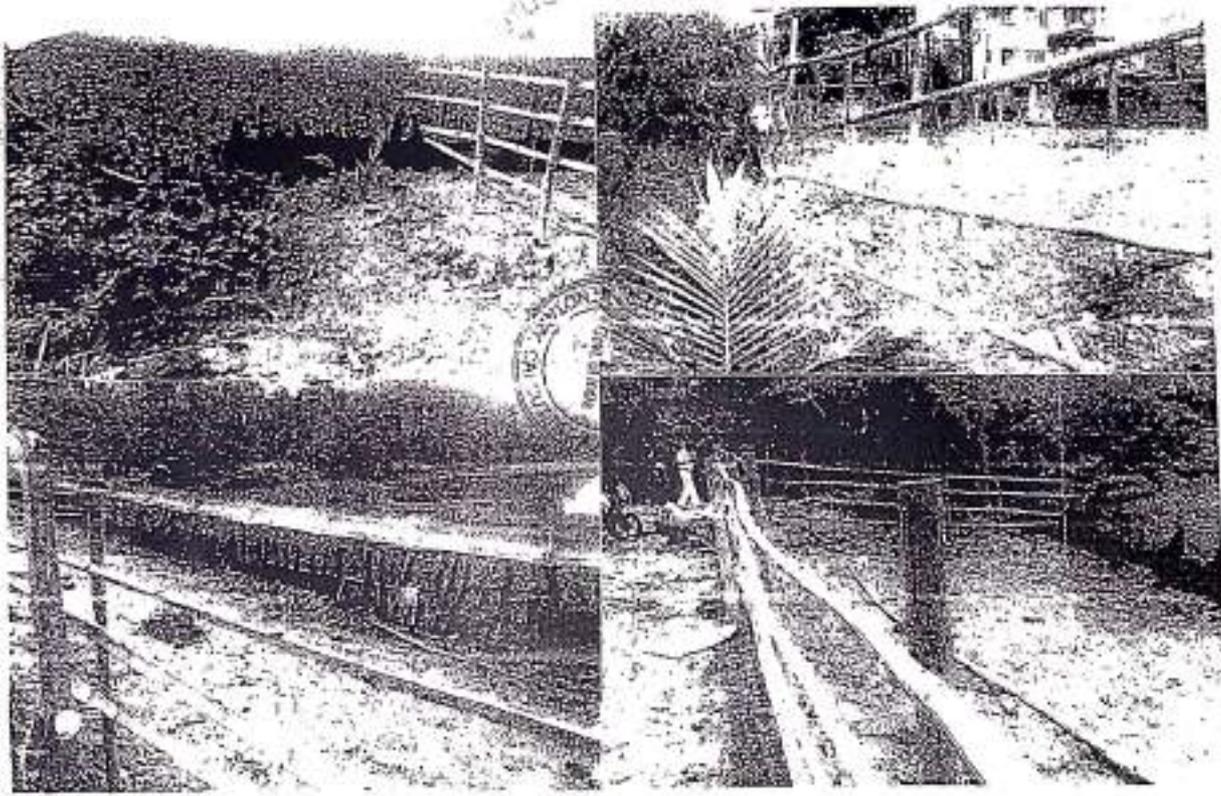
-151-

PHOTOGRAPH

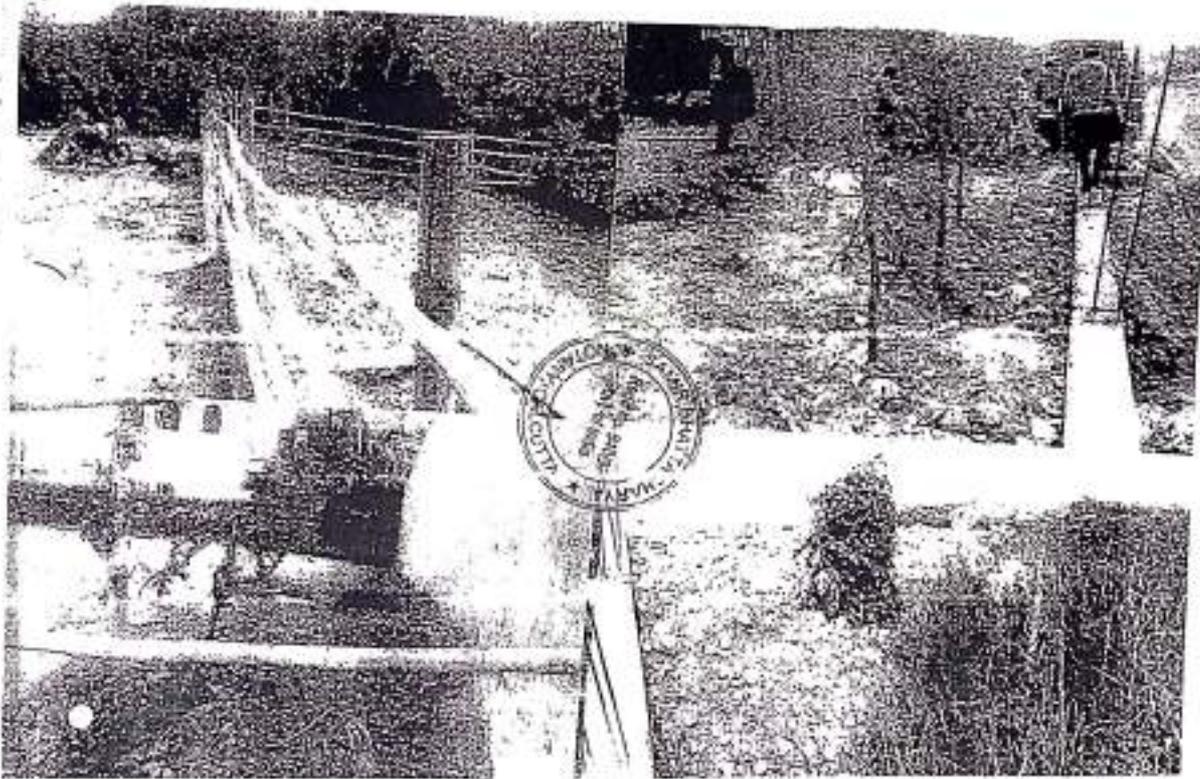




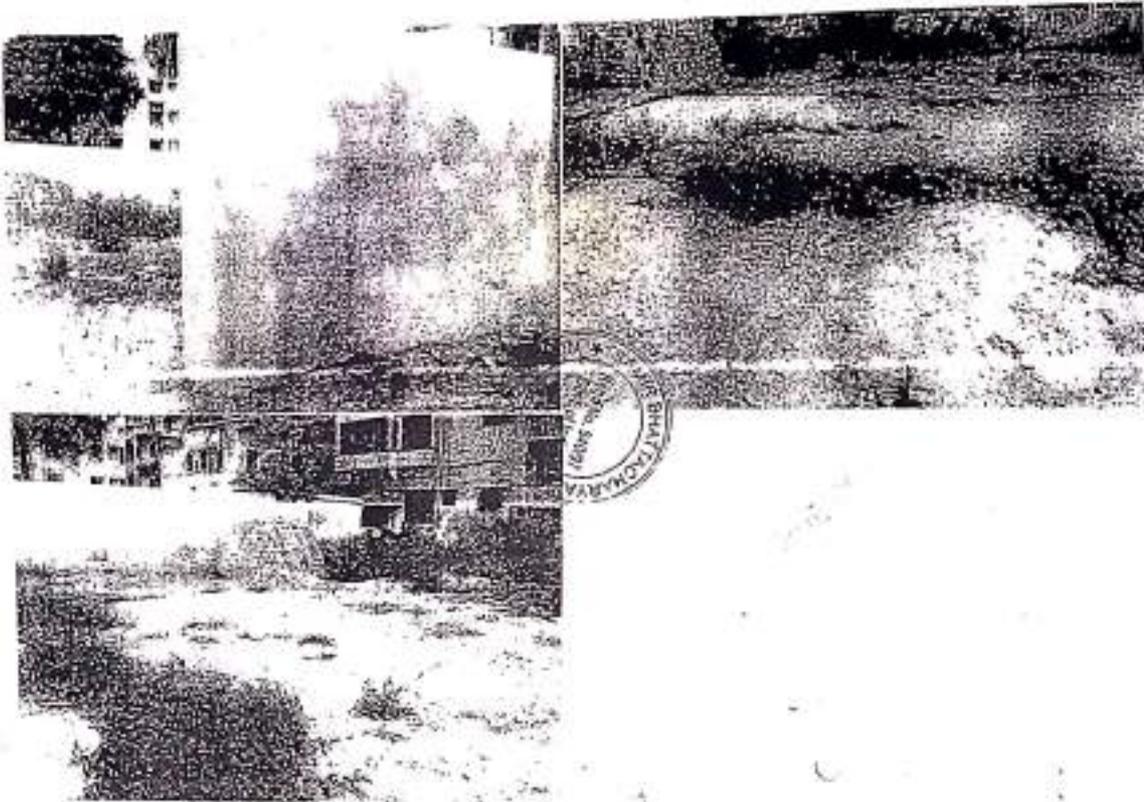
-153-

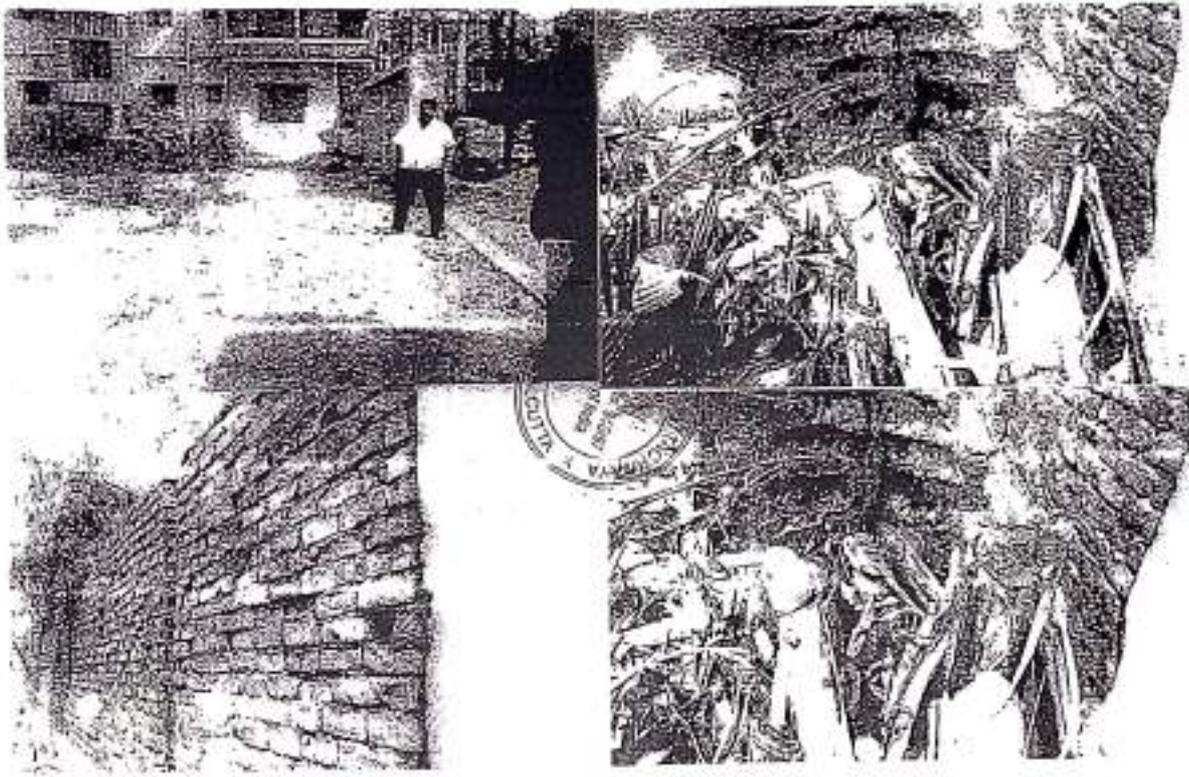


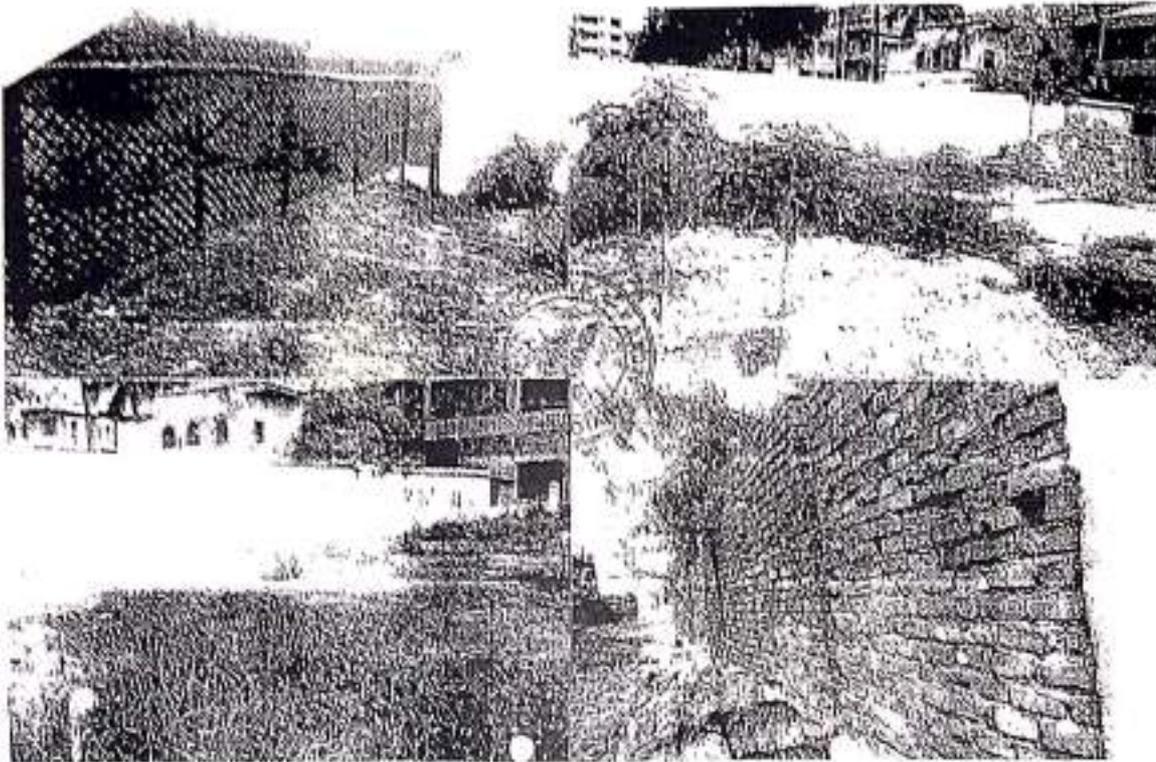
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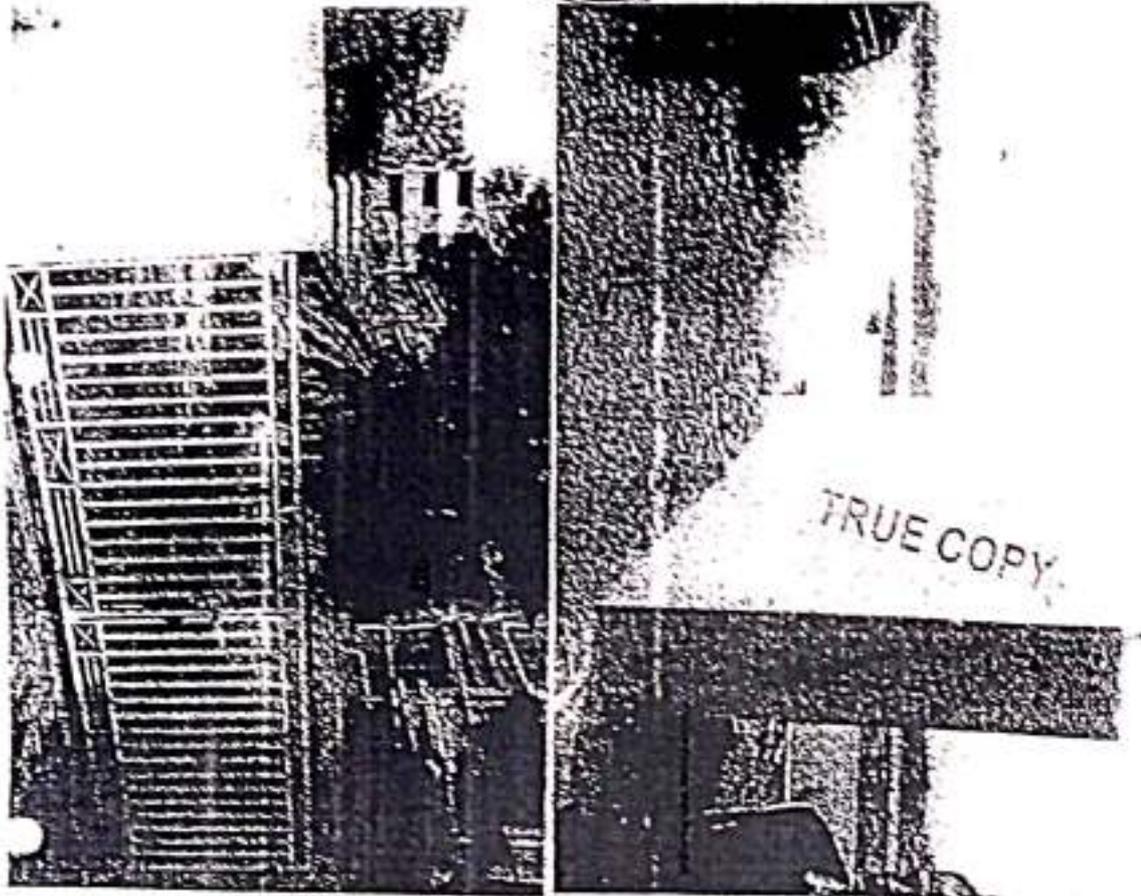


-155-









"Certified that this is a true and accurate copy of the document of order as in the case file (Application/Appeal No. 25/2016/6.2) And that all the matters appearing therein have been legibly and faithfully copied with no modification"

For Registry (NGT)  
*[Signature]*  
Signature



-153-

Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 25/2016/EZ

&

M.A. No. S14/2016/EZ, M.A. No. 25/2017/EZ, M.A. No. 12/2018/EZ,  
M.A. No. 13/2018/EZ, I.A. No. 72/2019/EZ, I.A. No. 82/2019/EZ  
& I.A. No. 10/2020/EZ

Sabyasachi Mallick Chowdhury

Applicant

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 03.01.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

Applicant: Mr. Brijendra Chahar, Senior Advocate along with Mr. Ashok Prasad, Advocate

Respondent: Mr. Sudip Kumar Dutta, Advocate for Respondent No 1 to 4,9,10,11,13,  
Mr. Dipanjan Ghosh, Advocate for Respondent No.5&6  
Mr. Gopal Chandra Das, Advocate and Mr. Sibojyoti Chakraborti, Advocate for Respondent No.7&8  
Mr. Jaysanta Mitra, Senior Advocate along with Mr. Ankit Sureka, Advocate for Respondent No. 14  
Ms. Saheli Sen, Advocate for R.15

**ORDER**

1. Issue raised in this application relates to restoration of a wetland - *Ukil Bheri*, situated at Mouza-Nimokpoktan, Pagladanga, Dihhi Panchanangram, near Chingrighata, within Police Station Pragati Maidan, Ward No. 57, Kolkata Municipal Corporation (KMC), measuring about 60 bighas.



2. The application was filed before the Eastern Bench of this Tribunal on 17.02.2016. Averments in the application in brief are that respondent nos. 14 to 22, Metropolitan Co-Operative Housing Society Limited and its office bearers and members are illegally constructing boundary wall on the bank of the water body since 17.10.2015. Complaint was made to the Police Station, Pragati Maidan in October, 2015 but no action was taken. Further construction was attempted on 05.02.2016 and again complaint was made but the construction continued. The applicant has a license from the Fisheries Department and such right is violated by the construction. The applicant has also referred to news article dated 04.07.2013 in Times of India under the caption "Ukiler Bheri filled up under councilor's nose, KMC clueless" and further article dated 17.07.2013 in Times of India captioned "Ukiler Bheri gets a second life". Encroachment was on Dag No. 268 measuring 2 bighas. The water body in question is protected under the East Kolkata Wetlands (Conservation and Management) Act, 2006 and the Wetlands (Conservation and Management) Rules, 2010. The applicant has relied upon photographic evidence and also time series Google Earth images to show encroachments.

3. The matter has been considered by this Tribunal in the last about six years by several orders. The parties have filed their respective versions. In the course of this order, reference will be made to the relevant orders and pleadings of the parties.

4. Vide order dated 25.02.2016, the application was admitted and notice was issued to the respondents. Direction was also issued to file status report by Chief Secretary, West Bengal, Municipal Commissioner, KMC, the East Kolkata Wetlands Management Authority, State PCB, the



Director General (Project Management Unit) KMC and the Commissioner of Police, Kolkata Police. Wetland Management Authority was directed to mention whether the water body in question is part of the wetland. Directions were also issued against illegal filling up of the waterbody.

5. On 12.07.2016, the Tribunal considered the prayer for interim relief and observed that no order was necessary in the hope that status quo will be maintained in the matter of filling up of the waterbody in question. On 20.07.2016, the Tribunal appointed Surveyor for measurement of the waterbody and to ascertain the encroachments. Status quo was directed to be maintained in the meanwhile. On 07.02.2017, the Tribunal considered the grievance against violation of the order of status quo and directed jurisdictional ADM and Police Station to verify the allegation and stop any illegal construction and file an action taken report. On 06.11.2017, the application was dismissed for non-appearance of the applicant but the said order was recalled on 11.12.2017 which was reiterated on 23.04.2018. Against the order of the Tribunal dated 23.04.2018, Civil Appeal No(s). 6191-6192/2018, *Metropolitan Co-operative Housing Society Limited & Anr. vs. Sunit Kumar Mallick Chowdhury & Ors.* was dismissed on 03.08.2018 by the Hon'ble Supreme Court and *WP No. 11287(W) of 2018, In re: Smt. Supriti Saha vs. The State of West Bengal & Ors.* was dismissed by the Kolkata High Court on 12.09.2018.

6. Affidavit has been filed by the State PCB on 29.03.2016, with an inspection report as follows:-

**\*Observation:**

*The alleged Ukhil bheri (also known as Moni Babu's bheri) was observed to be partially filled up by construction debris side. The major portion of the water body is covered with water hyacinth. The*



said bheri is surrounded by Metropolitan Cooperative Housing Society on eastern side, Chingrighata on northern side, Pagladanga on western side and nearby area of E M Bypass on southern side. Bamboo fences and a temporary hut were also observed on the filled up area. Nearby residents confirmed that the bheri has been partially filled up with construction debris during the recent times. However, they remained silent about the persons filling up the bheri. The filled up area of the bheri lies on the side of Metropolitan Cooperative Housing Society. During inspection, the office of the Metropolitan Cooperative Housing Society was visited. Sri Paritosh Dutta Roy, Board Member of the said Society was contacted over telephone. He confirmed that the visited bheri was Ukhl bheri and he is ignorant of any filling up of the Bheri. During the visit, 02 nos. of photographs were taken and they are annexed with the report."

7. The Chief Secretary, West Bengal, vide reply dated 06.05.2016 made a statement that Mouza-Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanangram, P.S. Pragati Maidan is outside the East Kolkata Wetlands and therefore, the matter has been referred to Additional Chief Secretary, Fisheries Department, Principal Secretary, Land & Land Reforms Department, Government of West Bengal and the District Magistrate, District 24 Parganas (South) with a request not to allow filling up of the water body, without consulting the Department of Environment. Vide affidavit dated 28.11.2016 of the ADM of the area, it is mentioned that a part of plot no. 268 has been filled up and encroachments made. Plot no. 267 was part of embankment of the water body. The relevant statement is reproduced below:-

"8. Upon reconciliation of the survey report with regard to plot nos. 267 and 268 it was observed that plot 267 is classified as 'Pukur Par'. Out of total 4.45 acres, a quantum of 1.22 acres of land is being used as 'Pukur Par'. The plot 268 constitutes a part of 'Ukhl Bheri' and a quantum of 2.57 acres out of total area of 9.50 acres has been filled up and encroachments are made there on. The portion which has been filled up is contiguous to the land learnt to have belonged to the Metropolitan Cooperative Housing Societies Limited. Further, it is to be noted that the premises bearing no. CZ-28, Sector B, Canal South Road, District South 24 Parganas, Kolkata-105 of Respondent no. 15 is not situated at filled up portion of plot 268. A total of 174 points in the field was covered by ETS machine which was used in the entire survey process."



8. With the said affidavit, a sketch map and present position of the survey report has been filed as Annexure-R 4/4:-

*"The survey work started in presence of representatives of both sides on 20.10.2016. We started the survey work after consulting both parties in the field and representatives of both the parties present in the field till the completion of the work. After reaching a consensus that the entire water body comprising plot no. 268 and its adjacent plots are to be surveyed, the survey work started. They survey of water bodies comprising plot no. 268 and others has completed in presence of representatives of both sides on 24.10.2016. The authorised surveyor of both sides were present all along and they put their signature on the daily proceedings. They are also allowed to check every point at every observation. We covered total 174 points in the field by the ETS machine. A quantum of 2.57 acres out of total area of 9.50 acres has been filled up and there are some encroachment. Further, it is to be noted that the premises bearing no. CZ-28, Sector-B, Canal South Road, District-South 24-Parganas, Kolkata-700105 of Respondent no. 15 does not lie on the filled up portion of plot no. 268."*

9. Report of the ADM filed on 05.08.2018 mentions the encroachments as follows:-

*"A. Construction work of two buildings was found to be under progress in RS Plot No. 268, Out of these two, one is a G+4 building, which appears to be almost completed. The other building has been risen up to 2<sup>nd</sup> floor. Its construction work has not been completed. The two buildings seem to have been constructed over the filled up portion of the water body of RS Plot No. 268. The location of these two under-construction buildings have been shown on the previously submitted survey sketch map as prepared by the Revenue Officer and TA on eye-estimation.*

*Copy of the said sketch map as prepared by Revenue Officer and TA is annexed herewith and marked as R-1/2.*

*B. The exact quantum of filled up portion of the water body till date can be ascertained only by performing detailed survey of the land-in-question."*

10. The version of the respondent nos. 14 to 22 – the Housing Society and its Members (PP) is that they have not encroached upon wetlands. They have purchased 4.45 acres in Dag No. 267 which is not part of the



water body. Reference has been made to the KMC affidavit dated 03.11.2017 that no construction was found at the time of inspection. In further affidavit filed on 08.08.2019, the KMC has stated that it has accorded sanction for construction on 05.10.2016 and 01.09.2016 to ground plus 4 and ground plus 3 buildings without any information about proceedings before this Tribunal. The land in question appears to be part of Dag no. 267. The sanction did not authorize construction contrary to the status quo order.

11. In the rejoinder filed by the applicant on 31.01.2021, a copy of sale deed dated 11.05.2011 between the Housing Society and its Members, Debasis Das has been filed stating as follows:-

\*\*\* .....\*\*\*

...Metropolitan Co-operative Housing Society Limited became the absolute owner of the western portion of the Taki Estate Bheri Land(Marshy) which constitutes entire C.S. Dag Nos. 201, 141 and 140 of District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 248, 186, 187 and 267 recorded in the revised Settlement Khanda Khatian Nos. 407, 408, 352 and 353 of Mouza Nimakpoktan under Police Station - Jadaupur (Old Tollygunj) and at present Tijala, Touzi Nos. 173, 1298/2833, J.L. No. 1 under Alipore Collectorate, District 24-Parganas (now District South 24-Parganas) as well as the Western portion of the lands of C.S. Dag No. 31 District Settlement Khatian No. 21, Touzi No. 173, J.L. No. 2, R.S. No. 236 of Mouza Dhapa under Police Station Jadaupur (Old Tollygunge) and at present Tijala under the Alipore Collectorate, District 24-Parganas (now South 24-Parganas) corresponding to the Western Portion of the land included in the revised settlement khatian Nos. 654 (Khanda) 609 (Khanda) of the same Mouza, same Police Station and same R.S. Number under the same collectorate and District which corresponds to western portion of R.S. Dag Nos. 87 and it was for greater clearance demarcated by a common boundary line passing North to South through the said Dag No. 87."

12. In the Schedule to the said document, boundaries of the land are mentioned as follows:-

\*On the North: By Plot No. CZ15A



*On the South: By 30' Wide Common Passage*  
*On the East: By Plot No. CZ14*  
*On the West: By Plot No. CZ14B (now under water)"*

13. Similar other sale deeds have been filed in favour of the Members of the Housing Society.

14. We have heard learned Counsel for the parties and perused the record.

15. Learned Counsel for the applicant submitted that in violation of the order of this Tribunal to maintain status quo, 16 houses have been constructed. There are two buildings of ground plus 2 and ground plus 4. On eight floors, two houses each have been constructed. The construction started in the year 2018 but only 2 persons have so far shifted their residence as the construction is not habitable. He has drawn our attention to the orders of this Tribunal, the Hon'ble Supreme Court and the High Court and findings to the effect that construction was being raised as already noticed. It was submitted that constructions are not only against orders of this Tribunal but also against statutory rules mandating protection of wetlands and other water bodies as they perform important ecological functions.

16. As against above, learned Counsel for the Project Proponents submitted that no construction has been raised in Dag no. 268 which is a water body. Construction in Dag no. 267 is outside the water body and not in violation of order of status quo nor in violation of statutory Rules on the subject.



17. We have considered the rival submissions. Question for consideration is whether Dag number 267 is part of wetland and whether construction in question is permissible.

18. Proper demarcation of boundaries of the wetland and the site of construction are not clear. While prohibition in Dag number 268 is admitted by the Project Proponent, construction is claimed to be in Dag number 267, which according to the Project Proponent is not prohibited.

19. Having regard to the description of land in the Sale deeds and inspection reports referred to above, *prima facie* the area where construction has been made appears to be part of wetland or its buffer zone, zone of influence or catchment area, attracting prohibition under the Rules. The Wetland Authority is not a party nor the parties have focused on compliance status with reference to the Rules.

20. The Hon'ble Supreme Court vide orders dated 03.04.2017 and 04.10.2017 in *M.K. Balakrishnan & Ors. v. Union of India & Ors.*<sup>1</sup>, *inter alia*, held that the principle of Rule 4 of the 2010 Rules will apply to 201503 wetlands, mapped by the Union of India. It was directed that the mapped wetland will continue to be protected on the principle of Rule 4 of 2010 Rules. Following the said directions, this Tribunal vide order dated 25.11.2021 in *O.A. No. 351/2019, Raja Muzaffar Bhat vs. State of Jammu and Kashmir & Ors.* directed monitoring of compliance by MoEF&CC as follows:-

<sup>1</sup>16. *The Joint Secretary, MoEF&CC stated that water being State subject, primary responsibility of handling the matter is of the States. Similar approach was disapproved by the Hon'ble Supreme Court in observations already quoted earlier. Needless to say that Wetland Rules, 2017 have been framed under the Environment (Protection) Act,*



1986 under which there are statutory powers with the Central Wetland Authority to oversee the protection of wetland. It is not subject of 'water' alone. 'Environment protection' is covered by Central laws on account of International obligations under Entry 1 List 13 of Schedule 7 to the Constitution. Attitude of avoiding responsibility cannot thus be appreciated. CWA in the MoEF&CC needs to monitor compliance of the Wetland Rules throughout the country by periodical interaction atleast once in a month.

17. The suggestion of the applicant is that significant wetlands need not be limited to 363 and more wetlands on examinations be added to the list from time to time for better protection by preparing appropriate action plans under the programme for protection of the significant wetlands. Further, apart from figure of 2.01 lakh wetlands already mapped, to which the Wetland Rules, 2017 are applicable even if no separate Notification in terms of 2017 Rules in view of directions of the Hon'ble Supreme Court in *M.K. Balakrishnan, supra*, it may be possible to identify more such wetlands. Infact, the report of the MoEF&CC itself mentions that some States have already identified larger number of wetlands than earlier mapped. In UP itself, 133484 wetlands are entered in the Revenue Records which are being protected by the State. On the same pattern, all the States/UTs need to map all available wetlands in their jurisdiction and file report with the National Wetland Authority so that National Wetland Authority can prepare an exhaustive inventory of wetlands in the country and extend protection to all such wetlands. These suggestions need to be considered by the MoEF&CC.

18. District Environment Plan of each District in terms of order of this Tribunal dated 05.07.2021 in OA 360/2018, *Shree Nath Sharma vs. Union of India & Ors.* should also cover the wetlands in the District. If necessary, the said plans be revised accordingly by the District Magistrates concerned by providing that the core activity for conservation and protection of wetlands may primarily focus on not discharging of sewage, disposal of solid waste and other wastes, preventing siltation, demarcation of wetlands/flood protection zone and removal of encroachments. There should be regular monitoring of water quality under water quality management programme at strategic locations (around 10 locations) to ensure that it is compliant with TC/FC norms. Water quality of the wetlands with respect to BOD needs to be less than 3 mg/l, faecal coliform should meet norms and contamination due to toxic constituents either directly or through runoff from the catchment should be prevented. Biodiversity of the wetlands needs to be maintained. Monitoring of steps for compliance of Rules in relation to such Wetlands ought to be at District level by the District Magistrate, at State level by State Wetland Authority and at National level by National Wetland Authority. We are confident that such initiatives in monitoring will go a long way in protecting the Wetlands which have significant environmental functions."



21. We note that though at the time of passing of the order by the Hon'ble Supreme Court, the applicable Rules were 2010 Rules, the same now stand replaced by "The Wetlands (Conservation and Management) Rules, 2017". In substance, restrictions in Rule 4 of 2017 Rules are similar to the restrictions in Rule 4 of the 2010 Rules. Definition of 'wetland' also is similar, which covers marsh land also.

22. In view of above, we consider it necessary to direct an eight-member Joint Committee of National Wetland Authority, State Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority. The CPCB and the State Wetland Authority will be the nodal agency jointly for coordination and compliance. The meeting of the Committee may be held within two weeks. The Committee may undertake visit to the site and interact with the stakeholders including the applicant and the Project Proponents. The Committee may thereafter, take further measures in accordance with law. The Committee may conclude its proceedings preferably within three months.

