

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, FINANCE CENTRE,
3RD FLOOR, NEW TOWN, KOLKATA

O.A No. 133 Of 2023/EZ

I.A. No. 30 of 2024

I.A. No. 49 of 2024

In the matter of :

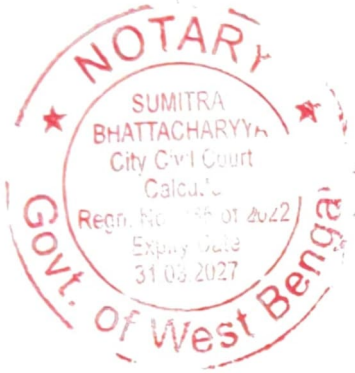
Serajul Islam & Anr.

..... Applicants

Versus

The State of West Bengal &
Ors.

..... Respondents



AFFIDAVIT IN REPLY ON BEHALF OF THE APPLICANTS TO
THE WRITTEN NOTES BY THE RESPONDENT NOS. 13, 14 &

15

I, Serajul Islam, son of Nurul Islam, aged about 25 years, by faith - Muslim, by occupation - Social worker, residing at Vill - Natungram, Ward No.12, Nalhati M, P.O & P.S - Nalhati, Dist - Birbhum, West Bengal - 731243, do hereby solemnly affirm and state as follows :-

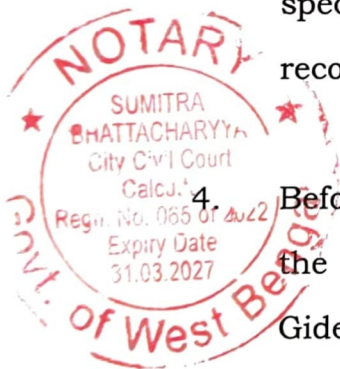
1. I am the authorized representative in the instant proceeding and the authorized representative of applicant

17 MAR 2026

No 2. I am well acquainted and fully conversant with the fact of circumstances of the case. I am competent to make, affirm and swear the instant affidavit for myself and on his behalf .

2. That on 16.02.2026 I, was served with a copy of the written notes of argument on behalf of the respondent nos. 13,14 & 15 . I have gone carefully through the said affidavit and have understood the scope, contents, purports and true meaning thereof.

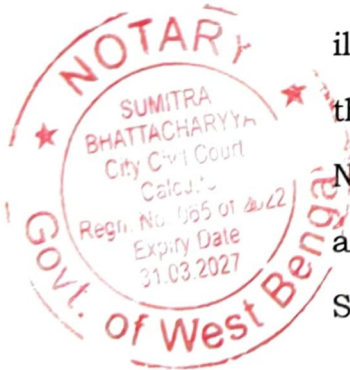
3. I have been advised to deal with and/or traverse only those averments and allegations made in the said written notes which are material for proper and effective adjudication of the matter. I deny and dispute each and every averments and allegations contained and made in the said written notes save and except those which I specifically admit herein and those which are matters of record.



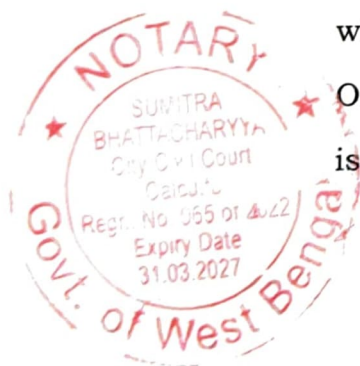
Before dealing with the allegations against the Applicants, the applicants submit that the fact of the case is that one Giden Majhi s/o late Sufal Majhi was the original recorded owner of Plot nos. 707, 708, 712, 713, 714, 715,

716, 670 & 677 in Mouza Madna , J.L No. 11, P.S. Nalhati in the district of Birbhum, West Bengal. The total area being 7.26 acres approximately. The said Giden Majhi passed away on 10.01.2021 leaving behind him two sons namely Mamla Majhi i.e. Applicant No. 2 in the Original Application No. 133/2023 EZ and Jabar Majhi as his successors and legal heirs. That on 10.01.2026 the said Mamla Majhi passed away leaving behind his younger brother, Jabar Majhi i.e. the present applicant as his successor and legal heir.

5. With reference to Paragraph No. 2 the Applicants deny that the proceedings initiated under Section 18(1) read with Section 14,15 &17 of National Green Tribunal Act, 2010 in the Original Application No. 133/2023/EZ have been filed against the respondent nos. 13, 14 & 15 with mala fide intention to harass and defame the reputation of the said respondents. The said Application has been filed against the private respondents in connection to the illegal mining ,stone quarrying and dumping activities by them and several others in the said plots of the Applicant No. 2 without his consent and permission . And without any environment clearance to such project from the SEIAA (State Environment Impact Assessment Authority).



