

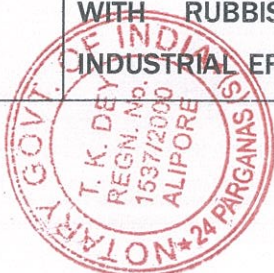
**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**AT EASTERN ZONE BENCH, KOLKATA, WEST BENGAL**  
**FINANCE CENTRE, 3RD FLOOR, NEW TOWN**  
**MEMORANDUM OF APPLICATION**  
{(under Section 18 read with Section 14, 15 of the  
National Green Tribunal Act 2010)}

**SARBANI BRAHMA.....Petitioner/ Complainant/Applicant**  
**VERSUS**  
**STATE OF WEST BENGAL & OTHERS.....Respondent/Accused**

**ORIGINAL APPLICATION NO: 01 2025**  
**OF 2024**

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**07 DEC 2024**

*Sarbani Brahma*  
*Filed by*  
*Advocate*

Sarbanu Brahma  
Filed by  
Advocate

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*Giasul Islam*

GIASUL ISLAM, ADVOCATE

CHAMBER: 13/H/23 BRAUNFIELD ROW, POST ALIPORE, KOLKATA-700027

WHATSAPP NUMBER +91-9433014080. EMAIL: ADV.GIASUL@GMAIL.COM

Date: 07<sup>th</sup> December 2024

Place: Kolkata



07 DEC 2024



Sarbanis Brahma  
Filed by 1  
Advocate

**BEFORE THE NATIONAL GREEN TRIBUNAL  
AT EASTERN ZONE BENCH, KOLKATA, WEST BENGAL  
FINANCE CENTRE, 3RD FLOOR, NEW TOWN  
MEMORANDUM OF APPLICATION  
{(under Section 18 read with Section 14, 15 of the  
National Green Tribunal Act 2010)}**

**SARBANI BRAHMA.....Petitioner/ Complainant/Applicant  
VERSUS  
STATE OF WEST BENGAL & OTHERS.....Respondent/Accused**

**ORIGINAL APPLICATION NO: \_\_\_\_\_ OF 2024**

**SYNOPSIS**

The private respondents 12 to 24 in collusion and conspiracy with the state respondents are involved in continuing offence of the illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate), and since the same is continuing every day, it is a continuing violation of the provisions of enactment specified in Schedule 1 of the National Green Tribunal Act, 2010, and thus the present Application is well within limitation.

The complainant states that illegal filling up of pond with solid waste materials, resulted in significant decrease in pond area, altered the optimal PH level of pond water, and increased the rate of eutrophication. The illegal filling of pond with solid waste materials resulted in the decrease in the number of fishes, including death of many fish species, and ecological imbalance in the area.

The private respondents 12 to 24 and state respondents should remove all the solid waste materials filled up in the said pond, and restore the said pond to its original pristine state.



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Sarvani Brahma  
2  
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Advocate

**BEFORE THE NATIONAL GREEN TRIBUNAL  
AT EASTERN ZONE BENCH, KOLKATA, WEST BENGAL  
FINANCE CENTRE, 3RD FLOOR, NEW TOWN  
MEMORANDUM OF APPLICATION  
{(under Section 18 read with Section 14, 15 of the  
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**SARBANI BRAHMA.....Petitioner/ Complainant/Applicant  
VERSUS  
STATE OF WEST BENGAL & OTHERS.....Respondent/Accused**

**ORIGINAL APPLICATION NO: \_\_\_\_\_ OF 2024**

**LIST OF DATES**

|                             |                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25 <sup>th</sup> July 2024: | The private respondents No 12 to 24 started the illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza -Bankra, Pin - 711403. (being one of the plots at Babubhai Ashrafi Estate). |
| 27 <sup>th</sup> July 2024  | The complainant sent complaint by email to the state authorities                                                                                                                                                                                                                                                                                                                                |



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**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**AT EASTERN ZONE BENCH, KOLKATA, WEST BENGAL**  
**FINANCE CENTRE, 3RD FLOOR, NEW TOWN**  
**MEMORANDUM OF APPLICATION**  
{(under Section 18 read with Section 14, 15 of the  
National Green Tribunal Act 2010)}

**SARBANI BRAHMA.....Petitioner/ Complainant/Applicant**

**VERSUS**

**STATE OF WEST BENGAL & OTHERS.....Respondent/Accused**

**ORIGINAL APPLICATION NO: \_\_\_\_\_ OF 2024**

**IN THE MATTER OF:**

SARBANI BRAHMA daughter of NALINI RANJAN  
BRAHMA residing at 278, Kalighat Road,  
P.S. Kalighat, Kolkata-700026  
Phone: 9339208757  
Email: sarbani.brahma.2024@gmail.com

**.....APPLICANT**

**VERSUS**

- 1) STATE OF WEST BENGAL through its **PRINCIPAL SECRETARY, DEPARTMENT OF ENVIRONMENT, Government of West Bengal, Prani Sampad Bhavan, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata-700098.**  
Phone: 033-2335-2742. Email: psecy.env-wb@gov.in
- 2) THE SECRETARY, PANCHAYATS AND RURAL DEVELOPMENT, Government of West Bengal, Joint Administrative Building, 7th Floor, Block HC, Plot no 7, Salt Lake, Wing B, Sector-III, Kolkata-700106.  
Phone: 03323356103.  
Email: citizen.prd@gmail.com



