

S.L. No. 49



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No.40/2023/EZ**

In The Matter of:-

Sanjib Poddar

..... Applicant

- Versus-

National Wetland Authority & Ors.

...Respondent(s)

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NUMBER 07, THE
DISTRICT MAGISTRATE SOUTH (24) PARGANAS.**

INDEX

SLNo.	PARTICULARS	ANNEXURE	PAGE
1.	Counter Affidavit of the District Magistrate & Collector South (24) Parganas		1-9
2.	Photocopy of the server copy of the judgment dated 03.01.2022 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata is annexed herewith	'R1'	10-20
3.	Copy of the affidavit dated 01.11.2022 and the report is annexed	'R2'	21-36
4.	Photocopy of the Server copy of the Solemn Order dated 08.04.2026 passed by Hon'ble High Court at Calcutta is annexed herewith	'R3'	37-40
5.	Photocopy of the Server copy of the Solemn Order dated 08.12.2022 passed by Hon'ble High Court at Calcutta is annexed herewith	'R4'	41-42

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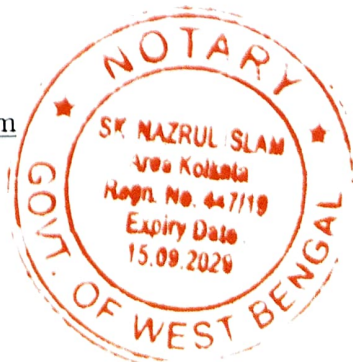
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02 JUL 2026



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EASTERN ZONE BENCH, KOLKATA
Original Application No.40/2023/EZ**

In The Matter of:-

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**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NUMBER 07, THE
DISTRICT MAGISTRATE SOUTH (24) PARGANAS.**

I, Sri. Abhishek Kumar Tiwari, S/o Om Prakash Tiwari, aged about 41 years, by faith- Hindu, by occupation- Government Service, now posted as District Magistrate, South 24 Parganas having office at Alipore, Kolkata-27, West Bengal, do hereby solemnly affirm and declare as follows: -

1. That I am presently posted as the District Magistrate, South 24 Parganas, West Bengal, and I have made myself acquainted with the facts and circumstances of this case and competent to affirm this Counter Affidavit of Compliance on my behalf, being the respondent number 07, herein, in the instant Original application.
2. That this Counter Affidavit is filed in compliance and obedience to the Solemn Orders dated 03.11.2025, 06.01.2026 and 12.03.2026.

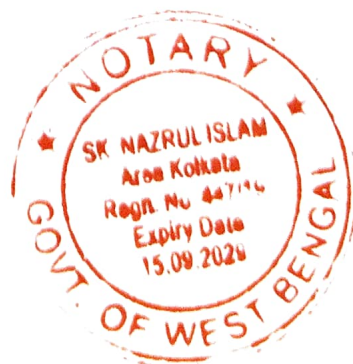
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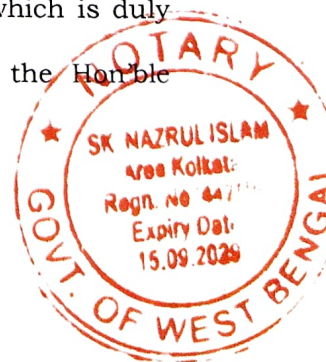
passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

3. That it is stated and humbly submitted before the Hon'ble Tribunal that the instant Original Application being No. O.A. NO. 40/2023/EZ has been filed by the Applicant inter alia challenging the report of the Joint Committee constituted in Original Application No.25/2016/EZ which has been decided by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata. At the time of deciding the O. A. No. 25/2016/EZ vide Solemn Order dated 03.01.2022 in paragraph number 1 it has been observed inter alia that the 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- Maidan, in Ward No. 57, of the Kolkata Municipal Corporation measuring about 60 bighas and hence the area in question does not fall within the ambit of the District of South (24) Parganas in as much as Ward Numbers 1 to 100 of the Kolkata Municipal Corporation are covered within the Kolkata Municipal Corporation Act, 1980 having exclusive jurisdiction to the same.