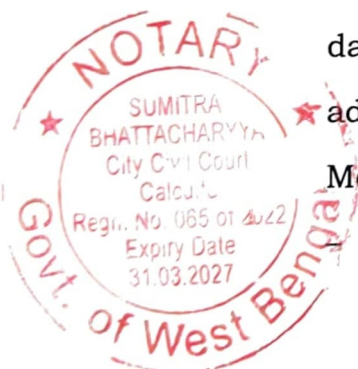
6. With reference to Paragraph Nos. 4 , 5, 6 & 7 your Applicants state that since the year 2022 the said private respondent nos. 13, 14 & 15 are actively involved in illegal stone mining, quarrying and dumping activities along with the other private respondent nos. 16 to 19 in the abovementioned plots of the applicants without their consent and permission. The Applicants have lodged several written complaints against the said private respondent nos. 13 to 19 for carrying illegal mining, stone quarrying and dumping activities in the abovementioned plots. However, it is most unfortunate that in spite of the said written complaints being lodged with the concerned police authorities since 7.12.2022 till date i.e. for the past 3 years but no appropriate restraining measures have been initiated against the abovementioned respondents.
7. With reference to the contents in Paragraph Nos. 8 & 9 the Applicants submit that the said Civil & Criminal Proceedings mentioned therein are in connection to property dispute between the respondent nos. 17, 18 & 19 which pertains to different cause of action. The present Original Application is in connection with environmental issues. Thus the cause of action is not the same .



8. With reference to the contents in Paragraph No. 10 the applicants vehemently deny the allegation that the Applicant No.1 is notorious for engaging in various illegal activities and has a racket whereby he tries to extract money from people by falsely implicating their name in false case and he has been trying to do the same with the respondent no. 13 to 15 in connivance with the applicant no. 2 by filing multiple cases in different forums. The Applicant No. 1 is graduate in Commerce and hails from a reputed and financially stable family background . He was requested by the Applicant No. 2 to assist him with the proceedings as the Applicant No. 2 was a senior citizen of the country suffering from various ailments and illiterate. Thus he needed the help of the Applicant No. 1 in the instant proceedings.

9. With reference to the contents in Paragraph No. 11 the applicants submits that the respondent No. 13 , 14 & 15 have mentioned an Affidavit filed by the District Magistrate, Birbhum but they have not given the exact date of filing so it is unclear which affidavit they are addressing . With reference to the show case notice vide

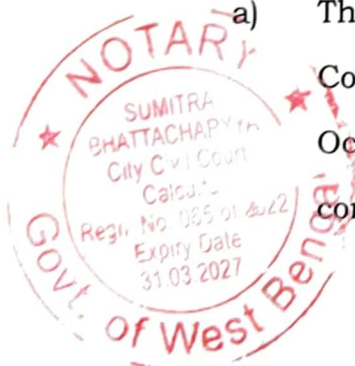
Memo No. 161/ZM dated 27.02.2025, the Sub-Divisional Officer, Birbhum, Rampurhat, Birbhum issued



Showcase Notice being Memo No. 60 (13)/JM dated 17.01.2025, Memo No. 161/JM dated 27.02.2025 & Memo No. 189/JM dated 7.03.2025 for hearing in matter of O.A. No. 133 of 2023 /EZ the National Green Tribunal , Eastern Zone Bench , Kolkata , order dated 16.02.2024 and in pursuance to the Memo No. M&M/ 5740/ DL & LRO(B) / 2024 dated 12.12.2024 to the private Respondent Nos. 6 to 12 being Bapi SK, Mustak SK, Paskel Hasda , Josef Hasda , Budishal Soren , John Hasda & 8 others being Bijoy Mondal , Sajed SK, Tasiruddin SK, Jatan Murmu, S. Hansda , Bablu Mia, Paresh Kumar Dutta, Suresh Hansda all of P.S Nalhati, District - Birbhum for conducting illegal mining and crushing of black stone. Copy of the said Notice dated 17.01.2025 being Memo No. 60(13)/JM is annexed herewith and marked as Annexure - A

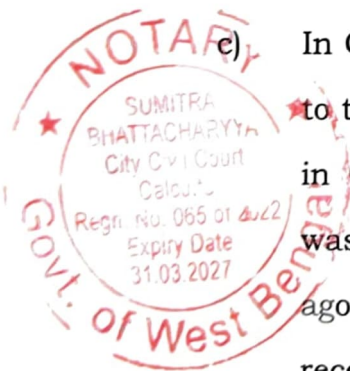
10. With reference to Paragraph No. 12 your Applicants most humbly submits as follows :

a) That in Report dated 15.02.2024, Paragraph 5 filed by the Committee constituted by Hon'ble NGT vide order dated October 4,2023 against O.A. No. 133/2023/EZ the committee observed that confining specifically to the



referred plots of land quarrying activities are being carried out at the Plot Nos. 707,712,713,714 & 715 covering an area of 2.736 ha(6.76 acres) of land amongst certain others. The volume of stone extraction on these alleged plots could be measured approximately 791849.59 cubic meters (2,79,63,915 c.ft.)