23. In view of our prima facie finding that the area is wetland and prohibition against construction is applicable, pending further action, no further activity be undertaken in the area in question, including in Dag no. 267 and 268. If the Committee finds the constructions are in prohibited area, the Committee will ensure removal thereof for restoration of the wetland in question.



-169-

The application is disposed of.

A copy of this order be forwarded to National Wetland Authority, State Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas, by e-mail for compliance.

The parties are at liberty to file their respective versions along with relevant documents including satellite imageries/photographs before the Committee.

All pending M.A.s and I.A.s will also stand disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

B. Amit Sthalekar, JM

Dr. Nagin Nanda, EM

Mr. Saibal Dasgupta, EM

January 03, 2022  
Original Application No. 25/2016/EZ  
SN



-170- Annexure - 'B'

  
THE KOLKATA MUNICIPAL CORPORATION  
BUILDING DEPARTMENT  
BOROUGH - VII  
S. S. N. BANERJEE ROAD  
KOLKATA - 700013

Memo No. Bldg/VII/29/22-27

Date: 16/4/22

From: Executive Engineer (C)/Building/Br-VII

To:  
Sanjib Poddar  
CZ-20A/B, Canal South Road  
Kol- 700105

Sub: Show Cause Notice U/Sec. 397 of the KMC Act, 1980

Ref: Premises No. CZ-20A/B, Canal South Road in ward 57, Br-VII

Re:- Hon'ble Court order (National Green Tribunal) dated 03.01.2022 and communicated by the Registrar, N.G.T, Eastern Zone Branch, Kolkata vide 16/10/2020/EZ, IN: O.A. 25/2016/EZ.

B. P. No. 2018070230 dated 08/01/2019

Sir,

Hon'ble National Green Tribunal, Eastern zone vide order dated 03.01.2022 in O.A. No. 25 of 2016/EZ (Sabyasachi Mallick Vs. State Of West Bengal & Ors) constituted a committee in relation to the illegal filling up of water body namely "Ukil Bheri".

The said committee inspected the premises on 17.02.2022 and submitted minutes of the site visit conducted by the committee constituted by National Green Tribunal vide the referred order.

In terms of the said minutes it is understood that there are some building which has been constructed on filled up portion of water body RS Plot No. 267/268 in Mouza Nimokpoktan.

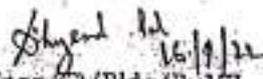
In reference to the above, a plan was sanctioned vide B. P. No. 2018070230 dated 08/01/2019 for the aforesaid premises. Such sanction was accorded in consequence of material misrepresentation in the notice and information furnished U/Sec. 393 of the KMC Act, 1980.

Under the above circumstances you are directed to show-Cause as to why your plan will not be cancelled U/Sec. 397 of the KMC Act, 1980 within 10 (ten) days from the date of receipt of this letter.

This is issued in terms of the order of Municipal commissioner.

Thanking You,

Yours faithfully

  
Ex. Engg. (C)/Bldg/Br-VII

EXECUTIVE ENGINEER (CIVIL)  
K.M.C. BUILDING  
BR-VII



-171-  
Annexure - 'c'

08.12.2022  
Ct. 5  
D/L 18  
ab

WPA 21710 of 2022

With

CAN 1 of 2022

With

CAN 2 of 2022

With

CAN 3 of 2022

Sabyasachi Mullick Chowdhury

-Vs-

National Wetland Authority & Ors.

Mr. Rupak Ghosh,  
Mr. V.V.V. Sastri,  
Mr. Biswaroop Acharya,  
Mr. Sourav Roy

... for the petitioner

Ms. Soumi Guha Thakurta

... for the respondent no. 3

Mr. Amal Kr Sen,  
Mr. Benazir Ahmed

... for the State

Mr. Deepnath Roy Chowdhury,  
Mr. Ankit Sureka

... for the respondent no. 9

Mr. N .C. Bihani,  
Mr. Soumya Mukherjee

... for the WBPCB

Mr. Somnath Roy Chowdhury,  
Ms. Paushali Banerjee

... for the applicants (CAN 1/22 & 2/22)

Although a direction was made on 5<sup>th</sup> December, 2022 for listing of CAN 3 of 2022 today, it appears that CAN 3 of 2022 has not been listed.

~172~

Re: CAN 1 of 2022 and CAN 2 of 2022

This is an application made by the applicant for being added as a party respondent to the writ petition. The cause of action, which has brought the applicant to this Court, is a letter of 16<sup>th</sup> April, 2022 issued by the Executive Engineer, KMC asking the applicant to show cause as to why the sanctioned plan of the applicant will not be cancelled under the provisions of The Kolkata Municipal Act, 1980. The applicant has replied to the show cause.

Learned counsel appearing for the applicant submits, after the concluding part of the order is dictated (now deleted), that the applicant has already proceeded against KMC by filing a writ petition.

CAN 1 of 2022 and CAN 2 of 2022 are dismissed in terms of the above.

Re: CAN 3 of 2022

List CAN 3 of 2022 on 15<sup>th</sup> December, 2022.

( Moushumi Bhattacharya, J.)

-173-

Annexure - D

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 25/ 2016 /EZ .

Sabyasachi Mallick Chowdhury

Versus

State of West Bengal and Others



FINAL REPORT OF THE JOINT COMMITTEE CONSTITUTED BY  
THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN BENCH,  
KOLKATA VIDE ORDER DATED 03.01.2022.

INDEX

SL No	DOCUMENTS	ANNEXURE	PAGE
1.	Affidavit		
2.	Final Report of the Joint Committee along with annexures	R/1	

Filed by:

*Sudip Kumar Datta*

01 NOV 2022

ADVOCATE

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 25/ 2016 /EZ

Sabyasachi Mallick Chowdhury

Versus

State of West Bengal and Others



FINAL REPORT OF THE JOINT COMMITTEE CONSTITUTED  
BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN  
BENCH, KOLKATA *VIDE* ORDER DATED 03.01.2022.

I, Kaliyamurthi Balamurugan, son of Shri Kaliyamurthi, aged about 48 years, working as Chief Environment Officer, Department of Environment, Government Of West Bengal and member, State Wetlands Authority, West Bengal having office at Prani Sampad Bhawan, 5<sup>th</sup> Floor, LB-2, Sector-III, Salt Lake City, Kolkata-700106 do hereby solemnly affirm and state as under:-

1. That I am acquainted with the facts and circumstances of the present case as derived from official records and hence competent to swear the present affidavit.
2. That the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata *vide* Order dated 03.01.2022 has constituted an eight-member Joint Committee of National Wetland Authority, State

01 NOV 2022

Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority. The CPCB and the State Wetland Authority will be the nodal agency jointly for coordination and compliance.

3. In pursuance of the aforesaid Order, a final report of the Joint Committee along with annexures is annexed herewith and marked as Annexure R/1.

That the reply is true to the best of my knowledge and belief, which I derived from the office records.



*Kaliyamurthi Balamurugan*  
DEPONENT

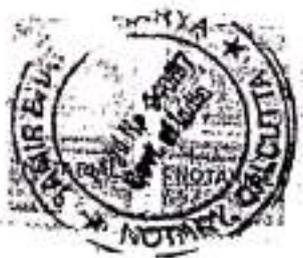
Chief Environment Officer  
Environment Department  
Government of West Bengal

VERIFICATION

I, Kaliyamurthi Balamurugan, Chief Environment Officer, Department of Environment, Government of West Bengal and do hereby verify that the contents of the report in the form of an affidavit are true to the best of my knowledge and belief. No part of the report is false and nothing has been concealed there from.

01 NOV 2022

Verified at Kolkata this 28 day of October, 2022.



Solely Attest and  
Declared before me (N/S) on  
01/10/2022 (C) CHAC

01.10.22  
Notary

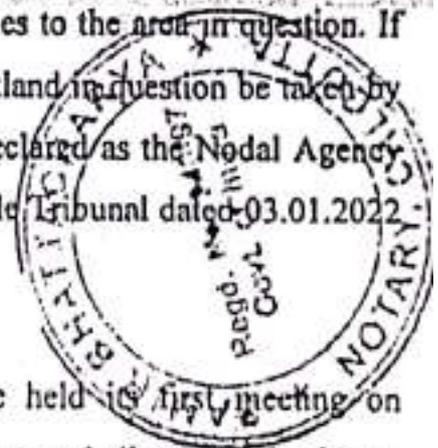
*Samir Bhattacharya*  
Notary, Govt. of India  
Regd. No. -940/97  
Civil Court, Kolkata

*Kaliyamurthi Balamurugan*  
DEPONENT

Chief Environment Officer  
Environment Department  
Government of West Bengal

**Final Report of the Joint Committee Constituted by Hon'ble National Green Tribunal, Eastern Bench, vide order dated 03.01.2022 in O.A. 25 of 2016/EZ in the matter of (Sabyasachi Mallick Chowdhury -Vs- State of West Bengal & Ors).**

The Hon'ble National Green Tribunal (NGT), Eastern Zone vide its Order dated 03.01.2022 in O.A. 25 of 2016/EZ in the matter of (Sabyasachi Mallick Chowdhury -Vs- State of West Bengal & Ors.) has constituted an 8 (eight) member Joint Committee comprising National Wetlands Authority, State Wetlands Authority (SWA), Central Pollution Control Board (CPCB), Ministry of Environment, Forest and Climate Change, State Pollution Control Board, Director Environment, West Bengal, District Magistrate, South 24 Parganas and Superintendent of Police, South 24 Parganas with respect to the illegal filling up of water body, "Ukil Bheri". The Hon'ble NGT vide its Order has stated that demarcation of boundary of the said water body and the site of construction is not clear. Prima facie, the area where the construction is made appears to be part of said water body or its buffer zone, attracting prohibition under the Wetlands (Conservation and Management) Rules, 2017. The Tribunal directed the Committee constituted "to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority". The CPCB and SWA were declared as the Nodal Agency for coordination and compliance. Copy of the Order of the Hon'ble Tribunal dated 03.01.2022 is annexed herewith and marked as Annexure -I.



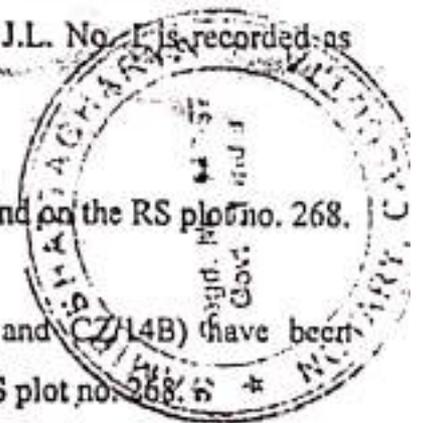
In compliance with the aforesaid Order, the Joint Committee held its first meeting on 25.01.2022 at Conference Room of the Environment Department and discussed the issues raised in the Order. During the meeting it was decided the Kolkata Municipal Corporation (KMC) and the Additional District Magistrate & District Land and Land Reforms Officer ADM&DL&LRO), South 24 Parganas, would jointly conduct survey to ascertain on which Dag number the said water body "Ukil Bheri" falls and also the status of Dag numbers 267 and 268 of Mouza Nimokpoktan, under P.S. Pragati Maidan, Ward No. 57, KMC. The minutes of the meeting dated 25.01.2022 is annexed herewith and marked as Annexure-II.

The Additional District Magistrate & District Land and Land Reforms Officer, South 24 Parganas conducted a field enquiry on R.S. Plot no. 267 and 268 in Mouza Nimokpoktan, J.L. No. 1 from 07/02/2022 to 11/02/2022 and submitted the report on 16.02.2022. The survey report of ADM & DL&LRO dated 16.02.2022 is annexed herewith and marked as Annexure-III.

A letter was issued for site inspection of the said plot on 15.02.2022 and 16.02.2022 to all the members of the Joint Committee as well as the applicant and project proponent. Copy of letters are annexed herewith and marked as Annexure-IV.

The Joint Committee inspected the site on 17.02.2022 at 11.30 a.m. and the following facts have come up at the time of site visit:

1. The present condition of "Ukil Bheri" is a low and marshy land with less water, filled up with aquatic vegetations. There is no sign of pisciculture activity.
2. At present, the bheri/ water body stretches within the parts of RS plot no. 267, 268, 271, 269, 270, 398, 272, 275, 276, 127, 274, 273, 128, 126 and 278 of Mouza Nimokpoktan, J.L. No. 1 comprising an area of approximately 8.63 ha (21.32 Acres).
3. As per report of the ADM & DL& LRO, South 24 Parganas the classification of the area in question i.e. R.S. plot no. 267 and 268 of Mouza Nimokpoktan, J.L. No. 1 is recorded as "Beel".
4. There are few complete and incomplete new constructions found on the RS plot no. 268.
5. One G+4 building (CZ/9B) and other building (CZ/14A and CZ/14B) have been constructed recently over the filled up portion of the water body of RS plot no. 268.
6. As per report of the ADM & LRO, South 24 Parganas the RS plot nos. 267 and 268 were not converted by the district administration of South 24 Parganas.
7. The subject land is not under the purview of the East Kolkata Wetlands Management Authority.



8. The complete Mouza Nimokpoktan, J.L. No. 1 has been integrated into the jurisdiction of Ward no. 57 of Kolkata Municipal Corporation as per the Kolkata Municipal Corporation Act, 1980.

At the time of site inspection on 17.02.2022, one representative of the Metropolitan Co-operative Housing Society, Mr. Sanjib Podder was present, no one was present on behalf of the petitioner.

At the end of inspection, the Joint Committee decided that KMC would submit the following documents:

- i. Assessee Number, building sanction plan by KMC, mutation certificate, completion certificate for the two buildings at 9B, 14A and 14B and for other buildings which got permission for construction at R.S. Dag No.267 and 268 situated on RS Dag no. 267 of Mouza Nimokpoktan, JL no. 1, in general starting from Canal South Road to existing waterbody.
- ii. Report of Project Management Unit (PMU), KMC regarding Ukil Bheri.
- iii. Land use pattern as per KMC land records for R.S. Dag No. 267 and 268.

Thereafter, KMC submitted the following documents for three buildings bearing premises nos. 9B, 14A and 14B of Canal South Road, Metropolitan Cooperative Housing Society situated on RS Dag no. 267 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanagram (which is shown as Dag No. 268 in BL&LRO report), under the Police Station- Pragati Maidan, Ward No. 57 of KMC:

- a. Deed of Conveyance
- b. Survey Observation Report
- c. Assessment Book
- d. Building Sanction Detail Register.



The copy of the minutes of the site visit dated 17.02.2022 is annexed herewith and marked as Annexure-V.

The Joint Committee held its second meeting on 15.03.2022 and scrutinized the documents submitted by KMC which stated that three buildings at premises nos. 9B, 14A and 14B of

-179-

Canal South Road, Metropolitan Cooperative Housing Society is situated on RS Dag no. 267 of Mouza Nimokpoktan, JL no. 1, Pagladanga, although the report of ADM&DL&LRO, South 24 Parganas, stated that three buildings bearing premises nos. 9B, 14A and 14B have come up on RS Dag no. 268 (not on RS Dag no. 267), which falls within the water body.

During the meeting ADM&DL&LRO, South 24 Parganas also brought to notice of the Joint Committee that as per the Kolkata Municipal Corporation Act, 1980, Ward No.57 came under the jurisdiction of KMC from 1980. He also stated that as per R.S. records the land classification was recorded as Beel for both RS Dag no. 267 & 268.

The Deputy Chief Engineer, KMC could not produce any document on land classification of RS Dag No.267 and he requested the Joint Committee to call the following officials to be present in the next meeting to be held on 22.03.2022 namely :

- i. Chief Valuer & Surveyor, KMC
- ii. Deputy Chief Engineer, PMU, Environment & Heritage Department, KMC
- iii. Chief Manager, Revenue, South Division, KMC
- iv. Block Land & land Reforms Officer, Kolkata
- v. Deputy Chief Engineer, Building, KMC
- vi. Officer-in-charge, Khasmahal, Dist-South 24 Parganas

The Deputy Chief Engineer, KMC also informed the Joint Committee that KMC is in the process of revocation of the plan sanctioned for building nos. 9B, 14A and 14B in pursuance of the Order of Hon'ble NGT.

Thereafter, the Joint Committee decided the following :

1. Kolkata Municipal Corporation (KMC) to issue a Stop Work Notice at RS Dag nos. 267 and 268.
2. KMC to submit the following documents in the next meeting to be held on 22.03.2022:
  - i. The period from when RS Dag nos. 267 & 268 of Mouza- Nimokpoktan, JL no. 1, KMC Ward No. 57, PS- Pragati Maidan came under the jurisdiction of the KMC.
  - ii. As per the survey report of the ADM&LRO, South 24 Parganas the subject RS Dag nos. 267 & 268 of Mouza- Nimokpoktan, JL no. I, KMC Ward No. 57 under PS Pragati Maidan are recorded in the RS Records as 'Beel'. If the land classification



(land use pattern) has been changed from 'Beel' to anything else, KMC to provide with the relevant documents.

- iii. To provide the land classification details against which the KMC has issued building sanction plans at the subject RS Dag numbers.

A Copy of the minutes of the meeting dated 15.03.2022 is annexed herewith and marked as Annexure-VI.

The third meeting of the Joint Committee was held on 22.03.2022 at Conference Hall II of CMO Building of the Kolkata Municipal Corporation. The Chief Environment Officer chaired the meeting and requested officers of KMC to provide the Joint Committee necessary documents including procedure followed by KMC for permitting construction of buildings in the Ukil Bheri area at RS Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanangram under PS Pragati Maidan, Kolkata Municipal Corporation (KMC) Ward No. 57 which are classified as 'Beel' as per BL&LRO records.

Shri Bhaskar Bhattacharya, Chief Manager, Revenue South, Kolkata Municipal Corporation (KMC) described the procedure maintained by the assessment department of KMC for processing applications for assessment/mutations/building plan sanctioned in ward No.1 -100 of KMC as per the Kolkata Municipal Corporation Act, 1980 . He stated that for proving land character, mutation and premises no. of an unassessed property KMC only verifies the sale deed and other documents submitted by the applicant and if necessary causes a field inspection. During the process, if KMC is satisfied that the applied plot is water body, KMC does not provide sanction for construction on the applied plot. On the entire process of assessment / mutation / building plan sanction in ward no. 1 to 100 of KMC, KMC does not require to check any records of the applied plot from the end of the Block Land & Land Reforms Office (BL&LRO).He said that in the case of the Metropolitan Cooperative Society, in particular, KMC made the assessment on the basis of sale deed and thereafter sanction plan was issued as per the provisions of the Kolkata Municipal Corporation Act, 1980.

Deputy Chief Engineer (C) Environment & Heritage Department further informed that in the year 2016, a complaint was received from Shri Sunit Kumar Mallick Chowdhury regarding filling up of 'Ukil Bheri' in Ward No.57. KMC caused a field inspection and identified an illegal pond filling and construction of boundary wall on the embankment of "Ukil Bheri". KMC used a high resolution satellite map prepared by NRSA for identification of violation in

the waterbody. In this regard four (4) complaints were lodged by KMC with PS Pragati Maidan, from 2016 - 2019, against which a case was already started vide PGM P.S. Case No.-105 dated 15.03.2016, u/s 22 of the West Bengal Inland Fisheries Act, u/s 53 of the West Bengal Town and Country Planning Act and Section 18 of the East Kolkata Wetlands Act. A copy of complaints and report from P.S- Pragati Maidan are annexed herewith and marked as Annexure -VII.

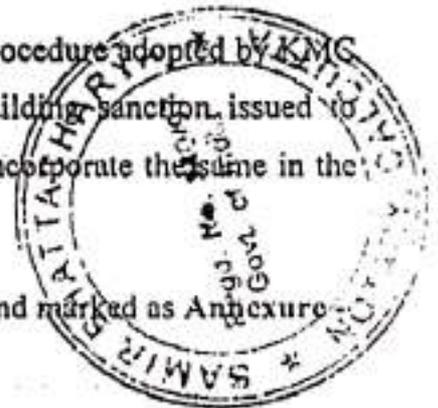
In the third meeting, the Joint Committee decided the following :

- a. KMC to ascertain the plot number (either RS Dag no. 267 or 268 of Mouza Nimokpoktan) on which the premises nos. 9B, 14A and 14B are in place.
- b. KMC to issue a Stop Work Notice in view of the Order of Hon'ble NGT and to call Metropolitan Cooperative Society for a hearing, and to take necessary action for restoration of waterbody.
- c. KMC has to submit a written documentation as to the procedure adopted by KMC regarding justification of assessment, mutation and building sanction issued to Metropolitan Cooperative Housing Society in order to incorporate the same in the Committee Report to be placed before the Hon'ble NGT.

The Minutes of the Meeting dated 22.03.2022 is annexed herewith and marked as Annexure VIII.

Thereafter, KMC submitted a report before the Joint Committee stating that KMC has issued intimation letter to stop construction work at Premises No.CZ/9B, Canal South Road and CZ/14/A/B, Canal South Road. Previously, KMC has accorded sanction vide Building Permit No.2016070100 dated 05.10.2016 for a G+IV storied residential building at Premises No.9B/B, Canal South Road and G+III storied residential building for Premises No.14A/B, Canal South Road sanction plan vide Building Permit No.2016070075 dated 01/09/2016 for considering the Deed of Conveyance, Assessment Book Copy & Survey Observation Report of KMC and NOC from Kolkata Improvement Trust.

However, on coming into notice that several buildings which have been constructed within the periphery of Dag Nos. 267 & 268 which has been demarcated by District Land and Land Reforms Officer, 24 Parganas (South) dated 16/02/2022 vide No.MISC 885/2022.



-182-

KMC intimated stop construction notice to the following premises and revocation of sanction plan w/sec 397 of the KMC Act, 1980: 1. A/P-CZ-23, 2. A/P-34/B, 3. CZ-20A/B, 4. A/P-25/A, 5. A/P -38/A, 6. CZ/15A/B, 7. A/P-CZ-18.

The report of KMC is annexed herewith and marked as Annexure-IX.

An Interim Report was submitted by the Joint Committee before the Hon'ble NGT, Eastern Bench on 25.04.2022 with certain conclusion and recommendations and further three months time was sought to submit the Final Report:

- i. As per ADM&DL&LRO's Report the construction works on Dag No.268 which is "Beel" has been shown as Dag No. 267 in the documents given by the KMC and the Metropolitan Co-operative Housing Society:
- ii. ADM&DL&LRO has reported that Dag No. 267 and Dag No.268 are classified as Beel. However, KMC could not submit supporting papers regarding land conversion of Dag No. 267 and Dag No.268.
- iii. KMC has lodged 2 complaints at Pragati Maidan -P.S. in 2016 , one complaint in 2018 and one complaint in 2019 against filling up of water body and construction of boundary wall at Ukilbheri. However, KMC could not ascertain how much area has been encroached within the said water body.
- iv. As per the KMC's map total water body area is recorded as 82154.352 sq metre. The Joint Committee has requested KMC to demarcate the total waterbody area.
- v. KMC officials claims that as per the Kolkata Municipal Corporation Act, 1980, they do not require to check any records of the applied plot from the end of the Block Land & Land Reforms Office (BL&LRO) to ascertain the land clarification records of BL&LRO, for Ward no. 1 to 100. The Metropolitan Co-operative Housing Society lies in Ward No. 57.



- vi. The Joint Committee suggested that the Metropolitan Co-operative Housing Society is required to be called for hearing to provide supporting documents regarding Dag. No.268 in which the construction is taking place. They shall also provide deeds of plots surrounding the waterbody.
- vii. The petitioner is also requested to attend the hearing to produce further supporting documents regarding the said waterbody.

On 27.04.2022 one letter was given to the Petitioner i.e. Sabyasahi Mallick Chowdhury to submit all relevant documents regarding Ukil Bheri on 06.05.2022 and to attend hearing before the Joint Committee on 11.05.2022.

One letter was also issued to the Secretary, Metropolitan Co-operative Housing Society on 27.04.2022 to submit the documents regarding Ukil Bheri on 06.05.2022 and appear before the Joint Committee for hearing on 11.05.2022 :

On 10.05.2022 the petitioner requested the Chief Technical Officer, EKSYMA to fix another date to submit relevant documents and re-schedule date for hearing.

On 11.05.2022 Secretary of the Metropolitan Co-operative Housing Society submitted written documents in support of their contentions and requested to fix a date after 10.06.2022 .

In the fourth meeting of the Joint Committee held on 17.05.2022 no decision could be taken by the Joint Committee as there was no quorum. However, Advocate Ankit Surekha appeared on behalf of Secretary of the Metropolitan Co-operative Housing Society and submitted verbally that he would collect and submit relevant deeds as and when available to him. A prayer was made by the Advocate of the petitioner to re-schedule another date for hearing and submission of documents. No one appeared on behalf of the petitioner and time was sought by them.

Another opportunity was given to the petitioner vide letter dated 19.05.2022 to submit relevant documents within 26.05.2022. Letter was issued to the Secretary of the Metropolitan Co-operative Housing Society to submit the relevant documents within 26.05.2022.

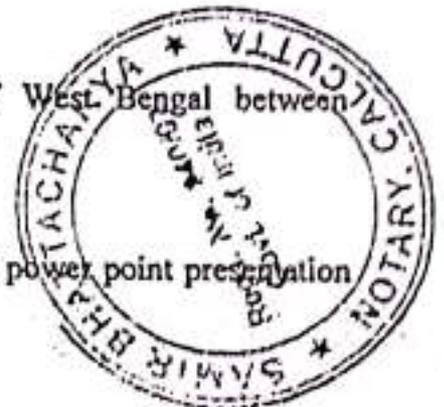
The petitioner submitted the documents on 23.05.2022 to the office of EKWMA and the Secretary, Metropolitan Co-operative Housing Society submitted the documents on 25.05.2022 in the office of EKWMA.

Letter was also issued on 19.05.2022 to the Commissioner, Kolkata Municipal Corporation by the Chief Technical Officer, EKWMA, to submit the Deeds and Mutation certificate of plots surrounding the waterbody i.e CZ-9A, CZ-14, CZ-15A, CZ-15, CZ-20, CZ-20A, CZ-8 at Sector B, Metropolitan Co-operative Housing Society, Canal South Road, Kolkata-700105.

Letter was issued by the Chief Technical Officer, EKWMA, to the Inspector General of Registration on 19.05.2022 to provide the certified copies of the Deed of Plots surrounding the water body i.e. CZ-9A, CZ-14, CZ-15A, CZ-15, CZ-20, CZ-20A, CZ-8 at Sector B, Metropolitan Co-operative Housing Society, Canal South Road, Kolkata-700105 to ascertain the factual position of the land in question.

Deeds were received from the different Registration offices of West Bengal between 21.06.2022 - 30.06.2022.

The final meeting of the Joint Committee was held on 27.07.2022, a power point presentation was shown which stated as follows:



- In the presentation, the actual physical location of Ukil Bheri was shown.
- The petitioner submitted a certified copy of Sale Deed of Plot No. CZ-9A bearing No. 04577/1985 along with a Master Plan of Metropolitan Cooperative Housing Society. The master plan clearly shows that the water line of Ukil Bheri, and the plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are adjacent to the water-line. These plot numbers are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society .
- The Google imagery of 2013 also shows plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society and no encroachment on the eastern side of Ukil Bheri was found.

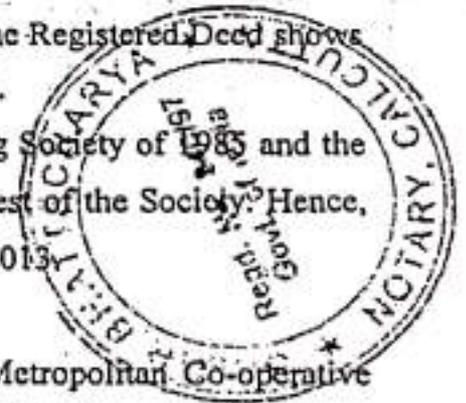
-185-

- The Google Imagery of 2022, shows the existence of plot Nos. CZ-9B, CZ-14A, CZ-14B, CZ-15A, CZ-20A, CZ-21A and CZ 26 A/B/C.
- From deeds of plots of Metropolitan Cooperative Housing Society provided by the Inspector General, Registration, West Bengal, the following facts regarding filling up of Ukil Bheri is evident :
  - i. Plot no. CZ 9B was purchased by Supriti Saha from the Metropolitan Co-operative Housing Society by Deed No 04577 of 2015. The schedule of the Registered Deed shows that Plot No CZ-9A is on the Eastern side of the Plot no. CZ-9B.

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot No. CZ-9A is the last plot to the west of the Society. Hence, plot no. CZ 9B has been created by filling up water body after 2013.
  - ii. Plot No. CZ-14A was purchased by Sri Debasis Das from Metropolitan Co-operative Housing Society by Deed No. 01451 of 2015. The Schedule of Registered Deed shows that plot no. CZ 14 is the eastern side of plot no. CZ 14A, and CZ 14B is on the west of plot no. CZ 14A. It is clearly mentioned in the Deed that plot no. CZ 14B is under water.

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot No. CZ 14 is the last plot to the west of the Society. Hence, plot no. CZ 14A has been created by filling up water body after 2013.
  - iii. Plot no. CZ 14B was purchased by Smt. Ratna Chatterjee from Metropolitan Co-operative Housing Society by Deed No 190106470 of 2015. As per the Schedule of the Deed, plot no. CZ 14B is to the west of plot no. CZ 14A, which is referred to above.

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot no. CZ 14 was the last plot to the west of the Society. Hence, plot no. CZ 14B has been created by filling up the water body after 2013.
  - iv. Plot no. CZ 15 was purchased by Mr. Radheshyam Agarwal from Mr. Narayan Das sharma by Deed No 00713 of 2012. As per the Schedule of the Deed, plot no. CZ 15 is to



the west of plot no. CZ 16, wherein there is a vacant land (plot number of which is not mentioned in the Deed) to the west of plot no. 15.

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot no. CZ 15 is the last plot to the west of the Society. Hence, plot no. CZ 15A has been created by filling up water body after 2013.

Findings of the Joint Committee based on documents available are as follows:

- i. From the master plan of Metropolitan Cooperative Housing Society, 1985 and Google Imagery of 2013, it is found plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society.
- ii. As per the Google Imagery of 2022, it is evident that plot no. CZ 9B, CZ 14A, CZ 14B, CZ 15A, CZ 20A, CZ 21A and CZ 26A/B/C are newly created plots by filling up of Ukil Bheri after 2013.
- iii. The Inspection Report of West Bengal Pollution Control Board dated 18.03.2014 along with photographs, confirms that the eastern side of Ukil Bheri has been partly filled up by construction debris on the eastern side which is annexed herewith and marked as Annexure X.
- iv. The report of ADM& DL&LRO South 24 Parganas dated 16.02.2022, at point No.2 states that " the construction work of two buildings, were found to be under process in the eastern portion RS plot No.268. The G+4 building (CZ/9B) appears to be completely full of residents. The other buildings (CZ14A/14B) in the opposite side has been risen up to 4<sup>th</sup> floor. Its construction work has not been completed. The two buildings have been constructed over the filled-up portion of the waterbody of RS plot No.268 ".
- v. The alleged Dag No.268 at Mouza-Nimokpoktan, JL no. 1 under P.S. Pragati Maidan, Ward no. 57 of Kolkata Municipal Corporation (KMC) is nowhere mentioned in the deeds of Metropolitan Cooperative Housing Society available with this office, however the report and map of ADM & DL&LRO at Point No.9



confirms " at present, most of the land in the eastern side of R.S. plot No.268 and almost all of R.S. Plot 267 is occupied by members of Metropolitan Co-operative Housing Society ".

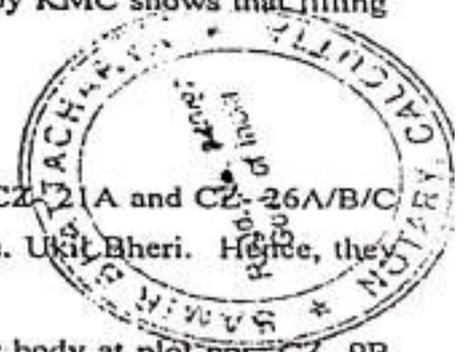
- vi. Kolkata Municipal Corporation has submitted copies of complaints on 26.07.2016, 06.08.2016, 04.05.2018, 25.01.2019 with P.S. Pragati Maidan against filling up of Ukil Bheri. The KMC issued notice dated 17.08.2018 u/s. 401 of the Kolkata Municipal Corporation Act, 1980 against Supriti Saha to stop illegal constructions at plot no. CZ- 9B. The map submitted by KMC shows that filling has been done in the eastern side of Ukil Bheri.

Finally, the Committee unanimously took the following decisions:

- Plot Nos. CZ- 9B, CZ- 14A, CZ- 14B, CZ-15A, CZ- 20A, CZ- 21A and CZ- 26A/B/C have been created after 2013 by filling up of waterbody i.e. Ukil Bheri. Hence, they need to be demolished.
- The KMC shall take steps to immediately restore the water body at plot nos. CZ- 9B, CZ -14A, CZ- 14B, CZ- 15A, CZ- 20A, CZ- 21A and CZ- 26A/B/C in compliance with the Order of the Hon'ble National Green Tribunal dated 03.01.2022.
- After restoration of the water body, the KMC shall take management control of the same in accordance with The West Bengal Inland Fisheries Act, 1984.
- The KMC will demarcate Ukil Bheri boundary with concrete pillars and do the geo-tagging with the help of ADM&LRO, Dist South 24 Parganas.
- The KMC shall submit a compliance report after restoration of the above mentioned plots before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata within a period of 6 months.

The report of the final meeting held on 27.07.2022 is annexed herewith and marked as **Annexure-XI**.

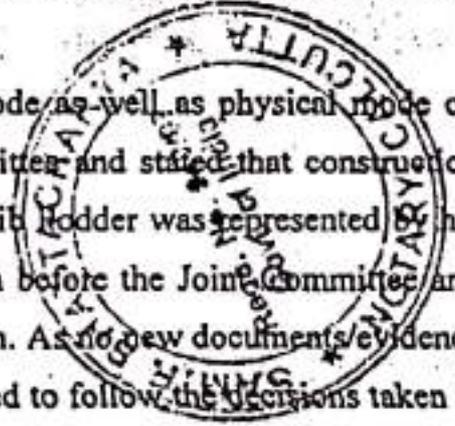
Further KMC submitted some photocopy of deeds related in plot nos. CZ-14A, CZ-14B, CZ- 15A, CZ-9B on 08.09.2022.