Copy of the order dated 03.01.2022 and the report is annexed and marked as R1.



4. That in the Original Application No.25/2016/EZ in which the order dated 03.01.2022 was passed, the Hon'ble National Green Tribunal, while disposing of the same had constituted an eight Member Committee namely, 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 known as 'Ukil Bheri' and whether prohibition against construction applies to the area in question. In the said Solemn order the Hon'ble Tribunal had interalia also directed that if prohibition is applicable, remedial action for protection of the wetland in question shall have to be taken by the concerned statutory authority.
5. That it is stated and submitted that in the Joint Committee as constituted by the Hon'ble Tribunal, the District Magistrate, South 24 Parganas was duly represented by the Additional District Magistrate & District Land & Land Reforms Officer, South 24 Parganas for compliance of the order dated 03.01.2022 ascertaining the factual position about the status and extent of the wetland and for taking further measures in accordance to law.
6. That it is pertinent to mention herein that the applicant herein was represented by the office bearers of the Metropolitan Co-operative Housing Society Limited as respondent nos. 14 to 22, which is duly mentioned in the order dated 03.01.2022 passed by the Hon'ble



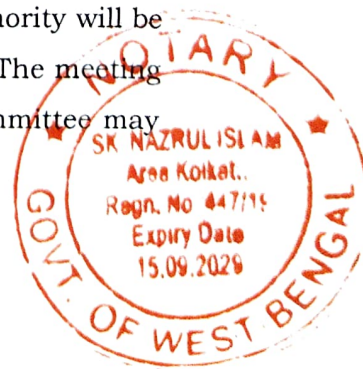
Tribunal. That it is also noted in the same order that several sale deeds were also filed by the said respondents before the Hon'ble Tribunal. Therefore, the contention that the applicant of having no knowledge of the instant order is false and baseless.

7. That it is stated and submitted that the Affidavit affirmed by Chief Environment Officer, Department of Environment, Government of West Bengal and State Wetlands Authority on 01.11.2022 as final report in OA 25/2016/EZ, it is mentioned that the Joint Committee inspected the site on 17.02.2022, one representative of the Metropolitan Co-Operative Housing Society, Mr. Sanjib Poddar was present.

Copy of the affidavit dated 01.11.2022 and the report is annexed and marked as R2.

8. That moreover paragraphs 22 and 23 of the order dated 03.01.2022 of the Hon'ble Tribunal read as under:-

"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.

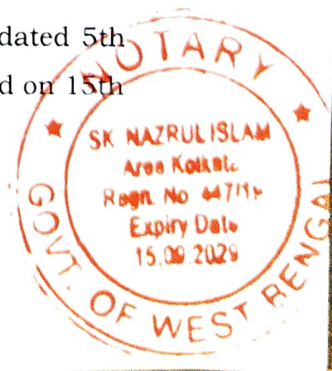
23. In view of our prima facie finding that the area is wetland and prohibition against construction is applicable, pending further action, no further activity be undertaken in the area in question, including in Dag no. 267 and 268. If the Committee finds the constructions are in prohibited area, the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

9. That it is also submitted that another matter being number W.P.A. No.21710 of 2022, (Sabyasachi Mullick Chowdhury Versus National Wetland Authority & Ors.), is pending before the Hon'ble High Court at Calcutta on the self-same cause of action for implementing the Solemn Order/Judgment dated 3rd January, 2022 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in OA no. 25/2016/EZ.

10. That in W.P.A. No. 21710 of 2022 vide Solemn Order dated 08.04.2026 the Hon'ble High Court at Calcutta has been pleased to observe the following:-

“1. That the petitioner has filed the present application praying for an order for implementation of the part of the report of the Committee submitted before the National Green Tribunal which has been accepted by the Tribunal.