- b) In Report dated 9.05.2024 filed by the Committee constituted by the District Magistrate, Birbhum for compliance of the solemn direction dated 16th February , 2024 passed by the Hon'ble NGT in OA No. 133/2023/EZ in Paragraph No. 4 the Committee submitted that extraction of stone happened long time ago over Plot Nos. 707 , 712, 713 & 714 and evidence of recent extraction (nearly about few months ago) over plot No. 688 & partly on Plot No. 715 could be sensed .

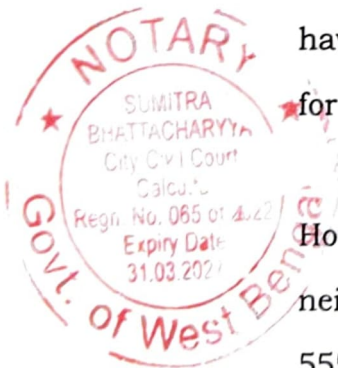


- c) In Current Status Report dated 15.05.2024 in compliance to the solemn order passed by the Hon'ble National Green in O.A. No. 133/2023/EZ the Committee stated that it was noticed that extraction of stone happened long time ago over Plot Nos. 707, 712, 713 & 714 and traces of recent extraction (nearly about few months ago) over Plot No. 688 & partly on Plot No. 715 was sensed .

- d) In Report dated 3.01.2025 regarding replies to the paragraph no. 4 and contained in the Affidavit of the Applicants dated 7.12.2024 in O.A. No. 133 of 2023/EZ two stone crushers were operating illegally in contravention of the provisions of law without any valid license/ Permit or consent to operate from the competent authority in plot Nos. 709, 710 & 71 . On prima facie it was learnt the John Hansda i.e. respondent No. 17 and one Bijoy Mondal are persons running these illegal crushers and FIR have been lodged against them in the Nalhati Police Station and directions have been issued to police authority to stop these Crusher units.

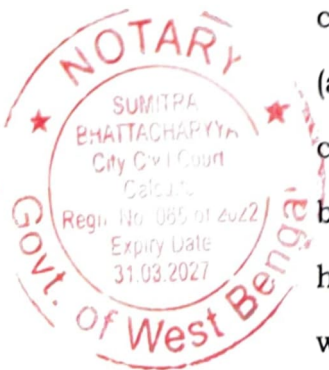
In paragraph No. 6 it is admitted that in Plot no. 709, 710 & 711 there are piles of black stone where illegally mined stones have been stored in contravention to the provision u/s 4(1A) of the MM(D&R) Act, 1955 .Accordingly steps have been taken by lodging FIR in Nalhati Police Station for prosecution against the miscreants.

However on field enquiry it has come to the notice that in neighboring few plots, viz, 381, 382, 383, 303, 673, 680, 555, 556, 678, 681, 682, 772, 780, 779, 306 and 305 illegal stone mining is been carried out . Investigation is



going on as to who are conducting these illegal mining. Recorded owners of these plots are poor Tribal people, who do not disclose the identity of persons involved either because of fear or vested interests in connivance with the persons involved in mining.

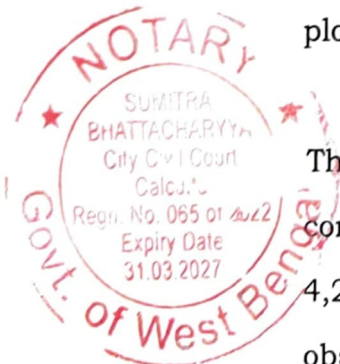
On investigation it has been also found that there are some illegal stone crusher units in the plots no. 381/1457, 381/1458, 709,710,711,&382 run by the some miscreants who have no license / permit / consent to operate (CTO) . Stones are being transported from the illegal mines to these crushers and after crushing finished product of black stone are being transported from these crushers to the different places. All these activities, i.e., mining , storing and transportation of black stone are being run illegally in contravention to the provisions laid down u/s 4(1) and 4(1A) of the Mines & Minerals (Development & Regulation) Act, 1957 and also in contravention to the Rules as laid down under Rules 3(1) (a) and 3(1) (b) of the West Bengal Minor Mineral concession Rule , 2016. Though these activities are not being conducted within the alleged site of suit plots , however steps are being taken to stop the illegal mining as well as to close these illegal crusher units.