On 05.09.2022 Sri Sanjib Podder , owner of plot No.CZ/20-A, Sector-B of Metropolitan Co-operative Housing Society requested for a hearing before the Joint Committee. After seeking permission from the Joint Committee, another opportunity of hearing was given to both the petitioner and Sri Sanjib Podder on 23.09.2022.

The meeting of the Joint Committee was held in virtual mode as well as physical mode on 23.09.2022. The petitioner appeared before the Joint Committee and stated that construction was complete at plot No. CZ 9B, CZ 14A, CZ 14B. Sri Sanjib Podder was represented by his Advocate Sanjay Upadhyay who has made detail submission before the Joint Committee and has also submitted written documents in support of their claim. As no new documents/evidence came up in support of their claim, the Joint Committee decided to follow the decisions taken in the final meeting dated 27.07.2022.

On 27.09.2022 , a copy of WPA 21710 of 2022 (Sabyasachi Mullick Chowdhury -vs- National Wetlands Authority & Ors.) filed at High Court, Calcutta has been served upon the SWA by the petitioner .



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Smt. Neelam Meena, Director, IESWM & Secretary, Environment Department

Sri Kallyamurthi Balamurugan, CEO Environment Department & Member, State Wetland Authority  
Chief Environment Officer  
Environment Department  
Government of West Bengal

Neelam Meena, IAS  
Secretary  
Environment Department  
Government of West Bengal

*Handwritten signature: Dr. Shahida Parvin Quazi*

*Handwritten signature: Susmita Ekka*

Dr. Shahida Parvin Quazi, Scientist E, Integrated Regional Office, MOEF&CC,

Susmita Ekka, Scientist 'D', Eastern Regional Directorate, CPCB

डा. शाहिदा परवीन काजी / DR. SHAHIDA PARYIN QUAZI  
वैज्ञानिक - ई / SCIENTIST - E  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE  
ए. ई. ई. क्षेत्रीय कार्यालय / INTEGRATED REGIONAL OFFICE  
म. नं. 198, सेक्टर-III, मीन साक सिटी, कोलकाता - 700106  
10-198, SECTOR-III, SALT LAKE CITY, KOLKATA - 700106

सुष्मिता एकका / Susmita Ekka  
वैज्ञानिक 'D' और सहायक निष्लेपक  
Scientist 'D' & Const. Analyst  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
क्षेत्रीय निदेशालय / Regional Directorate  
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार  
Min. Envt. Forest & Climate Change, Govt. of India  
1582, राजदंग मिन रोड / Rajdanga Min Road  
कोलकाता / Kolkata-700107

-183-

*Nitesh Dhali*

Sri. Nitesh Dhali, ADM& DL&LRO  
District South 24 Parganas  
District Land & Land Reforms Officer  
South 24-Parganas, Alipore

*Debashis Sarkar*

Sri. Debashis Sarkar, Chief Engineer  
WBPCB

Chief Engineer  
W. B. Pollution Control Board  
Dept. of Environment, Govt. of W.B.

*Gaurav Lal*

Sri Gaurav Lal, Deputy Commissioner  
of Police, East Division, Kolkata Police

Dy. Commissioner of Police  
East Division  
Kolkata Police

Executive Engineer(Civil)  
KMC Building, BR-VII



-190-

Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 25/2016/EZ

&

M.A. No. 814/2016/EZ, M.A. No. 25/2017/EZ, M.A. No. 25/2018/EZ

M.A. No. 13/2018/EZ, I.A. No. 72/2019/EZ, I.A. No. 82/2019/EZ

& I.A. No. 10/2020/EZ



Sabyasachi Mallick Chowdhury

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 03.01.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

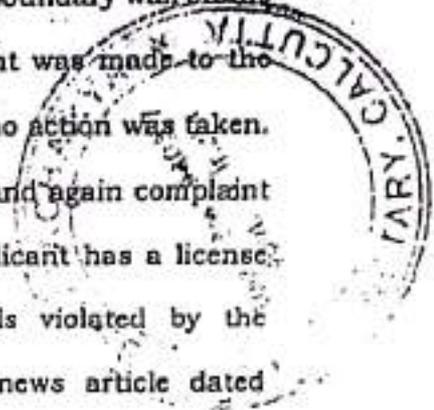
**Applicant:** Mr. Drijendra Chahar, Senior Advocate along with Mr. Ashok Prasad, Advocate

**Respondent:** Mr. Sudip Kumar Dutta, Advocate for Respondent No 1 to 4,9,10,11,13,  
Mr. Dipanjan Ghosh, Advocate for Respondent No.5&6  
Mr. Gopal Chandra Das, Advocate and Mr. Sibojyoti Chakraborti, Advocate for Respondent No.7&8  
Mr. Jayanta Mitra, Senior Advocate along with Mr. Ankit Sureka, Advocate for Respondent No. 14  
Ms. Saheli Sen, Advocate for R.15

**ORDER**

1. Issue raised in this application relates to restoration of a wetland - *Ukil Bheri*, situated at Mouza-Nimokpoktan, Pagladanga, Dihi Panchanangram, near Chingrighata, within Police Station Pragati Maidan, Ward No. 57, Kolkata Municipal Corporation (KMC), measuring about 60 bighas.

2. The application was filed before the Eastern Bench of this Tribunal on 17.02.2016. Averments in the application in brief are that respondent nos. 14 to 22, Metropolitan Co-Operative Housing Society Limited and its office bearers and members are illegally constructing boundary wall on the bank of the water body since 17.10.2015. Complaint was made to the Police Station, Pragati Maidan in October, 2015 but no action was taken. Further construction was attempted on 05.02.2016 and again complaint was made but the construction continued. The applicant has a license from the Fisheries Department and such right is violated by the construction. The applicant has also referred to news article dated 04.07.2013 in Times of India under the caption "Ukiler Bheri filled up under councillor's nose, KMC clueless" and further article dated 17.07.2013 in Times of India captioned "Ukiler Bheri gets a second life". Encroachment was on Dag No. 268 measuring 2 bighas. The water body in question is protected under the East Kolkata Wetlands (Conservation and Management) Act, 2006 and the Wetlands (Conservation and Management) Rules, 2010. The applicant has relied upon photographic evidence and also time series Google Earth images to show encroachments.



3. The matter has been considered by this Tribunal in the last about six years by several orders. The parties have filed their respective versions. In the course of this order, reference will be made to the relevant orders and pleadings of the parties.

4. Vide order dated 25.02.2016, the application was admitted and notice was issued to the respondents. Direction was also issued to file status report by Chief Secretary, West Bengal, Municipal Commissioner, KMC, the East Kolkata Wetlands Management Authority, State PCB, the

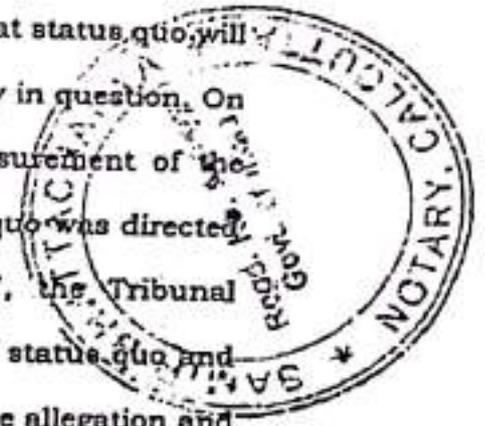
Director General (Project Management Unit) KMC and the Commissioner of Police, Kolkata Police. Wetland Management Authority was directed to mention whether the water body in question is part of the wetland. Directions were also issued against illegal filling up of the waterbody.

5. On 12.07.2016, the Tribunal considered the prayer for interim relief and observed that no order was necessary in the hope that status quo will be maintained in the matter of filling up of the waterbody in question. On 20.07.2016, the Tribunal appointed Surveyor for measurement of the waterbody and to ascertain the encroachments. Status quo was directed to be maintained in the meanwhile. On 07.02.2017, the Tribunal considered the grievance against violation of the order of status quo and directed jurisdictional ADM and Police Station to verify the allegation and stop any illegal construction and file an action taken report. On 06.11.2017, the application was dismissed for non-appearance of the applicant but the said order was recalled on 11.12.2017 which was reiterated on 23.04.2018. Against the order of the Tribunal dated 23.04.2018, Civil Appeal No(s). 6191-6192/2018, *Metropolitan Co-operative Housing Society Limited & Anr. vs. Sunit Kumar Mallick Chowdhury & Ors.* was dismissed on 03.08.2018 by the Hon'ble Supreme Court and *WP No. 11287(W) of 2018, In re: Smt. Supriti Saha vs. The State of West Bengal & Ors.* was dismissed by the Kolkata High Court on 12.09.2018.

6. Affidavit has been filed by the State PCB on 29.03.2016, with an inspection report as follows:-

**\*Observation:**

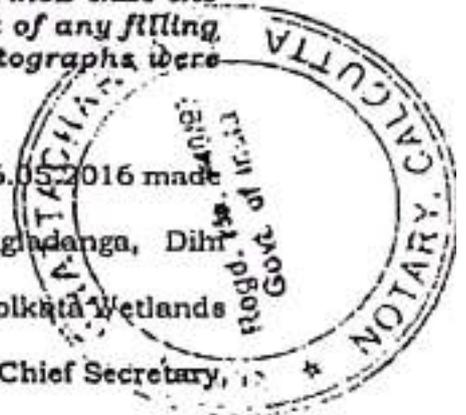
*The alleged Ukhil bheri (also known as Moni Babu's bheri) was observed to be partially filled up by construction debris side. The major portion of the water body is covered with water hyacinth. The*



said bheri is surrounded by Metropolitan Cooperative Housing Society on eastern side, Chingrighata on northern side, Pagladanga on western side and nearby area of E M Bypass on southern side. Bamboo fences and a temporary hut were also observed on the filled up area. Nearby residents confirmed that the bheri has been partially filled up with construction debris during the recent times. However, they remained silent about the persons filling up the bheri. The filled up area of the bheri lies on the side of Metropolitan Cooperative Housing Society. During inspection, the office of the Metropolitan Cooperative Housing Society was visited. Sri Paritosh Dutta Roy, Board Member of the said Society was contacted over telephone. He confirmed that the visited bheri was Ukhil bheri and he is ignorant of any filling up of the Bheri. During the visit, 02 nos. of photographs were taken and they are annexed with the report."

7. The Chief Secretary, West Bengal, vide reply dated 06.05.2016 made a statement that Mouza-Nimokpoktan, JL no. 1, Pagladanga, Dihar Panchanangram, P.S. Pragati Maidan is outside the East Kolkata Wetlands and therefore, the matter has been referred to Additional Chief Secretary, Fisheries Department, Principal Secretary, Land & Land Reforms Department, Government of West Bengal and the District Magistrate, District 24 Parganas (South) with a request not to allow filling up of the water body, without consulting the Department of Environment. Vide affidavit dated 28.11.2016 of the ADM of the area, it is mentioned that a part of plot no. 268 has been filled up and encroachments made. Plot no. 267 was part of embankment of the water body. The relevant statement is reproduced below:-

"8. Upon reconciliation of the survey report with regard to plot nos. 267 and 268 it was observed that plot 267 is classified as 'Pukur Par'. Out of total 4.45 acres, a quantum of 1.22 acres of land is being used as 'Pukur Par'. The plot 268 constitutes a part of 'Ukil Bheri' and a quantum of 2.57 acres out of total area of 9.50 acres has been filled up and encroachments are made there on. The portion which has been filled up is contiguous to the land learnt to have belonged to the Metropolitan Cooperative Housing Societies Limited. Further, it is to be noted that the premises bearing no. CZ-28, Sector B, Canal South Road, District -South 24 Parganas, Kolkata-105 of Respondent no. 15 is not situated at filled up portion of plot 268. A total of 174 points in the field was covered by ETS machine which was used in the entire survey process."



-194-

8. With the said affidavit, a sketch map and present position of the survey report has been filed as Annexure-R 4/4:-

*\*The survey work started in presence of representatives of both sides on 20.10.2016. We started the survey work after consulting both parties in the field and representatives of both the parties present in the field till the completion of the work. After reaching a consensus that the entire water body comprising plot no. 268 and its adjacent plots are to be surveyed, the survey work started. They survey of water bodies comprising plot no. 268 and others has completed in presence of representatives of both sides on 24.10.2016. The authorised surveyor of both sides were present all along and they put their signature on the daily proceedings. They are also allowed to check every point at every observation. We covered total 174 points in the field by the ETS machine. A quantum of 2.57 acres out of total area of 9.50 acres has been filled up and there are some encroachment. Further, it is to be noted that the premises bearing no. CZ-28, Sector-B, Canal South Road, District-South 24-Parganas, Kolkata-700105 of Respondent no. 15 does not lie on the filled up portion of plot no. 268.\**



9. Report of the ADM filed on 05.08.2018 mentions the encroachments as follows:-

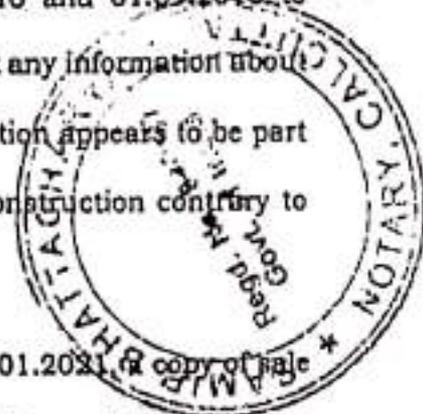
*\*A. Construction work of two buildings was found to be under progress in RS Plot No. 268, Out of these two, one is a G+4 building, which appears to be almost completed. The other building has been risen up to 2<sup>nd</sup> floor. Its construction work has not been completed. The two buildings seem to have been constructed over the filled up portion of the water body of RS Plot No. 268. The location of these two under-construction buildings have been shown on the previously submitted survey sketch map as prepared by the Revenue Officer and TA on eye-estimation.*

*Copy of the said sketch map as prepared by Revenue Officer and TA is annexed herewith and marked as R-1/2.*

*B. The exact quantum of filled up portion of the water body till date can be ascertained only by performing detailed survey of the land-in-question.\**

10. The version of the respondent nos. 14 to 22 - the Housing Society and its Members (PP) is that they have not encroached upon wetlands. They have purchased 4.45 acres in Dag No. 267 which is not part of the

water body. Reference has been made to the KMC affidavit dated 03.11.2017 that no construction was found at the time of inspection. In further affidavit filed on 08.08.2019, the KMC has stated that It has accorded sanction for construction on 05.10.2016 and 01.09.2016 to ground plus 4 and ground plus 3 buildings without any information about proceedings before this Tribunal. The land in question appears to be part of Dag no. 267. The sanction did not authorize construction contrary to the status quo order.



11. In the rejoinder filed by the applicant on 31.01.2021, a copy of sale deed dated 11.05.2011 between the Housing Society and its Members, Debasis Das has been filed stating as follows:-

\*xxx .....xxx.....xxx

*...Metropolitan Co-operative Housing Society Limited became the absolute owner of the western portion of the Taki Estate Bheri Land(Marshy) which constitutes entire C.S. Dag Nos. 201, 141 and 140 of District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 248, 186, 187 and 267 recorded in the revised Settlement Khanda Khatian Nos. 407, 408, 352 and 353 of Mouza Nimakpoktan under Police Station - Jadavpur (Old Tollygunj) and at present Tiljala, Touzi Nos. 173, 1298/2833, J.L. No. 1 under Alipore Collectorate, District 24-Parganas (now District South 24-Parganas) as well as the Western portion of the lands of C.S. Dag No. 31 District Settlement Khatian No. 21, Touzi No. 173, J.L. No. 2, R.S. No. 236 of Mouza Dhapa under Police Station Jadavpur (Old Tollygunge) and at present Tiljala under the Alipore Collectorate, District 24-Parganas (now South 24-Parganas) corresponding to the Western Portion of the land included in the revised settlement khatian Nos. 654 (Khanda) 609 (Khanda) of the same Mouza, same Police Station and same R.S. Number under the same collectorate and District which corresponds to western portion of R.S. Dag Nos. 87 and it was for greater clearance demarcated by a common boundary line passing North to South through the said Dag No. 87.\**

12. In the Schedule to the said document, boundaries of the land are mentioned as follows:-

\*On the North: By Plot No. CZ15A

- 196 -

On the South: By 30' Wide Common Passage

On the East: By Plot No. CZ14

On the West: By Plot No. CZ14B (now under water)<sup>n</sup>

13. Similar other sale deeds have been filed in favour of the Members of the Housing Society.

14. We have heard learned Counsel for the parties and perused the record.

15. Learned Counsel for the applicant submitted that in violation of the order of this Tribunal to maintain status quo, 16 houses have been constructed. There are two buildings of ground plus 2 and ground plus 4. On eight floors, two houses each have been constructed. The construction started in the year 2018 but only 2 persons have so far shifted their residence as the construction is not habitable. He has drawn our attention to the orders of this Tribunal, the Hon'ble Supreme Court and the High Court and findings to the effect that construction was being raised as already noticed. It was submitted that constructions are not only against orders of this Tribunal but also against statutory rules mandating protection of wetlands and other water bodies as they perform important ecological functions.

16. As against above, learned Counsel for the Project Proponents submitted that no construction has been raised in Dag no. 268 which is a water body. Construction in Dag no. 267 is outside the water body and not in violation of order of status quo nor in violation of statutory Rules on the subject.



17. We have considered the rival submissions. Question for consideration is whether Dag number 267 is part of wetland and whether construction in question is permissible.

18. Proper demarcation of boundaries of the wetland and the site of construction are not clear. While prohibition in Dag number 268 is admitted by the Project Proponent, construction is claimed to be in Dag number 267, which according to the Project Proponent is not prohibited.

19. Having regard to the description of land in the Sale deeds and inspection reports referred to above, *prima facie* the area where construction has been made appears to be part of wetland or its buffer zone, zone of influence or catchment area, attracting prohibition under the Rules. The Wetland Authority is not a party nor the parties have focused on compliance status with reference to the Rules.

20. The Hon'ble Supreme Court vide orders dated 03.04.2017 and 04.10.2017 in *M.K. Balakrishnan & Ors. v. Union of India & Ors.*<sup>1</sup>, *inter alia*, held that the principle of Rule 4 of the 2010 Rules will apply to 201503 wetlands, mapped by the Union of India. It was directed that the mapped wetland will continue to be protected on the principle of Rule 4 of 2010 Rules. Following the said directions, this Tribunal vide order dated 25.11.2021 in *O.A. No. 351/2019, Raja Muzaffar Bhat vs. State of Jammu and Kashmir & Ors.* directed monitoring of compliance by MoEF&CC as follows:-

*\*16. The Joint Secretary, MoEF&CC stated that water being State subject, primary responsibility of handling the matter is of the States. Similar approach was disapproved by the Hon'ble Supreme Court in observations already quoted earlier. Needless to say that Wetland Rules, 2017 have been framed under the Environment (Protection) Act,*

1986 under which there are statutory powers with the Central Wetland Authority to oversee the protection of wetland. It is not subject of 'water' alone. 'Environment protection' is covered by Central laws on account of International obligations under Entry 1 List 13 of Schedule 7 to the Constitution. Attitude of avoiding responsibility cannot thus be appreciated. CWA in the MoEF&CC needs to monitor compliance of the Wetland Rules throughout the country by periodical interaction atleast once in a month.

17. The suggestion of the applicant is that significant wetlands need not be limited to 363 and more wetlands on examinations be added to the list from time to time for better protection by preparing appropriate action plans under the programme for protection of the significant wetlands. Further, apart from figure of 3.01 lakh wetlands already mapped, to which the Wetland Rules, 2017 are applicable even if no separate Notification in terms of 2017 Rules in view of directions of the Hon'ble Supreme Court in *M.K. Balakrishnan, supra*, it may be possible to identify more such wetlands. Infact, the report of the MoEF&CC itself mentions that some States have already identified larger number of wetlands than earlier mapped. In UP itself, 133484 wetlands are entered in the Revenue Records which are being protected by the State. On the same pattern, all the States/UTs need to map all available wetlands in their jurisdiction and file report with the National Wetland Authority so that National Wetland Authority can prepare an exhaustive inventory of wetlands in the country and extend protection to all such wetlands. These suggestions need to be considered by the MoEF&CC.

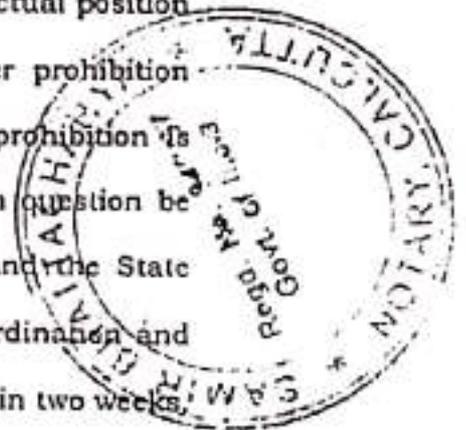
18. District Environment Plan of each District in terms of order of this Tribunal dated 05.07.2021 in OA 360/2018, *Shree Nath Sharma vs. Union of India & Ors.* should also cover the wetlands in the District. If necessary, the said plans be revised accordingly by the District Magistrates concerned by providing that the core activity for conservation and protection of wetlands may primarily focus on not discharging of sewage, disposal of solid waste and other wastes, preventing siltation, demarcation of wetlands/flood protection zone and removal of encroachments. There should be regular monitoring of water quality under water quality management programme at strategic locations (around 10 locations) to ensure that it is compliant with TC/FC norms. Water quality of the wetlands with respect to BOD needs to be less than 3 mg/l, faecal coliform should meet norms and contamination due to toxic constituents either directly or through runoff from the catchment should be prevented. Biodiversity of the wetlands needs to be maintained. Monitoring of steps for compliance of Rules in relation to such Wetlands ought to be at District level by the District Magistrate, at State level by State Wetland Authority and at National level by National Wetland Authority. We are confident that such initiatives in monitoring will go a long way in protecting the Wetlands which have significant environmental functions."



21. We note that though at the time of passing of the order by the Hon'ble Supreme Court, the applicable Rules were 2010 Rules, the same now stand replaced by "The Wetlands (Conservation and Management) Rules, 2017". In substance, restrictions in Rule 4 of 2017 Rules are similar to the restrictions in Rule 4 of the 2010 Rules. Definition of 'wetland' also is similar, which covers marsh land also.

22. In view of above, we consider it necessary to direct an eight-member Joint Committee of National Wetland Authority, State Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority. The CPCB and the State Wetland Authority will be the nodal agency jointly for coordination and compliance. The meeting of the Committee may be held within two weeks. The Committee may undertake visit to the site and interact with the stakeholders including the applicant and the Project Proponents. The Committee may thereafter, take further measures in accordance with law. The Committee may conclude its proceedings preferably within three months.

23. In view of our prima facie finding that the area is wetland and prohibition against construction is applicable, pending further action, no further activity be undertaken in the area in question, including in Dag no. 267 and 268. If the Committee finds the constructions are in prohibited area, the Committee will ensure removal thereof for restoration of the wetland in question.



- 200 -

The application is disposed of.

A copy of this order be forwarded to National Wetland Authority, State Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas, by e-mail for compliance.

The parties are at liberty to file their respective versions along with relevant documents including satellite imageries/photographs before the Committee.

All pending M.A.s and I.A.s will also stand disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, SA

B. Amit Sthalekar, JM

Dr. Nagin Nanda, EM

Mr. Saibal Dasgupta, EM



January 03, 2022  
Original Application No. 25/2016/EZ  
SN

- 201 -

Annexure - 1/1

OA 25/2016/EZ

Sabyasuchi Mallick Chowdhury Vs State of West Bengal & Ors

Meeting of the Committee constituted by the NGT vide Order dated 03.01.2022 in OA 25 of 2016/EZ (Sabyasuchi Mallick Vs State of West Bengal & Others).

The first Committee meeting was called in compliance with the Order dated 03.01.2022 of the Hon'ble National Green Tribunal, Eastern Zone in relation to illegal filling up of a water body namely "Ukil Bheri". The Hon'ble NGT in its said Order stated that proper demarcation of boundaries of the said water body is not clear. *Prima facie*, the area where the construction has been made appears to be part of the said water body or its buffer zone, attracting prohibition under the Rules. The NGT directed the constituted Committee "to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority".

The following Members of the constituted Committee were present in the meeting held at 12noon on 25.01.2022 through Video Conference:

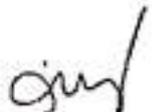
- 1) Smt. Manju Pandey, Joint Secretary, Ministry of Environment, Forest and Climate Change.
  - 2) Shri Rajasekhar Ratti, Scientist D, Ministry of Environment, Forest and Climate Change, Wetland Division.
  - 3) Smt. Neelam Meena, Director, Institute of Environmental Studies and Wetland Management.
  - 4) Shri Kaliyamurthi Balamunigan, Chief Environment Officer, Department of Environment, Government of West Bengal & Member, State Wetlands Authority.
  - 5) Shri Gaurav Lal, Deputy Commissioner of Police, East Division, Kolkata Police.
  - 6) Smt. Susmita Ekka, Scientist D, Central Pollution Control Board.
  - 7) Shri Debasish Chakraborty, DG, Environment & Heritage Department, Kolkata Municipal Corporation.
  - 8) Shri Nitesh Dhali, Additional District Magistrate Land Reforms, South 24 Parganas.
  - 9) Shri Rupesh Sapui, Additional Officer-in-Charge, Pragati Maidan Police Station.
  - 10) Shri Sidhartha Guin, Deputy District Land Reforms Officer, South 24 Parganas.
- The Chief Environment Officer, Department of Environment chaired the meeting and welcomed the members.



The following decisions were taken in the meeting

1. To conduct a joint survey by the Kolkata Municipal Corporation and the ADM&LR, Dist. South 24 Parganas on 07.02.2022 to ascertain on which Dag number the said water body namely "Ukil Bheri" falls and also the status of Dag numbers 267 and 268 of Mouza Nimokpoktan, under P.S. Pragati Maidan, Ward No. 57, Kolkata Municipal Corporation.
2. The survey report to be submitted by 11.02.2022 (tentatively).
3. Based on the survey report the constituted Committee to make a site visit on 16.02.2022 (tentatively) for inspection along with the Applicant of OA 25/2016/EZ and the project proponent(s).
4. The Committee to submit its report by 09.03.2022 (tentatively).

The meeting ended with vote of thanks.

  
Chief Environment Officer,  
Department of Environment, Government of West Bengal &  
Member, State Wetlands Authority

- 202 -

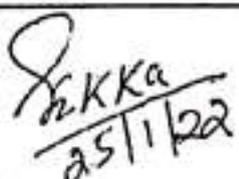
OA 25 of 2016/EZ  
Subyasuchi Mallick Chowdhury Vs State of West Bengal & Ors

ATTENDANCE SHEET

Hearing conducted as per the Order of the Hon'ble National Green Tribunal, Eastern Zone Bench  
dated 03.01.2022

Date: 25.01.2022

Time: 12:00 noon

Name With Designation (IN CAPITAL LETTERS)	Organization	Contact no. & E-mail Id.	Signature
SUSMITA EKKA Scientist D	Central Pollution Control Board of	9433023133 susmita-ekka@ rediffmail.com	 25/1/22
PAUSALI MUKHERJEE Sr. L.O.	Deptt. of Environment		 25/1/22
Mr Manju Pandey, Joint Secretary, MOEF & CC	MOEF & CC and NWC	manju.pandey@ nic.in	
Debansh Chakraborty, Executive, (DE/Env) WBPCB KMC	WBPCB KMC		
Debansh Sarkar,	WBPCB		
Neelan Meena, Director, IESWM	IESWM		
Rajasekhari Bhatti			
Gourav Lal, IPS Deputy Commissioner East D 20, K.P.	East Division, Kolkata Police		

- 203

OA 25 of 2016/EZ  
Sabvasuchi Mallick Chowdhury Vs State of West Bengal & Ors

ATTENDANCE SHEET

Hearing conducted as per the Order of the Hon'ble National Green Tribunal, Eastern Zone Bench  
dated 03.01.2022

Date: 25.01.2022

Time: 12:00 noon

Name With Designation (IN CAPITAL LETTERS)	Organization	Contact no. & E-mail Id	Signature
Nitesh Daboli, ADM Land Reforus, South 24 Parganas	DM Office, South 24 Parganas		
Rupesh Saini, Additional O.C., Pragati Maidan PS	Kolkata Police		
Siddhartha Guin Deputy DLRO	ADMLR, South 24 Parganas	9681808343 dlro.s24pgs @gmail.com	



204-

Annexure III



East Kolkata Wetlands Management Authority
Doc/No. 085/2022
Date 17/02/2022

**Government of West Bengal**  
**Office of the Additional District Magistrate &**  
**District Land & Land Reforms Officer, South 24 Parganas**  
**New Treasury Building (8<sup>th</sup> & 9<sup>th</sup> Floor), Allipore, Kolkata - 700027.**  
**TEL. NO. 2479-1955, 2479-2196, FAX- 2499-4820, email ID-**  
**dlro.s24pgs@gmail.com**

**AN ISO 9001:2008 CERTIFIED ORGANIZATION**

Memo No. Misc/885/2022

Date : 16.02.2022

To,  
 The Chief Technical Officer,  
 East Kolkata Management Authority,  
 Pranisampad Bhawan,  
 LB-2, Sector - III,  
 Salt Lake,  
 Kolkata - 700 106.

Sub : Submission of report regarding present status of RS  
 Plot No. 267 and 268 in Mouza Nimokpokan (JL No.-  
 Under BL&LRO, Kolkata, P.S. Pragati Maidan, v.r.t.  
 "Ukil Bheri" as per the order of the Hon'ble NGT dt.  
 03.01.2022 and communicated by the Registrar, NGT,  
 Eastern Zone Bench, Kolkata, vide LA/10/2020/EZ.  
 In OA 25/2016/EZ.



Sir,

With reference to above, enclosed kindly find the report, submitted by  
 the Revenue Officer & Technical Advisor, attached to the office of the undersigned, for his  
 kind consideration.

Yours faithfully,

Encl : As stated.

*[Signature]*  
 Additional District Magistrate and  
 District Land and Land Reforms Officer  
 South 24 Parganas

Memo No. Misc/885/1/2022

Date : 16.02.2022

Copy forwarded for information to C.A to the District Magistrate, South 24 Parganas.

*[Signature]*  
 Additional District Magistrate and  
 District Land and Land Reforms Officer  
 South 24 Parganas

**REPORT REGARDING PRESENT STATUS OF RS PLOTS NO. 267 AND 268 IN MOUZA NIMOKPOKTAN(JL NO. - 1) UNDER BL&LRO, KOLKATA, P.S. PRAGATI MAIDAN, WITH RESPECT TO "UKIL BHERI" AS PER THE ORDER OF THE HON'BLE COURT (NATIONAL GREEN TRIBUNAL) DATED 03/01/2022 AND COMMUNICATED BY THE REGISTRAR, NGT, EASTERN ZONE BENCH, KOLKATA VIDE IA/10/2020/EZ IN OA 25/2016/EZ**

As per the order of the Hon'ble Court (National Green Tribunal) dated 03/01/2022 and communicated by the Registrar, NGT, Eastern Zone Bench, Kolkata vide IA10/2020/EZ in OA 25/2016/EZ, an enquiry was conducted in RS plot no. 267 and 268 in mouza Nimokpoktan, JL no. 1 under Block Land & Land Reforms Office, Kolkata from 07/02/2022 to 11/02/2022.

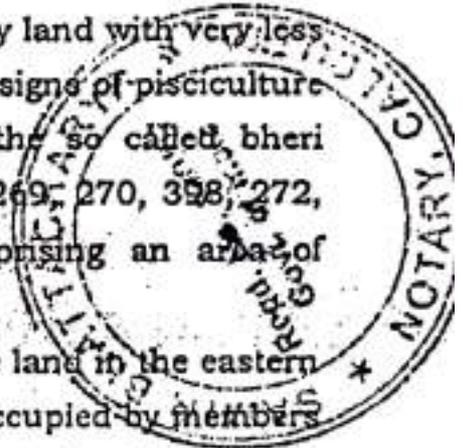
The following facts which were found out from the enquiry/are as follows:

1. The status of land showing magnum of filling and remnant water body in RS plots no. 267 and 268 were found to be the following:

RS PLOT NO.	CLASSIFICATION IN RS RECORDS	RECORDED AREA IN RS (ACRES)	PRESENT WATER BODY AS PER RS SHEET (ACRES)	PRESENTLY FILLED UP & RESIDENTIAL PORTION AS PER RS SHEET (ACRES)
267	Beel	4.45	0.67	3.78
268	Beel	9.50	6.93	2.57

2. The construction work of two buildings, which was found to be under process in the eastern portion RS plot no. 268 as mentioned in the previous report, the G+4 building (CZ/9B), appears to be completed full with residents. The other building (CZ/14A and CZ/14B) in the opposite side, has been risen up to 4<sup>th</sup> floor. Its construction work has not been completed. The two buildings have been constructed over the filled-up portion of the water body of RS plot no. 268.
3. It appeared that as many as 25 residential plots along with construction (i.e. CZ/9A, CZ/9, CZ/14, CZ/10, CZ/13, etc.) and 4 common metalled roads are present in the said RS plots 267 and 268.
4. From the ground measurement with the RS sheet, it was found that the length of the filled up and residential portion in RS plot number 268 is 153 feet from the plot boundary up to the present edge of the water body (Ukil Bheri) in the longest side.