2. The counsel for the petitioner submits that by an order dated 5th December, 2022 this Court has clarified that the order passed on 15th



November, 2022 the authority shall implement the part of the report with regard to taking steps against the illegal construction in the meantime. The petitioner has alleged that in spite of the order passed by this Court without implementing the report of the Committee filed before the National Green Tribunal, the respondent no. 9 in connivance with the local authorities continuing the construction over the property in question and as such the part of the report of the Committee is to be implemented.

3. The learned counsel for the petitioner submits that on the earlier occasion also this Court has appointed the Special Officer and submitted the report but till date the part of the report has not been implemented.

4. The Special Officer submitted the report in the year 2022 but now we are in 2025 and as such a fresh inspection is required to be called for by appointing Special Officers to ascertain the actual and physical status of the property in question.

5. This Court is of the view that before passing any further order in the present application and Special Officers needs to be appointed to ascertain the following facts:

- i. Whether the plot nos. CZ- 9B, CS- 14A, CZ- 14B, CZ15A, CZ- 20A, CZ- 21A and CZ- 26A/B/C are still a wetland or any construction is being made in the said property;
- ii. Whether the K.M.C has taken any steps for restoration of the water body in plot nos. CZ- 9B, CS- 14A, CZ- 14B, CZ- 15A, CZ- 20A, CZ- 21A and CZ- 26A/B/C;
- iii. Whether any construction is going on or not in the abovementioned plots.
- iv. What is the present status of the abovementioned plots.

6. Mr. Soumya Majumder, learned senior advocate and Mr. Krishnaraj Thakker, learned senior advocate are appointed as Special Officers to ascertain the above facts and to submit the report before this Court on the next date fixed.



7. The Special Officers are directed to inspect the premises and property in question after issuance of notice to all the parties to the present writ application. The Special Officers will also issue notice to the Fisheries Department for production of the records of the property in question and the officers of the Fisheries Department shall also be present along with the Special Officers at the time of the inspection along with all records of the said plots of land.

8. Let the report be filed before this Court on 7th May, 2026.”

Photocopy of the Server copy of the Solemn Order dated 08.04.2026 passed by Hon'ble High Court at Calcutta is annexed herewith and marked as R3.

11. That in CAN 1 and CAN 2 of 2022 was filed in connection with WPA no. 21710/2022, made by the instant applicant of this Original Application for being added as a party respondent to the writ petition. That vide order dated 08.12.2022 dismissed the abovementioned applications by observing:

“The cause of action, which has brought the applicant to this Court, is a letter of 16th 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 such 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.”

Photocopy of the Server copy of the Solemn Order dated 08.12.2022 passed by Hon’ble High Court at Calcutta is annexed herewith and marked as R4.

12. That it is respectfully prayed before the Hon’ble Tribunal may be pleased to pass such further Order/Orders as is deemed fit for the ends of justice.

13. That the statements made in paragraph 1 is true to my knowledge and paragraphs 2 to 11, are based on information derived from the record and which I believe to be true and rest thereof are my humble submission before this Hon’ble Tribunal.

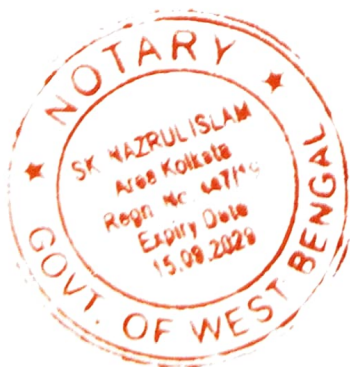
Identified by me

Sibojyoti Chakrabarti
Advocate
State of West Bengal 01.07.2026

Anu Singh
Deponent
District Magistrate.
South 24-Parganas

Solemnly Affirmed and
Declared before me on the
Identification of the Advocate

SK. HAZRUL ISLAM
Notary
SK. HAZRUL ISLAM
Notary, Govt. of W.B.
Govt. No. 447/19
City Civil Court, Calcutta

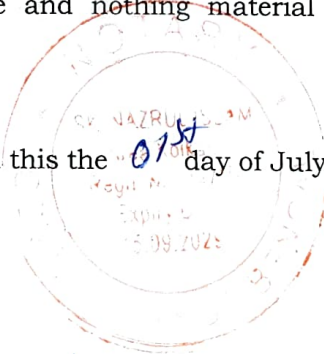




Verification

I, the deponent within named do hereby solemnly affirm and verify that the contents of the statements made in the above paragraphs of the affidavit are true and correct to the best of my knowledge and belief. No part of the same is false and nothing material has been concealed therefrom.

h / Verified at Kolkata, on this the *01st* day of July, 2026.