**07 DEC 2024**

*Sarlen Pradhan**Filed by  
Advocate*

- 3) THE PRADHAN,  
BANKRA-II GRAM PANCHAYAT,  
Village + Post Office - Bankra,  
Howrah-711403.  
Phone no - 9339599026, 9143779626  
Email: bankraiigp@rediffmail.com
- 4) THE DISTRICT MAGISTRATE & COLLECTOR,  
HOWRAH DISTRICT,  
Office of the District Magistrate & Collector,  
Howrah, 3rd Floor, New Collectorate Building,  
6, Rishi Bankim Chandra Road,  
Post + PS + District - Howrah, Pin-711 101  
Phone: 033-2641-2024.  
Email: dm-how-wb@nic.in
- 5) THE DISTRICT LAND & LAND REFORM OFFICER,  
HOWRAH DISTRICT at 12 Nityadhan Mukherjee Road,  
2<sup>nd</sup> Floor, Howrah - 711101  
Email: dllrohowrah2017@gmail.com  
Phone no - 033-26412749
- 6) THE BLOCK LAND & LAND REFORM OFFICER, BLOCK -  
DOMJUR, Baruipara, Near B D O, Domjur, Howrah -  
711405.  
Email: domjurbllro@gmail.com  
Phone no - 03326701561
- 7) THE ADDITIONAL DIRECTOR OF LAND RECORDS AND  
SURVEY, DIRECTORATE OF LAND RECORDS AND  
SURVEY, WEST BENGAL SURVEY BUILDING, 35 Gopal  
Nagar Road, Kolkata-700027. Mobile: 9433051090.  
Phone: 033-2479 5726/5727/5991,  
Email: dlrswb@gmail.com, sabujskr@yahoo.com,  
britishbarman2013@gmail.com
- 8) THE MEMBER SECRETARY  
WEST BENGAL POLLUTION CONTROL BOARD,  
Paribesh Bhawan, 10A, Block-LA Sector III,  
Bhidhannagar, Kolkata-700106.  
Email: ms.wbpcb-wb@bangla.gov.in



07 DEC 2024



Sarmini Bhattacharya

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Filed by  
Advocate

Phone: 03322023000

- 9) THE ADDITIONAL CHIEF SECRETARY,  
DEPARTMENT OF FISHERIES, Govt. of West Bengal, 31  
GN Block, 8<sup>TH</sup> floor, Sector V, Salt Lake, Kolkata-  
700091. Phone: 033- 23570077  
Email: prsecy.fisheries@gmail.com
- 10) THE INSPECTOR-IN-CHARGE, DOMJUR POLICE  
STATION, Domjur Bazaar, Howrah-Bargachia-Amta  
Road, Domjur, Howrah-711405.  
Email: domjurps@gmail.com  
Phone no. 033-26706666
- 11) THE IN-CHARGE, POLICE STATION - BANKRA  
OUTPOST (BANKRA PHARI), Bankra, Howrah -  
711403 Email: bankraop@gmail.com, Phone no -  
8420313977
- 12) MD MAHFUZ ANSARI son of late Md. Hakim Ansari  
residing at 40, Ganga Ram Bairagi Lane, P.S. & District  
- Howrah, Pin - 711101. Phone: 9339250302
- 13) SAHIM ANSARI son of late Md. Hakim Ansari residing  
at 40, Ganga Ram Bairagi Lane, P.S. & District -  
Howrah, Pin - 711101. Phone: 743938752
- 14) MD KARIM ANSARI son of late Md. Hakim Ansari  
residing at 40, Ganga Ram Bairagi Lane, P.S. & District  
- Howrah, Pin - 711101. Phone: 9330064928
- 15) RAHIM ANSARI son of late Md. Hakim Ansari residing  
at 40, Ganga Ram Bairagi Lane, P.S. & District -  
Howrah, Pin - 711101. Phone: 8100460325
- 16) MATIN ANSARI son of late Md. Hakim Ansari residing  
at 40, Ganga Ram Bairagi Lane, P.S. & District -  
Howrah, Pin - 711101. Phone: 8910258854



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17) MUNNA DRIVER c/o G M Tailors of KabarPara, New Baste (Baraf Kal), Bankra, Howrah - 711403. Phone : 8777280893, 9674152378

18) QAISER IMAM resident of KabarPara, New Baste (Baraf Kal), Bankra, Howrah - 711403

19) MD. JAFIRUDDIN resident of KabarPara, New Baste (Baraf Kal), Bankra, Howrah - 711403 also at Gram Baghmara, Post - Mango Bandar, Thana - Khaira, Man-gobandar, Jamui, Bihar - 811305 Phone : 6290889051

20) PARWEJ ALAM C/o Asgar residing at 95, Cowies Ghat Road, 2nd Floor, Shibpur Howrah - 711102 Phone : 9883620045

21) SK. JAVED s/o late Sk. Alam of KabarPara, New Baste (Baraf Kal), Bankra, Howrah - 711403

22) PRIYABRATA KAR at 40, Gangaram Ram Bairagi Lane, Howrah - 711101. Phone: 9830843172.

23) M/S MERAJ INDUSTRIES, an unregistered industry, managed by the sole proprietor Md Mahfuz Ansari son of late Md. Hakim Ansari, having its office situated at 40, Ganga Ram Bairagi Lane, Howrah PIN- 711101. Phone: 9330064928, 9681228391. Email: meraj.indus@yahoo.com

24) ASHRAFI COPPER AND ALLOYS CENT CAST, an unregistered industrial grade Workshop, managed by the sole proprietor Md Karim Ansari son of late Md. Hakim Ansari, having office situated at Babubhai Ashrafi Estate, Bankra, KabarPara, New Basti, near Baraf Kal, Howrah, PIN-711403 Phone: 9330064928

.....RESPONDENTS/OPPOSITE PARTIES



07 DEC 2024



Sarloni Prasad

7

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Advocate

**THE HUMBLE APPLICATION OF THE APPLICANT ABOVENAMED**

**MOST RESPECTFULLY SHEWETH,**

- 1) That the address of the Counsels of the Applicant is given below for the service of notices of this Application.
- 2) That the addresses of the Respondents are given above for the service of notices of this Application.
- 3) That the present Application is being filed under Section 14 of the National Green Tribunal Act, 2010 seeking intervention of this Hon'ble Tribunal to direct the Respondents to take effective, science-based action to eliminate the adverse impacts of illegal pond filling with rubbish, solid waste rubbish materials, industrial effluents, toxic substances, hot waste water effluents at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District-Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate.)
- 4) The Applicant is invoking the principle of sustainable development and precautionary principle, as envisaged under Section 20 of the National Green Tribunal Act, 2010, as well as the inter-generational equity principle and the Public Trust Doctrine. The application also raises the issue of non implementation of various environmental laws, more particularly non implementation of the Water (Prevention and Control of Pollution) Act, 1974, the Environment (Protection) Act, 1986, which has led to adverse impacts of illegal pond filling with rubbish, solid waste rubbish materials, industrial effluents, and toxic substances. The illegal pond filling at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District-Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, resulted in significant decrease in pond area, and also resulted in the death of many fishes in the pond.