5. From the ground measurement with the RS sheet, it was found that the length of the filled up and residential portion in RS plot number 267 is 352 feet from the plot boundary up to the present edge of the water body (Ukil Bheri) in the longest side.
6. The South Canal Road joining the Eastern Metropolitan Bypass in the south and the Canal Road in the north runs along North-South direction in RS plot number 267.
7. There are certain other complete and incomplete constructions and filled up portions in the North side of the RS plot 268, which are outside the Metropolitan Co-Operative Housing Society.
8. The present condition of "Ukil Bheri" is a low and marshy land with very less water, filled up with marsh land vegetation, showing no signs of pisciculture or any other kind of aquatic activity. At present, the so called bheri stretches within parts of RS plots no. 267, 268, 271, 269, 270, 398, 272, 275, 276, 127, 274, 273, 128, 126 and 278 comprising an area of approximately 8.63 Hectares (21.32 acres).
9. This is also worth mentioning that at present most of the land in the eastern side of the RS plot 268 and almost all of RS plot 267 is occupied by members of Metropolitan Co-Operative Housing Society Ltd., Registration No. 75/Cal of 1966 who have claimed to purchase the property from Biswendranath Chowdhury, S/o - Dhirendranath, Munshi House, Baranagar, Kolkata - 700036 and Roy Harendranath Chowdhury, S/o - Roy Surendranath, Munshi House, Baranagar, Kolkata - 700036 between 1966 and 1970, vide several purchase deeds, as mentioned by the society.
10. The Metropolitan Co-Operative Housing Society Limited has developed the entire lands, divided into Four sectors namely "A", "B" and "C" & "EA" Sectors and allotted it to different members.
11. In the present day, the filled-up portion within RS plots 267 and 268 coincides with major portion of Sector-B, and parts of Sector-A and AE respectively, as per the map of Metropolitan Co-Operative Housing Society.
12. Vide the Kolkata Municipal Corporation Act, 1980, the complete mouza has been integrated into the jurisdiction of Ward no. 57 of Kolkata Municipal Corporation. As per Metropolitan Cooperative Housing Society Limited, KMC is the owner for payment of Development charges and taking over of roads for all the Plot Numbers owned by the said society in Mouza Nimakpoktan.



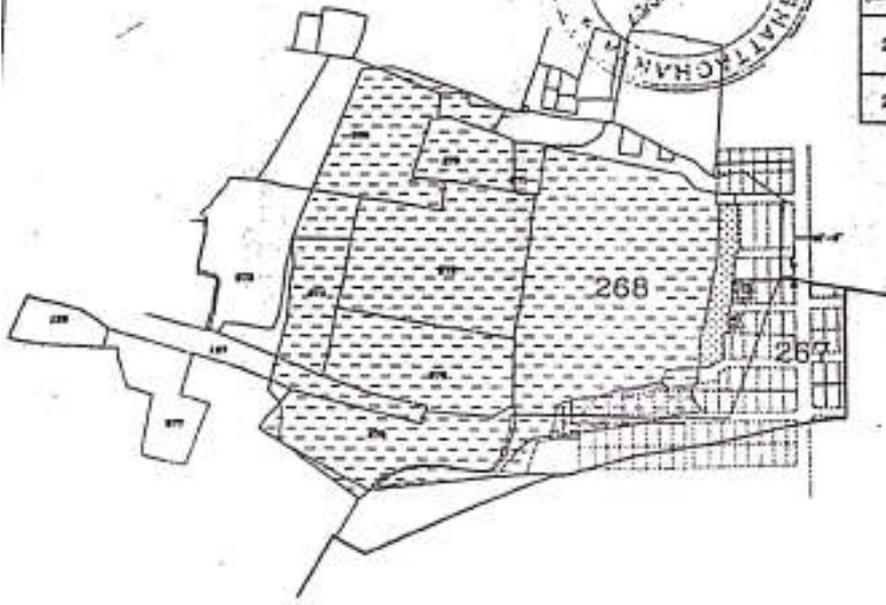
MOUZA - NIMAKPOKTAN  
P.S - TOLLYGUNGE (PRAGATI MALDAN)  
DISTRICT - SOUTH 24 PARGANAS  
NOT TO SCALE



AREA STATEMENT

PLOT NO. (R.S)	CLASSIFICATION	PRESENT AREA IN ACRES (APPROX)	WATER BODY AREA IN ACRES (APPROX)	RESIDUAL PORTION AREA IN ACRES (APPROX)
267	BEEL	1.45	0.67	3.76
268	BEEL	2.20	6.93	2.57

\* HIGHLIGHTED PORTION SHOWING PRESENT LOCATION OF PLOTS C2/9B, C2/14A AND C2/14B



LEGEND

MOUZA BOUNDARY	—————
PLOT BOUNDARY	—————
PRESENT WATER BODIES (UKIL BHERI)	
FILLING PORTION WITHOUT BUILDING	
PORTION OF THE METROPOLITAN CO-OPERATIVE HOUSING SOCIETY	- - - - -

*Shri Rajendra Kumar*  
17/2/22  
REVENUE  
010187121000  
524805

-208-

13. The RS plots 267 and 268, along with the whole Nimokpoktan mouza does not come under the jurisdiction of East Kolkata Wetlands Management Act, 2006 or any other wetland protection act.

Encl: Annexure-A: Sketch map showing present status of Ukil Bheri with respect to RS plots 267 and 268 (1 sheet)

This report is being placed before you for your kind perusal.

*Abhishek Kumar* 13/2/22  
RD & TA (HO)  
EPO & DM, DDURO,  
SADPES



-209-

Annexure - IV

State Wetlands Authority  
Department of Environment, Government of West Bengal  
Pranisampad Bhawan, 5<sup>th</sup> Floor, LB-2, Sector-III, Salt Lake, Kolkata - 700 106

No: 053/EN/3C-15/2016

Date: 15.02.2022

From: Kaliyamurthi Balamurugan  
Chief Environment Officer, Environment Department &  
Member, State Wetlands Authority

To:

1. The Chairperson  
National Wetlands Committee  
Ministry of Environment, Forest & Climate Change  
Indira Paryavaran Bhawan, Jorbagh Road  
New Delhi-110003
2. The Secretary  
Ministry of Environment, Forest & Climate Change  
Indira Paryavaran Bhawan, Jorbagh Road  
New Delhi-110003
3. Dr. Shahida Parvin Quazi  
Scientist E, Integrated Regional Office, MoEF&CC  
IB -198, Sector III, Salt Lake, Kolkata 700106
4. Member Secretary  
Central Pollution Control Board  
Parivesh Bhawan, Maharshi Valmiki Marg  
Delhi 110032
5. Dr. Susmita Ekka  
Scientist D, Eastern Regional Directorate  
Central Pollution Control Board
6. Smt. Roshni Sen, IAS  
Member Secretary  
West Bengal Pollution Control Board
7. Smt. Neelam Meena, IAS  
Director  
Institute of Environmental Studies and Wetland  
Management
8. The District Magistrate  
South 24 Parganas
9. Shri Nitesh Dhali, WBCS (Exe.)  
Additional District Magistrate, Land Reforms  
South 24 Parganas
10. Shri Gaurav Lal, IPS  
The Deputy Commissioner of Police  
East Division, Kolkata Police
11. Shri Debnisish Chakraborty  
DG, Environment & Heritage Department  
Kolkata Municipal Corporation
12. Shri Siddhartha Guin, WBCS (Exe.)  
Deputy DL & LRO, South 24 Parganas
13. Shri Rupesh Sapui  
Additional Officer-in-Charge  
Pragati Maidan Police Station)



Sub: Field visit of the Committee constituted by the Hon'ble National Green Tribunal vide Order dated 03.01.2022

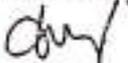
Ref: Minutes of the meeting of the Committee held on 25.01.2022 (copy enclosed)

Sir/Madam,

With reference to the above, this is to inform you that site visit will be held on 17.02.2022 at 11.30 a.m.

You are requested to present or send your representative at the site during the site inspection.

Yours faithfully,

  
(K. Balamurugan)

-210-

**State Wetlands Authority**  
**Department of Environment, Government of West Bengal**  
Pranisampad Bhavan, 5<sup>th</sup> Floor, L.D-2, Sector-III, Salt Lake, Kolkata - 700 106

No: 055/EN/3C-15/2016

Date: 16.02.2022

From: K. Balamurugan, IFS  
Chief Environment Officer, Department of Environment  
& Member, State Wetlands Authority

To: 1. Shri Ashok Prasad  
Advocate of Sabyasachi Mallick Chowdhury  
ashokadvhc@gmail.com

2. Shri Ankit Sureka,  
Advocate of Metropolitan Co-operative Housing Society Limited  
mchslkolkata@gmail.com



Sub: Field visit of the Committee constituted by the Hon'ble National Green Tribunal vide Order dated 03.01.2022

Ref: Minutes of the meeting held on 25.01.2022 of the Committee (copy enclosed)

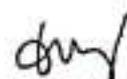
Sir / Madam,

With reference to the above, this is to inform you that site visit will be held on 17.02.2022 at 11:30am.

You are requested to be present or to send your authorized representative at the site during the site inspection.

You may contact Shri Anirudha Paul, Scientific Officer, East Kolkata Wetlands Management Authority at no. 9038707344.

Yours faithfully

  
(K. Balamurugan)

Encl: As stated above

**Original Application No. 25 of 2016/EZ**  
**Sabyasachi Mallick Chowdhury Vs. The State of West Bengal & Others**

Minutes of the site visit conducted by the Committee constituted by the Hon'ble National Green Tribunal vide Order dated 03.01.2022 in O.A. No. 25 of 2016/EZ (Sabyasachi Mallick Vs. State of West Bengal & Ors) on 17.02.2022.

In compliance with the Order of Hon'ble National Green Tribunal vide dated 03.01.2022 the Committee held its first meeting on 25.01.2022 and as per the decision of the said meeting, the Additional District Magistrate & District Land and Land Reforms Officer, South 24 Parganas conducted a field enquiry on R.S. Plot no. 267 and 268 in Mouza Nimokpoktan, J.L. No. 1 from 07/02/2022 to 11/02/2022 and submitted their report on 16.02.2022.

Based on the survey report, the Committee members inspected the site on 17.02.2022 at 11.30 am. The list of participants is annexed herewith.

From the available documents, reports, records, maps etc. following facts have come up:

1. The present condition of "Ukil Bheri" is a low and marshy land with less water, filled up with aquatic vegetations. There is no sign of pisciculture activity.
2. At present, the bheri/ water body stretches within the parts of RS plot no. 267, 268, 271, 269, 270, 398, 272, 275, 276, 127, 274, 273, 128, 126 and 278 of Mouza Nimokpoktan, J.L. No. 1 comprising an area of approximately 8.63 Ha (21.32 Acres).
3. The classification of the area in question i.e. R.S. plot no. 267 and 268 of Mouza Nimokpoktan, J.L. No. 1 is recorded as "Beel".
4. One G+4 building (CZ/9B) and other building (CZ/14A and CZ/14B) have been constructed recently over the filled up portion of the water body of RS plot no. 268.
5. There are few complete and incomplete new constructions found on the RS plot no. 268.
6. No land of RS plot no. 267 and 268 were converted from the district administration of South 24 Parganas.
7. The subject land is not under the purview of the East Kolkata Wetlands Management Authority.
8. The complete Mouza Nimokpoktan, J.L. No. 1 has been integrated into the jurisdiction of Ward no. 57 of Kolkata Municipal Corporation as per the Kolkata Municipal Corporation Act, 1980.

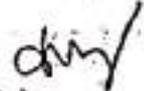
At the end of the inspection, the Committee decided that the Kolkata Municipal Corporation (KMC) will provide the following information by 28.02.2022 to the State Wetlands Authority, Pranisampad Bhavan, 5<sup>th</sup> Floor, LB-2, Sector-III, Salt Lake, Kolkata - 700 106 (email. ctoekwma@gmail.com):

- i. Assessee Number, building sanction plan permitted by the KMC, mutation certificate, completion certificate if any for the above mentioned two buildings in particular and for other buildings which have got permission for construction on the RS Dag No. 267 and 268 of Mouza Nimokpoktan, J.L. No. 1 in general starting from Canal South Road to existing water body..

- 2/2 -

- ii. Report of Project Management Unit (PMU), KMC regarding the 'Ukil Bheri'.
- iii. Land used pattern as per KMC land records for RS Dng No. 267 and 268 of Mouza Nimokpoktan, J.L. No. 1.

The Committee will meet in the first week of March, 2022.



(K. Balamurugan)

Chief Environment Officer, Environment Department &  
Member, State Wetlands Authority



213-

(3)

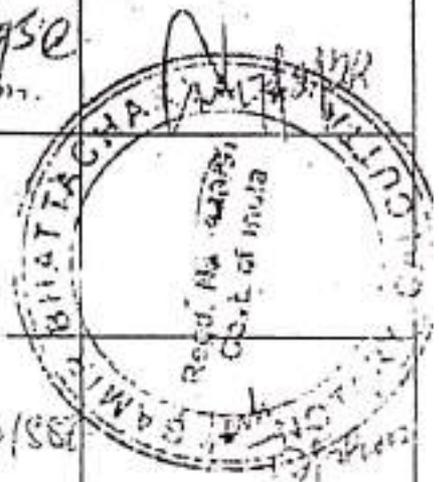
O.A. No. 25 of 2016/EZ  
(Sunit Kumar Mallick Chowdhury Vs. The State of West Bengal & Others)

ATTENDANCE SHEET  
Field Visit Conducted as per the Order of the Hon'ble National Green  
Tribunal dated 03.01.2022

Date: 17.02.2022

Time: 11.30 am

Name with Designation	Organization	Contact No. & E-mail ID	Signature
Dr. Shakti P Guazi S.J. E	ERO, Kolkata MOEF CC,	sp. v ma @ gov.in 897459048	Dr. Shakti Basu
NITESH DHALI, ADM S. DLERO	Collectorate South 24 Pys.	9836819555 dhrd.124@se gmail.com.	
Siddhanta Guha By DLERS	Collectorate South 24 Pys	967...	
Debarshi Sankar Chief Engineer.	WRP CB	943463188	
Susmita EKKA S.C.D., CPLB Kolkata	CPLB	7021995986	SEKKA 17/2/2022
Dikshu R. Ex. Engg (res) KMC	KMC	9433417657 dpl 1809@gmail.com	Dikshu R. 17/2/22



Prisarna Paul Guha SDR, 26 pure Calcutta

9582877117  
sallroal@gmail.com

17/2/22

- 214 -

Annexure V.1

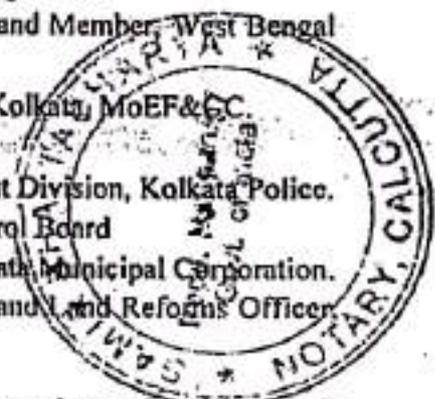
OA No 25/2016/EZ  
Sabyasachi Mallick Chowdhury  
Vs  
State of West Bengal & Ors.

Minutes of the meeting of Joint Committee constituted by the Order dated 03.01.2022 of the Hon'ble National Green Tribunal in OA No. 25 of 2016/EZ; Sabyasachi Mallick Chowdhury Vs. State of West Bengal & Ors. held on 15.03.2022.

The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata through its Order dated 03.01.2022 constituted a Joint Committee with respect to the illegal filling up of a water body namely "Ukil Bheri" at RS Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihī Panchanangram under PS Pragati Maidan, Kolkata Municipal Corporation (KMC) Ward No. 57. The first meeting of the Joint Committee was held on 25.01.2022 and the second meeting was held on 15.03.2022.

The following participants were present in the meeting:

1. Smt. Neelam Meena, IAS, Secretary, Environment Department, Government of West Bengal and Director, Institute of Environmental Studies and Wetland Management.
2. Shri Kaliyamurthi Balamurugan, IFS, Chief Environment Officer and Member, West Bengal State Wetlands Authority.
3. Dr Shahida Parvin Quazi, Scientist E, Integrated Regional Office, Kolkata, MoEF&CC.
4. Dr Susmita Ekka, Scientist D, Central Pollution Control Board.
5. Shri Arunoy Mukherjee, Assistant Commissioner of Police(1), East Division, Kolkata Police.
6. Shri Debushis Sarkar, Chief Engineer, West Bengal Pollution Control Board.
7. Shri Ujjwal Kumar Sarkar, Deputy Chief Engineer, Building, Kolkata Municipal Corporation.
8. Shri Nitesh Dhali, Additional District Magistrate & District Land and Land Reforms Officer, Dist South 24 Parganas.



Shri Kaliyamurthi Balamurugan, Chief Environment Officer chaired the meeting and welcomed all participants to the meeting. The following documents have been submitted by Kolkata Municipal Corporation regarding RS Dag no. 267 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihī Panchanangram, under the Police Station Pragati Maidan, Ward No. 57 of KMC for Premises nos. 9B, 14A and 14B, Canal South Road, Metropolitan Cooperative Housing Society Ltd.

- a. Deed of Conveyance
- b. Survey observation report
- c. Assessment Book
- d. Building Sanction Detail Register.

But, in the submitted documents by the KMC there is no mention about the land fill up at RS Dag no. 268. But, the report submitted by the ADM&LR, Dist South 24 Parganas is showing that 2 Dag no.s 267 and 268 of Mouza Nimokpoktan, JL no. 1, PS Pragati Maidan, KMC Ward no. 57.

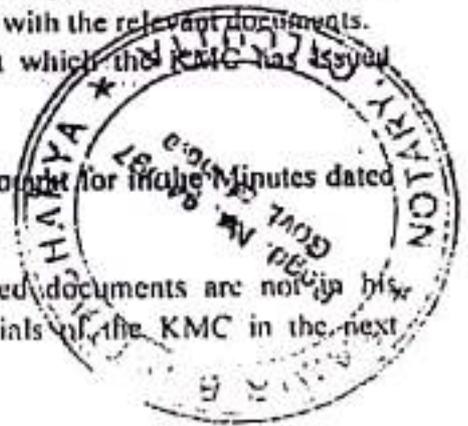
During the meeting ADM & LR, Dist South 24 Parganas said that as per the Kolkata Municipal Corporation Act, 1980 Ward No. 57 went under the jurisdiction of Kolkata Municipal Corporation in 1980. He also said that as per RS records the land classification was recorded as "Beel" for both RS Dag nos. 267 and 268.

- 215 -

Shri Ujjwal Kumar Sarkar, Deputy Chief Engineer of KMC said that the KMC is in the process of revocation of the plan sanctioned for building nos. 9B, 14A and 14B. According to the map submitted with the report of the ADM&LR, these three buildings have come up on RS Dag no. 268, which is within the water body. From the documents submitted by the KMC it is not clear whether the KMC has sanctioned any building plan in RS Dag no. 268. If yes, clarification is needed on the date of land conversion along with the relevant documents. The Deputy Chief Engineer, KMC could not produce any document regarding land classification of RS Dag no. 267.

Finally, the Joint Committee unanimously took the following decisions:

1. Kolkata Municipal Corporation (KMC) to issue a Stop Work Notice at RS Dag nos. 267 and 268.
2. KMC to submit the following documents in the next meeting to be held on 22.03.2022:
  - i. The period from when RS Dag nos. 267 & 268 of Mouza Nimokpoktan, JL no. 1, KMC Ward No. 57, PS Pragati Maidan came under the jurisdiction of the KMC.
  - ii. As per the survey report of the ADM&LR, South 24 Parganas the subject RS Dag nos. 267 & 268 of Mouza Nimokpoktan, JL no. 1, KMC Ward No. 57 under PS Pragati Maidan are recorded in the RS Records as "Beel". If the land classification (land use pattern) has been changed from "Beel" to anything else, KMC should provide with the relevant documents.
  - iii. Please provide with the land classification details against which the KMC has issued building sanction plans at the subject RS Dag numbers.
3. KMC was also requested to submit the documents that were sought for in the Minutes dated 17.02.2022 of the site visit by the Joint Committee.



The Deputy Chief Engineer, KMC informed that since the required documents are not in his possession, he requested the Committee to call the following officials of the KMC in the next meeting.

1. Chief Valuer & Surveyor, KMC
2. Deputy Chief Engineer, PMU, Environment & Heritage Department, KMC
3. Chief Manager, Revenue, South Division, KMC
4. Block Land & Land Reforms Officer, Kolkata
5. Deputy Chief Engineer, Building, KMC
6. The Officer-in-Charge, Khasmahal, District South 24 Parganas.

The Joint Committee decided that the Deputy Chief Engineer, KMC will coordinate with their officials and bring them to the next meeting scheduled on 22.03.2022 along with the relevant documents. Accordingly, a letter may also be issued to these KMC officials.

The meeting ended with thanks to and from the chair.

  
(Kaliamurthi Balamurugan)  
Chief Environment Officer  
& Member, West Bengal State Wetlands Authority

216-

No 097/EN/3C-15/2016

Date: 17.03.2022

Copy forwarded to:

1. Ms Leena Nandan,  
The Secretary, Ministry of Environment Forest & Climate Change, Government of India  
& The Chairperson, National Wetlands Committee
2. Smt. Manju Pandey  
Joint Secretary, Ministry of Environment Forest & Climate Change
3. Dr. Prashant Gargava  
Member Secretary, Central Pollution Control Board
4. Shri Rajasekhar Rathi  
Scientist D, Ministry of Environment Forest & Climate Change
5. Smt. Roshni Sen,  
Member Secretary, West Bengal Pollution Control Board
6. Smt. Neelam Meena,  
Director, Institute of Environmental Studies and Wetland Management
7. Shri Binod Kumar,  
The Commissioner, Kolkata Municipal Corporation — with a request to send the KMC officials along with the relevant documents as mentioned in the Minutes to the next meeting to be held on 23.03.2022 at 12:30pm at the Conference Hall No. 1 of Kolkata Municipal Corporation, 5 SN Banerjee Road, Kolkata-700013.
8. Dr. P. Ulaganathan  
District Magistrate, Dist South 24 Parganas
9. Shri Guurav Lal  
The Deputy Commissioner of Police, East Division, Kolkata Police
10. Smt Susmita Ekka  
Scientist D, Central Pollution Control Board
11. Shri Nitesh Dhali  
Additional District Magistrate, Land Reforms, Dist South 24 Parganas
12. Shri Siddhartha Guin  
Deputy DL&LRO, Dist South 24 Parganas
13. Shri Debasish Chakraborty  
DG, Environment & Heritage Department  
Kolkata Municipal Corporation



*(Signature)*

(Kaliyamurthi Dalmurugan)  
Chief Environment Officer, & Member, West Bengal State Wetlands Authority

- 217 -

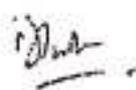
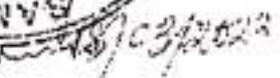
OA 25/2016/EZ  
Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors

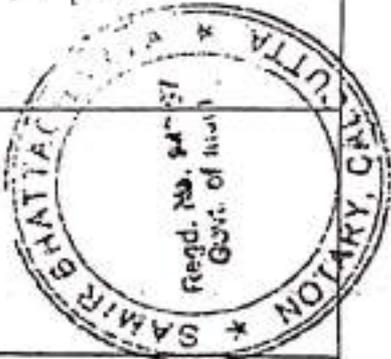
**ATTENDANCE SHEET**

Meeting of the Joint Committee formed as per the Order of the Hon'ble NGT dated 03.01.2022

Date: 15.03.2022

Time: 12:00 noon

Name With Designation (IN CAPITAL LETTERS)	Organization	Contact no. & E-mail Id	Signature
Dabashin Sarkar	WTPCB	9436081287 dabashin17@gmail.com	
VIJWAL KUMAR SARKAR DY.C.E(C)/BLAg.	K.M.C	9831014687 dyce-bllg@kernegs.com	
NITESH DHALI ADM. & DL&RD SOUTH 24 PGS	SOUTH 24 PGS DISTRICT	983681955 dlrco.24pgs@gmail.com	
Siddhanta Ghosh Dy. DL & RD South 24 Pgs	South 24 Pgs	983681955 dlrco.24pgs@gmail.com	
DWAIPAYAN GHOSH RO & TA (HQ) 010 ADM (LR), S24 PGS	LR Dept. Govt. of WB	9836621190 dwaipayan.ghosh9@gmail.com	

Name With Designation (IN CAPITAL LETTERS)	Organization	Contact no. & E-mail Id	Signature
RUPESH SAPUI	KOLKATA POLICE Acd o/c Pragati maidan P. S	9836486777 rupeshsapi@ yahoo.com.	<i>Rupesh Sapui</i>
ARUNOY MUKHERJEE	KOLKATA POLICE ASST. COMMISSIONER OF POLICE (2) EAST DIVISION	9830889064 Arunoy.kp@ gmail.com.	<i>Arunoy Mukherjee</i> 15/03/22
DR. SHAHIDA PARVIN QUASH	I.R.O, KOLKATA MORFICE	8974599218 sp.quazi@ gov.in	<i>Dr. Shahida Parvin</i> 15/3/22
SUCIMITA EKKA	C.P.M. RIS, KOLKATA	7021995986 sucimita.ekka @rediffmail.com	<i>Sucimita Ekka</i> 15/3/22
			

- 219 -

Annexure VII  
Date of 19/11/19

MUNICIPAL COMMISSIONER'S OFFICE  
File No. 272/19  
Date of Reception 19/11/19

MEMORANDUM  
Sl. No. E-111/M  
Date 30-1-19

973  
4111a

17.G.(PMU)

Re: Illegal pond filling and construction of boundary wall on embankment of Ukil Bheri in Ward No. 57 under Br.-VII.

RECEIVED  
Project Management  
The Kolkata Municipal Corporation  
P(2229)  
Date 05.2.19

- > Complaint received from Mr. Sunit Kr. Mullick Chowdhury regarding illegal filling on 22.06.2016.
- Action taken:  
Notice against illegal filling U/S 53 of WBTC(P&D) Act 1929 and FIR lodged with Officer-in-Charge, Pragati Maidan P.S. Kolkata-700105 vide Memo No. PMU/31/2016-17 dated 26.07.2016 & PMU/91/2016-17 dated 26.07.2016 respectively.
- > Second FIR lodged vide Memo No. PMU/113/2016-17 dated 06.08.2016 with Officer-in-Charge, Pragati Maidan P.S. Kolkata-700105 by this department.
- > On receiving the complaint on 17.03.18, notice against illegal filling was issued for second time vide Memo No. PMU/57/2017-18 dated 17.03.18. Thereafter, FIR lodged with Officer-in-Charge, Pragati Maidan P.S. Kolkata-700105 vide Memo No. PMU/45/2018-19 dated 04.05.18 for the third time.
- > Fourth time, FIR was lodged on 24.01.19 with Officer-in-Charge, Pragati Maidan P.S. Kolkata-700105 as per order of Spl. Municipal Commissioner (G&D).

Now the matter is under sub-judice.

DS(PMU)  
Date 1.2.19

Special Municipal Commissioner (G. & D.)  
The Kolkata Municipal Corporation  
Submitted please.

29.01.19  
E.E.(C)/PMU

SAHIN BHERI  
NOTARY  
CHITTY  
Govt. of India  
24.1.19  
Dy.C.E.(C)/PMS

The defect report is attached herewith.

Sub. dt.

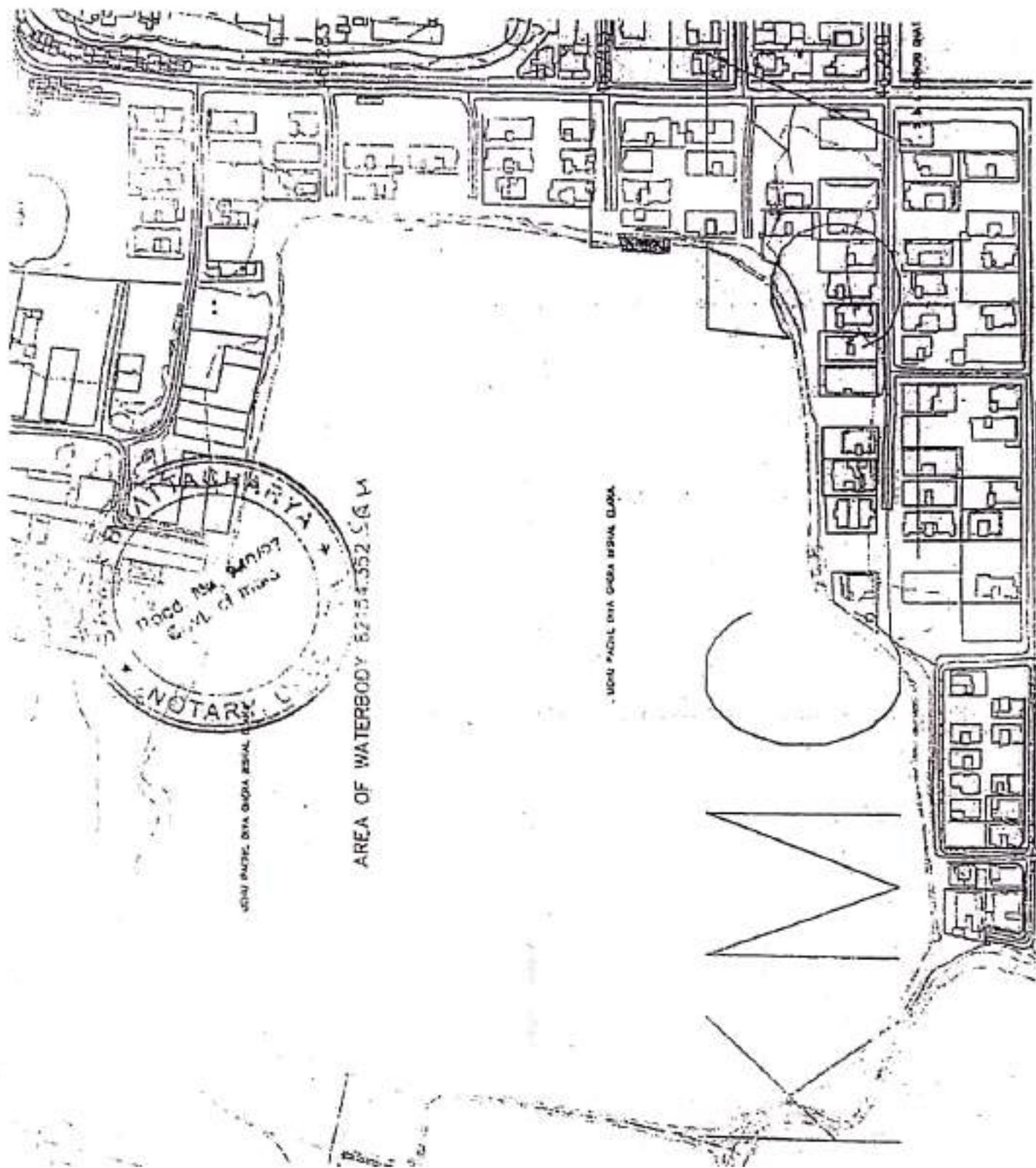
M.P.I.  
M.C.  
Make FIR and CP to register a case in P.S. regarding matter. File in dept. Encl.

FAYYAZ HAKIM  
2/1/19  
THE KOLKATA MUNICIPAL CORPORATION

Municipal Commissioner  
The Kolkata Municipal Corporation

D. G. (PMU)  
E.E.(C)/PMU  
M.P.I.  
P. 2

 → ENCROACHMENT



NOTARY PUBLIC  
UDOU PACHIL DINA GURIA BISHA ELARA  
BANKACHARIYA  
DODD MA. BUNIST  
Govt. of India

AREA OF WATERBODY 52:54:352 SQM

UDOU PACHIL DINA GURIA BISHA ELARA

Project Management Unit  
The Kolkata Municipal Corporation  
48, Market Street, Kolkata - 700 087

221-

Memò No. PMU/ 337/18-19

Dated : 15.02.19

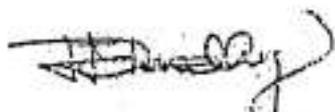
To,  
The Officer-in-Charge,  
Pragati Maldan Police Station  
Kolkata-700 105.

Sub: FIR against filling up of water body and boundary wall on  
embankment of Ukl Bheri in ward no 57 under Br.-VII.

With reference to the complaint lodged by sri Sumit Kumar Mullick Chowdhury  
of 64/11 G, Suren Sarker Road, Kolkata-700010 on 04.01.19 before Honourable Mayor,  
Municipal Commissioner, Special Municipal Commissioner (G&D) and DG/PMU of the  
Kolkata municipal corporation, this is to inform you that an illegal filling up of water body  
at the abovementioned premises is going on in violation of section 53 of West Bengal  
Act 1979 & 22 of West Bengal Inland Fisheries Act 1993 (Amended).

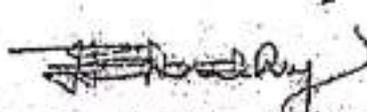
Therefore you are requested to take immediate action considering this as an FIR and provide  
us a Case Reference for further necessary action in this matter.



  
Executive Engineer (C)/PMU

Copy to:

1. MMIC (Environment), KMC -- for kind information
2. Addl. C.P.-IV, Kolkata Police Directorate, Lalbazar -- for kind information & necessary action please.
3. Dy. Director, Fisheries, 9, Esplanade East, Kolkata - 700 069 -- for information and necessary action please.
4. Executive Engineer (C)/Br.-VII-- for information and necessary action please

  
Executive Engineer (C)/PMU

EE/THC  
P.S. Maidan  
30/01/19

*[Handwritten signature]*

Environment Unit  
Municipal Corporation  
Kolkata

MEMORANDUM

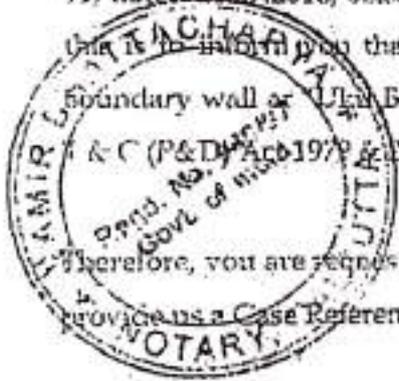
From: Mr. PAUL/No. 2/19-19

Dated: 26.01.2019

To:  
The Officer-in-Charge,  
Fragatmaidan Police Station,  
Kolkata - 700 105.

Sub: Reminder letter of FIR against illegal filling up of water body at "Uki Bheri" in Ward No.57 Under Borough VII

In reference to the complaint lodged before DG/PMU of KMC; this Department lodged FIR vide memo No. PMU/91/2016-17, PMU/113/2016-17, & PMU/45/2018-19, dated 26.07.2016, 06.08.2016, & 04.05.2018 respectively to your good office. And this is to inform you that an illegal filling up of water body and construction of boundary wall at "Uki Bheri" is going on till date in violation of Section 53 of W.B. & C (P&D) Act 1973 & 22 of West Bengal Inland Fisheries Act 1993 (Amended).



Therefore, you are requested to take immediate action considering this as an FIR and provide as a Case Reference for further necessary action in this matter.

*[Handwritten signature]*  
24.01.19  
EXECUTIVE ENGINEER  
P.S. Maidan  
E. E. C.