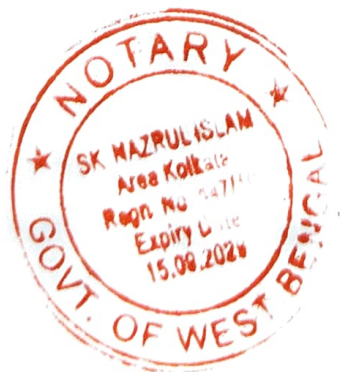


Identified by me

Sibgyati Chakrabarti
Advocate
State of West Bengal
01.07.2026

Deponet

Deponent
District Magistrate.
South 24-Parganas



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. 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. 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 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 silt. 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, 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 '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."

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 2nd 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:-

"xxxxxx.....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

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.*¹, *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,

¹ (2017) 7 SCC 805

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.

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

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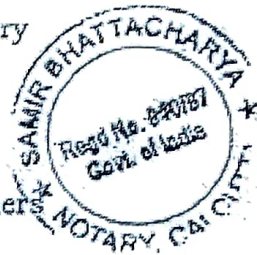
BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

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 Frani Sampad Bhawan, 5th 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

-175-

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 28th day of October, 2022.



Solely Author
Balamurugan Balamurugan
CPCB/10/3291/CT/ENPC

01.11.22
17/10/22

Samir Bhattacharya
Notary, West Bengal
Regd. No. 940/97
Civil Court, Calcutta

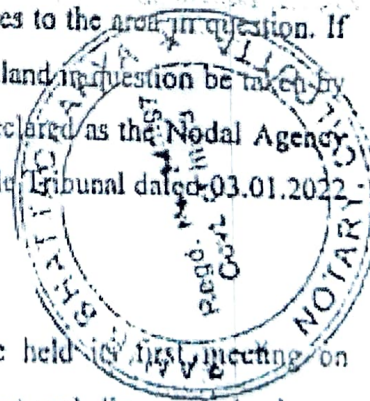
Kaliyamurthi Balamurugan
DEPONENT

Chief Environment Officer
Environment Department
Government of West Bengal

- 176 -

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.

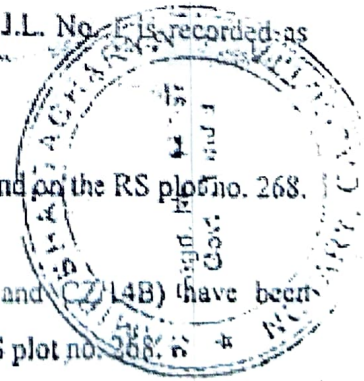
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The Additional District Magistrate & District Land and Land Reforms Officer, South 24 Parganas conducted a field enquiry on R.S. Plot no. 267 and 268 in Mouza Nimokpoktan, J.L. No. 1 from 07/02/2022 to 11/02/2022 and submitted the report on 16.02.2022. 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.



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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.

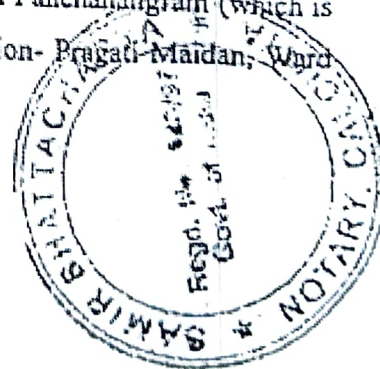
At the time of site inspection on 17.02.2022, one representative of the Metropolitan Co-operative Housing Society, Mr. Sanjib Podder was present, no one was present on behalf of the petitioner.