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Sarban Prodhone

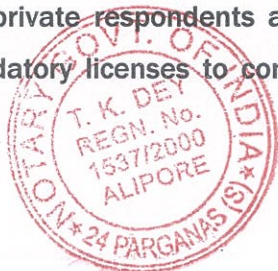
Filed by  
the  
Advocate**A. FACTS IN BRIEF**

1. The complainant is a peace loving and law abiding citizen of India residing within the jurisdiction of the honorable Green Tribunal.
2. That since 25/07/2024 around 10:30 am, the private respondents No. 12 to 24 started illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra, Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate) without any authority of law.

Information of Dag issued by the office of the block land & land reforms officer, Government of West Bengal, at R.S. Dag No. 973/L.R. Dag No. 953 is annexed and marked as ANNEXURE-A.

Photography of the illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances at R.S. Dag No. 973/L.R. Dag No. 953 is annexed and marked as ANNEXURE-B.

3. The illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, and toxic substances resulted in significant decrease in pond area, resulted in the death of many fishes in the pond.
4. The private respondents numbered 12 to 24, along with their associates, agents, and representatives, have been unlawfully discharging industrial effluents, toxic substances, and hot wastewater from the workshops of **M/S MERAJ INDUSTRIES** and **ASHRAFI COPPER AND ALLOYS CENT CAST**, located at R.S. Dag No. 954, Mouza Bankra, into a pond situated at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian Nos. 495, 10022, and 14368-14387, within District Howrah, Block Domjur, Mouza Bankra, Pin - 711403 (part of Babubhai Ashrafi Estate), without any legal authority.
5. The private respondents and their associates lack the requisite statutory and mandatory licenses to conduct industrial-grade manufacturing activities under



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Advocate

the names **M/S MERAJ INDUSTRIES** and **ASHRAFI COPPER AND ALLOYS CENT CAST** in the aforementioned densely populated residential area. These industrial activities are taking place at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian Nos. 495, 10022, and 14368-14387, as well as at Premises No. 40, Ganga Ram Bairagi Lane, P.S. Domjur, Howrah - 711101, in clear violation of the law.

6. The units **M/S MERAJ INDUSTRIES** and **ASHRAFI COPPER AND ALLOYS CENT CAST** operate in densely populated residential areas without proper registration as a company or partnership firm. They also lack the necessary licenses, approvals, and consent to operate from competent authorities for conducting industrial-grade manufacturing activities in the aforesaid pond plot at Babubhai Ashrafi Estate.
7. The private respondents No. 12 namely Md Mahfuz Ansari son of late Md. Hakim Ansari who the sole proprietor of **M/S MERAJ INDUSTRIES**, an unregistered industry has been running a business of manufacture of iron goods (melting and casting workshop). The private respondent No. 14, Md. Karim Ansari, son of the late Md. Hakim Ansari and resident of 40, Ganga Ram Bairagi Lane, P.S. Domjur, Howrah - 711101, is the sole proprietor of **ASHRAFI COPPER AND ALLOYS CENT CAST**. Both the private respondents No.12 & 14, and their men, agent and associates are directly involved in discharging industrial effluents, toxic substances, and hot wastewater into the pond mentioned above.
8. Additionally, the industrial units **M/S MERAJ INDUSTRIES** and **ASHRAFI COPPER AND ALLOYS CENT CAST** have been causing significant air and noise pollution throughout the day and night, thereby disrupting the lives of residents in the surrounding residential areas.



07 DEC 2024

Sarbanu Barabara

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9. The illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, and toxic substances resulted in serious ecological imbalance and water pollution in the area and locality.
10. The private respondents' No. 12 to 24 planned to convert the Pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate), into a Bastu Land, by paying bribe to the state respondents No. 3, 4, 5 and 6.
11. The private respondents' No. 12 to 24 constructed illegal constructions/Pucca structure constructions/building constructions on the side parts of the pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate). The aforesaid illegal & criminal activities resulted in the death/extermination of organisms, soil animals, and animals living at the outskirts of pond, which constitutes offence under relevant sections of the **Bharatiya Nyaya Sanhita, 2023**, the **West Bengal Inland Fisheries Act, 1984**, and other applicable laws.
12. The petitioner states that there has been gradual illegal pond filling and illegal building constructions/Pucca structure on the aforesaid pond which is evident from the Google Earth images dated September 24, 2017; November 7, 2017; November 22, 2020; and March 31, 2021.
- Photography of the gradual illegal pond filling and illegal building constructions/Pucca structure on the aforesaid pond from the Google Earth images dated September 24, 2017; November 7, 2017; November 22, 2020; and March 31, 2021 are annexed and marked as Annexure-"C".
13. The private respondents' No. 12 to 24 planned to construct a high rise building on the Pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, (being one of the plots at Babubhai Ashrafi



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Sanku Bhowmik

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Estate) by illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances.

14. The complainant states that should be absolute disconnection of the existing electricity supply and/or not to provide electricity supply in the illegal constructions/Pucca structure constructions/building constructions at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403.

15. The complainant sent complaint by email dated 27<sup>th</sup> July 2024 to the state authorities without any effect.

Copy of the complaint application by an email dated 27<sup>th</sup> July 2024 by the applicant annexed and marked as ANNEXURE-D.

16. The state police authorities' No. 10 and 11 did not register FIR against the private respondents' No. 12 to 24 although the offence is a continued cognizable offence and punishable offence under sections 326(a) read with section 324, 279, 280, 292, 270 of the Bharatiya Nyaya Sanhita, 2023. The offence is also punishable under section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979 and the West Bengal Land Reforms Act, 1955

17. The complainant states that illegal filling up of pond with solid waste materials, resulted in significant decrease in pond area, altered the optimal PH level of pond water, and increased the rate of eutrophication. The illegal filling of pond with solid waste materials resulted in the decrease in the number of fishes, including death of many fish species, and ecological imbalance in the area

18. The complainant states that the investigation officer from the Assistant Director of Fisheries, Department of Fisheries, Govt. of West Bengal, New Treasury Building, did not do any scientific and chemical tests of the pond water to determine the following :-

1) the actual decrease in pond area,



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Savani Bhabha

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- 2) the PH level of the pond water,
- 3) the required PH level of the pond water for fish eggs to survive
- 4) the rate and level of eutrophication in the pond,
- 5) the approximate number of fishes in the pond,
- 6) the number of fish species & its approximate quantity living in the pond.

