

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 37/2025/EZ

Subrata Mullick Applicant

Versus

Ministry of Environment, Forest And Climate Change & Ors. Respondents

Brief Written Arguments on behalf of Respondent No.5

[Chief Executive Officer, Asansol Durgapur Development Authority]

- Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, in short Hon'ble N.G.T., Eastern Zone Bench, Kolkata in terms of an Order dated January 21, 2026 vide Para (7) of the said Order has been pleased to grant opportunity to the parties for submitting their brief Written Notes on Argument.
- At the outset, it has been observed that the instant Original Application, in short O.A. has been filed for seeking directions from Hon'ble N.G.T. for taking adequate measures for protecting and preserving the forest land at Mouza-Gopinathpur, Khatian No. 5676, J.L. No.-85, Block-Additional Faridpur-Durgapur, Dag No. 603, District Paschim Bardhaman by the Respondent No.3.
- Direction has also been sought for calculating the Environmental Compensation allegedly for encroaching and destroying Forest Land, as indicated in the preceding paragraph by the Respondents.
- It has been alleged that the Respondent No.3/SPS Steel Rolling Mills Ltd. has grossly violated the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986.
- The said Respondent No.3 is having lease of the land under the Respondent No.5, the details whereof are available at Paragraph (5), sub-paragraphs (g) to (k), Page-5-7 of the Affidavit filed by the Respondent No. 5 dated 08-01-2026 before Hon'ble N.G.T., E.Z., KOL.
- The answering Respondent from the very beginning has been authorised to deal with the Forest lands and to utilize the same for expansion of the projects pertaining to Industries and in this regard the proceedings of the Conference held by the Board of Revenue and Secretary, L. & L.R. Department (ex-officio) dated March 07, 1956 at 11:00 A.m. may please be referred to. Reference may be drawn vide Paragraph (5), sub-paragraphs (a) & (b), read with averments made at sub-paragraphs (c), (d), (e) & (f) thereof at Page Nos. 3-5 of the Affidavit filed by the Respondent No. 5 dated 08-01-2026.
- The Gazettee Notifications for acquisition of lands made by the Government of West Bengal in the year 1959 reveals that vast chunk of lands have been acquired in the Mouza-

Gopinathpur for development of Industries. Reference may be made with regard to the last two sub-paragraphs of Paragraph (5) at Page-6 and 7 respectively of the Affidavit dated 08-01-2026 (*supra*), read with the contents of Annexure-P6 at Page- 26 and 27 of the aforementioned Affidavit. The acquired lands have been considered for the purpose of executing the Lease Deed unto favour of the Respondent No. 3.

- The allegation now raised by the Original Applicant has been decided as soon as the appropriate Government in the year 1959 has acquired, thereafter declared by way of Gazette Notifications and handed over the lands subsequently to the concerned Statutory authority or the Parastatal for augmenting Industries, therefore, the Original Applicant's averments or the allegations raised are sort of any reason and devoid of any merit in as much as he has missed the bus in the year 1959 for recording and registering his wild allegations.
- It has further been observed that violation of the provisions of the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986, as alleged by the Original Applicant are not having any nexus with the instant Original Application since the Respondent No. 8/the Divisional Forest Officer, Paschim Bardhaman has rightly pointed out at paragraph (12), Page-6 of the Affidavit filed by the said Respondent before this Hon'ble Tribunal that "*...mere classification of the land as 'jungle' does not give ownership of the said land to the Forest Department, Government of West Bengal*".
- Hon'ble Supreme Court of India, New Delhi in Nature Lovers Movement-Vs-State of Kerela & Ors., 2009 AIR SCW 3656 has been pleased to upheld the ratio evolved out in the case of State of Bihar-Vs-Banshi Ram Modi & Ors., [1985 3 SCC 643] whereby and whereunder it has been held that the Forest (Conservation) Act, 1980 is not having any retrospective effect. Hence, any allegation, which seems to be contrary to the proposition made by the Apex Court of the Country seems to be devoid of any merit and deserves rejection of the claims made before this Hon'ble Tribunal by the Original Applicant.
- Hon'ble Supreme Court of India, New Delhi in Jitendra Singh-Vs-State of Madhya Pradesh & Ors., 2021 SCC Online SC 802 has held that mutation entry in the revenue records is only for the fiscal purpose and thus, the mere entry in the Record of Rights or being classified as "Jungle" cannot alter the position and purpose of acquisition made in the year 1959 by the Government of West Bengal.
- It has further been held inter alia by the Hon'ble Supreme Court of India, New Delhi in 2023 INSC 1009, Reportable [P. Kishore Kumar-Vs- Vittal K, Patkar] that " ...the Trial Court erred in decreeing the suit by placing on a higher probative pedestal the revenue entries", as such, the stand taken hereinbefore by the answering Respondent has been catalyzed a lot in the above referred Hon'ble Supreme Court's judgment.

Sebanis Das

Advocate for the Respondent No. 5

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..... Respondents

BRIEF WRITTEN ARGUMENTS

on behalf of Respondent No.5
[Chief Executive Officer, Asansol
Durgapur Development Authority]

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