It may be admitted that the administration is fully aware of the fact that these illegal mining's are damaging the environment and endangering the general health of local people through pollution .

To comply with the solemn order passed by the Hon'ble NGT dated 17.02.2024 in O.A. No. 133/EZ/2023, illegal mining activities on the suit plots have been possible to prevent and to disbud . However to completely and effectively prevent illegal mining continuous measures are required targeting extraction , transportation and storage of black stone as a whole.

- e) In Parawise reply to the Rejoinder affidavit dated 5.02.2025 submitted by the Applicants O.A. No. 133 of 2023/EZ the committee submitted that The illegal mining has been completely prevented in Rejoinder affidavit dated 5.02.2025the suit site pertaining to the plots no. 707, 708, 712, 713, 714, 715, 716, 670 and 677.



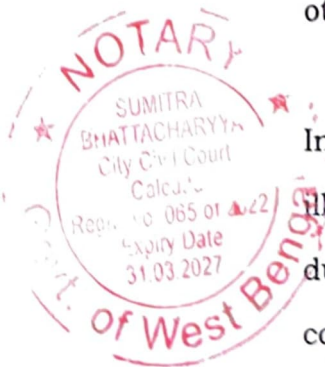
That in Report dated 15.02.2024 filed by the Committee constituted by Hon'ble NGT vide order dated October 4,2023 against O.A. No. 133/2023/EZ the committee observed that confining specifically to the referred plots of

land quarrying activities are being carried out at the Plot Nos. 707,712,713,714 & 715 covering an area of 2.736 ha(6.76 acres) of land amongst certain others. The volume of stone extraction on these alleged plots could be measured approximately 791849.59 cubic meters (2,79,63,915 c.ft.)

However in parawise reply to the Rejoinder affidavit dated 5.02.2025 submitted by the Applicants, the committee submits that yes it is undeniable that there are traces of mining activities in the suit site , but the mining activities have taken place in the past, near about seven to eight years ago. It is fact at present no mining activities are going on in the suit site. As proof the photographs, taken on 30.05.2025 are being annexed herewith.

The submissions and contents in the Affidavits submitted by the Committee on deference dates are contrary to each other .

In view of the above fact and circumstances it is clear that illegal and unauthorized mining , stone quarrying and dumping activities are continuing in the quarry site in connivance with the concerned government authorities .



Thus it is clear a nexus exists between the private respondents and the concerned Government authorities. further more it has been clearly admitted in the Report dated 3.01.2025 that the local people either out of ignorance and threat and fear refused to give any information regarding the persons involved in the illegal mining activities. Thus the submission that the respondent no. 13 , 14 & 15 are not involved in the said activities is not proved beyond doubt .

Therefore they have been rightly impleaded in the instant proceedings under Section 18(1) read with Section 14, 15 And 17 or the National Green Tribunal Act, 2010 and should be prosecuted in accordance with law .

That the statements made in paragraph nos. 1 to 13 are true to my knowledge or taken from records which I verily belief to true and the rest are my humble submission before this Hon'ble Tribunal .

Prepared in my office

Moneem Islam
Advocate
Enrollment No. WB/1725/02

Seratul Islam
Deponent

Solely Affirmed and
Declared before me U/S 139
CPC, (C)

Sumitra Bhattacharyya
Notary

Sumitra Bhattacharyya
Notary, Govt. of W.B
Regd. No. 065 of 2022
City Civil Court, Calcutta

17 MAR 2026



GOVERNMENT OF WEST BENGAL
OFFICE OF THE SUB-DIVISIONAL OFFICER

RAMPURHAT * BIRBHUM
E-mail ID :- edmrph@gmail.com

(J.M SECTION)

NOTICE

Memo No- 60 (13)/JM

Dated: 17/01/2025

- To:-
1. Bapl SK S/O Sainul Islam, at Vill. & PO. Ekdala, PS. Rampurhat, Dist. Birbhumi.
 2. Mustak SK S/O Late Hakim SK, at Vill. Nalhati Mondalpara.
 3. Paskel Hasda S/O Benjamin Hasda, at Vill. Chillimpur, PO. Bantor.
 4. Josef Hasda S/O Matilal Hasda, at Lakhnamara, PO. Horioka.
 5. Bodhisal Soren S/O Ramjatin Soren, at Chandannagar, PO. Horioka.
 6. John Hasda & Bijoy Mondal, 9. Sajed SK, 10. Tasruddin SK, 11. Jafan Murnu, 12. Soffi Hemram, 13. Bablu Mda, 14. Pareshi Kumar Dutta, 15. Suresh Hansda All are PS. Nalhati Dist. Birbhumi.