19. The complainant states that the investigation officer from the Assistant Director of Fisheries, Department of Fisheries, Govt. of West Bengal, intentionally neglected to perform statutory duties specified in West Bengal Inland Fisheries Act, 1984 and The West Bengal Town and Country (Planning and Development) Act, 1979.

20. The complainant states that the state respondents No. 1, 2, 3, 4, 5 and 6 failed to prevent illegal filling up of the aforesaid pond with solid waste rubbish materials & industrial effluents, and gradual illegal building constructions on the pond. The aforesaid illegal activities are in violations of section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979 and section 23 of the West Bengal Gram Panchayat Act, 1973 and 4C and 4D of the West Bengal Gram Panchayat Act, 1955.

21. The complainant states that all the solid waste materials filled in the said pond be removed and restored to its original pristine condition.

## B. GROUNDS

### 1. Principle of Precaution as Part of Indian Law

The Hon'ble Supreme Court of India has repeatedly affirmed that the Precautionary Principle, rooted in international law, forms an integral part of Indian municipal law. In *Vellore Citizens' Welfare Forum v. Union of India* [(1996) 5 SCC 647], the Court defined the Precautionary Principle in the Indian context

as follows:

• Environmental measures by the State and statutory authorities must anticipate, prevent, and combat the causes of environmental degradation.



07 DEC 2024



Sarain Borelma

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G  
Advocate

- In the presence of threats of serious or irreversible environmental damage, scientific uncertainty should not delay preventive measures.
- The burden of proof lies on the actor or developer to demonstrate that their actions are environmentally sustainable.

## 2. State's Role as Trustee of Natural Resources

The State's responsibilities extend beyond economic facilitation and must encompass acting as a trustee of natural resources for public benefit, ensuring long-term sustainable development. This principle is critical in the face of global warming and climate threats. The Public Trust Doctrine, elucidated in *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388], underscores the government's obligation to preserve natural resources like air, water, forests, and seas for public use and protection, restricting their privatization or commercial exploitation.

## 3. Sustainable Development and Eco-Centrism

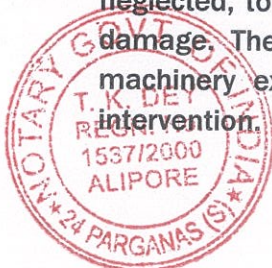
In *Centre for Environmental Law, WWF-India v. Union of India* [(2013) 8 SCC 234], the Court emphasized sustainable development as development that fulfills current needs without compromising future generations. The Court further highlighted the distinction between anthropocentrism, which prioritizes human interests, and eco-centrism, which recognizes the intrinsic value of all life forms and places equal emphasis on nature and non-human life. It reaffirmed that environmental conservation is integral to Article 21 of the Constitution, which guarantees the right to life.

## 4. Industrial Responsibility Over Environmental Degradation

In *M.C. Mehta v. Union of India* [(1997) 3 SCC 715], the Court ruled that financial incapacity of industries cannot justify environmental degradation. Industries unable to establish primary treatment plants must not be permitted to operate, as public health, ecology, and life take precedence over economic concerns. Articles 21, 47, 48-A, and 51-A(g) of the Constitution mandate the State and its citizens to safeguard the environment and protect forests and wildlife.

## 5. Failure to Implement Precautionary Principle

In the present case, the respondent authorities have failed, or intentionally neglected, to enforce the Precautionary Principle, risking irreversible ecological damage. The continuation of illegal activities under the protection of State machinery exacerbates environmental degradation, necessitating immediate intervention.



07 DEC 2024

Salem Brahma

Filed by  
Advocate**6. National Green Tribunal Act, 2010**

Section 20 of the National Green Tribunal Act, 2010, mandates the Tribunal to apply the principles of sustainable development, the Precautionary Principle, and the Polluter Pays Principle in its rulings, which must guide action in this matter.

**7. Polluter Pays Principle**

Repeated violations by the project proponent have caused severe environmental harm. Under the Polluter Pays Principle, the accused must be held accountable for the environmental, ecological, and property damage caused.

**8. Liability for Pollution and Deterrence**

In *M.C. Mehta v. Kamal Nath* [(2000) 6 SCC 213], the Supreme Court held that pollution constitutes a civil wrong, requiring the polluter to compensate for environmental restoration and damages caused to the community. Exemplary damages may also be imposed to deter future violations.

**9. State's Role in Abetting Violations**

The respondent State authorities have deliberately failed to take legal action against the accused, effectively abetting and conniving in illegal activities such as pond filling, in violation of environmental laws.

**10. Additional Grounds**

Additional grounds will be presented during the hearing.

**C. LIMITATION**

The present Application has being filed within the period of limitation as given under Section 14 of the National Green Tribunal Act, 2010. The private respondents in collusion and conspiracy with the state police respondents are involved in continuing offence in the illegal filing of the large pond at said premises with solid waste rubbish materials, and since the same is continuing every day, it is a continuing violation of the provisions of enactment specified in Schedule 1 of the National Green Tribunal Act, 2010, and thus the present Application is well within limitation.