Copy to:

1. M.M.C (Environment), KMC - for kind information,
2. Addl. CP IV, Kolkata Police Directorate, Lalbazar - with a request to direct the local Police Station to take immediate measures as filling work is still going on,
3. Dy. Director, Fisheries Department, 9A, Esplanade East, Kolkata - 700 069 - for information and necessary action please,
4. Executive Engineer (C)/Borough VII - for information and necessary action please.

RECEIVED

EXECUTIVE ENGINEER

*[Handwritten signature]*  
Contents not Verified  
Fragat Maidan P.S.  
Kolkata - 700 105  
26.01.19



To  
The Chief Environmental Officer  
Environment Department  
Government of West Bengal  
Prati Sampad Bhavan  
5<sup>th</sup> Floor, LB-2  
Sector-73, Saltlake - 700106

Ref: Draft interim report of the joint committee in O.A. No 25/2016

Sir,

This is to submit that K.M.C. authorities had submitted four complains at Pragati Maidan P.S. from the year 2016 to 2019, and against which a case was already started vide PGM P.S. Case No. 105 dated 15/03/2016, U/s 22 of the West Bengal Inland Fisheries Act, U/s 53 of the West Bengal Town and country planning Act and Section 18 of the East Kolkata wetlands Act. The subsequent complains were tagg into the said above noted case. Periodic enquires and watch was kept at the complaint location.

However, K.M.C. could not ascertain how much area has been encroached within the said water body.

**RECEIVED**  
29 APR 2022  
Pragati Maidan P.S.  
Kolkata

(Sudin Kri Bers) 25/04  
Officer-in-Charge  
Pragati Maidan P.S.  
Officer-in-Charge  
Pragati Maidan Police Station  
Kolkata

Type copy

223A

To,  
The Chief Environment Officer  
Environment Department  
Government of West Bengal  
Prani Sampad Bhavan  
5 th Floor, LB-2  
Sector 3, saltlake  
Kolkata -700106

Ref: Draft interim report of the joint committee  
in O.A.NO. 25/2016

Sir,

This is to submit that KMC authorities had submitted four complains at Pragati Maidan, P.S. from the year 2016 to 2019 and against which a case was already started vide PGM, P.S. case no - 105 dated 15/03/2016, u/s 22 of the West Bengal Inland Fisheries Act, u/s 53 of the West Bengal Town and Country Planing Act and Section 18 of the East Kolkata Wetlands Act. The subsequent complaints were tagged into the said above noted case, Periodic enquires and watch was kept at the complaint location.

However K.M.C. could not as certain how much area has been encroached with in the said water body.

(Sudip Kumar Bera) 28/4  
Officer- in - charge  
Pragati Maidan P.S.

OA No 25/2016/EZ  
Sabyasachi Mallick Chowdhury  
Vs  
State of West Bengal & Ors.

Minutes of the meeting of Joint Committee constituted by the Order dated 03.01.2022 of the Hon'ble National Green Tribunal in OA No. 25 of 2016/EZ; Sabyasachi Mallick Chowdhury Vs. State of West Bengal & Ors. held on 22.03.2022 at Conference Hall No. 1 of , Kolkata Municipal Corporation, 5 SN Banerjee Road, Kolkata-700013.

The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata through its Order dated 03.01.2022 constituted a Joint Committee with respect to the illegal filling up of a water body namely "Ukil Bheri" at RS Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanangram under PS Pragati Maidan, Kolkata Municipal Corporation (KMC) Ward No. 57. The first meeting of the Joint Committee was held on 25.01.2022, the second meeting was held on 15.03.2022 and the third meeting was held on 22.03.2022.

The names of the participants present in the third meeting are attached herewith in Annexure 1.

Shri K Balamurugan, Chief Environment Officer chaired the meeting and welcomed all the participants and explained the background and purpose of the meeting.

He requested officers of KMC to provide the Joint Committee, necessary documents including procedure followed by KMC for permitting construction of buildings in the Ukil Bheri area in RS Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanangram under PS Pragati Maidan, Kolkata Municipal Corporation (KMC) Ward No. 57 which are classified as 'Bee' under BL&LRO records.

Shri Bhaskar Bhattacharya, Chief Manager, Revenue South, Kolkata Municipal Corporation (KMC) described the procedure maintained by the Assessment Department of KMC for processing applications for assessment / mutation / building plan sanction in ward no. 1 to 100 of KMC as per the Kolkata Municipal Corporation Act, 1980. He noted to the committee that for proving land character mutation and premises number of an unassessed property, KMC only verifies the sale deed and other documents submitted by the applicant, and if necessary causes a field inspection. During the process, if KMC is satisfied that the applied plot is water body, KMC does not provide sanction for construction on the applied plot. The Chief Manager declared that on the entire process, the KMC does not require to check any records of the applied plot from the end of the Block Land & Land Reforms Office (BL&LRO). He said that in the case of the Metropolitan Cooperative Society in particular, KMC made the assessment on the basis of sale deed and thereafter sanction plan was issued as per the provisions of the Kolkata Municipal Corporation Act, 1980.

Shri Partha Sarathi Samanta, Deputy Chief Engineer(C) / E2H, KMC said that in the year 2016 a complaint was received from Shri Sunit Kumar Mallick Chowdhury regarding filling up of the water body namely "Ukil Bheri" in KMC Ward No. 57. Based on the complaint, they caused a field inspection and identified that an illegal pond filling and construction of boundary wall on the embankment of "Ukil Bheri". A high resolution satellite map of waterbodies prepared by National Remote Sensing Agency (NRSA) in 2004 for KMC was used to identify the violation. KMC lodged 4 FIRs with PS Pragati Maidan. A copy of FIR was shown before the Committee.

During discussion, it has come up that as per the survey report submitted by the Additional District Magistrate & District Land and Land Reforms Officer, South 24 Parganas the three premises no. 9B,

14A and 14B is on the part of R.S Plot no. 268 of Mouza Nimokpoktan whereas the deed of Metropolitan Cooperative Society, shows that the said three premises are on RS Dag no. 267 of Mouza Nimokpoktan.

Shri Debasish Sarkar, Chief Engineer, WBPCB requested KMC to ascertain the plot number on which those premises nos. 9B, 14A and 14B are in place.

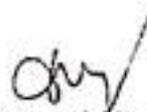
Shri K Balamurugan directed KMC to issue a Stop Work Notice in view of the Order of Hon'ble NGT and to call Metropolitan Cooperative Society for a hearing, and to take necessary action for restoration of waterbody.

Dr Shahida Quazi, Scientist E, Integrated Regional Office, Kolkata, MoEF&CC said that the KMC has to submit a written documentation regarding as to the procedure adopted by KMC regarding justification of assessment mutation and building sanction issued to Metropolitan Cooperative Housing Society in order to incorporate the same in the Committee Report to be placed before the Hon'ble NGT.

Finally, the Committee unanimously took the following decisions:

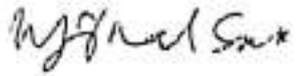
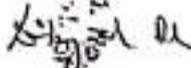
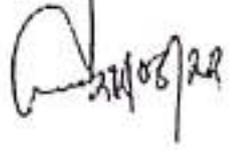
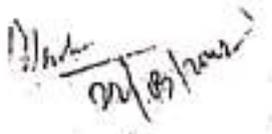
- i. The KMC will issue a Stop Work Notice at the subject land.
- ii. Before 25.03.2022 the KMC will give the report and the draft copy of the report will be circulated by 27.03.2022, and after getting inputs from the members the Committee will finalize the Report by 31.03.2022.

The meeting ended with thanks to and from the chair.



(Kaliyamurthi Balamurugan)  
Chief Environment Officer  
& Member, West Bengal State Wetlands Authority



Name With Designation (IN CAPITAL LETTERS)	Organization	Contact no. & E-mail Id	Signature
K. BALAMURUGAN	CEO, Env. Dep.	environmentwb@gmail.com	
Bhaskar Bhattacharya Ch. Manager (Rev-South) KMC	K.M.C.	9831291317 chiefmanagersw@gmail.com	
UJJWAL KAR SARKAR DY. (CE) / N KMC	KMC	9831014687 dyce-bksw@gmail.com	
DIBYENDU PAUL Ex. Engg (BUILDING) KMC	KMC	9433417657 eebldgoa@gmail.com	
NITESH DHALI ADM. LR, SOUTH 24 PGS	SOUTH 24 PARGANAS DISTRICT	9836819555 dlro.24pgs@gmail.com	
Siddhanta Gupta Asst. Engg South 24 Pgs	South 24 Pgs	9681802343 dlro.24pgs@gmail.com	
Debasmita Santra Asst. Engineer	SOUTH 24 PGS	debasmita69@gmail.com	



- 227 -

Susmita EKKA

CPLB 7021995980

SEKKA  
22/3/22

Dr. Shetide P  
Buzi

PRO,  
MoEFCC  
Kolkata

8974599-  
218

P. Shetide  
Pasuni  
22/3/22

Purba Sarathi Sena

D. (CECC) / 122H  
KMC

983267462

P. Saran  
22/03/22

Nitish Ch. Basak

AECG / Ch. V & S Dept.  
KMC

7836100116

GR

Bulal Saha

MOEFCC / Env & Forests

2595986195

22/03/22

Tatnagata Mukherjee

BL&LRD, Kolkata

7059650247

A. Saha

Draipayan Ghosh

RO RTI, B/O ADM (R)  
524 P&S

9826621490

Signature

Selina Chatterjee

DL, Khosla, Kolkata

951133200

Signature



- 228 -

Annexure - IX  
952  
Annexure - VII

**REPORT**

OA No. 25/2016/EZ,  
Subyasnelli Mallick Chowdhury  
Vs.  
State of West Bengal & Others



As per decision of the Joint Committee in connection with the above mentioned court's order it was decided that KMC will issue stop work notice for the premises within RS Dag Nos. 267 & 268 of Mouza Nimokpoktan, J.L. No. 1, KMC Ward 57.

A meeting was held on 22/03/2022 at Conference Room No.11 of CMO Building KMC in connection with judgement of the Hon'ble NGT dated 03/01/2022 relating to the land situated at R.S. Dage Nos 267 & 268 of Mouza - Nimakpoktan, J.L. No. 1, KMC Ward No. 57 under P.S. Pragati Maidan and Premises No. A/P - CZ-9B/B (Plot No. CZ-9B), A/P - CZ-14A/B (Plot No. CZ-14A), A/P - CZ-14B/B (Plot No. CZ - 14B) at Metropolitan Co-operative Housing Society Ltd.

Accordingly, KMC has issued intimation letter to stop further constructional work at Premises No. CZ9B/B, Canal South Road and CZ/14A/B, Canal South Road.

Previously, KMC has accorded sanction vide Building Permit No.2016070100 dated 05/10/2016 for a G+IV storied residential building at Premises No. 9B/B, Canal South Road and G+III storied residential building for Premises No. 14A/B, Canal South Road sanction plan vide Building Permit No.2016070075 dated 01/09/2016 for considering the Deed of Conveyance, Assessment Book Copy & Survey Observation Report of KMC and NOC from Kolkata Improvement Trust.

However, it has been noticed that there are several buildings which have been constructed within the periphery of Dag Nos. 267 & 268 which has been demarcated by District Lane and Land Reformer Officer, 24 Parganas (South) dated 16/02/2022 vide no. MISC 885/2022).

Accordingly, intimation letter to stop further construction has been issued to the following premises and revocation of sanctioned plan w/sec. 397 of the KMC Act, 1980 is under process.



1. A/P - CZ - 23, Canal South Road [B.P. No. 2016070078 dated 05/09/2015]
2. A/P - 34/B, Canal South Road [B.P. No. 2017070103 dated 13/10/2017]
3. CZ - 20A/B, Canal South Road [B.P. No. 2018070230 dated 08/01/2019]
4. A/P - 25/A, Canal South Road [B.P. No. 2020070036 dated 15/09/2020]
5. A/P - 38/A, Canal South Road [B.P. No. 2021070026 dated 30/10/2021]
6. CZ/15A/B, Canal South Road [B.P. No. 2021070099 dated 02/11/2021]
7. A/P - CZ - 18, Canal South Road [B.P. No. 2017070103 dated 13/10/2017]

In this connection report of Chief Manager (Revenue/South) of KMC as endorsed by Spl. Mpl. Commissioner (R/S/P) and report of Dy. Ch. Engineer (Civil), Environment & Heritage Department of KMC are attached herewith.

*[Signature]*  
25/3/22  
S.A.E. (C)/Bldg.

*[Signature]*  
25/03/22  
A.E. (C)/Bldg.

*[Signature]*  
25/03/22  
Ext. Engineer/Br - VII

Ex. En. (C)/Bldg.  
Bldg. Br. VII  
K.M.C.

*[Signature]*  
25.3.2022  
Dy. Ch. Engineer (Civil)/Bldg./North  
Dy. C.E.(C)/Bldg./North  
Building Department

By Chief Engineer (Buildings) (N)  
Special Municipal Commissioner (Revenue)



The Kolkata Municipal Corporation  
(To Chief Manager (Revenue))

This has reference to meeting held on 22-03-2022 at Conference Room No. 11 of CMO Building, KMC in connection with judgement of the Hon'ble NGT dated 03-01-2022 relating to the land situated at R.S. Dag Nos. 267 & 268 of Mouza-Nilmakpota, J.L. No. 1, KMC Ward No. 057 under P.S. Pragati Maidan and Premises No. A/P - CZ-9B/1 (Plot No. CZ-9B), A/P - CZ-14A/1 (Plot No. CZ-14A), A/P - CZ-14B/1 (Plot No. CZ-14B) at Metropolitan Co-operative Housing Society Ltd.

In terms of discussion, following may be perused

Assessment and mutation of unassessed properties are done following Municipal Commissioner's Circular No. 48 of 2014-15 dated 05-08-2014 [Flag - A] which reads as follows:-

SL	ISSUE POINT	ACTIONS TO BE TAKEN
	<u>MUTATION &amp; ASSESSMENT OF UNASSESSED PROPERTIES (LAND)</u>	<p><i>Documents required - In addition to A-42 Form &amp; other supporting papers/documents specially Affidavit-cum-Bond</i></p> <p>1) For City Proper (Ward No. 001 - 100):            a) Clearance from Chief Valuer &amp; Surveyor, KMC (within 7 working days from receiving the file).            b) Clearance/Certificate from Authorities of KMDA/KIT/Khashmahal, as may be applicable.</p> <p>2) For Unit Offices [Ward No. 101 - 141]:            a) Clearance from Chief Valuer &amp; Surveyor, KMC (within 7 working days from receiving the file).            b) Clearance/Certificate from BL&amp;IRO concerned.</p> <p>3) For all the above cases of (1) &amp; (2), the acquisition list supplied by L.A. Collector &amp; Spl LAO, 24 Pgs) requires to be checked in a mandatory fashion.</p> <p>4) For point nos. (1) &amp; (2) above, properties having plot area upto 05 Kathas, no such clearance of Government Department/Agencies will be required, excepting clearance from Chief Valuer &amp; Surveyor, KMC.</p> <p>5) However, submission of Affidavit-cum-Bond by the applicants will be mandatory in all such cases of unassessed properties.</p> <p>6) Files covering point no. 4 above will be dealt with and approved by Assessor-Collectors concerned. Files containing above 5 Kathas of land will be processed for approval upto the level of Joint Mpl. Commissioner (Revenue). Files containing above 20 Kathas of land will be processed for approval of Mpl. Commissioner.</p> <p>7) Assessment and mutation of properties/buildings (effective quarter of assessment) will be the quarter following the date of the first electricity bill.</p>

By Chief Engineer (Buildings) (N)  
KOLKATA MUNICIPAL CORPORATION  
CONTENTS NOT SERVED



In this case plots under question were created by Metropolitan Co-operative Housing Society Ltd. and the Society itself is responsible for division of their property into several plots and allotment of the same to respective allottees by way of executing registered instruments in favour of allottees (issuance of share certificates) and members of the Society etc.

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- 229 A -

BY Chief Engineer (Building)  
Special Municipal Commissioner (Revenue)

This has reference to meeting held on 22-03-2022 at conference Room No. 11 of EMO Building KMC in connection with judgement of the Hon'ble NGT Dated 03-01-2022 relating to the land situated at R.S. Dag No. 267 and 268 of Mouza - Nimakpoktan, J.L. No. 1, KMC Ward No. 057 under Police Station - Pragatimaidan and Premises no. A/P-CZ-9B/B (Plot No. CZ-9B), A/P-CZ-14A/B (Plot NO. CZ- 14A) A/PCZ/14B/B (Plot no. CZ-14B) at Metropolitan Co-operative Housing Society Ltd.

In terms of discussion, following may be perused.

Assessment and mutation of un-assessed properties are done following Municipal Commissioner Circular no. 48 of 2014-2015 dated 05-08-2014 (Flag -A) which reads as follows :-

SL NO	ISSUE POINT	ACTIONS TO BE TAKEN
	MUTATIONS & ASSESSMENT OF UNASSESSED PROPERTIES (LAND)	<p>Document required in addition to A-42 Form and other supporting papers / documents specially affidavit-cum-Bond</p> <ol style="list-style-type: none"><li>1) For city proper (Ward No. 001-100):<ol style="list-style-type: none"><li>a) clearance form chief valuer and surveyor KMC (within 7 working days from receiving the file)</li><li>b) Clearance / certificate form Authorities of KMDS ?KIT/Khashmahal, as may be applicable.</li></ol></li><li>2) For unit offices (Ward No. 101-141):<ol style="list-style-type: none"><li>a) clearance form chief valuer and surveyor KMV (within 7 working days form receiving the file)</li><li>b) clearance / Certificate form BL@LRO Concerned</li></ol></li><li>3) For all the above cases of (1) &amp; (2) the acquisition list supplied by I.A. Collector and SPL I.A.O. 24 pgs(S) requires to be checked in a mandatory fashion.</li><li>4) For point no. 91) and (2) above properties having plot area upto 05 Kathas, no such clearance of Government Department /Agencies will be required excepting clearance for chief valuer and surveyor KMC.</li><li>5) However submission of Affidavit-cum-Bond by the applicants unassessed properties.</li><li>6) Files covering point no. 4 above will be deal with and approved by Assessor - Collectors concerned.  Files containing above 5 Kathas of land will be processed for approval upto the leves of joint MPL Commissioner (revenue)  Files containing above 20 Kathas of land will be processed for approval of MPL Commissioner.</li><li>7) Assessment and mutation of properties / building (effective quarter of assessment will be the quarter following the date of the first electricity bill.</li></ol>

In this case plots under question created by metropolitan co-operative housing society ltd and the society it self is responsible for division of their property into several plots and allotment of the same to respective alloties by way of executing registered instrument in favour of allottee of share certificate as member of the Society etc.

- 230 -

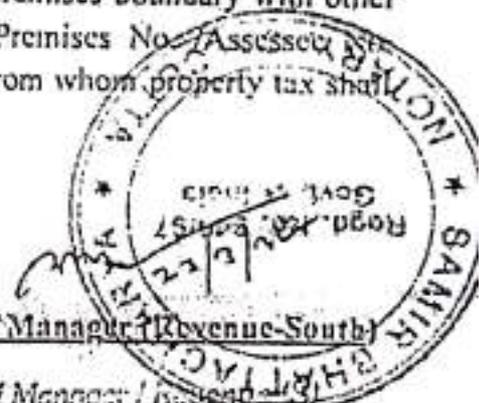
The plots under reference were originally unassessed property and were assessed and mutated at different points of time.

Mutations of unassessed properties are generally done following Municipal Commissioner's Circular No. 48 of 2014-15 dated 05-08-2014.

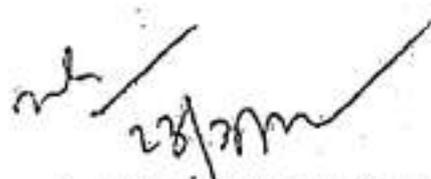
In case of plots under Metropolitan Co-operative Housing Society Ltd, mutation against individual plot owners are done based upon registered Deed, Membership Certificate and NOC from the Co-operative Society. However, original Deed in favour of Metropolitan Co-operative Housing Society Ltd and further allotment Deeds do not refer to Dag No. in question i.e. 268.

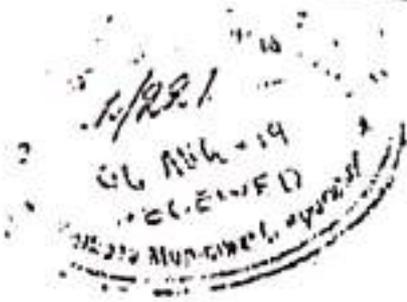
However, in the particular instance, the relevant files are not readily available even after thorough search.

Since we do not have any statutory map of KMC area concerning premises boundary with other details, mutations are given based on registered Deed assigning Premises No. ~~Assessed~~ against the property in question and recording the name of person from whom property tax shall be realised.

  
Chief Manager (Revenue-South)

Chief Manager / Revenue  
The Kolkata Municipal Corporation

  
Special Municipal Commissioner (R/S/P)  
Kolkata Municipal Corporation



- 231 -



The Kolkata Municipal Corporation  
Office of the Municipal Commissioner  
CMO Buildings  
55, N. Dancree Road, Kolkata-700 013

Mpl. Commissioner's Circular No. 48 of 2014-15 dated 05-08-2014

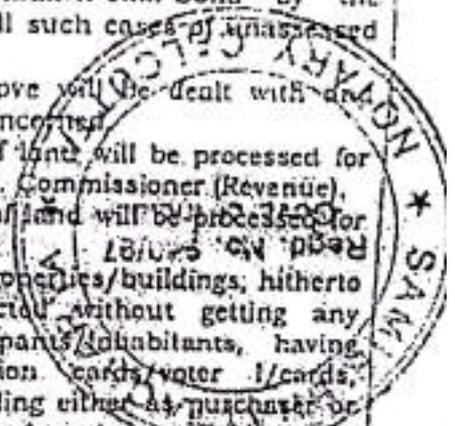
Sub: Guideline to be followed by the Assessment-Collection Deptt. to deal with various issues relating to mutation and assessment of different properties/lands or buildings

Pursuant to the Resolution of Municipal Corporation Meeting dated 24-07-2014 vide Agenda No. 51<sup>st</sup>, Item No. 6 on the recommendation of Mayor-in-Council vide Item No. M-54,20 dated 09-06-2014, following guideline has been framed to be followed by the Assessment-Collection Deptt., to overcome the hindrances and difficulties, faced by Assessment-Collection Deptt relating to various issues concerning mutation and assessment:

SL	ISSUE POINT	ACTIONS TO BE TAKEN
1.	<u>ACQUISITION POINT -</u>	<p>a) For mutation apportionment cases and for cases of simple mutation (1-Visit) of assessed properties, no such Affidavit as stated, in the Issue Point will be required. For all other cases, such Affidavit will be mandatory.</p> <p>b) To make the matter smooth and easy, assesseses/applicants may be allowed to submit Notarial Affidavit also.</p> <p>c) But in all cases the AC Deptt. will verify the Acquisition List, so supplied by LA Collector and/or Special LAO.</p> <p>d) Since, the office order of Chief Manager (Revenue) was issued on 24-04-2014, that date will be treated as the cut off date.</p>
2.	<u>CASES RELATING TO WATER BODIES -</u>	<p>a) For all cases of apportionment, separation, amalgamation relating to Water Body (either physically found or found in KMC records), files need to be sent to PMU Deptt.</p> <p>b) If the report of PMU Department states that there is no physical existence of tank/water body in the premises concerned; not found in the tank list maintained by the PMU Department and also not found in the NRSA Map, then A-C Department will process the cases of separation of properties having water bodies (either physically found or found in KMC records), and will place the matter for final approval.</p> <p>We may process mutation-apportionment cases of the owners/units of buildings/premises already in existence, though recorded in our records as tank/water body keeping such owners as 'person liable to pay tax' and not giving absolute mutation. But if sanctioned building plan is found, in that event, regular mutation in favour of such owners can be given. However, in both the cases nature of use of the premises will remain unaltered.</p>



SL	ISSUE POINT	ACTIONS TO BE TAKEN
3.	<u>PROCESSING OF FILES REGARDING SEPARATION / AMALGAMATION</u>	It is clarified that at the time of processing such cases, AC Deptt. will consult acquisition list, so supplied by LA Collector & Special LAO, South 24 Pgs. mandatorily.
4.	<u>MUTATION &amp; ASSESSMENT OF UNASSESSED PROPERTIES (LAND)</u>	<p>Documents required - In addition to A-42 Form &amp; other supporting papers/ documents specially Affidavit-cum-Bond</p> <p>1) <u>For City Proper (Ward No. 001 - 100):</u>            a) Clearance from Chief Valuer &amp; Surveyor, KMC (within 7 working days from receiving the file).            b) Clearance/Certificate from Authorities of KMDA/KIT/ Khashimahal, as may be applicable.</p> <p>2) <u>For Unit Offices (Ward No. 101 - 141):</u>            a) Clearance from Chief Valuer &amp; Surveyor, KMC (within 7 working days from receiving the file).            b) Clearance/Certificate from BL&amp;LRO concerned.</p> <p>3) For all the above cases of (1) &amp; (2) the acquisition list supplied by L A Collector &amp; Spl LAO, 24 Pgs (S) requires to be checked in a mandatory fashion.</p> <p>4) For point nos. (1) &amp; (2) above, properties having plot area upto 05 Kathas, no such clearance of Government Department/Agencies will be required, excepting clearance from Chief Valuer &amp; Surveyor, KMC.</p> <p>5) However, submission of Affidavit-cum-Bond by the applicants will be mandatory in all such cases of unassessed properties.</p> <p>6) Files covering point no. 4 above will be dealt with and approved by Assessor-Collectors concerned.</p> <p>Files containing above 5 kathas of land will be processed for approval upto the level of Joint Mpl. Commissioner (Revenue).            Files containing above 20 kathas of land will be processed for approval of Mpl. Commissioner.</p> <p>7) Assessment and mutation of properties/buildings, hitherto remaining unassessed, and erected without getting any sanction from KMC and occupants/inhabitants, having electric/telephone connection/ration cards/voter I/cards, issued to them, have started dwelling either as purchaser or tenant/lessee/licencee etc to be made as 'person liable to pay tax' on the basis of Affidavit-cum-Bond; sketch map drawn by LHS and signed by owners/occupants/inhabitants with submission of necessary proof in the manner of electric/telephone connection/ration cards/voter I/cards etc (effective quarter of assessment will be the quarter following the date of the first electricity bill)</p> <p>N.D. It is further clarified that for all such cases of unassessed properties/lands, site plan duly signed by the applicant as well as LBS (Scale 1: 200) will be mandatory for the space applying for mutation duly butted and bounded.</p>





Sl.	ISSUE POINT	ACTIONS TO BE TAKEN
5.	<p><b><u>DELETION OF THE WORD FACTORY/WORKSHOP/GODOWN FROM OUR BOOKS OF RECORDS</u></b>            - (In partial modification of Municipal Commissioner's Circular No. 62 of 2013-14 dated 05-10-2013)</p>	<p>Applicants, praying for conversion of character from factory/workshop/godown to land/basti and deletion of the word factory/workshop/godown, for all wards, having an area upto 500 sq.mt. shall not be insisted to furnish documents viz clearance from ULC, because ULC is not applicable for plots of land upto 500 sq.m. Similarly, clearance from Directorate of Factories or Labour Directorate will also not be required. However, a sketch map duly signed by the applicant and the LBS and an Affidavit-cum-Indemnity Bond will have to be submitted.</p> <p>For conversion of Factory/Workshop/Godown to land/Basti/residential (for Wards 001 to 100) having an area more than 500 sq.mt clearance from ULC and clearance from Directorate of Factories or Labour Directorate will only be required without IRD -clearance.</p> <p>Processing of the cases for such conversion for Wards 101 to 141 may be done subject to clearance/NOC from IRD/Government of West Bengal along with clearance from ULC and clearance from Directorate of Factories or Labour Directorate.</p>

This guideline will take immediate effect prospectively and requires to be followed by all concerned municipalities.



(Khadija) (Signed)  
Municipal Commissioner

- Copy forwarded to:
- 1) Jt. Mpl. Commissioner (Revenue)
  - 2) M.P. & A
  - 3) D.O. (Building)
  - 4) Chief Manager (Revenue)
  - 5) Jt. In-charge Collectors (Solan)
  - 6) Manager System (A.C)
  - 7) P.As to Hon'ble Mayor/Hon'ble Dy. Mayor/All M.M.Cs/Mpl. Commissioner/Jt. Mpl. Commissioner (General)/Ld. CMLO

(Signed)  
Municipal Commissioner

- 234 -

(31)

O.A. No. 25 of 2016/EZ  
(Sunit Kumar Mallick Chowdhury Vs. The State of West Bengal & Others)

ATTENDANCE SHEET  
Field Visit Conducted as per the Order of the Hon'ble National Green  
Tribunal dated 03.01.2022

Date: 17.02.2022

Time: 11.30 am

Name with Designation	Organization	Contact No. & E-mail ID	Signature
R Dey EB(C)	EKWA BPM	9831518635	
Atak Haldar CAO, IESWM	IESWM	9630977476	
SUSI VIMAL KAR	IESWM		
Imp. S.K. Bera OIC PCM PS	OIC PCM PS	9073393700	
Srijit Boddar Secretary	metropolitan	9830088827 srijitpaul2017@gmail.com	
Dwaipayan Ghosh	ROTA OIC ADM MURD SUSRS	9836621490	



Anindha Paul

Scientific  
Officer, EKWA

9038707344

Barnali Dey

Technical Officer  
(Law)

9038226217

Tarun Nath Das

Technical Assistance  
EKWMA

9703480550

- 235 -  
5

INSPECTION REPORT

Name and address of the units inspected : M/s Ukhil Bheri  
 Mouza Nimokpota near Chingrighata, S 24 1/2

Inspection Reference : Order of The National Green Tribunal, Eastern Zone Bench,  
 Kolkata O.A. No. 25/2016/EZ

Date and time of inspection : 18/03/16 : 3:15 to 4:00 PM

Name of Police Station : Pragati Maidan

Name of Inspecting Officer : Sri P K Mondal, AEE, Salt Lake RO  
 Smt. P. Maltra, AEE, Salt Lake RO

Name of the Person met with : Nearby residents  
 Sri Paritosh Dutta Roy, Board Member of Metropolitan  
 Cooperative Housing Society was contacted over phone



Observation:

The alleged Ukhil bheri (also known as Moni Babu's bheri) was observed to be partially filled up by construction debris on the eastern side. The major portion of the water body is covered with water hyacinth. The said bheri is surrounded by Metropolitan Cooperative Housing Society on eastern side, Chingrighata on northern side, Pagladanga on western side and nearby area of EM Bypass on southern side. Bamboo fences and a temporary hut were also observed on the filled up area. Nearby residents confirmed that the bheri has been partially filled up with construction debris during the recent times. However, they remained silent about the persons filling up the bheri. The filled up area of the bheri lies on the side of Metropolitan Cooperative Housing Society. During inspection, the office of the Metropolitan Cooperative Housing Society was visited. Sri Paritosh Dutta Roy, Board Member of the said Society was contacted over telephone. He confirmed that the visited bheri was Ukhil bheri and he is ignorant of any filling up of the Bheri. During the visit, 02 nos. of photograph were taken and they are annexed with the report.

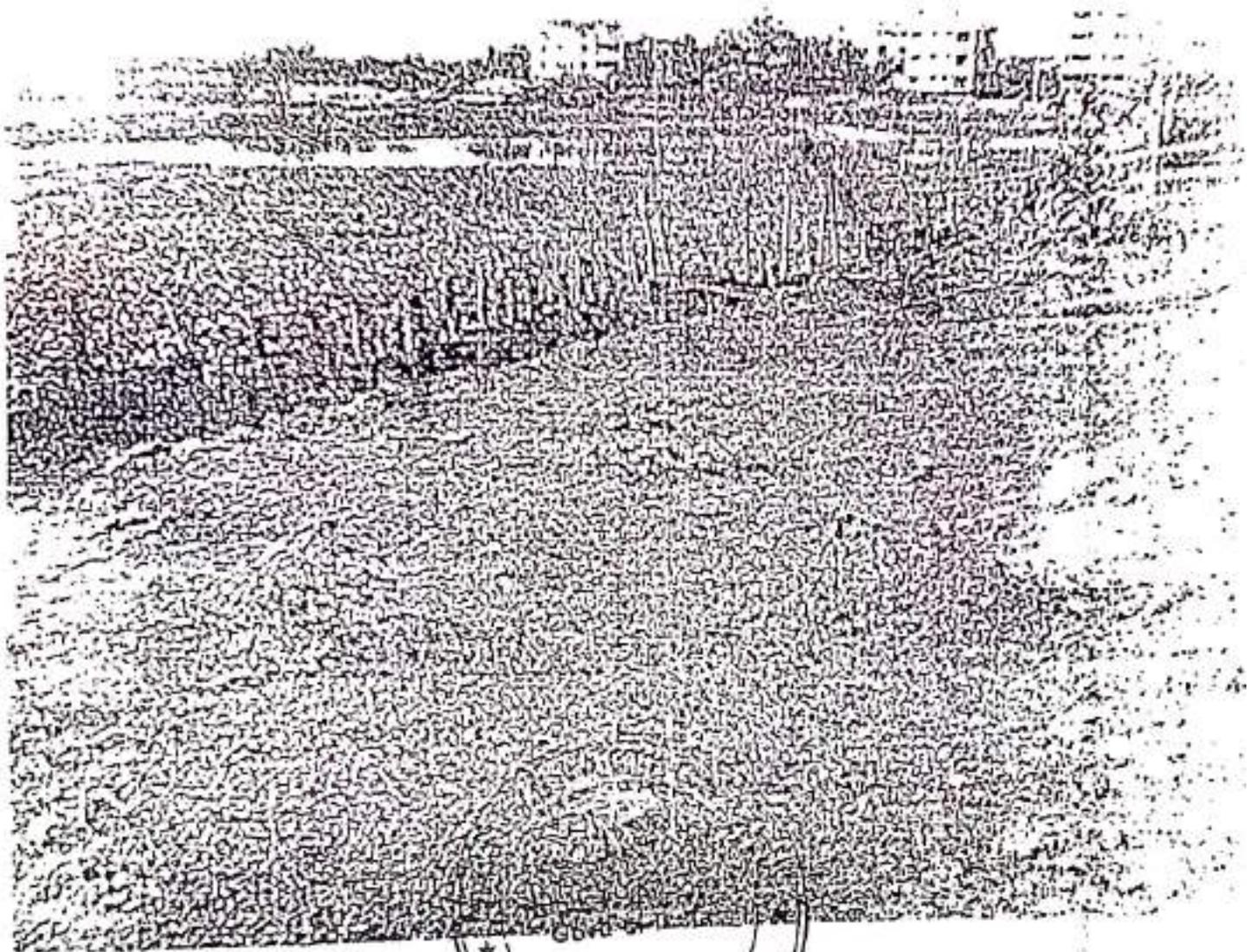
32/3/16  
 P. K. Mondal  
 AEE, S.L.R.O.