Sub- Call for hearing in the matter of O.A No. 133/2023/EZ in the Hon'ble NGT at Kolkata, order dated 16.02.2024 and memo no. M&M/ 5740/ DL& LRO (B)/2024 dated on 12.12.2024 by the District Magistrate, Birbhumi.

In reference to the above order passed dated on 16.02.2024 in O.A No. 133/2023/EZ by the Hon'ble National Green Tribunal eastern Zone Branch, Kolkata and in pursuance to the memo no. M&M/5740/DL& LRO (B)/2024 dated on 12.12.2024 by the District Magistrate, Birbhumi, a hearing has been scheduled to be held on 24.01.2025 at 11:30 am. in the office chamber of the undersigned.

You are hereby directed to appear in the hearing on above mentioned date & time; otherwise steps will be taken as per law.

Sub-Divisional Officer
Rampurhat, Birbhumi

Dated: 17/01/2025

Memo No- 60 (13)/JM

Copy forwarded for information to:-

1. The District Magistrate, Birbhumi.
2. The BDO, Nalhati-I with request to attend the hearing.
3. The BL& LRO Nalhati-I Block, with request to attend the hearing and serve the notices upon the above persons and to submit service return.
4. The IC Nalhati Police Station, with request to attend the hearing.

Sub-Divisional Officer
Rampurhat, Birbhumi



43 P. Chakraborty
PL SIR by
20/1/2025

Typed Copy

Government of West Bengal
OFFICE THE SUB-DIVISIONAL OFFICER
Rampurhat, Birbhum
E-mail Id:-sdmrph@gmail.com
J.M. SECTION

NOTICE

Memo No. 60 (13)/JM

Dated: 17.01.2025

To,

2. Bapi Sk. S/o Sainul Islam, at Vill & P.O. Ekdala, P.S.- Rampurhat, Dist.-Birbhum.
3. Mustak Sk. S/o Late Hakim at Vill- Nalhati Mondalpara
4. Faskal Hasda, S/o Benjamin Hasda, at Vill.- Chilimpur, P.O.- Bantor
5. Josef Hasda, S/o Matilal Hasda, a Lakhsnamara, P.O.- Horioka,
6. Budhisal Soren, S/o Ramjatan Soren, at Chandannagar, P.O.- Horioka
7. John Hasda, 8. Bijoy Mondal, 9. Sajed Sk. 10. Tasiruddin Sk., 11. Jatan Murmu, 12. Sutit Hemram, 13) Bablu Mia, 14. Paresh Kumar Dutta, 15) Suresh Hansda All are PS. Nalhati, Dist.- Birbhum.

Sub: Call for hearing in the matter of O.A. No.183/2023/EZ in the Hon'ble NGT as Kolkata, order dated 16.02.2024 and memo No. M & M/5740/DL& LRO(B)/2024 dated on 12.12.2024 by the District Magistrate Birbhum.

In reference to the above order passed dated on 16.02.2024 in O.A. No. 133/2023/EZ by the Hon'ble National Green Tribunal Eastern Zone Branch, Kolkata and in pursuance to the memo No. M & M/5740/DL & LRO(B)/2024 dated on 12.12.2024 by the District Magistrate, Birbhum a bearing has been schedule in the held on 24.01.2025 at 11.30 am in the office chamber of the undersigned.

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Rampurhat, Birbhum

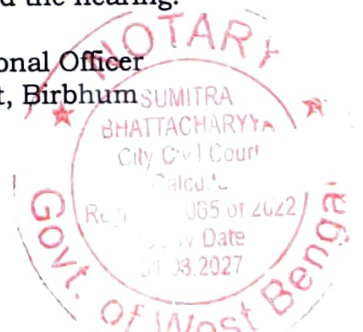
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2. The BDO Nalhati-I with request to attend the hearing.
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4. The I.C. Nalhati Police Station with request to attend the hearing.

Sub- Divisional Officer
Rampurhat, Birbhum



Before The National Green Tribunal
Eastern Zone Bench, Finance Centre,
3rd Floor, New Town, Kolkata

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AFFIDAVIT IN REPLY ON BEHALF
OF THE APPLICANTS TO THE
WRITTEN NOTES BY THE
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Email: nasreenislam27@gail.com