07 DEC 2024



*Sarban Bhowmik**Filed by  
the  
Advocate***INTERIM PRAYER :**

In view of the above facts and circumstances and pending final disposal of the original application, it is most respectfully prayed that this Honorable Tribunal may be pleased to pass following interim orders:

- A. To direct the state respondent authorities No. 1 to 7 to produce before the Learned Tribunal, the assessment register and/or land register of the entire land with pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403
- B. To direct the state respondent authorities to formulate and place on record strategy/scheme to prevent illegal pond filling at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403;
- C. To constitute a committee comprising of state respondent authorities to formulate and implement the restoration plan and file an action taken report before the Honorable Tribunal;
- D. To direct the private respondents to refrain from any further filling up of the pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, (being one of the plots at Babubhai Ashrafi Estate)
- E. To direct the private respondents to refrain from any further illegal building constructions at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, (being one of the plots at Babubhai Ashrafi Estate)
- F. To direct the state respondent authorities No. 1 to 7 to include the entire land with pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza

**07 DEC 2024**

*Sarlam Ashraf**Filed by  
Advocate*

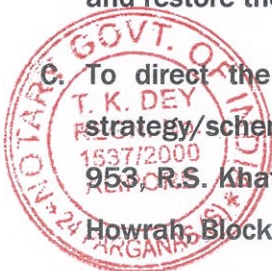
- Bankra Pin - 711403, as a protected pond in the assessment register and/or land register of the Bankra-II Gram Panchayat.

- G. To direct the state respondent authorities No. 1 to 7 that no building sanction plan be issued at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403
- H. Ad-interim orders in terms of prayers above;
- I. Pass any such other or further interim order as this Honorable Tribunal may deem fit and proper in the facts and circumstances of the case.

## PRAYER

In view of the above facts and circumstances it is most respectfully prayed that this Honorable Tribunal may be pleased to:

- A. To direct the respondents to remove all rubbish, solid waste rubbish materials & industrial effluents from the pond illegally filled at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, (being one of the plots at Babubhai Ashrafi Estate), and to restore the pond to its original pristine state
- B. To direct the state respondent authorities to take appropriate legal action against the private respondents who are responsible for illegal pond filling, being carried on without statutory clearances at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate), and restore the same to its pristine state;
- C. To direct the state respondent authorities to formulate and place on record strategy/scheme to prevent illegal pond filling at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403;



07 DEC 2024



Sarlan Braham

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Filed by  
Advocate

- D. To constitute a committee comprising of state respondent authorities to formulate and implement the restoration plan and file an action taken report before the Honorable Tribunal;
- E. To direct the state respondent authorities No. 1 to 7 to include the entire land with pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, as a protected pond in the assessment register and/or land register of the Bankra-II Gram Panchayat.
- F. To direct the state respondent authorities No. 1 to 7 to produce before the Learned Tribunal, the assessment register and/or land register of the entire land with pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403
- G. To direct the state respondent authorities No. 1 to 7 that no building sanction plan be issued at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403
- H. Ad-interim orders in terms of prayers above;
- I. Pass any such other or further order as this Honorable Tribunal may deem fit and proper in the facts and circumstances of the case.

Sarlan Braham

SIGNATURE OF THE APPLICANT

Giasul Islam

GIASUL ISLAM, ADVOCATE  
Enrolment No. WB/2474/2010



Date: 07<sup>th</sup> December 2024  
Place: Kolkata

07 DEC 2024

*Sarbani Brahma**Filed by  
Advocate*

**BEFORE THE NATIONAL GREEN TRIBUNAL  
AT EASTERN ZONE BENCH, KOLKATA, WEST BENGAL  
FINANCE CENTRE, 3RD FLOOR, NEW TOWN  
MEMORANDUM OF APPLICATION  
{(under Section 18 read with Section 14, 15 of the  
National Green Tribunal Act 2010)}**

**SARBANI BRAHMA.....Petitioner/ Complainant/Applicant**

**VERSUS**

**STATE OF WEST BENGAL & OTHERS.....Respondent/Accused**

**ORIGINAL APPLICATION NO: \_\_\_\_\_ OF 2024**

**VERIFICATION**

I, **SARBANI BRAHMA** daughter of Nalini Ranjan Brahma by faith hindu, by occupation service, aged about 66 years, residing at premises No. 278 Kalighat Road, P.S. Kalighat, Kolkata-700026, state that the statement made above in the foregoing paragraphs 1 to 20 are true to my knowledge and belief, and rest are humble submissions before the Learned Court. I, sign this verification on 07<sup>th</sup> day of December 2024 in my advocate chamber.

*Sarbani Brahma*

**(SARBANI BRAHMA)**

Identified by me;

*Giasul Islam*

**(GIASUL ISLAM, ADVOCATE)**

**Enrolment No. WB/2474/2010**



**07 DEC 2024**



Serial No. A/

2024

2024



Sarban Brahma

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Filed by  
Advocate

**BEFORE THE NATIONAL GREEN TRIBUNAL  
AT EASTERN ZONE BENCH, KOLKATA, WEST BENGAL  
FINANCE CENTRE, 3RD FLOOR, NEW TOWN  
MEMORANDUM OF APPLICATION  
{(under Section 18 read with Section 14, 15 of the  
National Green Tribunal Act 2010)}**

**SARBANI BRAHMA.....Petitioner/ Complainant/Applicant  
VERSUS  
STATE OF WEST BENGAL & OTHERS.....Respondent/Accused**

**ORIGINAL APPLICATION NO: \_\_\_\_\_ OF 2024**

**AFFIDAVIT**

I, **SARBANI BRAHMA** daughter of Nalini Ranjan Brahma by faith hindu, by occupation service, aged about 66 years, residing at premises No. 278 Kalighat Road, P.S. Kalighat, Kolkata-700026, state that the statement made above in the foregoing paragraphs 1 to 20 are true to my knowledge and belief, and rest are humble submissions before the Learned Court, do hereby solemnly affirm and say as follows:-

1. That I am the Petitioner herein and as such I am well acquainted with the facts and circumstances of this case. Hence, I am competent enough to affirm this Affidavit.
2. That the statements contained in Paragraph Nos. 1 to 20 are true to my knowledge and belief and rest are my respectful submissions before this Honorable Tribunal.