5

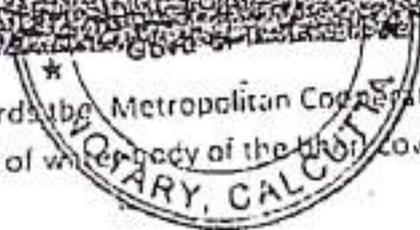
Maltra  
 2-11/16  
 P. Maltra  
 AEE, S.L.R.O.

- 236 -

Subject



Picture 1 - View of the bheri towards the Metropolitan Cooperative Housing Society  
The remaining part of which is a body of the bheri covered with water



- 237 -

Annexure - XI

OA No 25/2016/EZ  
Sabyasachi Mallick Chowdhury  
Vs  
State of West Bengal & Ors.

Minutes of the meeting of Joint Committee constituted by the Order dated 03.01.2022 of the Hon'ble National Green Tribunal in OA No. 25 of 2016/EZ (Sabyasachi Mallick Chowdhury Vs. State of West Bengal & Ors.) held on 27.07.2022 at Conference Hall of Environment Department, Government of West Bengal.

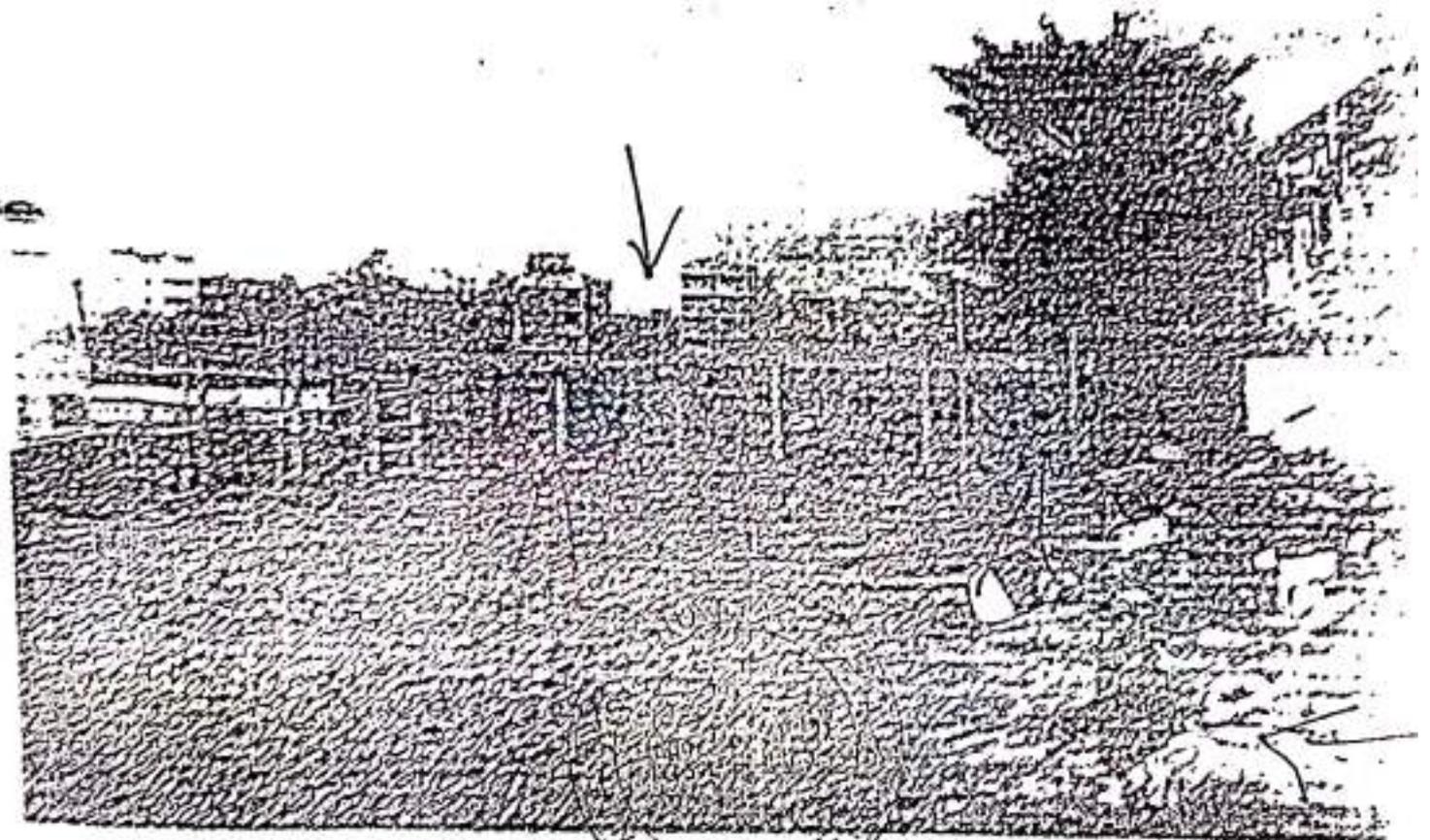
The Hon'ble National Green Tribunal (NGT), Eastern Zone Bench vide its Order dated 03.01.2022 in O.A. 25 of 2016/EZ in the matter of (Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors.) has constituted an eight (8) member Joint Committee comprising National Wetland Authority, State Wetlands Authority (SWA), Central Pollution Control Board (CPCB), Ministry of Environment, Forest and Climate Change, State PCB, Director of Environment, West Bengal, District Magistrate and SP, South 24 Parganas to enquire and report illegal filling up of water body "Ukil Bheri" at Mouza-Nimokpoktan, JL no. 1 under P.S. Pragati Maidan, Ward no. 57 of Kolkata Municipal Corporation (KMC). The Hon'ble NGT in its said Order has stated that proper demarcation of boundaries of the said water body is not clear and prima facie the area where the construction has been made appears to be part of the said water body or its buffer zone, attracting prohibition under the Wetlands (Conservation and Management) Rules, 2017. Hence, the Tribunal directed the Committee constituted "to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority". The CPCB and the SWA were declared as the Nodal Agency for coordination and compliance.

The list of names of the participants present in the final meeting is attached herewith in Annexure. Shri K Balamurugan, Chief Environment Officer chaired the meeting and welcomed all the participants to the meeting. A power point presentation was shown in the meeting on the final findings of the Ukil Bheri.

- In the presentation, the actual physical location of Ukil Bheri was shown. (Annexure 2).
- The petitioner submitted a certified copy of Sale Deed of Plot No. CZ-9A Being No. 04577/1985 along with a Master Plan of Metropolitan Cooperative Housing Society. The master plan clearly shows that the water line of Ukil Bheri, and the plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are adjacent to the water-line. These plot numbers are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society. (Annexure 3)
- The Google imagery of 2013 also shows plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan

-238-

sketch



NOTARY GALCU

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Cooperative Housing Society and no encroachment on the eastern side of Ukil Bheri was found. (Annexure 4).

• The Google Imagery of 2022 (Annexure 5), shows the existence of plot Nos. CZ-9B, CZ-14A, CZ-14B, CZ-15A, CZ-20A, CZ-21A and CZ 26-A/B/C has been found:-

• From Deeds of plots of Metropolitan Cooperative Housing Society provided by the Inspector General, Registration, West Bengal, the following facts regarding filling up of Ukil Bheri is evident :

i. Plot no. CZ 9B was purchased by Supriti Saha from the Metropolitan Co-operative Housing Society by Deed No 04577 of 2015. The schedule of the Registered Deed shows that Plot No CZ-9A is on the Eastern side of the Plot no. CZ-9B. (Annexure 6).

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot No. CZ-9A is the last plot to the west of the Society. Hence, plot no. CZ 9B has been created by filling up water body after 2013.

Plot No. CZ-14A was purchased by Sri Debasis Das from Metropolitan Co-operative Housing Society by Deed No. 01451 of 2015. The Schedule of Registered Deed shows that plot no. CZ 14 is the eastern side of plot no. CZ 14A, and CZ 14B is on the west of plot no. CZ 14A. It is clearly mentioned in the Deed that plot no. CZ 14B is under water. (Annexure 7).

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot No. CZ 14 is the last plot to the west of the Society. Hence, plot no. CZ 14A has been created by filling up water body after 2013.

iii. Plot no. CZ 14B was purchased by Smt. Ratna Chatterjee from Metropolitan Co-operative Housing Society by Deed No 190106470 of 2015. As per the Schedule of the Deed, plot no. CZ 14B is to the west of plot no. CZ 14A, which is referred to above. (Annexure 8).

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot no. CZ 14 was the last plot to the west of the Society. Hence, plot no. CZ 14B has been created by filling up the water body after 2013.

iv. Plot no. CZ 15 was purchased by Mr. Radheshyam Agarwal from Mr. Narayan Das sharma by Deed No 00713 of 2012. As per the Schedule of the Deed, plot no. CZ 15 is to the west of plot no. CZ 16, wherein there is a vacant land (plot number of which is not mentioned in the Deed) to the west of plot no. 15. (Annexure 9)



As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot no. CZ 15 is the last plot to the west of the Society. Hence, plot no. CZ 15A has been created by filling up water body after 2013.

Findings of the Joint Committee based on documents available are as follows:

- i. From the available deeds and records it is clear that as per the master plan of Metropolitan Cooperative Housing Society, 1985 and Google Imagery of 2013, plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society.
- ii. As per the Google Imagery of 2022, it is clear that plot no. CZ 9B, CZ 14A, CZ 14B, CZ 15A, CZ 20A, CZ 21A and CZ 26A/B/C are newly created plots by filling up of Ukil Bheri after 2013.
- iii. The Inspection Report of West Bengal Pollution Control Board dated 18.03.2016 inspection report with photographs, confirms that the eastern side of Ukil Bheri has been partly filled up by construction debris on the eastern side. (Annexure 10).
- iv. The report of ADM & DLLRO South 24 Parganas dated 16.02.2021, at Point No. 2 states that " the construction work of two buildings, were found to be under process in the eastern portion RS plot No.268. The G+4 building (CZ/9B) appears to be completely full of residents. The other buildings (CZ14A/14B) in the opposite side has been risen upto 4<sup>th</sup> floor. Its construction work has not been completed. The two buildings have been constructed over the filled-up portion of the waterbody of RS plot No.268 ". ( Annexure 11).
- v. The alleged Dag No.268 at Mouza-Nimokpoktan, JL no. 1 under P.S. Pragati Maidan, Ward no. 57 of Kolkata Municipal Corporation (KMC) is nowhere mentioned in the deeds of Metropolitan Cooperative Housing Society available with this office, however the report and map of ADM & DL&LRO at Point No.9 confirms " at present, most of the land in the eastern side of R.S. plot No.268 and almost all of R.S. Plot 267 is occupied by members of Metropolitan Co-operative Housing Society ".

-241-

- vi. Kolkata Municipal Corporation has submitted copies of complaints on 26.07.2016, 06.08.2016, 04.05.2018, 25.01.2019 with P.S. Pragati Maidan against filling up of Ukil Bheri. The KMC issued notice dated 17.08.2018 u/s. 401 of the Kolkata Municipal Corporation Act, 1980 against Supriti Saha to stop illegal constructions at plot no. CZ 9B. The map submitted by KMC shows that filling has been done in the eastern side of UKIL. BHERI.( Annexure 12).

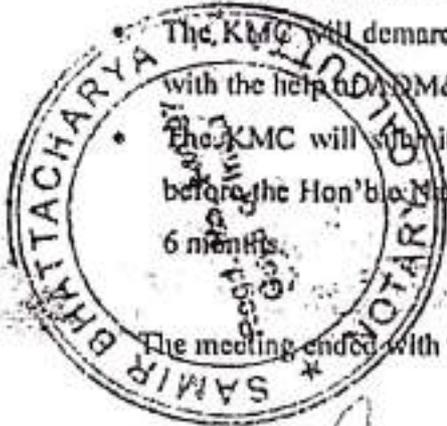
Finally, the Committee unanimously took the following decisions:

- Plot Nos. CZ 9B, CZ 14A, CZ 14B, CZ 15A, CZ 20A, CZ 21A and CZ 26A/B/C have been created after 2013 by filling up of waterbody i.e. Ukil Bheri. Hence, they need to be demolished.
- The KMC shall take steps to immediately restore the water body at plot nos. CZ 9B, CZ 14A, CZ 14B, CZ 15A, CZ 20A, CZ 21A and CZ 26A/B/C in compliance with the Order of the Hon'ble National Green Tribunal dated 03.01.2022.
- After restoration of the water body, the KMC shall take management control of the same in accordance with The West Bengal Inland Fisheries Act, 1984.

The KMC will demarcate Ukil Bheri boundary with concrete pillars and do the geo-tagging with the help of M&I.R, Dist South 24 Parganas.

The KMC will submit a compliance report after restoration of the above mentioned plots before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata within a period of 6 months.

The meeting ended with thanks to and from the chair.



*Sekka*

(Dr. Susmita Ekka),  
Scientist D, Eastern Regional Directorate  
Central Pollution Control Board

*Chy*

(Kaliyamurthi Balamurugan)  
Chief Environment Officer  
& Member, West Bengal State Wetlands  
Authority

-242-

Annexure - 1

Attendance Sheet of the hearing in the matter of C.A.No 25 of 2016/EZ (Sabvasachi Mallick Chowdhury-Vs- State of West Bengal & Ors.) held on 27.07.2022 at 2 pm at Conference Hall, Environment Department.

Name	Organisation	Contact No.	Email Id
NITESH DHALI	ADM & DLURD SOUTH 29 Pgs	9836819555	dluro.1321pgs@gmail.com
Susmita ERKA	CPCR, Kolkata	7021995986	susmita-erka@rediffmail.com
Dr. Shahida P. Quazi	ILO, Kolkata MoEF CC	8974 599 219	sp. quazi @ gov. in
Poojati Mukherjee (Patel)	ILO, Environment Dept.	9123659123	
K. Balasubramanian	CEU, Env. Dept.	9479496964	

-243-

Attendance Sheet of the hearing in the matter of O.A.No 25 of 2016/EZ (Sabyasachi Mallick Chowdhury-Vs- State of West Bengal & Ors.) held on 27.07.2022 at 2 pm at Conference Hall, Environment Department.

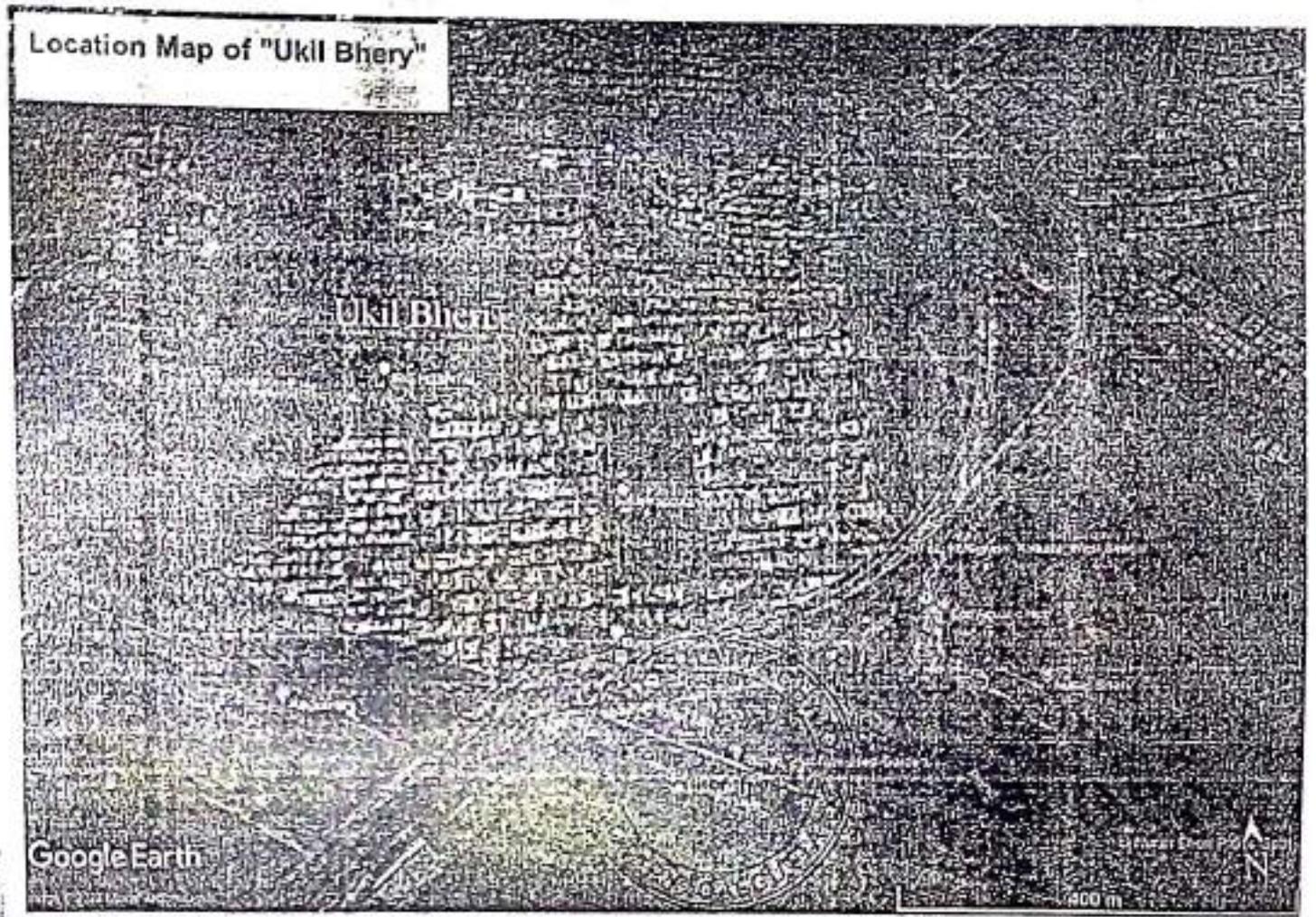
<u>Name</u>	<u>Organisation</u>	<u>Contact No.</u>	<u>Email Id</u>
MUKTI PRAYAS BONG.	KMC	9609829503	
Prityabrata mukhyopadhyay	K.M.C.	9593724490	
Siddhanta Saha	K.M.C.	9829847450	
Rupali Saha	Pragati maiden	982486777	
Debasmita Saha	WSPCB		



-244-

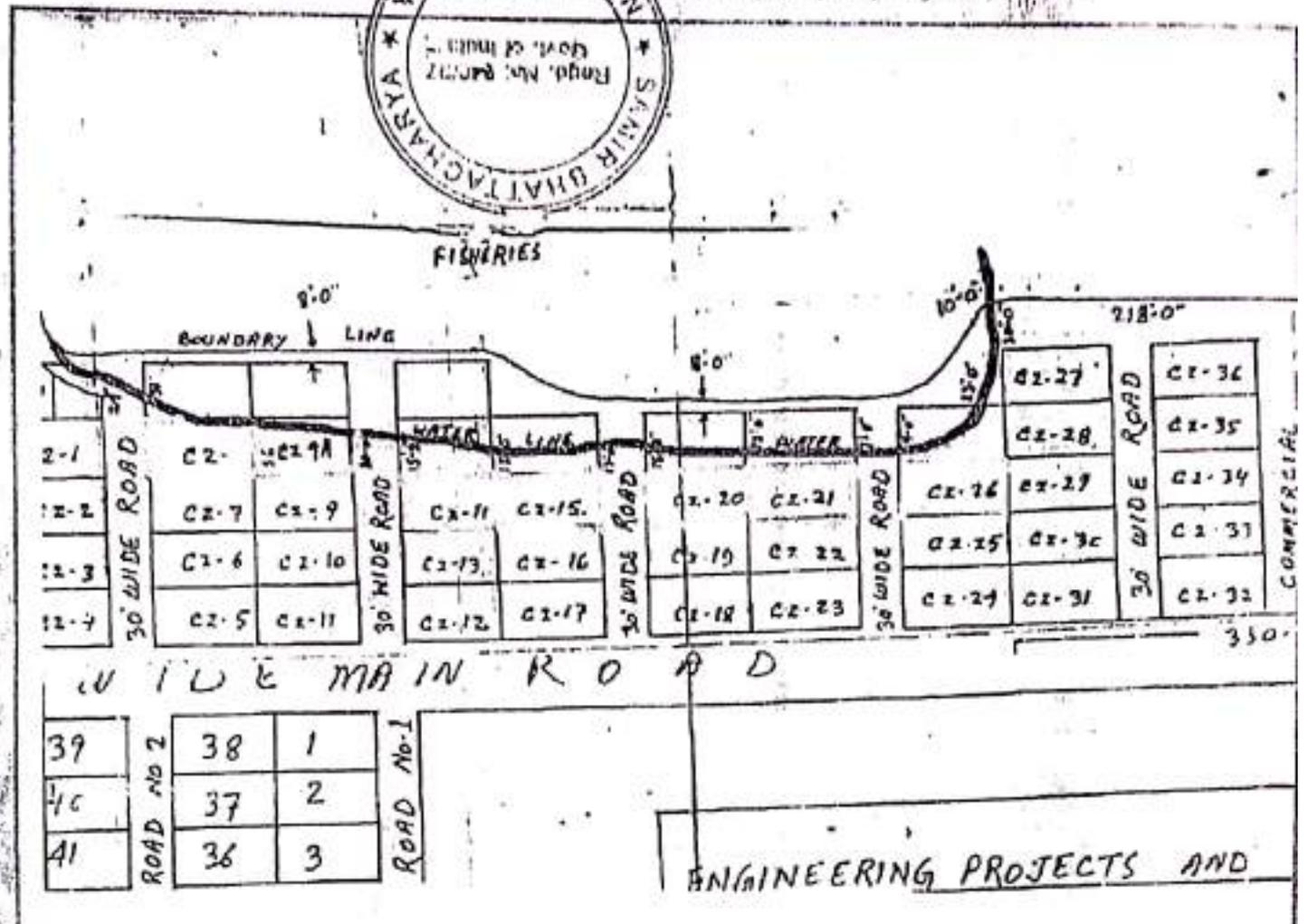
*Amman*

### Location Map of Ukil Bheri



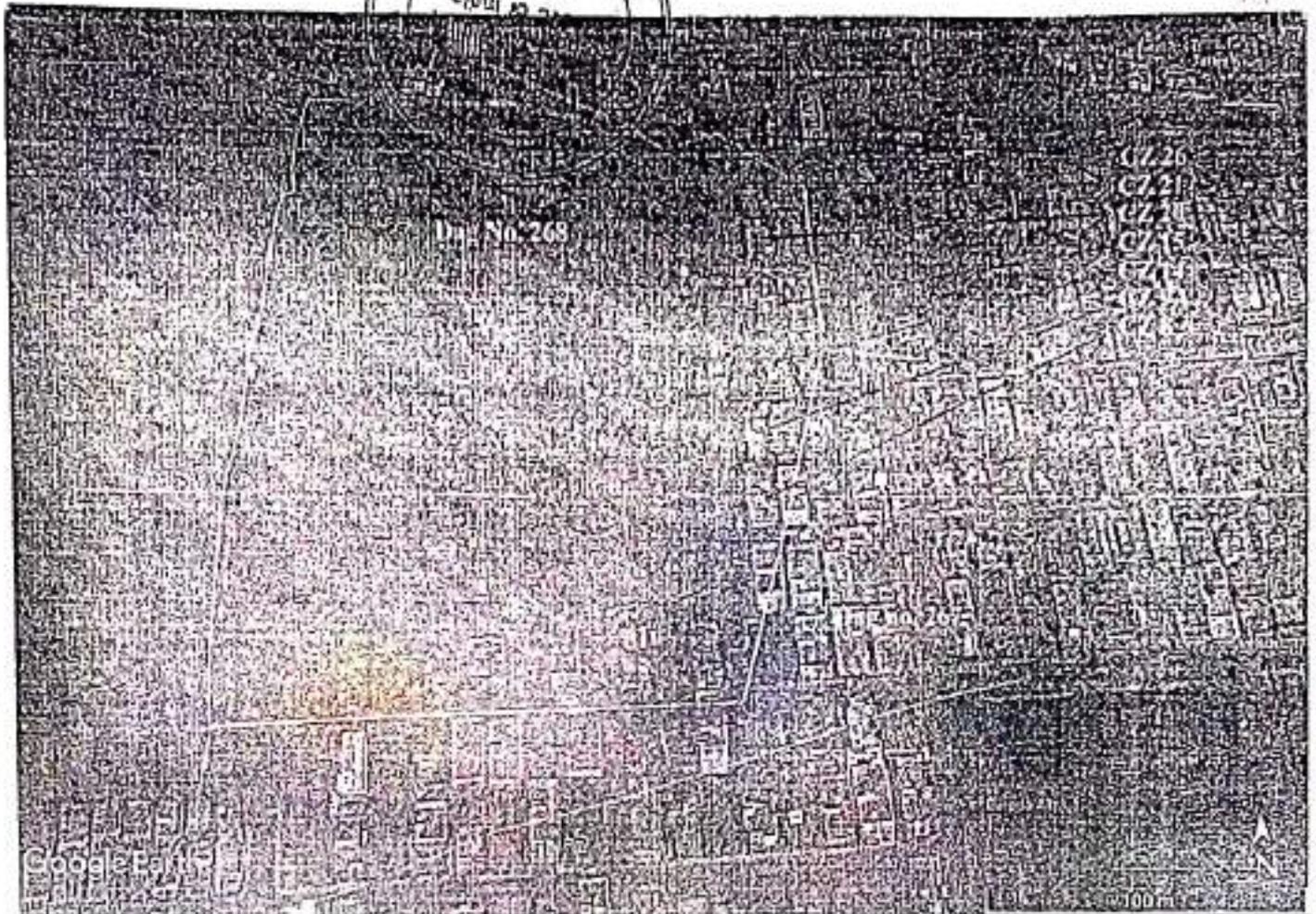
- 245 -

As per the deed of Conveyance made this 2<sup>nd</sup> may 1985 between the Metropolitan Co-operative Housing Society and Prasad Chandra Mandal, last plots of Metropolitan Co-operative Housing Society situated at Eastern part of Ulki Bheri are 26, 21, 20, 15, 14, 9A and 8



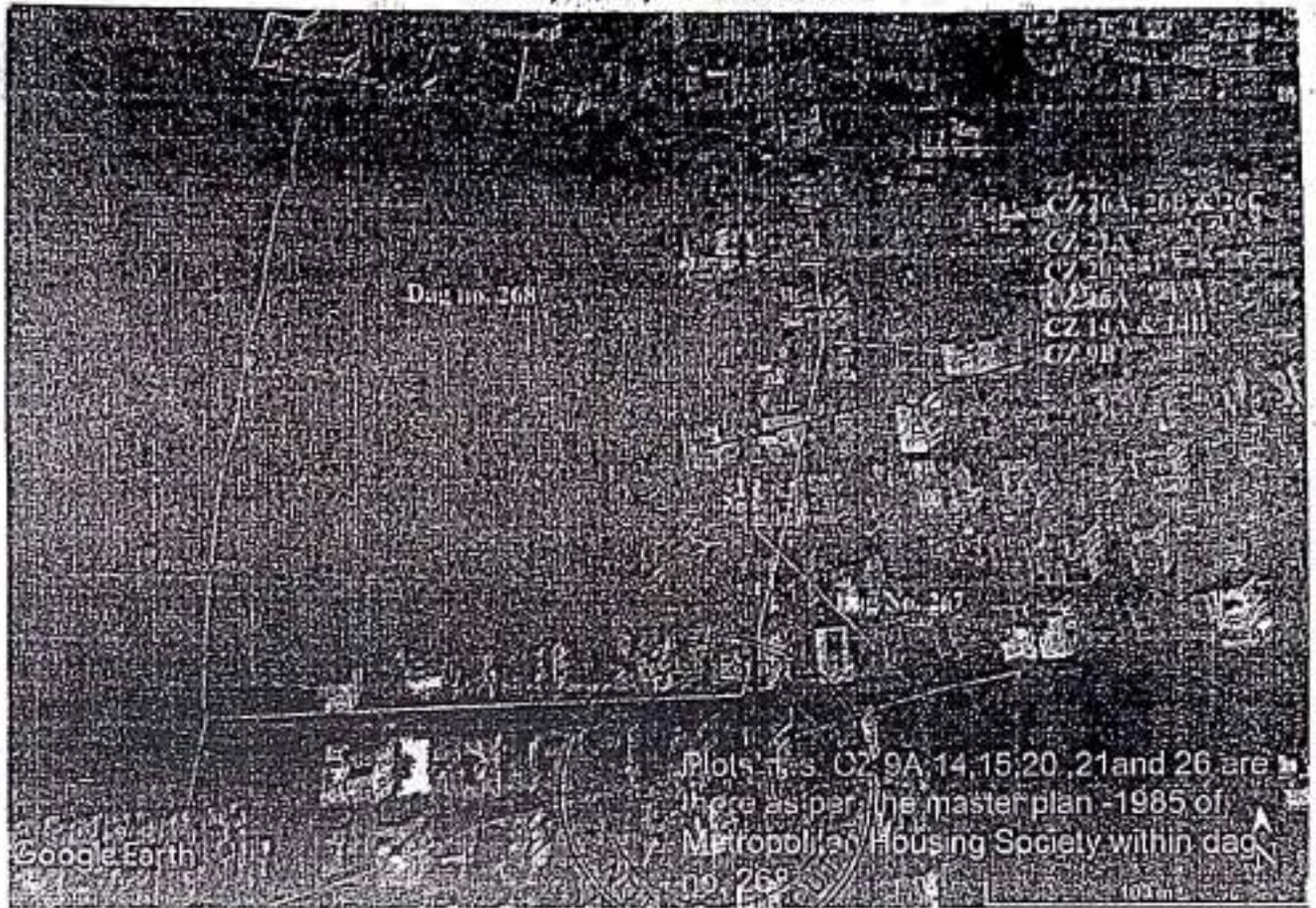
- 246 -

As per the Google Satellite Imagery, 2013, last plots of Metropolitan Co-operative Housing Society situated at Easter part of Ukil Bheri within Dag no 268 are CZ 26, 21, 20, 15, 14, 9A and 8



-247-

As per the Google Satellite Imagery, 2022, New plots shown in the Easter part of Ukil Bheri withinin Dag no 268 are CZ 26A, 26B, 26C, 21A, 20A, 15A, 14A, 14B and 9B



All new plots mentioned above were registered under Metropolitan Co-operative Housing Society after 2015 as per the data of Registry Office. They are shown in Dag no 267, whereas physically they are in Dag no 268.

**Other Finding of Plot No. CZ 9B (Owner Supriti Saha)**

It is found that Plot No. CZ-9B was purchased by the Supriti Saha from the Metropolitan Co-operative Housing Society by Deed No Q4577 of 2015. The schedule of this Registered Deed shows that Plot No CZ-9A is on the Eastern side of the Plot no. CZ-9B.



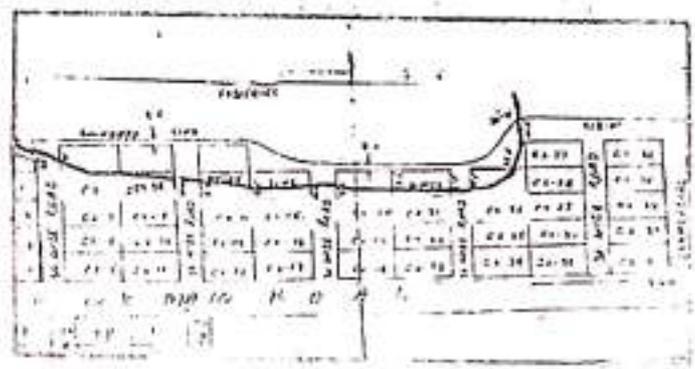
**SCHEDULE**

ALL THAT piece and parcel of a plot of land being plot No. CZ/9B in Sector - B of the Metropolitan Co-operative Housing Society Limited, Canal South Road, Kolkata - 7000105, under Ward No. 57 of the Kolkata Municipal Corporation, ad-measuring more or less 4(Four) Cocha 8(Eight) chittack, alongwith 150 sq.ft Kuchha structure, in the District of 24-Parganas (now District South 24-Parganas), under Mouza Dhapa, Touzi No. 173, 1296/2833, J.L. No. 2, R.S. Dag No. 87 (Western Part), under C.S. Khatian No. 654 AND Mouza Nimakpoktan, Revisional Settlement Khanda Khatian Nos. 352 and 353, District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 248, 186, 187 and 267 under Police Station Jadavpur (Old Tollygunge) at present Police Station Tijjala under the District Collectorate at Alipore, District 24-Parganas(now District South 24-Parganas), butted and bounded in the manner following :

But as per Master Plan of the Metropolitan Co-operative Housing Society which made on 1985, the Plot No. CZ-9A was the last plot of the Society and after that the water body filled up. Hence, it is observed that Plot No. CZ-9B had been created by filling up of water body between 1985-2015.

- On the North : By 9.1 M. wide common passage
- On the South : By Plot No. CZ-8A
- On the East : By Plot No. CZ - 9A ←
- On the West : By water body

And more fully and particularly delineated and demarcated in the site plan annexed hereto of this Deed of Conveyance.



### Other Finding of Plot No. CZ 14A (Owner Debasis Das)

Similarly, Plot No. CZ-14A was purchased by Sri Debasis Das from the Metropolitan Co-operative Housing Society by Deed No 01451 of 2015. The schedule of Deed shows that CZ-14 was the Eastern side of Plot No. CZ -14A and CZ-14B was the water body.

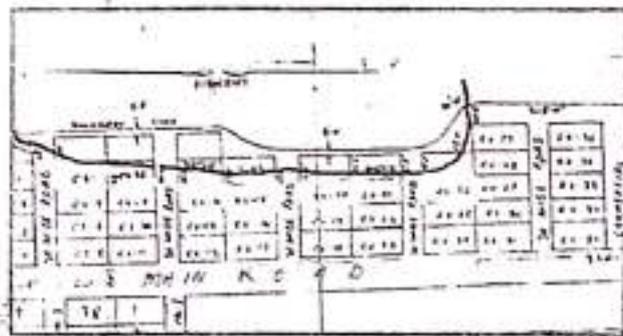
Hence, it is observed that Plot No. CZ-14A had been created by filling up of water body between 1985-2015.