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.

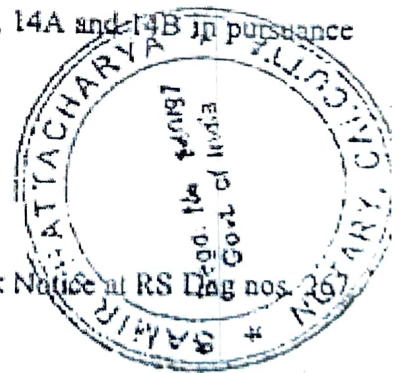
The Deputy Chief Engineer, KMC could not produce any document on land classification of RS Dag No.267 and he requested the Joint Committee to call the following officials to be present in the next meeting to be held on 22.03.2022 namely :

- 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



-1180-

(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 Sunil 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

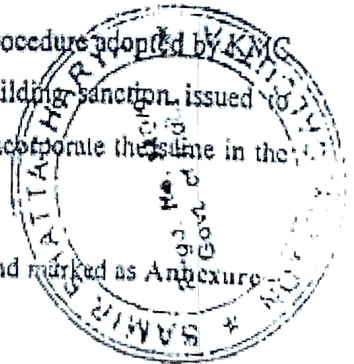
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the waterbody. In this regard four (4) complaints were lodged by KMC with PS Pragati Maidan, from 2016 - 2019, against which a case was already started vide PGM P.S. Case No.-105 dated 15.03.2016, u/s 22 of the West Bengal Inland Fisheries Act, u/s 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.

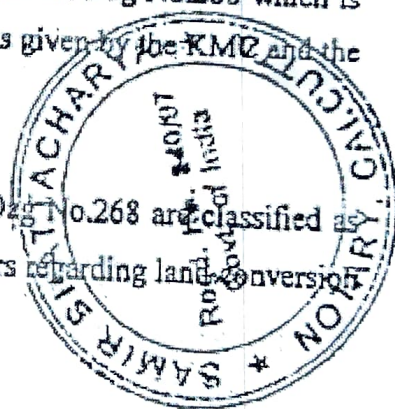
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KMC intimated stop construction notice to the following premises and revocation of sanction plan w/sec 397 of the KMC Act, 1980: 1. A/P-CZ-23, 2. A/P-34/B, 3. CZ-20A/B, 4. A/P-25/A, 5. A/P-38/A, 6. CZ/15A/B, 7. A/P-CZ-18.

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.



-183-

- 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. Subyascahi 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, EKOVMA 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.

-184-

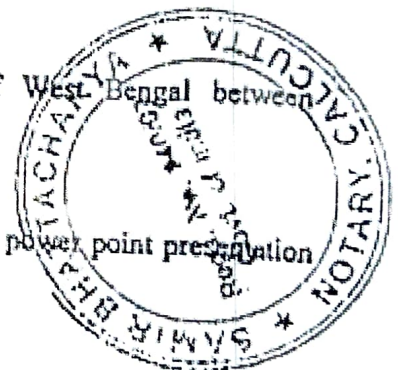
The petitioner submitted the documents on 23.05.2022 to the office of EKWMA and the Secretary, Metropolitan Co-operative Housing Society submitted the documents on 25.05.2022 in the office of EKWMA.

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.

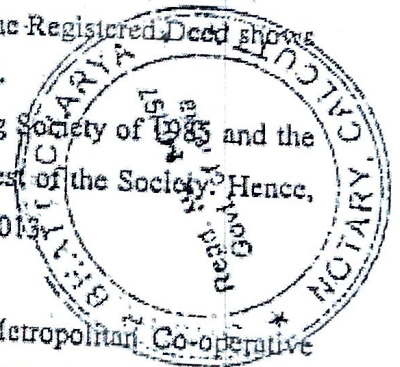
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- The Google Imagery of 2022, shows the existence of plot Nos. CZ-9B, CZ-14A, CZ-14B, CZ-15A, CZ-20A, CZ-21A and CZ 26 A/B/C.