Sarban Brahma

The deponent is known to me

Prepared in my office

GIASUL ISLAM, Advocate

Enrolment No. WB/2474/2010

GIASUL ISLAM, Advocate

I certify that all the annexure are legible

GIASUL ISLAM, Advocate

Solemnly Affirmed & Declared  
before me on identification

07 DEC 2024

T. K. Dey, Notary  
Allpore Judges/Police Court, Cal-27  
Reg. No. 1537/2000, Govt. of India

07 DEC 2024



# ANNEXURE- "A"

পশ্চিমবঙ্গ সরকার

সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ

-দাগের তথ্য-



20

জেলা- হাওড়া  
মৌজা- বাঁকড়া  
দাগ নং- ৯৫৩  
সাবেক দাগ নং- ৯৭৩

ব্লক- ডোমজুড়  
জে.এল.নং- ০৫৫  
শ্রেণী- পুকুর

থানা- ডোমজুড়  
জমির পরিমাণ(এ)- ০.২১০০

[০৫০১০৫৫]

| খতিয়ান নং | শ্রেণী | অংশ    | অংশ পরিমাণ(এ) | রায়তের/লেসীর বিবরণ                                                 | মন্তব্য |
|------------|--------|--------|---------------|---------------------------------------------------------------------|---------|
| ৪৯৫        | পুকুর  | ০.২৫০০ | ০.০৫০০        | আব্দুল কুদ্দুস আনসারী<br>পিতা-মহঃ আব্বাশ<br>সাং-নিজ                 |         |
| ১০০২২      | পুকুর  | ০.২৫০০ | ০.০৫০০        | বুলন্দ জাভেদ<br>পিতা-আব্দুল কুদ্দুস<br>সাং-৪৭২/৭, জি.টি.রোড, শিবপুর |         |
| ১৪৩৬৮      | পুকুর  | ০.০৩৩৩ | ০.০০৮০        | মহ. করিম আনসারি<br>পিতা-মহ. হাকিম<br>সাং-নিজ                        |         |
| ১৪৩৬৯      | পুকুর  | ০.০৩৩৩ | ০.০০৮০        | মহ. মতিন আনসারি<br>পিতা-মহ. হাকিম<br>সাং-নিজ                        |         |
| ১৪৩৭০      | পুকুর  | ০.০৩৩৩ | ০.০০৮০        | মহ. মহফুজ আনসারি<br>পিতা-মহ. হাকিম<br>সাং-নিজ                       |         |
| ১৪৩৭১      | পুকুর  | ০.০৩৩৩ | ০.০০৮০        | মহ. শাহিম আনসারি<br>পিতা-মহ. হাকিম<br>সাং-নিজ                       |         |
| ১৪৩৭২      | পুকুর  | ০.০৩৩৩ | ০.০০৮০        | মহ. রহিম আনসারি<br>পিতা-মহ. হাকিম<br>সাং-নিজ                        |         |
| ১৪৩৭৩      | পুকুর  | ০.০১৬৭ | ০.০০৪০        | মোমসারত জাহান<br>স্বামী-মহ. আলি<br>সাং-নিজ                          |         |



Fees Received :: Application Fee:Rs. ১০.০০, Authentication Fee:Rs. ১০.০০, Total fee:Rs. ২০.০০, Copy No.:৮২৯





|                   |               |                        |
|-------------------|---------------|------------------------|
| জেলা- হাওড়া      | ব্লক- ডোমজুড় | [০৫০১০৫৫]              |
| মৌজা- বাঁকড়া     | জে.এল.নং- ০৫৫ | থানা- ডোমজুড়          |
| দাগ নং- ৯৫৩       | শ্রেণী- পুকুর | জমির পরিমাণ(এ)- ০.২১০০ |
| সাবেক দাগ নং- ৯৭৩ |               |                        |

| খতিয়ান নং | শ্রেণী | অংশ    | অংশ পরিমাণ(এ) | রায়তের/লেসীর বিবরণ                              | মন্তব্য |
|------------|--------|--------|---------------|--------------------------------------------------|---------|
| ১৪৩৭৪      | পুকুর  | ০.০১৬৭ | ০.০০৪০        | নুসরত সাফি<br>স্বামী-মহ. সাফি<br>সাং-নিজ         |         |
| ১৪৩৭৫      | পুকুর  | ০.০১৬৭ | ০.০০৪০        | সালমা আসারফি<br>পিতা-মহ. হাকিম আনসারি<br>সাং-নিজ |         |
| ১৪৩৭৬      | পুকুর  | ০.০১৬৭ | ০.০০৪০        | ঈরফত জাহান<br>স্বামী-পারভেজ আহমেদ<br>সাং-নিজ     |         |
| ১৪৩৭৭      | পুকুর  | ০.০১৬৭ | ০.০০৪০        | নিখাত জাহান<br>পিতা-মহ. হাকিম<br>সাং-নিজ         |         |
| ১৪৩৭৮      | পুকুর  | ০.০৩৩৩ | ০.০০৬৭        | মহ করিম আনসারি<br>পিতা-মহ হাকিম<br>সাং-নিজ       |         |
| ১৪৩৭৯      | পুকুর  | ০.০৩৩৩ | ০.০০৬৭        | মহ. মতিন আনসারি<br>পিতা-হাকিম<br>সাং-নিজ         |         |
| ১৪৩৮০      | পুকুর  | ০.০৩৩৩ | ০.০০৬৭        | মহ. মহফুজ আনসারি<br>পিতা-মহ. হাকিম<br>সাং-নিজ    |         |
| ১৪৩৮১      | পুকুর  | ০.০৩৩৩ | ০.০০৬৭        | মহ. শাহিম আনসারি<br>পিতা-মহ. হাকিম<br>সাং-নিজ    |         |



Fees Received :: Application Fee:Rs. ১০.০০, Authentication Fee:Rs. ১০.০০, Total fee:Rs. ২০.০০, Copy No.:৮২৯