13

Revisional Settlement Khanda Khatian Nos. 352 and 353, District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos 248, 186, 187 and 267 under Police Station Jadavpur (Old Tollygunge) at present Police Station Tiljala under the District Collectorate at Alipore, District 24-Parganas(now District South 24-Parganas) butted and bounded in the manner following :

- On the North : By Plot No. CZ 15A
- On the South : By 30' Wide Common Passage
- On the East : By Plot No. CZ 14
- On the West : By Plot No. CZ 14B (now under water)**



And more fully and particularly delineated and demarcated in the site plan annexed hereto of this Deed of Conveyance.

-250-

Annex

### Other Finding of Plot No. CZ 14B

Plot No. CZ-14B was purchased by Smt Ratna Chatterjee from the Metropolitan Co-operative Housing Society by Deed No 190106470 of 2015 .The schedule of Registered Deed shows that CZ-14A was the Eastern side of Plot No. CZ -14B which was previously stated as the water body (Deed no. 01451 of 2015) .

But as per Master Plan of the Metropolitan Co-operative Housing Society which made on 1985, the Plot No. CZ-14 was the last land of the boundary of the Society.

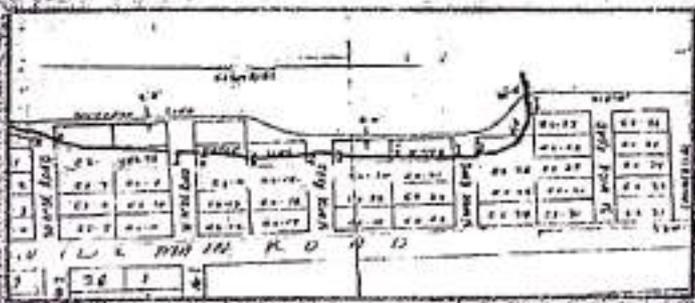
Hence, it is observed that Plot No. CZ-14B had been created by filling up of water body between 1985-2015.

#### SCHEDULE

ALL THAT piece and parcel of a plot of land being plot no. CZ/14B in Sector - B of the Metropolitan Co-operative Housing Society Limited, Canal South Road, Kolkata - 700105, under Ward No. 57 of the Kolkata Municipal Corporation, ad-measuring more or less 30(Direct) Cottahs alongwith 150 sq ft. Kuchha Structure, in the District of 24 Parganna (now District South 24-Parganas), under Mouza Dimpah, Torizi No. 173, 1298/2833, J.L. No. 2, R.S. Dag No 57 (Western Part), under C.S. Khata No. 651 AND Mouza Namokpattan, Revisional Settlement Khanda Khata No. 352 and 353, District Survey and Settlement Khata Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 248, 186, 187 and 267 under Police Station Jadavpur (Old Tollygunge) at present Police Station Vijaya under the District Collectorate at Alipore, District 24-Parganas(now District South 24-Parganas) better and bounded in the manner following :

- On the North : By plot no. CZ/15A of the Society
- On the South : By 9.10 metre wide common passage
- On the East : By Plot no. CZ/14A of the Society
- On the West : By Plot no. CZ/14B of the Society

more fully and particularly delineated and demarcated in the site plan annexed hereto of this Deed of Conveyance.



-251-

### Other Finding of Plot No. CZ 15

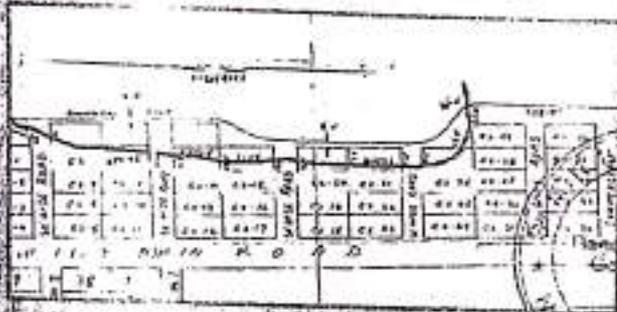
One Registered Deed No 00713 of 2012 has been received which is the conveyance deed of Plot No. CZ-15 and in this schedule, vacant land is situated in the western side of plot no CZ-15.

Hence, it is observed that Plot No. CZ-15A had been created by filling up of water body between 1985-2015.

That the said Scheduled Property more particularly shown and delineated with the Colour "RED" and marked as "Plot No. CZ-15" in Sector No. "B" Metropolitan Housing Co-operative Society Limited. in the Plan annexed herewith, along with the Building Plan annexed herewith, which being part and parcel of this Deed.

The said Scheduled Property is butted and bounded as follows :

- ON THE NORTH : 30 (Thirty) Feet Road
- ON THE SOUTH : Plot No. CZ-14
- THE EAST : Plot No. CZ-16
- THE WEST : Vacant Land



- 252 -  
Annexure - 'E'

O/F  
P/C  
30/11/16

Before the National Green Tribunal, Eastern Zone Bench, Kolkata

In the matter of:

O. A. No. 25 of 2016/EZ

And

MA 814/2016/EZ

And

In the matter of:

Sunit Kumar Mallick Chowdhury

... Petitioner

Versus-

The State of West Bengal and Others

... Respondents



AFFIDAVIT IN COMPLIANCE WITH THE ORDER OF THE HON'BLE NATIONAL GREEN  
TRIBUNAL, EASTERN ZONE BENCH, KOLKATA

I, Arshad Hasan Warsi, son of Late Sadrul Hasan Warsi, aged about 48 years, by  
faith - Islam, by occupation - Government Service, residing at A.D.M. Quarter,

Allpore, Kolkata-70027 solemnly affirm and say as follows:-



working as Additional District Magistrate And District Land And Land  
Reforms Officer, South 24 Parganas having my office at New Treasury Building,  
8<sup>th</sup> Floor, Allpore, Kolkata - 700 027.

28 NOV 2016

2. That on 20<sup>th</sup> July 2016, the Original Application No. 25/2016/EZ and MA 814/2016/EZ was listed for hearing before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata,

3. The Hon'ble Tribunal upon hearing the parties was pleased to direct District Land & Land Reforms Officer, South 24 Parganas "to depute a competent surveyor to perform the following tasks:

a) i) Survey and measure both the bheri on plot no. 268 measuring about 60 bighas and plot no. 267 owned and possessed by respondent no. 15 i.e. the Secretary, Metropolitan Co-operative Housing Society Ltd. Which as per the Ld. Counsel for the respondent no. 15 measures about 27 bighas (Mouza-Nimkpaktam) a portion of which as per the application also falls within Dhapa Mouza.

ii) Identify the exact location of the two plots viz 267 and 268.

b) i) The D.L.& L.R.O. shall inspect the area in dispute personally and verify as to whether there has been any dumping of garbage, construction building materials, debris etc into the bheri (ukhil bheri) and as to whether there is any encroachment by the respondent no. 15 into the plot no. 268 i.e. ukhil bheri on account of the construction work being carried out by the respondent no. 15.



28 NOV 2016

ii) The D.L.&L.R.O. shall also verify and ascertain the nature and character of the two plots.

Apart from the surveyor from the office of the D.L.&L.R.O. we direct that a surveyor empanelled by the Hon'ble Calcutta High Court conversant with the nature of the survey as indicated above be also present who shall assist the surveyor from the D.L.&L.R.O's. office in carrying out the task".

4. That in compliance to the order of the Hon'ble Tribunal, I had been to the area in dispute on 19.08.2016 for inspection at 11.30 A.M. personally and found that there is no dumping of any garbage, construction and building materials, debris etc within the present periphery of the Ukil Bheri.
5. That the survey work commenced from 29.08.2016 with the help of the survey team from the office of Director of Land Records & Surveys and Jt. Land Reforms Commissioner together with the Surveyor empanelled by the Hon'ble Calcutta High Court after serving due notices upon the applicant as well as respondent no. 15. It is respectfully stated that for reasons beyond control i.e bad weather condition, the survey work interrupted continuously for 11 to 12 working days. Finally the same was completed on 27.09.2016..

A copy of the notice issued to the applicant as well as the respondent is filed herewith and marked as R1/4.



6. That in view of the order dated 28<sup>th</sup> Sept, 2016 the DL&LRO, South 24 Parganas was directed to reconcile the survey report on spot in presence of all the parties and accordingly on 17.10.2016 at 11AM the applicant together with the survey team were present in. However, respondents no. 14 to 22 were not present even though it was very much within their knowledge that the survey

28 NOV 2016

would be conducted on the schedule date as directed by the Hon'ble Tribunal.

The representatives of respondents no. 14-22 were present from 20/10/2016 to 24/10/2016.

7. That finally the reconciliation of the survey work was completed on 24/10/2016 and minutes to that effect was drawn up which was duly signed by the applicant as well as the surveyors.

Copies of the minutes are enclosed herewith and marked as R-2/4.

8. Upon reconciliation of the survey report with regard to plot nos. 267 and 268 it was observed that plot 267 is classified as 'Pukur Par'. Out of total 4.45 acres, a quantum of 1.22 acres of land is being used as 'Pukur Par'. The plot 268 constitutes a part of 'Ukil Bheri' and a quantum of 2.57 acres out of total area of 9.50 acres has been filled up and encroachments are made there on. The portion which has been filled up is contiguous to the land learnt to have belonged to the Metropolitan Co-Operative Housing Society Limited. Further, it is to be noted that the premises bearing no. CZ-28, Sector B, Canal South Road, District- South 24 Parganas, Kolkata-105 of Respondent no. 15 is not situated at filled-up portion of plot 268. A total of 174 points in the field was covered by ETS machine which was used in the entire survey process.

Copies of the sketch map showing the map position and the

present position as well as the survey report as submitted by Revenue Officer and TA is annexed herewith and marked as R-3/4 and R-4/4 respectively.



28 NOV 2016

9. That in compliance of the order dated 28<sup>th</sup> September 2016, the compliance report is hereby submitted before the Hon'ble Green Bench.

Verification

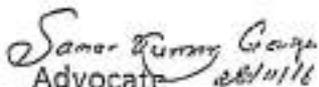
28 NOV 2016  
Verified at Alipore on the \_\_\_\_\_ day of November 2016 that the contents of this affidavit are true to the best of my knowledge & belief nothing has been concealed and is part of the same as false.

  
Deponent  
Additional District Magistrate  
and  
District Land & Land Reforms Officer  
Cuttack District, Odisha

Identified by me:

Place: Alipore

Date: 28-11-16

  
Advocate

Solemnly Affirmed & Declared  
before me on \_\_\_\_\_

  
T. K. Dey, Notary  
Alipore, Judges Police Court, Cal-27  
Regd. No. 1537/2000, Govt. of India

28 NOV 2016



28 NOV 2016

-257-



Government of West Bengal  
Office of Additional District Magistrate and  
District Land & Land Reforms Officer South 24-Parganas  
New Treasury Building (8<sup>th</sup> & 9<sup>th</sup> Floor)  
Allpore, Kolkata-700027  
An ISO 9001: 2008 Certified Organisation

Memo No.: 03/3874(2)NGT/EZ/R/2016

Dated: Allpore, the 26.08.2016

To

(1) Shri Sunit Kumar Mallick Chowdhury,  
64/11G, Suren Sarkar Road,  
Belegkata,,  
Kolkata - 700010.

(2) The Secretary  
Metropolitan Co-operative Housing Society Limited,  
CZ 28, Sector B,  
Canal South Road,  
Kolkata - 700105.

Sub: O.A. No.- 25 of 2016/EZ & M.A. No.- 814 of 2016 EZ  
Sunit Kumar Mallick Chowdhury

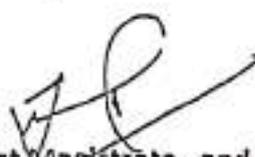
-Vs-

State of West Bengal & Ors.

In Compliance of the order of the Hon'ble National Green Tribunal, Eastern Zone, issued on 20-07-2016 and 22-08-2016 in the instant matter, the undersigned visited the case land on 10/08/2016 along with officers of this office and surveyors appointed and deputed by the Learned Judge, General, Hon'ble High Court, Calcutta and the Additional Director of Survey, West Bengal of the office of the Director of Land Records And Survey And Joint Land Reforms Commissioners, West Bengal for the survey process of plot nos, 267 and 268 of mouza - Nimakpoktan.

It has been decided that the survey process will commence on and from 29/8/2016 at 11:30 am regularly (except official holidays). You are requested to remain present on the spot during the ongoing survey process of the suit plots of land till it is complete.

Applicant of the instant O.A is hereby requested to clear the weeds along the entire boundaries of the suit plot so that the survey may be conducted smoothly.

  
Additional District Magistrate and  
District Land & Land Reforms Officer  
South 24 - Parganas

Report regarding the demarcation of  
267 & 268 of Nimakpoktan mouza of ATM  
Block.

Page No. \_\_\_\_\_  
Date \_\_\_\_\_

According to the order

As per the order of the court (N.G.T),  
we, the survey team of B.L. & L.R.O, ATM Kasbo  
are present on the field at 11:00 AM. The  
police, petitioner (applicant party), video  
-graphers are also present for survey work  
of plot No. 267 & 268 of Nimakpoktan mouza  
(J.L.No. - 1). But no representatives of  
Respondent No. 14-22 are present in the  
field, still now. Today on 17.10.2016, at 1:00 PM

Name	Signature	Designation	Mobil
1. Parbati K. Halder		(A/c)	9433541784
2. Parbati K. Halder	Asst. Amin		94335419021
3.	G-D		
4. Rajan K. Singh		(P.G.M)	
5. Tarun Sanyal	- e/18379	(P.G.M)	
6. Subrata Dalal	(Surveyor for S.M.C)		

DO



Report regarding the demarcation of plot no. 267 & 268 of Nimalporkhara Mouza of ATM, Kasiba, Block on 18/10/16

Page: \_\_\_\_\_  
Date: 1 / 1

As per the order of the court (NGT) and the survey team from BLLRO/DLLRO, are present in the field. All representatives are present here except the representatives of respondent no. 14-22, and the field was

Today on 18/10/2016 at

<u>Name</u>	<u>Signature &amp; Designation</u>	<u>Mobile</u>
1. Rajan Singh	(S.M.C)	945541784
2. Ash. Prasad Roy Chowdhury		96987888224
3. Bhawan Kumar Mandal	(S.M.C)	965595785
4. Ajay Biswas	(S.M.C)	9801844278
5. Anil Kumar	[S.M.C]	903887927

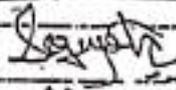
Report regarding the demarcation of Plot no 267 and 268 of nimpokatin Mouja of A.T. Mhasba Block on 19-10-16

As per the order of the Court (NGT) we the Survey team from B.L.R.O/D.L.R.O are present in the field. All representatives are present here except the representatives of respondent No 14 today on 19/10/16 at.

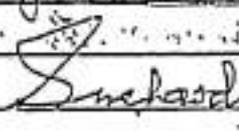
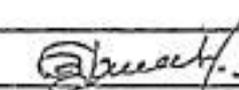
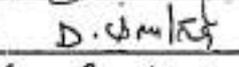
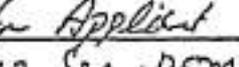
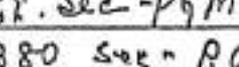
NAME	Signature	Mobile
1. Rajan Singh	(Signature)	9433571794
2. Ramesh Roy Choudhary	AM -	9681808224
3. Ajay Biswas (S.M.C)		9804844278
4. Anil Saurav (S.M.C)		9038879299
5. Vikas Kumar Nandal (S.M.C/AM)		9635959735
6. Sourav Naskar (Govt Camera Man)		9851465122

Attendance regarding the demarcation of the Plot No. 267 and 268 of Wimasportan Houja Jk-1 of A.T. Kankar Block on 20-10-16 along with the measurement of the UWL ~~of the~~ Ghosi.

As per the orders of the <sup>h.c.</sup> Court (N.G.T) the Survey team from B.L. & R.O / D.L. & R.O are present in the field all representatives of respondent No. 14-22 today on 20/10/16 at and presence of Applicants

Name	Signature	Mobile
1. Sunojit (son of) Adul on behalf of Snr. Ld. Adl. Indranil Mondal		9231851468
2. Dipu Bha		983669714
3. Bappaditya Sengupta - @present		9836256806
4. Santanu Meji, Advocate, Applicant		9681526663
5. Tapas Kumar Saha - ASI. Sec-PGM. -		9163892702
6. Bipin Mondal - C/-18380 - SEC-PGM.		
7. <del>Suchowdhury</del> SABYASACHI MONDAL CHOWDHURY (Rep. Applicant)		98310017825

- As per the orders of the Ld. Court. (N.G.T.), we, the survey team from DL&LRO and BL&LRO, are present here to demarcate the plot no. 267 & 268 alongwith UKil bheri. ~~We covered 15.3. points yesterday.~~ Representatives from both sides are present today on 20.10.2012. The survey work of plot no. 267 & 268 alongwith UKil bheri at Nimakpaktan mouza of ATM, Kosha blocks ~~has started~~ has started today after consulting with both the parties and they are satisfied with the work. And both parties are committed to presentation in the field till the completion of the survey work. The entire survey work, ~~today~~ has started today in the presence of the surveyors of the respondent no. 14-22 and representatives of applicant.

Name	Signature & Designation	Mobile
Dakshinath Madhukar Choudhary	 (Rep. Applicant)	9855000000
Bappaditya Samal	 (Surveyor)	9836256816
Ashwini Singh	 (Surveyor)	9002261170
Santanu Maji, Advocate for Applicant		9681576663
Tapan Kumar Saha, Asst. Sec. - PGM		9163892702
Kepti Mani. e-18880 Sec. PGM		
Sourav Nayak (Court Camera man DLRO)		

-264-

Page :  
Date :

Attendance sheet regarding the demarcation of plot no. 267 & 268 along with ukil veri of Nimakhera mouza of ATM, Kasba block on 21.10.2016. We covered 71 points today:

Name	Signature & Designation	Mobile
1. D. Anandish Guntur	D. Guntur (Surveyor)	9012261870
2. Subrata Dalal	S.M.C (Surveyor)	988366738
3. Vijay Biswas	S.M.C	9804849278
4. Raju Singh (H.A.)		
5. Anand Singh		9801525793
6. Adm. Suresh Kumar Jom. Sect. Adm. Indrani Nandi		9231851468
7. Divya		
8. Tapan Kr. Saha - ASE Sec-PG/M		9163892702

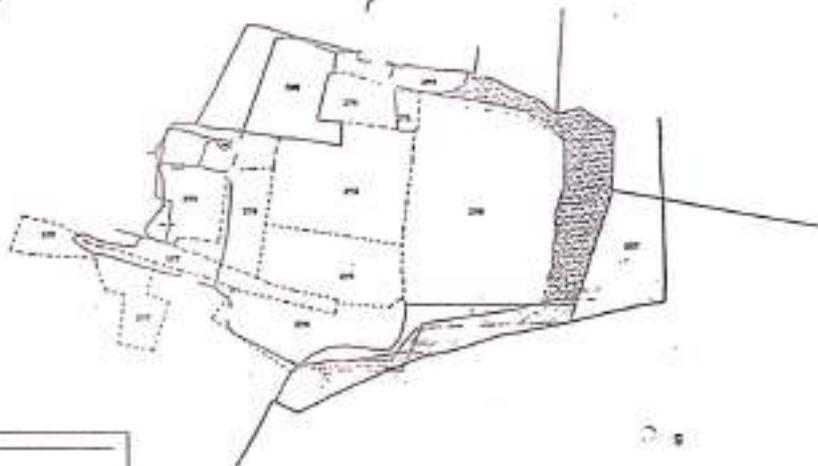
-265-

Page :  
Date : , ,

Attendance sheet regarding the demarcation of Plot No 267 and 268 along with civil work of Nirmal Pokhri blocks of HUDA, Gurgaon on 24-10-16 we covered 40 points today. The survey work complete today in presence of both parties. Total 174 points covered.

<u>Name</u>	<u>Signature</u>	<u>Mobil.</u>
to Adv. Surejit Son Gupta for Lt. In-charge Indrani Nandi	[Signature]	9231151468
Dhanish Gupta	Dhanish (Surveyor)	9012261871
Selwin Dalal	S.M.C (Surveyor)	9883065738
Santosh Maji for Applicant	[Signature]	9681526663
Tarun Jain [Signature]	118979 (P.G.M)	9007362624 945354179
Souren Narkos (Govt camera man DLRG)		

- 266 -



**LEGEND**

HOUSA BOUNDARY	
PLOT BOUNDARY	
PRESENT WATER BODIES	
FILLING PORTION OF THE PLOT NO. 268 USED MAINLY FOR DWELLING PURPOSE.	
PARTION OF THE PLOT NO. 267 WHICH STILL USED AS FURNUR PAR.	
PARTION OF THE PLOT NO. 267 USED EITHER BY MAKING ROAD OR BUILDING.	

**AREA STATEMENT**

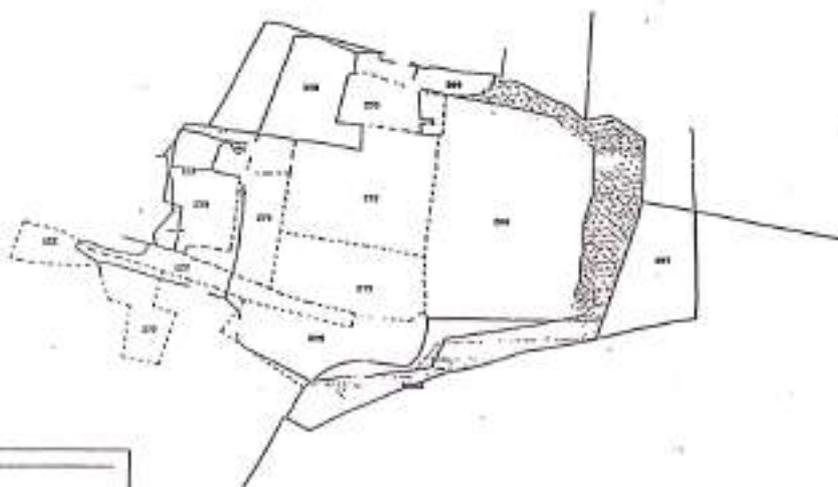
PLOT NO.	CLASSIFICATION	PROPOSED AREA IN ACRES	PRESENT USE			
			PRESENT AREA IN ACRES	PRESENT PUA AREA IN ACRES	BUILDING COVERED AREA IN ACRES	NET AREA OF PLOT PUA AREA IN ACRES
267	FURNUR PAR	4.45	0.67	1.14+0.06	---	2.56
			0.91			

*[Signature]*  
 Additional 1 unit of a  
 cost  
 Maria Lopez & Sons, Inc.  
 San Joaquin, California

-267-

MOUZA - NIMAKPOKTAN  
P.S - TOLLYGUNGE  
DISTRICT - SOUTH 24 PARGANAS  
SCALE - 1" = 1 MILE

SITE PLAN SHOWING RS MAP POSITION VIS-A-VIS THE  
FIELD POSITION OF PLOT NOS. 267,268 & OTHERS (UKIL BH



**LEGEND**

MOUZA BOUNDARY	-----
PLOT BOUNDARY	—————

Report regarding the survey of Plot No.- 267 & 268 alongwith Ukil Bheri of Nimakpokhtan mouza under ATM, Kasba block as per the order of the Hon'ble Court (NGT).

As per the order of the Hon'ble Court (NGT), the survey work in plot no. 267 and 268 alongwith ukil bheri of Nimakpokhtan mouza under ATM, Kasba block started from 29.8.2016 with the help of the survey team of Director of Land Recprds & Surveys and Joint Land Reforms Commissioner, West Bengal. Due to bad weather conditlon the survey work interrupted continuously for 11 to 12 working days. At last, we completed the survey work on 27.9.2016 in the 1<sup>st</sup> phase.

In the 2<sup>nd</sup> phase, we present on the field to start the survey work on 17.10.2016 at 11:00 AM but the representatives of respondent no. 14-22 were not present as per the order of the Hon'ble Court (NGT). And same thing happened again on 18.10.2016 and 19.10.2016. Due to their absence the survey work could not be done on those three days.

The survey work started in presence of representatives of both sides on 20.10.2016. We started the survey work after consulting both parties in the field and representatives of both the parties present in the field till the completion of the work. After reaching a consensus that the entire water body comprising plot no. 268 and its adjacent plots are to be surveyed, the survey work started. The survey of water bodies comprising plot no. 268 and others has completed in presence of representatives of both sides on 24.10.2016. The authorised surveyor of both sides were present all along and they put their signature on the dally proceedings. They are also allowed to check every point at every observation. We covered total 174 points in the field by the ETS machine. A quantum of 2.57 acres out of total area of 9.50 acres has been filled up and there are some encroachment. Further, it is to be noted that the premises bearing no. CZ-28, Sector-B, Canal South Road, District-South 24-Parganas, Kolkata-700105 of Respondent no. 15 does not lie on the filled up portion of plot no. 268.

The survey work has done by the ETS (Electronic Total Station) machine and with the help of survey team of DLR&S and Jt. LRC, WB, DL&LRO, South 24-Parganas and BL&LRO, ATM, Kasba.

Encl: The site plan of the surveyed field in the scale 16"=1 mile. We get the following features from the survey.

AREA STATEMENT  
ALL AREA ARE IN ACRE

PLOT NO.	CLASSIFICATION	PRESENT USED				RECORDED AREA
		PUKUR	PUKUR PAR	FILLING PORTION	NOT USED AS PUKUR PAR	
267	PUKUR PAR	0.67	1.14+0.08 = 1.22	-	2.56	4.45
268	PUKUR	6.93	-	2.57	-	9.50

Submitted before ADM & DL & LRO, South 24 - Parganas for his kind perusal.

  
ADM & DL & LRO  
South 24 - Parganas  
Additional District Magistrate  
and  
District Land & Land Reforms Officer  
24.10.16

Submitted by  
P. Biswas  
(R.O & T.A, Sadar)

Annexure - 'F' - 269 -



TRUE COPY

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

I.A. NO. 21/2019

In

O.A. No. 25/2016(EZ)

In the matter of:

Sunit Kumar Mallick Chowdhury

.....Petitioner

-Versus-

The State Of West Bengal & Ors

..... Respondents



Affidavit on behalf of the Respondent No.7, Kolkata Municipal Corporation showing cause in terms of the order dated 14.05.2019 passed by this Learned Tribunal

I Pranab Ghosh, son of Suchitra Binod Ghosh, aged about 46 years, by occupation-service, working for gain in the Kolkata Municipal Corporation, 5, S. N. Banerjee Road, Kolkata-7000013 do hereby solemnly affirm and say as follows:

1. The original application has been filed praying inter alia for the direction upon the respondent authorities to immediately restore the original character and nature of Ukil Bheri as existing prior to filling up the same and making of illegal construction thereon by the respondent No.14 &15 and also to stop illegal filling up of Ukil Bheri and illegal construction thereon.

2. The Original Application came up for consideration before this Ld. Tribunal on diverse dates when this Ld. Tribunal passed certain

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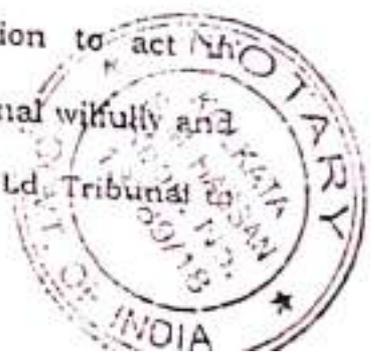


directions from time to time including the direction to maintain status quo in respect of the disputed area in Ukil Bheri.

3. The petitioner filed the instant I.A praying for the orders, interalia, imposing punishment on the respondent No. 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 24 with imprisonment upto the period of 3 years and also for imposition of fine of Rs.10 Crores on the said respondents and each of them.

4. The said I.A was moved before this Ld. Tribunal on 14.05.2019 when this Ld. Tribunal having considered the direction to maintain status quo was pleased to direct the respondents particularly the respondent No.15 to file show cause as to why the order as prayed for should not be granted. The Ld. Tribunal also directed the DL and L.R.O., District South 24 Pgs to inspect the area in question and to submit his report on the facts alleged in the application before the next date.

Before showing cause as directed by the said order dated 14.05.2019 I humbly and respectfully submit that the corporation and its authorities have the highest regards for the solemn order and direction of this Ld. Tribunal. The Kolkata Municipal Corporation and its authorities have no intention to act in disobedience of any order/direction of this Ld. Tribunal wilfully and deliberately. In the instant case the direction of this Ld. Tribunal to



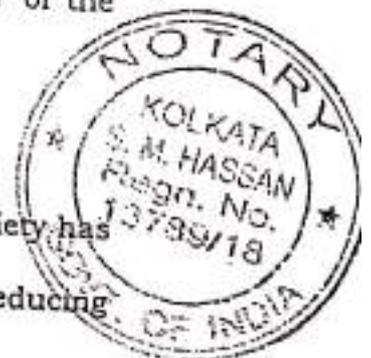
maintain status quo in respect of the disputed area of Ukil Bheri has not been violated and/or disobeyed by the authorities of the Kolkata Municipal Corporation wilfully and intentionally. If any act or action as taken by the authorities of Kolkata Municipal Corporation is considered, in the opinion of this Ld. Tribunal, to have violated the said solemn direction of this Ld. Tribunal, such act or action was not taken with any intention to violate the direction of the Ld. Tribunal and authorities for such act/ action tender their unqualified apology which may kindly be accepted by the Ld. Tribunal and no penalty or fine be imposed on any authority of the Kolkata Municipal Corporation.

6. It has been alleged by the petitioner in his original application that the applicant/petitioner is the lessee of the said Ukil Bheri situated in Mouza- Nimokpoktan, J.L.No-1, R.S. Khatian No. 415, 416, 318, 410, 300 and 434 and the Dag Nos. being 268,273,271,272,274,127,275 and 276 within Ward no.57 of the Kolkata Municipal Corporation and under Police Station- Pragati Maidan.

The respondent Metropolitan Cooperative Housing Society Limited claims to be the owner of the land in Dag No.267 of the said Mouza.



7. The Applicant/ Petitioner has alleged that the said society has illegally filled up certain areas of Ukil Bheri and thereby reducing



the areas of the said Bheri. Since a dispute arose over the areas of the Ukil Bheri the Ld. Tribunal once directed the competent authority to demarcate and identify the areas of the water body under the name of Ukil Bheri. The demarcation and identification are reportedly to have not been finalised.

8. The Applicant/ Petitioner has stated in Paragraph 4 of the instant I.A. interllia as follows:

".....it is presumed by asking the Respondent no. 15 to maintain status quo the Hon'ble Bench actually wanted to stop illegal filling up of water body and all sorts of construction and/or activities on the land procured by such illegal filling up of water body....." (vide order dated 28.07.2016 of this Ld. Tribunal)

It has also been alleged in paragraph 7 thereof that the order of Status Quo was once again iterated by the Ld. Tribunal in its order dated 23.04.2018 and 24.04.2018 but this time

against all the respondents. ( vide orders dated 23.04.2018 and 24.04.2018 of this Ld. Tribunal)

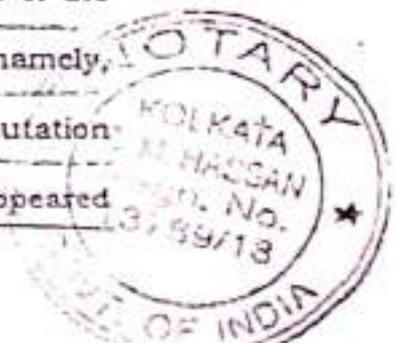
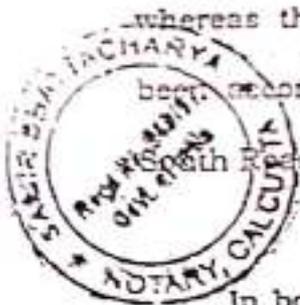
The allegations of violation of the direction to maintain status quo are mainly against the respondent no.15.



10. The Applicant/ Petitioner has stated the acts of non-compliance with the said order of status quo in sub-paragraphs A to F thereunder. It has been alleged therein, inter alia, that the Water-body within the fisheries has been filled up and sold in plots even after 28.07.2016 as per available documents and the illegal construction has been carried on and finished on the illegally filled up water body. It appears from the paragraphs under reply that the Title Suit No. 532 of 2017 as filed by the respondent no. 24 was subsequently dismissed on 15.01.2019. It further appears that the Applicant/ Petitioner while complaining of non-compliance had referred to two premises namely CZ/9B Canal South Road and CZ/14A & 14B Canal South Road.

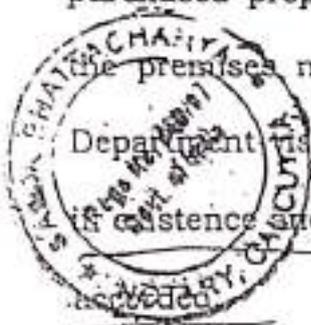
11. I state and submit having due regard to the facts and circumstances as on record that the KMC had accorded sanction of a G+4 storied residential building vide BP NO.2016070100 dated 5.10.2016 in respect of the premises CZ-9B/B Canal South Road whereas the sanction of a G+3 Storied residential building had been accorded in respect of premises no. CZ/14A & 14B Canal South Road vide BP No.2016070075 dated 1.09.2016.

In both the cases sanction was accorded on the basis of the documents submitted by the respective applicants namely, registered deeds of conveyance executed on diverse dates, mutation certificates. On scrutiny of the submitted documents it appeared



that the plots in question fall within Dag No. 267 of Mouza-  
Nimokpoktan along with other dag nos of the said Mouza and few  
dag no of Mouza-L'hapa.