- 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 :

- 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.



- 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.

- 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.

- 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

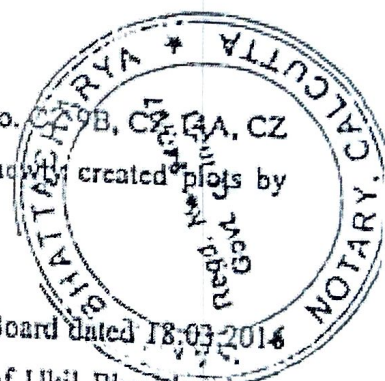
-186-

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 18.03.2016 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 4th 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



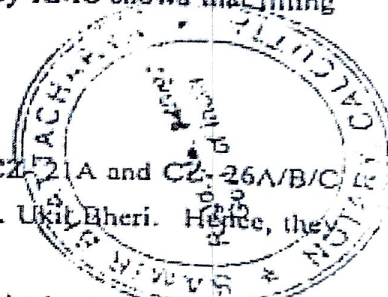
- 187 -

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 Supriya 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.

-188-

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.

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

Neelam Meena, AS
Secretary
Environment Department
Government of West Bengal

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

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

डा. शाहिदा परवीन काजी / DR. SHAHIDA PARVIN QUAZI
वैज्ञानिक - ई / SCIENTIST - E

प्रशासन, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
एकीकृत क्षेत्रीय कार्यालय / INTEGRATED REGIONAL OFFICE
म. नं. 198, सेक्टर-III, सॉल्ट लाई सिटी, कोलकाता - 700106
10-198, SECTOR-III, SALT LAKE CITY, KOLKATA - 700106

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

सुष्मिता एक्का / Susmita Ekka
वैज्ञानिक 'D' और राष्ट्रीय निम्नस्तर
Scientist 'D' & Govt. Analyst
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निर्देशालय / Regional Directorate
प्रदूषण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार
Ministry of Environment, Forest & Climate Change, Govt. of India
1382, राजराजा 84 गेट / Rajaraja 84 Gate
कोलकाता / Kolkata-700107

-189-

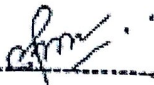


Sri. Nitesh Dhali, ADM& DL&LRO
District South 24 Parganas
District Land & Land Reforms Officer
South 24-Parganas, Alipore



Sri. Debushis Sarkar, Chief Engineer
WBPCB

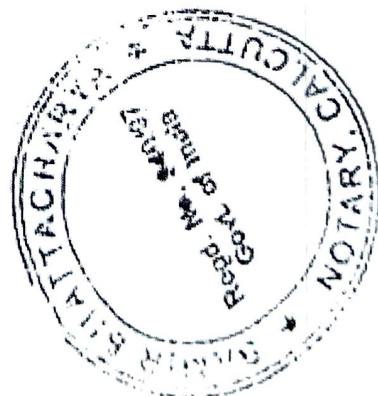
Chief Engineer
W. B. Pollution Control Board
Dept. of Environment, Govt. of W.B.



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



S/L 16
08.04.2026
Court No.25
B.K.N

W.P.A. 21710 of 2022

With

CAN 7 of 2025

CAN 8 of 2026

CAN 9 of 2026

Sabyasachi Mullick Chowdhury

Vs.

National Wetland Authority & Ors.

*Mr. Jishnu Chowdhury, Sr. Adv.,
Mr. Rupak Ghosh,
Mr. Vishwarup Acharyya*

...for the Petitioner.

*Mr. Swapan Banerjee,
Ms. Sumita Shaw*

...for the State (Respondent No. 2 & 11).

*Ms. Soumi Guha Thakurata (Via V.C.),
Ms. Madiha Haider,
Ms. Raima Ganguly*

...for the CPCB (Respondent No. 3).