পশ্চিমবঙ্গ সরকার  
সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ

-দাগের তথ্য-



22

জেলা- হাওড়া ব্লক- ডোমজুড় [০৫০১০৫৫]  
মৌজা- বাঁকড়া জে.এল.নং- ০৫৫ থানা- ডোমজুড়  
দাগ নং- ৯৫৩ শ্রেণী- পুকুর জমির পরিমাণ(এ)- ০.২১০০  
সাবেক দাগ নং- ৯৭৩

| খতিয়ান নং | শ্রেণী | অংশ    | অংশ পরিমাণ(এ) | রায়তের/লেসীর বিবরণ                           | মন্তব্য |
|------------|--------|--------|---------------|-----------------------------------------------|---------|
| ১৪৩৮২      | পুকুর  | ০.০৩৩৩ | ০.০০৬৭        | মহ. রহিম আনসারি<br>পিতা-মহ. হাকিম<br>সাং-নিজ  |         |
| ১৪৩৮৩      | পুকুর  | ০.০১৬৭ | ০.০০৩৩        | মোসারত জাহান<br>স্বামী-মহ. আলি<br>সাং-নিজ     |         |
| ১৪৩৮৪      | পুকুর  | ০.০১৬৭ | ০.০০৩৩        | নুসরত শাফি<br>স্বামী-মহ. শাফি<br>সাং-নিজ      |         |
| ১৪৩৮৫      | পুকুর  | ০.০১৬৭ | ০.০০৩৩        | সালমা আসারফি<br>পিতা-মহ. হাকিম<br>সাং-নিজ     |         |
| ১৪৩৮৬      | পুকুর  | ০.০১৬৭ | ০.০০৩৩        | ঈররফত জাহান<br>স্বামী-পারভেজ আহমেদ<br>সাং-নিজ |         |
| ১৪৩৮৭      | পুকুর  | ০.০১৬৭ | ০.০০৩৩        | নিখাত জাহান .<br>পিতা-মহ. হাকিম<br>সাং-নিজ    |         |
|            |        | ১.০০০০ | ০.২১          |                                               |         |



Fees Received :: Application Fee:Rs. ১০.০০, Authentication Fee:Rs. ১০.০০, Total fee:Rs. ২০.০০, Copy No.:৮২৯

Page ৩ of ৩

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Digitally signed by SHESADRI CHATTERJEE  
Date: 2023.01.16 16:35:03 IST

07 DEC 2024



# Translated Copy of Annexure - "A"

23

GOVERNMENT OF WEST BENGAL

OFFICE OF THE BLOCK LAND & LAND REFORMS OFFICER

- INFORMATION OF DAG -

District - Howrah Block - Domjur [0501055]  
Mouja - Bankra J.L. No. 055 P.S. - Domjur  
Dag No. - 953 Class - Pond Area of land (A) - 0.2100  
Old Dag No.-973

| Khatian No. | Classification | Share  | Area of share (A) | Particulars of Ryoti / Lessee                                             | Remarks |
|-------------|----------------|--------|-------------------|---------------------------------------------------------------------------|---------|
| 495         | Pond           | 0.2500 | 0.0500            | Abdul Kuddus Ansari<br>Father - Md. Abbas<br>R.O.-Self                    |         |
| 10022       | Pond           | 0.2500 | 0.0500            | Buland Javed<br>Father - Abdul Kuddus<br>R.O.-472/9, G.T.Road,<br>Shibpur |         |
| 14368       | Pond           | 0.0333 | 0.0080            | Md. Karim Ansari<br>Father - Md. Hakim<br>R.O.- Self                      |         |
| 14369       | Pond           | 0.0333 | 0.0080            | Md. Matin Ansari<br>Father - Md. Hakim<br>R.O.- Self                      |         |
| 14370       | Pond           | 0.0333 | 0.0080            | Md. Mahafuj Ansari<br>Father - Md. Hakim<br>R.O.- Self                    |         |
| 14371       | Pond           | 0.0333 | 0.0080            | Md. Shahim Ansari<br>Father - Md. Hakim<br>R.O.- Self                     |         |
| 14372       | Pond           | 0.0333 | 0.0080            | Md. Rahim Ansari<br>Father - Md. Hakim<br>R.O.- Self                      |         |
| 14373       | Pond           | 0.0167 | 0.0040            | Mosarat Jahan<br>Husband - Md. Ali<br>R.O. - Self                         |         |



Fees Received :: Application Fee: Rs.10.00, Authentication Fee Rs.10.00, Total fee Rs.20, Copy No.: 829

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07 DEC 2024

**GOVERNMENT OF WEST BENGAL**  
**OFFICE OF THE BLOCK LAND & LAND REFORMS OFFICER**  
**- INFORMATION OF DAG -**

|                   |                |                           |
|-------------------|----------------|---------------------------|
| District - Howrah | Block - Domjur | [0501055]                 |
| Mouja - Bankra    | J.L. No. 055   | P.S. - Domjur             |
| Dag No. - 953     | Class - Pond   | Area of land (A) - 0.2100 |
| Old Dag No.-973   |                |                           |

| Khatian No. | Classification | Share  | Area of share (A) | Particulars of Ryoti / Lessee                         | Remarks |
|-------------|----------------|--------|-------------------|-------------------------------------------------------|---------|
| 14374       | Pond           | 0.0167 | 0.0040            | Nusrat Safi<br>Husband-Md. Safi<br>R.O.- Self         |         |
| 14375       | Pond           | 0.0167 | 0.0040            | Salma Asarafi<br>Father-Md. Hakim Ansari<br>R/o.-Self |         |
| 14376       | Pond           | 0.0167 | 0.0040            | Irfat Jahan<br>Husband-Pervej Ahmed<br>R/o.- Self     |         |
| 14377       | Pond           | 0.0167 | 0.0040            | Nikhat Jahan<br>Father - Md. Hakim<br>R/o.- Self      |         |
| 14378       | Pond           | 0.0333 | 0.0067            | Md. Karim Ansari<br>Father - Md. Hakim<br>R/o.- Self  |         |
| 14379       | Pond           | 0.0333 | 0.0067            | Matin Ansari<br>Father - Hakim<br>R/o.- Self          |         |
| 14380       | Pond           | 0.0333 | 0.0067            | Md. Mahfuj Ansari<br>Father - Md. Hakim<br>R/o. Self  |         |
| 14381       | Pond           | 0.0333 | 0.0067            | Shamim Ansari<br>Father - Md. Hakim<br>R/o.- Self     |         |



Fees Received :: Application Fee: Rs.10.00, Authentication Fee Rs.10.00, Total fee:Rs.20, Copy No.:829