12. I respectfully state and submit that at the time of grant of  
sanction of the Building Plan the Building Department of the  
Kolkata Municipal Corporation had no information as regards of  
the said direction of maintaining status quo. It may, however, be  
submitted from the records as available that the Conveyance Deeds  
were executed in both the cases before passing of the interim order  
on 20.07.2016 with the direction upon the respondent no.15 to  
maintain status quo but the land in question appeared to be  
situated in Dag No.267 of the said Mouza. However, the applicants  
got their respective names mutated and approached the Building  
Department with the proposal for sanction of the Building Plans  
upon submitting all required papers/documents. Admittedly the  
purchased properties have got their respective identification with  
the premises numbers. The concerned engineer of the Building  
Department visited the premises in question and found solid land  
in existence and upon finding everything in order the sanction was

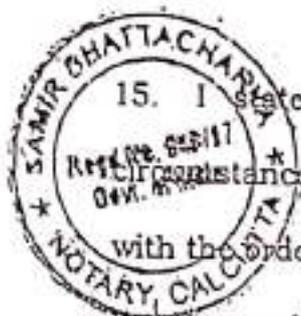


13. I state and submit that the grant of sanction ipsofacto does  
not authorize and/or entitle anyone to go ahead with the  
construction work in terms thereof had there been an order of



maintaining status quo by the competent court and/or the Ld. Tribunal. There may be a disputed issue in absence of demarcation and identification of the total areas of Ukil Bheri, whether both the said premises came into existence on the disputed areas of Ukil Bheri, after filling up the portion of the water body in disobedience of the order of maintaining status quo.

14. I state and submit that the authorities of the Building Department have acted bonafide in the matter while granting sanction of the respective Building Plans without any intention to violate the order of status quo. It has already been stated that the order of maintaining status quo is interpreted to have prohibited the person concerned from making any construction over the premises in question. It was incumbent upon the person concerned to refrain from going ahead with the works of construction despite having the sanction building plan in their hands.

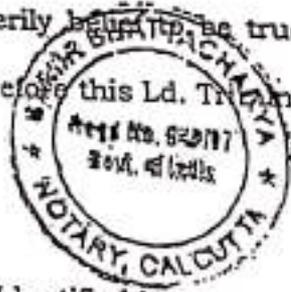


15. I state and submit in the backdrop of the facts and circumstances as stated above that the alleged non-compliance with the order of maintaining status quo cannot be attributed upon the Respondent no.7 and its authorities. This Ld. Tribunal having due regard to the facts and circumstances as aforementioned may be pleased to accept the reply to the show cause of the Respondent no.7 for dismissing the instant I.A. as against the respondent No.7



and no punishment or penalty be imposed against the respondent No.7 and its any of the authorities.

16. That the statements made in paragraphs 1, 2, 3, 4, 6, 7, 8 and 10 are true to my information derived from the records which I verily believe to be true and the rest are my respectful submission before this Ld. Tribunal.



Identified by me

*Sibojyoti Chakrabarti*

Advocate

K.M.C 07/08/2019

*Pranab Bhush*

DEPONENT

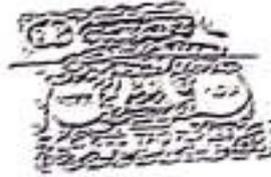
*By. Ch. ...*

Solemnly Affirmed and Declared before me this 07/08/2019

Samir Bhattacharya  
Notary, Govt. of India  
Regd. No. 1940/17  
City Civil Court, Calcutta

07 AUG 2019





VERIFICATION

I, Pranab Ghosh, son of Suchitra Bimal Ghosh, aged about 46 years, by occupation - Service, working for gain in the Kolkata Municipal Corporation, office at 5, S.N. Banerjee Road, Kolkata-700013, do hereby solemnly affirm and declare as follows: -

1. That I am the Deputy Chief Engineer Civil (Building) the Kolkata Municipal Corporation and I have been duly authorised and affirm this affidavit.

2. That the statements made in the above paragraphs are true to my knowledge and as per the record available in the Kolkata Municipal Corporation office and the rest are my respectful submissions before this Learned Tribunal.



Verified at Kolkata on this 7<sup>th</sup> day of August, 2019.

Prepared in my office

*Sibajyoti Chakraborty*

Advocate  
K.M.C.

07/08/2019

*Pranab Ghosh.*

DEPONENT

By. Ch. Eng. IC.  
Bldg. Deptt.  
2019



23/20/15

0507/15

भारतीय गैर न्यायिक

एक सौ रुपये

Rs. 100

रु. 100



ONE HUNDRED RUPEES

सत्यमेव जयते

भारत INDIA

INDIA NON JUDICIAL

पश्चिम बंगाल WEST BENGAL

9 9422/15 NR 93450/15  
NW 13545000



Additional Recd. of Assesment Fee

DEED OF CONVEYANCE

THIS DEED OF CONVEYANCE is made this 6th day of May, TWO THOUSAND AND FIFTEEN BETWEEN THE METROPOLITAN CO-OPERATIVE HOUSING SOCIETY LIMITED, a Co-operative Housing Society duly registered in accordance with the provisions of the Bengal Co-operative Societies Act, 1940 since repealed and replaced by the West Bengal Co-operative Societies Act, 2006, having its registration No. 75/Cal of 1966 and having its Registered Office at Canal South Road, Police Station- Pragati Maidan (formerly Tiljala), Kolkata-700 105, PAN NO. AAAAM5543R, hereinafter referred to as THE SOCIETY (which term or expression shall unless otherwise excluded by and/or repugnant to the subject



- 279 -

Govt. of West Bengal  
Directorate of Registration & Stamp Revenue  
e-Challan

GRN: 19-201516-000335342-2

GRN Date: 07/05/2015 12:38:31

BRN: WB070520150041181

Payment Mode: Counter Payment

Bank: AXIS Bank

BRN Date: 07/05/2015 13:17:11

DEPOSITOR DETAILS

Id No. : 1901L000009422/2/2015  
(Query No./Query Year)

Name : SANJIB PODDER

Contact No. :

E-mail :

Address :

Mobile No. : +91 9830088827

Applicant Name : Shyamal Mukherjee

Office Name : A.R.A. - I KOLKATA, Kolkata

Office Address :

Status of Depositor : Buyer/Claimants

Purpose of payment / Remarks : Registration Form Filled in Registration Office

PAYMENT DETAILS

Sl. No.	Identification No.	Head of A/C Description	Head of A/C	Amount (₹)
1	1901L000009422/2/2015	Property Registration- Stamp duty	0030-02-103-003-02	940170
2	1901L000009422/2/2015	Property Registration- Registration Fees	0050-03-104-001-16	149082

In Words : Rupee Ten Lakh Ninety Seven Thousand Two Hundred Fifty Two only

Total

1097252





or context, be deemed to mean and include its successors-in-interest, administrators, assigns, or liquidator) of the **FIRST PART AND SRI SANJIB PODDAR**, son of Sri Sukhendra Poddar, aged about 35 years, by faith Hindu, by occupation Business, residing at present at P-61/1, Motijhil Avenue, Kolkata - 700 074, PAN NO. AFTPP4576N, hereinafter referred to as **THE MEMBER** (which term or expression shall unless otherwise excluded by and/or repugnant to the subject or context, be deemed to mean and include his heirs, successors, executors, administrators, legal representatives and/or assigns) of the **SECOND PART**.

**WHEREAS THE SOCIETY** is a Co-operative Housing Society, which was organized by its promoters and was registered for the objects which, besides other, include the establishment on co-operative basis settlements of housing by affording its members to have plots of lands and in furtherance of its objects, the acquiring of lands by way of purchase or otherwise, developing the same and the distribution, allotment and transfer of the plots to and/or in favour of the members of **THE SOCIETY** and to aid and assist such member(s) in causing construction of their respective houses and also to raise funds for the fulfillment of its objects from its members ;

**AND WHEREAS** in pursuance of the aforesaid objects, **THE SOCIETY** raised fund from its members by way of sale of its shares and otherwise for the

- 281 -

3



purpose of purchasing lands, development thereof and fulfilling the objects;

**AND WHEREAS** by several Deeds of Sale dated 25th November 1968 registered on 29th November, 1968 and entered in Book No. 1, Volume No. 145, at pages from 264 to 270 Being No. 5462 for the year 1968, the Deed of Sale registered on 15<sup>th</sup> February 1969 and entered in Book No. 1, Volume No. 23, at pages from 255 to 260, Being No. 746 for the year 1969, the Deed of Sale dated 29th April, 1969 registered on 7th May 1969 and entered in Book No. 1, Volume No. 74, at pages from 264 to 272, Being No. 2046 for the year 1969, the Deed of Sale dated 10th May, 1969, registered on 15th May 1969 and entered in Book No. 1, Volume No. 97, at pages from 57 to 65, Being No. 2234 for the year 1969, the Deed of Sale dated 11th June, 1969 registered on 18th June 1969 and entered in Book No. 1, Volume No. 104, at pages from 159 to 168, Being No. 2759 for the year 1969, the Deed of Sale dated 13th June, 1969 registered on 21st June 1969 and entered in Book No. 1, Volume No. 85, at pages from 288 to 298, Being No. 2796 for the year 1969, the Deed of Sale dated 21<sup>st</sup> February, 1970 registered on 10th March, 1970 and entered in Book No. 1, Volume No. 36, at pages from 194 to 207, Being No. 781 for the year 1970, registered in the office of the Registrar of Assurances, Calcutta, **THE SOCIETY** herein purchased several pieces and parcels of lands, hereditaments, messuages, easements and premises in Mouza Dhapa and Nimakpoktan within Jadavpur Police Station (erstwhile Tollygunje) at present Police Station



Pragati Maidan (formerly Tiljala under the Alipore Collectorate within the District of 24-Parganas(now South 24-Parganas) containing jointly with Taki Estate Barataraf in the sixteen annas share a little above 157.32 acres of Bheri lands which by local measurement covers a little above 467 bighas 16 cottahs and recorded in the District Settlement Khatian No. 21, Dag Nos. 31 of the said Mouza Dhapa corresponding to the revised Settlement Khatian Nos. 654 (Khanda), 609 (Khanda) and 612 (Khanda) Dag Nos. 87 of the said Mouza Dhapa as well as in the District Settlement Khatian Nos. 43 and 2 Dag Nos. 201, 141 and 140 of the said Mouza Nimakpoktan corresponding to the revised settlement Khanda Khatian Nos. 407, 408, 352, 353, Dag Nos. 248, 186, 187, 267 of the said Mouza Nimakpoktan, hereinafter referred to as the **LARGER LAND**.

**AND WHEREAS** by a Deed of partition dated 29<sup>th</sup> April, 1970 executed by and between the Metropolitan Co-operative Housing Society Limited of the First part and Smt. Saibalini Chaudhurani & Ors. of the other part and registered in the office of the Registrar of Assurances, Calcutta and recorded in Book No. 1, Volume No. 88, at pages 4 to 14, Being No. 1909 for the year 1970, the said Metropolitan Co-operative Housing Society Limited became the absolute owner of the western portion of the Taki Estate Bheri Land (Marshy) which constitutes the entire C.S. Dag Nos. 201, 141 and 140 of the District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 248, 186, 187 and 267 recorded in the revised Settlement Khanda Khatian Nos.

-283-

5



407, 408, 352 and 353 of Mouza Nimakpoktan, P.S. Jadavpur (Old Tollygunj), now Pragati Maidan; Touzi Nos. 173, 1298/2833, J.L. No. 1 under Alipore Collectorate, District 24-Parganas(now South 24-Parganas) as well as the Western portion of the lands of C.S. Dag No. 31, District Settlement Khatian No. 21, Touzi No. 173, J.L. No. 2, R.S. No. 236 of Mouza Dhapa in Jadavpur (Old Tollygunge), now Pragati Maidan, under the Alipore Collectorate, District 24-Parganas(now South 24-Parganas) corresponding to the Western Portion of the land included in the revised settlement khatian Nos. 654 (Khanda) 609 (Khanda) of the same Mouza, same Police Station and same R.S. Number under the same Collectorate and District which corresponds to western portion of R.S. Dag Nos. 87 and it was for greater clearness demarcated by a common boundary line passing North to South through the said Dag No. 87.

**AND WHEREAS** certain portion of land was sold out to Dakshinee Co-operative Housing Society Ltd. and certain other portion of land was acquired by the Government of West Bengal for the purpose of construction of the Eastern Metropolitan By Pass, **THE SOCIETY** thereafter on the remaining land prepared a Master plan in respect of the remaining portion of the lands, providing therein, the several residential plots of lands to be allotted and transferred to its members, internal road, lands earmarked for commercial purpose and lands for other amenities and the said Master plan, was subsequently modified, amended, altered and was divided into diverse plots for greater benefit of the members.

-284-

6



**AND WHEREAS** on the basis of such master plan each of the members were allotted plots of lands for causing construction of houses on certain terms and conditions of payment of money on account of land development cost and other charges.

**AND WHEREAS** a number of unauthorized encroachers had been occupying a substantial chunk of land of the society for more than 20-25 years. Since eviction of such unauthorized occupants would involve multiple number of litigations over an extended period of time thus incurring substantial amount towards avoidable legal expenses, the Board of Directors of **THE SOCIETY** (hereinafter referred to as the Board) in its meeting held on 14.2.2014 resolved that the land occupied by such encroachers be disposed of in their favour, subject to their payment of development cost at the rate of Rs. 4,50,000/- per cottah alongwith other usual charges and fees;

**AND WHEREAS** the **MEMBER** had made an appeal vide letter dated 18.2.2014 to the Board to allot the scheduled land to him upon payment of the aforesaid development and other charges;

**AND WHEREAS** considering the fact that the **MEMBER** had been occupying the scheduled land over a substantial period of time and further having regard to the repeated appeals made by him to allot the said land to him in view of his long possession of the same and also having regard

- 285 -

7



to the decision taken by the Board vide its aforesaid resolution dated 14.2.2014 the Board decided to dispose of the scheduled land in favour of the **MEMBER** upon payment of the aforesaid development costs alongwith other usual charges and fees;

**AND WHEREAS THE MEMBER** thereafter, on application and subsequent payment of Rs. 20,25,000/- was admitted to the membership of **THE SOCIETY** in terms of the meeting of the Board of Directors of **THE SOCIETY** held on 14.2.2014 and upon such admission, **THE MEMBER** was allotted with the said plot of land admeasuring 4 cottahs 8 chittack, being Plot No. CZ/20A in Sector B of the Housing Project on 15.3.2014 hereinafter referred to as "the said plot of Land" at or for a sum of Rs. 20,25,000/- which consists of Rs. 1,000/- towards value of 4 shares, Rs.20,25,000/- towards Development charges/consideration money and Rs.10/- towards Admission fee;

**AND WHEREAS** in pursuance of and/or on the basis of the aforesaid allotment of the said plot of land the Member satisfied himself/herself as to the measurement of the plot of land as per the map and/or the Master Plan and took over possession of such plot after full payment therefor;

**AND WHEREAS** as a general policy of allotting and transferring and selling of the plots, **THE SOCIETY** has agreed to transfer and sell the said plot of land, at and for a consideration money of Rs. 20,25,000/- (Rupees Twenty Lac Twenty Five Thousand Only) and **THE MEMBER** has agreed to

- 286 -

8



have and hold the said plot of land as an absolute owner subject to the terms and conditions hereinafter set out.

**NOW THIS DEED OF CONVEYANCE WITNESSETH  
AS FOLLOWS :**

1. **THAT** in pursuance of the terms and conditions of allotment of the said plot of land allotted by **THE SOCIETY** in favour of **THE MEMBER** on the basis of the payment of the said sum of Rs. 20,25,000/- (Rupees Twenty Lac Twenty Five Thousand Only) paid by **THE MEMBER** to **THE SOCIETY** towards the cost of land and its development and other fees and charges as above on or before the execution of these presents (the receipt whereof is hereby admitted and acknowledged) **THE SOCIETY** as beneficial owner thereof hereby and hereunder **CONVEY, TRANSFER, SELL, ASSIGN AND ASSURE UNTO AND TO THE USE OF THE MEMBER HEREIN ALL THAT THE** piece and parcel of land, ad-measuring more or less 4 cottahs 8 chittack, being plot no. CZ/20A in Sector B of **THE SOCIETY**, more fully and particularly described in the schedule hereunder written and specifically delineated in the **MAP** or **PLAN** annexed hereto **HOWSOEVER** otherwise the said property now or heretofore were or was situated, butted, bounded, called, known, numbered, described and distinguished **TOGETHER WITH** all benefit and advantages of ancient and other lights, liberties, easements, privileges, appendages and appurtenances whatsoever to the said



property or any part thereof belonging or in any way appertaining to or with the same or any part thereof usually held, used, occupied or enjoyed or reputed to belong or be appurtenant thereto **AND** the reversion and reversions, remainder and reminders, rents, issues and profits thereof and of every part thereof **AND** all the estate, right, title, inheritance, use, trust, property, claim and demand **WHATSOEVER** both at law and in equity of **THE SOCIETY** unto and upon the said property or every part thereof **AND** all deeds, pattas, muniments, writings and evidences of title which in any other way relate to the said property or any part or parcel thereof and which now are or hereafter shall or may be in the custody, power or possession of **THE SOCIETY**, its successors-in-interest, administrators or assigns or any person from whom it can or may procure the same without action or suit at law or in equity **TO HAVE AND TO HOLD, OWN AND POSSESS** the said plot of land and every part thereof hereby granted, sold, conveyed and transferred or expressed and intended so to be with the rights, interests and appurtenances **UNTO AND TO** the use of **THE MEMBER**, his heirs, successors, executors, administrators, legal representatives and assigns forever but subject to the bye-laws of the **SOCIETY AND THE SOCIETY** do hereby for itself and its successors-in-interest and assigns declare **THAT** notwithstanding any act, deed or thing whatsoever by **THE SOCIETY** or by any of its predecessors in title, done or executed or knowingly suffered to the contrary, **THE SOCIETY** had at



all material times heretofore and now has good right, full power, absolute authority and indefeasible title to grant, sell, convey, transfer, assign and assure the said property hereby granted, sold, conveyed and transferred or expressed or intended so to be **UNTO AND TO** the use of **THE MEMBER**, his heirs, successors, executors, administrators, legal representatives and assigns in the manner aforesaid **AND THAT THE MEMBER**, his heirs, successors, executors, administrators, legal representatives and assigns shall and may at all times hereafter peaceably and quietly possess and enjoy the said property and every part thereof and receive the rents, issues and profit thereof, without any lawful eviction, interruption, claim or demand whatsoever from or by **THE SOCIETY** or any person or persons lawfully or equitably claiming from under or in trust for the vendor or under any of it's ancestors or predecessors in title **AND THAT** free and clear and freely and clearly absolutely acquitted, exonerated and released or otherwise by and at the costs and expenses of **THE SOCIETY** well and sufficiently indemnified from and against all and all manner or claims, charges, liens, debts, attachments and encumbrances whatsoever made or suffered by **THE SOCIETY** or any of its ancestors or predecessors in title or any person or persons lawfully or equitably claiming as aforesaid **AND FURTHER THAT THE SOCIETY** and all persons having or lawfully or equitably claiming any estate or interest whatsoever in the said property or any part thereof from under or in



trust for him, **THE SOCIETY** or from or under any of its predecessors in title shall and will from time to time and at all times hereafter at the request and cost of **THE MEMBER**, his heirs, executors, administrators, representatives, and assigns do and execute or cause to be done and executed all such acts, deeds, and things whatsoever for further better and more perfectly assuring the said Plot of Land and every part thereof **UNTO AND TO** the use of **THE MEMBER**, his heirs, successors, executors, administrators, legal representatives and assigns according to the true intent and meaning of this deed as shall or may be reasonably required **AND FURTHER MORE THAT THE SOCIETY** and its successors-in-interest, administrators, liquidator and assigns shall become liable against loss, damages, costs, charges and expenses if any suffered by reason of any defect in the title of **THE SOCIETY** or any breach of the covenants herein-under contained.

**THAT THE SOCIETY** hereby covenants with **THE MEMBER** as follows:

- a) That the said plot of land shall be quietly entered upon and held and enjoyed and the rents and profits received there-from by **THE MEMBER** without any interruption or disturbance by **THE SOCIETY** or any person claiming through or under **THE SOCIETY** and without any disturbance or interruption by any other person whomsoever.

- 290 -

12



- b) That **THE SOCIETY** will at the cost of **THE MEMBER** requiring the same execute and do every such assurance or thing necessary for further more perfectly assuring the said property to **THE MEMBER**, his heirs or assigns as may reasonably be required.

**THE MEMBER COVENANTS WITH THE SOCIETY  
AS FOLLOWS:**

1. That **THE MEMBER** shall pay to **THE SOCIETY** a sum of Rs. 10/- (Rupees Ten) per month or such sum or further sum as may be decided upon by the Board of Directors of **THE SOCIETY** on or before Seventh day of every month as and/or by way of charges towards maintenance of the common amenities and/or facilities and/or furtherance of common causes or objects of **THE SOCIETY** and in default, such sum will carry interest @ 12.5% per annum on such sum till recovery thereof.
2. That **THE MEMBER** shall abide by and be subject to the bye-laws and the decisions of the Board of Directors and/or General Body of Members in the General Meetings, of **THE SOCIETY** and shall also abide by extant co-operative law in this regard, including West Bengal Co-operative Societies Act, 2006 and the rules as frame thereunder, as amended from time to time.

- 291 -

13



### **SCHEDULE**

**ALL THAT** piece and parcel of a plot of land being plot no. CZ/20A in Sector - B of the Metropolitan Co-operative Housing Society Limited, Canal South Road, Kolkata - 700105, under Ward No. 57 of the Kolkata Municipal Corporation, ad-measuring more or less 4(Four) Cottahs 8(Eight) Chittack alongwith 150 sq.ft. Kuchha structure, in the District of 24-Parganas (now District South 24-Parganas), under Mouza Dhapa, Touzi No. 173, 1298/2833, J.L. No. 2, R.S. Dag No. 87 (Western Part), under C.S. Khatian No. 654 AND Mouza Nimakpoktan, Revisional Settlement Khanda Khatian Nos. 352 and 353, District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 248, 186, 187 and 267 under Police Station Jadavpur (Old Tollygunge) at present Police Station Tiljala under the District Collectorate at Alipore, District 24-Parganas(now District South 24-Parganas) butted and bounded in the manner following :

- On the North** : By 9.00 M wide common passage  
**On the South** : By Plot No. CZ-21  
**On the East** : By Plot No. CZ-20  
**On the West** : By Water body

And more fully and particularly delineated and demarcated in the site plan annexed hereto this Deed of Conveyance.

-292-

14



IN WITNESS WHEREOF the above named SOCIETY, THE MEMBER have hereunto set and subscribed their respective hands and seals the day, month, and year first above written: -

SIGNED, SEALED & DELIVERED at Kolkata for and on behalf of the Metropolitan Co-operative Housing Society Limited by AMULYA RAJ AN DUTTA, Chairman and PULAK KUMAR BANERJEE, Secretary thereof in the presence of:

For METROPOLITAN CO-OPERATIVE HOUSING SOCIETY LTD.

*Amulya Rajan Dutta*  
Chairman

WITNESSES:

1. *Sky and Mukherji*  
Vill P.O. Raichak  
Dist - Haorach  
Pin - 711412

For METROPOLITAN CO-OPERATIVE HOUSING SOCIETY LTD.

*Pulak Kumar Banerjee*  
Secretary

Signature of THE SOCIETY

2. *Shanti Rajan Das*  
2/11 P.O. Raichak  
Dist. 700027

*[Signature]*

Signature of THE MEMBER

Drafted by me:

*Indranil Nandi*

(Indranil Nandi)

Advocate

High Court at Calcutta.

F 625/541/92



**FORM FOR TEN FINGER PRINTS**



*Arunja Ralauddra*

	Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb
Left Hand					

	Thumb	Fore Finger	Middle Finger	Ring Finger	Little Finger
Right Hand					



*Peter Kumar Dange*

	Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb
Left Hand					

	Thumb	Fore Finger	Middle Finger	Ring Finger	Little Finger
Right Hand					



*Rajesh Chaudhary*

	Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb
Left Hand					

	Thumb	Fore Finger	Middle Finger	Ring Finger	Little Finger
Right Hand					



- 234 -

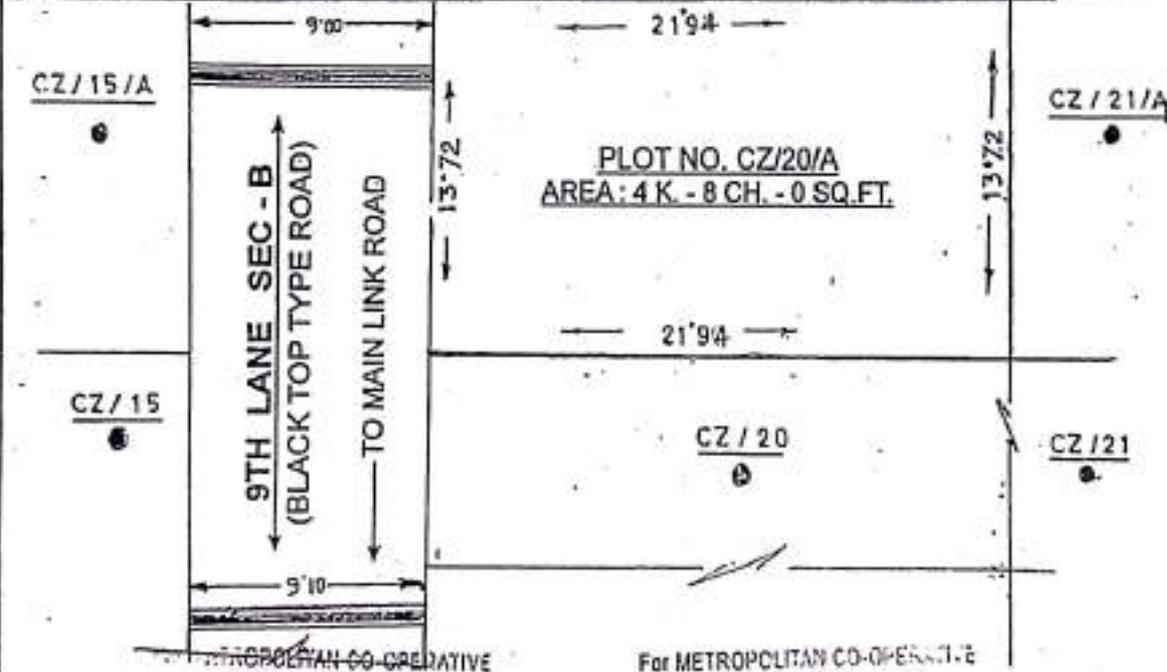
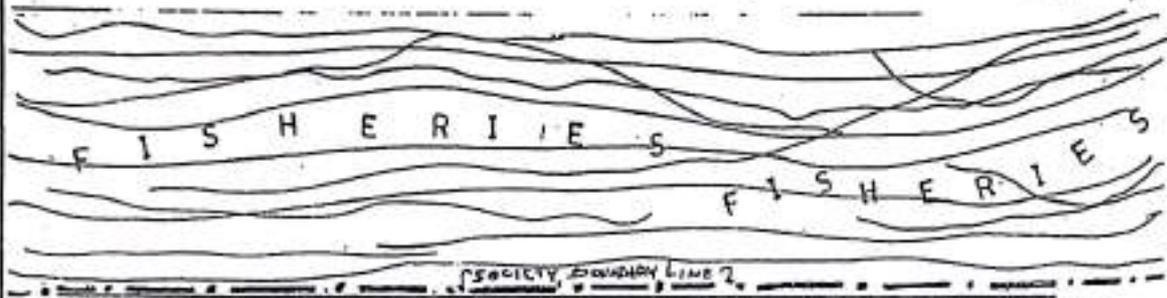
**SITE PLAN OF PLOT NO. CZ/20/A, SECTOR - B IN 9TH LANE OF "METROPOLITAN CO-OPERATIVE HOUSING SOCIETY LTD.", CANAL SOUTH ROAD, KOLKATA - 700 105.**

SCALE = 1:200

AREA OF LAND PLOT NO. CZ/20/A :- 4 K. - 8 CH. - 0 SQ.FT. (MORE OR LESS)  
SHOWN IN RED COLOUR



ALL DIMENTION ARE IN METRE



For METROPOLITAN CO-OPERATIVE HOUSING SOCIETY LTD.  
*Pankaj Kumar Dasgupta*  
Secretary

For METROPOLITAN CO-OPERATIVE HOUSING SOCIETY LTD.  
*Amulya Ratan Datta*  
Chairman

*Amrita Dasgupta*

Traced By:  
*A. S. Dasgupta*  
39, A. S. Dasgupta  
Kolkata-1.

- 295 -

# METROPOLITAN CO-OPERATIVE HOUSING SOCIETY LTD.

Regd. No. 75 / Cal of 1966

PLOT NO. CZ-38, SECTOR-B, CANAL SOUTH ROAD, KOLKATA-700 105

PHONE : 2323-1248

Ref. No. MCHSL/S-16/016/2014-15.

Date. 9th July, 2014.

Mr. Sanjib Poddar,  
P-61/1, Motijheel Avenue,  
Dum Dum,  
Kolkata - 700 074.

Dear Sir,

Sub: Membership and allotment of plot in  
Metropolitan Co-operative Housing  
Society Ltd., Kolkata - 700 105.

Ref: Our letter Nos. MCHSL/CZ/20A(B)/125/2013-14  
dated 21st March, 2014 and MCHSL/S-16/131/  
2013-14 dated 28th March, 2014.

Please refer to our letter cited above in respect of your membership and allotment of plot No.- CZ/20A, Sector - B of our Society.

On actual measurement it is found that the area of your subject plot is 4 Cottah and 8 Chhitak only instead and place of 4 Cottah of land.

As you have paid Rs. 18,00,000/- towards development fees for 4 Cottah of land, you are requested to pay an additional development fee of Rs. 2,25,000/- (Rupees two lacs twenty-five thousand only) through demand draft/Bankers cheque drawn on any scheduled bank in favour of the Society. Please note that on receipt of this amount the revised Site Plan and confirmation letter will be issued in your favour.

Please acknowledge receipt.

Yours faithfully,  
For Metropolitan Co-operative  
Housing Society Limited

*Pulak Kumar Banerjee*  
( Pulak Kumar Banerjee )  
Secretary





THE KOLKATA MUNICIPAL CORPORATION  
MUNICIPAL ASSESSMENT BOOK  
LANDS AND BUILDINGS  
ASSESSMENT DEPARTMENT

Borough No. 7	Ward No. 057	Street No. 02	Premises No. C2-20A/B	Name of the Street CANAL SOUTH ROAD	Heritage No.	Food No.	Assessee No. 14357020629	Month No.
No. of Stories 6	Nature of Use D.H	Pict. (in Sq. Ft.) 3240	Covered (in Sq. Ft.) 13850	Articles Section	% Residential	Non Res.	Classified Ownership Operative GR Quarter	4/2019
		Land Area: Certain 4, Charak 8						

PARTICULARS OF SUBSEQUENT ALTERATIONS											
Name and address of owner and/or person liable to pay consolidated rate	Initial & date of the H.A. Recd. Making connection	1	2	3	4	5	6	7	8	9	10
		Annual Valuation	Asses. Uts.	% of Consolidated rate	Date of alteration of Annual Valuation (Column 3)	Date of effect of alteration	Quarterly payable consolidated rate	Amount of rebate (Avy. ut. 171 (5) & 25% of consolidated rate)	Amount after allowing rebate (Col. A minus Col. 9)		
Owner: Metropolitan Co-Operative Housing Society Ltd., Alamee - Sarfb Poddar Address: P-59, SECTOR - 'A', GR FLOOR, CANAL SOUTH ROAD, KOLKATA - 700105.		15750	4	36.3	09/10/2015	01/05/1990	1429.31	0	1429.31		
		18900		40	09/10/2015	01/10/1996	1850.00	0	1850.00		
		22950		40	09/10/2015	01/10/2002	2268.00	0	2268.00		
		27320		40	09/10/2015	01/10/2008	2732.00	0	2732.00		
		41300		40	09/10/2015	01/07/2014	4130.00	0	4130.00		
		41300		40	09/10/2015	01/10/2014	4130.00	0	4130.00		
		150770		20	22/11/2018	01/04/2017	5018.00	0	5018.00		
		361200		20	06/07/2020	01/01/2020	18512.00	0	18512.00		

PARTICULARS OF SUBSEQUENT ALTERATION											
Quarterly Howrah Bridge Tax at leviable on the AV	Proportionate AV where applicable	Proportionate Quarterly Rate	% of Surcharge	Amount of Surcharge	Gross amount payable per quarter Columns 8 or 10.11 & 15 if any (rounded off to the nearest rupee)	Amount of general rebate 5% Uts. 215(2)	Net amount payable per quarter (rounded off to the nearest rupee)	Initial of Assessment Clerk/ Head Assesst	Initial of Authorizing officer u/s. 191(4)	Quarter of issuing of fresh or supplementary bills as per alterations	Remarks
11	12	13	14	15	16	17	18	19	20	21	22
19.69			50	0.00	1462.00	72.45	1377.00				ARV
23.53			50	0.00	1914.00	95.70	1818.00				ARV
28.35			50	0.00	2296.00	114.80	2183.00				ARV
34.03			50	0.00	2755.00	137.80	2618.00				ARV
51.63			50	0.00	4182.00	209.10	3973.00				ARV
81.63			50	0.00	4182.00	209.10	3973.00				ARV
188.46			0	0.00	5018.00	250.90	4767.10				UAA
451.50			0	0.00	18512.00	925.60	17586.40				UAA

Annual Valuation and Tax Capping under Unit Area Assessment System are subject to verification and Final determination by KMC, upon completion of pending assessment, if any.

- 297 -

*Sanjib Poddar*

# VAKALATNAMA

IN THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

District: Kolkata

OA/MA/RA/ Contempt No. of 2023

Sanjib Poddar

(Appellant  
(Petitioners)

- Versus -

National Wetland Authority Bors.

(Respondent  
(Opposite Party)

Vakalatnama on behalf of Sanjib Poddar

Know all men by these presents that by Vakalatnama, I/We appoint the Advocates noted below or any one of them my/our lawful Advocate or Advocates Paushali Banerjee

of entering appearance

in the above matter for appearing conducting and arguing the same for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and for putting in papers, petitions etc. On my/ our behalf for filing, taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suit etc. For signing and filling petitions of compromise in connections with the said matter and for taking copies of paper from the Record and I / We further say that any act. Done by my / our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocates his or their fees as settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocates to conduct the case properly. Failing which the said Advocates after notice to me/us will be at liberty to withdraw from further conducting the case.

IN WITNESS WHERE OF I/WE sign and execute this Vakalatnama on this  
the 3rd day of March 2023

Name of Advocates  
**Ms. Paushali Banerjee,**  
High Court, Calcutta,  
NPS Business Centre,  
Ground Floor, Kolkata - 700001  
M- 9433253274

*Paushali Banerjee*  
*Paushali Banerjee*  
*Paushali*