*Mr. N. C. Bhanu, Sr. Adv.,
Mr. Soumya Mukherjee*

...for the W.B.P.C.B (Respondent No. 5).

*Mr. Amal Kumar Sen, Ld. AAG,
Mr. Benazir Ahmed,
Mr. Partha Sarathi Pal*

...for the State (Respondent No. 6, 7 & 8).

*Mr. Ankur Suresh,
Mr. Asis Dutta*

...for the Respondent No. 9.

1. The petitioner has filed the present application praying for an order for implementation of the part of the report of the Committee submitted before the National Green Tribunal which has been accepted by the Tribunal.
2. The counsel for the petitioner submits that by an order dated 5th December, 2022 this Court has clarified that the order passed on 15th November, 2022 the authority shall implement the part of the report with regard to taking steps against the illegal construction in the

meantime. The petitioner has alleged that in spite of the order passed by this Court without implementing the report of the Committee filed before the National Green Tribunal, the respondent no. 9 in connivance with the local authorities continuing the construction over the property in question and as such the part of the report of the Committee is to be implemented.

3. The learned counsel for the petitioner submits that on the earlier occasion also this Court has appointed the Special Officer and submitted the report but till date the part of the report has not been implemented.
4. The Special Officer submitted the report in the year 2022 but now we are in 2025 and as such a fresh inspection is required to be called for by appointing Special Officers to ascertain the actual and physical status of the property in question.
5. This Court is of the view that before passing any further order in the present application and Special Officers needs to be appointed to ascertain the following facts:
 - i. Whether the plot nos. CZ- 9B, CS- 14A, CZ- 14B, CZ- 15A, CZ- 20A, CZ- 21A and CZ- 26A/B/C are still a wetland or any construction is being made in the said property;
 - ii. Whether the K.M.C has taken any steps for restoration of the water body in plot nos. CZ- 9B, CS- 14A, CZ- 14B, CZ- 15A, CZ- 20A, CZ- 21A and CZ- 26A/B/C;
 - iii. Whether any construction is going on or not in the abovementioned plots.

- iv. What is the present status of the abovementioned plots.
6. Mr. Soumya Majumder, learned senior advocate and Mr. Krishnaraj Thakker, learned senior advocate are appointed as Special Officers to ascertain the above facts and to submit the report before this Court on the next date fixed.
 7. The Special Officers are directed to inspect the premises and property in question after issuance of notice to all the parties to the present writ application. The Special Officers will also issue notice to the Fisheries Department for production of the records of the property in question and the officers of the Fisheries Department shall also be present alongwith the Special Officers at the time of the inspection alongwith all records of the said plots of land.
 8. Let the report be filed before this Court on 7th May, 2026.
 9. The remuneration of the Special Officers is fixed at Rs. 1,50,000/- (Rupees One Lakh and Fifty Thousand Only) each and shall be paid by the petitioner.
 10. As the petitioner has filed the present application for execution of the Committee report and the order passed by this Court thus all the parties was directed to maintain status quo with regard to the possession of the property in question till the report is filed by the Special Officers.
 11. Though Mr. Bihani, learned advocate appearing for the respondent no. 5, this Court finds that at this stage the respondent no. 9 has no role to play.

12. List this matter on 7th May, 2026 under the same heading.

(Krishna Rao, J.)

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 5th December, 2022 for listing of CAN 3 of 2022 today, it appears that CAN 3 of 2022 has not been listed.

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 16th 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 15th December, 2022.

(Moushumi Bhattacharya, J.)

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA
Original Application No.40/2023/EZ**

In The Matter of:-

Sanjib Poddar

..... Applicant

- Versus-

National Wetland Authority & Ors.

...Respondent(s)

**COUNTER AFFIDAVIT ON BEHALF
OF RESPONDENT NUMBER 07, THE
DISTRICT MAGISTRATE SOUTH
(24) PARGANAS.**

Filed by:

Mr. SIBOJYOTI CHAKRABARTI,
Advocate,
State of West Bengal
(M): 9007035534
Email: subho.advocate@gmail.com