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GOVERNMENT OF WEST BENGAL  
OFFICE OF THE BLOCK LAND & LAND REFORMS OFFICER  
- INFORMATION OF DAG -

|                   |                |                           |
|-------------------|----------------|---------------------------|
| District - Howrah | Block - Domjur | [0501055]                 |
| Mouja - Bankra    | J.L. No. 055   | P.S. - Domjur             |
| Dag No. - 953     | Class - Pond   | Area of land (A) - 0.2100 |
| Old Dag No.-973   |                |                           |

| Khatian No. | Classification | Share  | Area of share (A) | Particulars of Ryoti / Lessee                        | Remarks |
|-------------|----------------|--------|-------------------|------------------------------------------------------|---------|
| 14382       | Pond           | 0.0333 | 0.0067            | Md. Rahim Ansari<br>Father-Md. Hakim<br>R/o.-Self    |         |
| 14383       | Pond           | 0.0167 | 0.0033            | Mosarat Jahan<br>Husband - Md. Ali<br>R/o.-Self      |         |
| 14384       | Pond           | 0.0167 | 0.0033            | Nusrat Safi<br>Husband - Md. Safi<br>R/o.-Self       |         |
| 14385       | Pond           | 0.0167 | 0.0033            | Salma Asarafi<br>Father-Md. Hakim<br>R/o.-Self       |         |
| 14386       | Pond           | 0.0167 | 0.0033            | Irrafat Jahan<br>Husband - Pervej Ahmed<br>R/o.-Self |         |
| 14387       | Pond           | 0.0167 | 0.0033            | Nikhat Jahan<br>Father - Md. Hakim<br>R/o. - Self    |         |
|             |                | 1.0000 | 0.21              |                                                      |         |

Fees Received :: Application Fee: Rs.10.00, Authentication Fee Rs.10.00, Total fee:Rs.20, Copy No.:829

Page 3 of 3

16/01/2023 04:36 PM

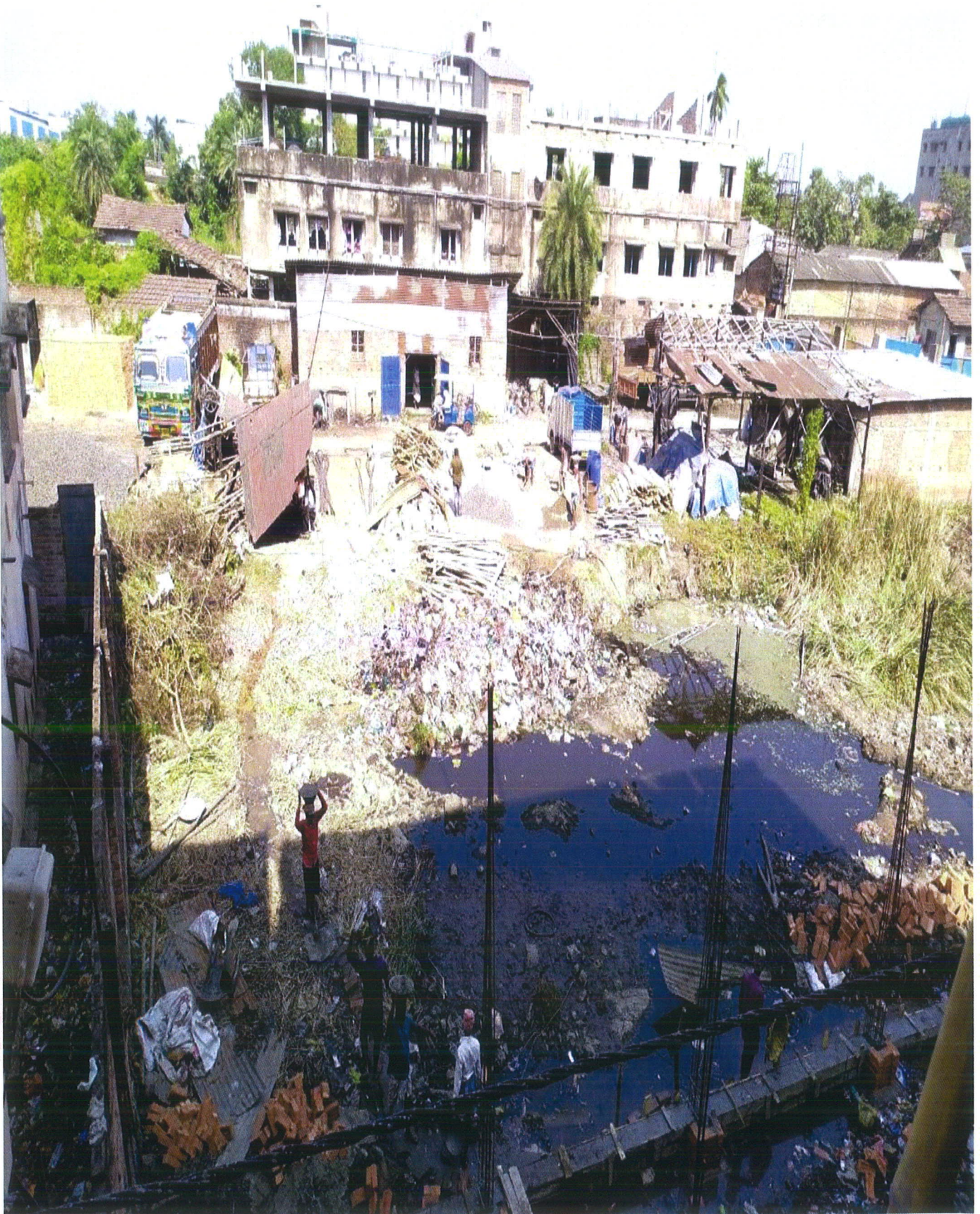
Certified to be the English Translation of Record of Right in Bengali.



07 DEC 2024

*R. Islam*  
15/07/24  
**R. Islam**  
Rtd. Senior Interpreting Officer (C)  
O. S. High Court, Calcutta





Photography of the illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387

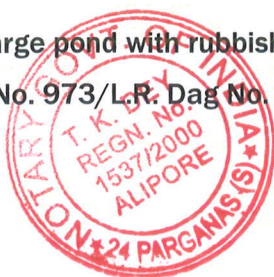


07 DEC 2024





Photography of the illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387

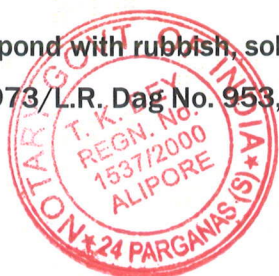


07 DEC 2024





Photography of the illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387



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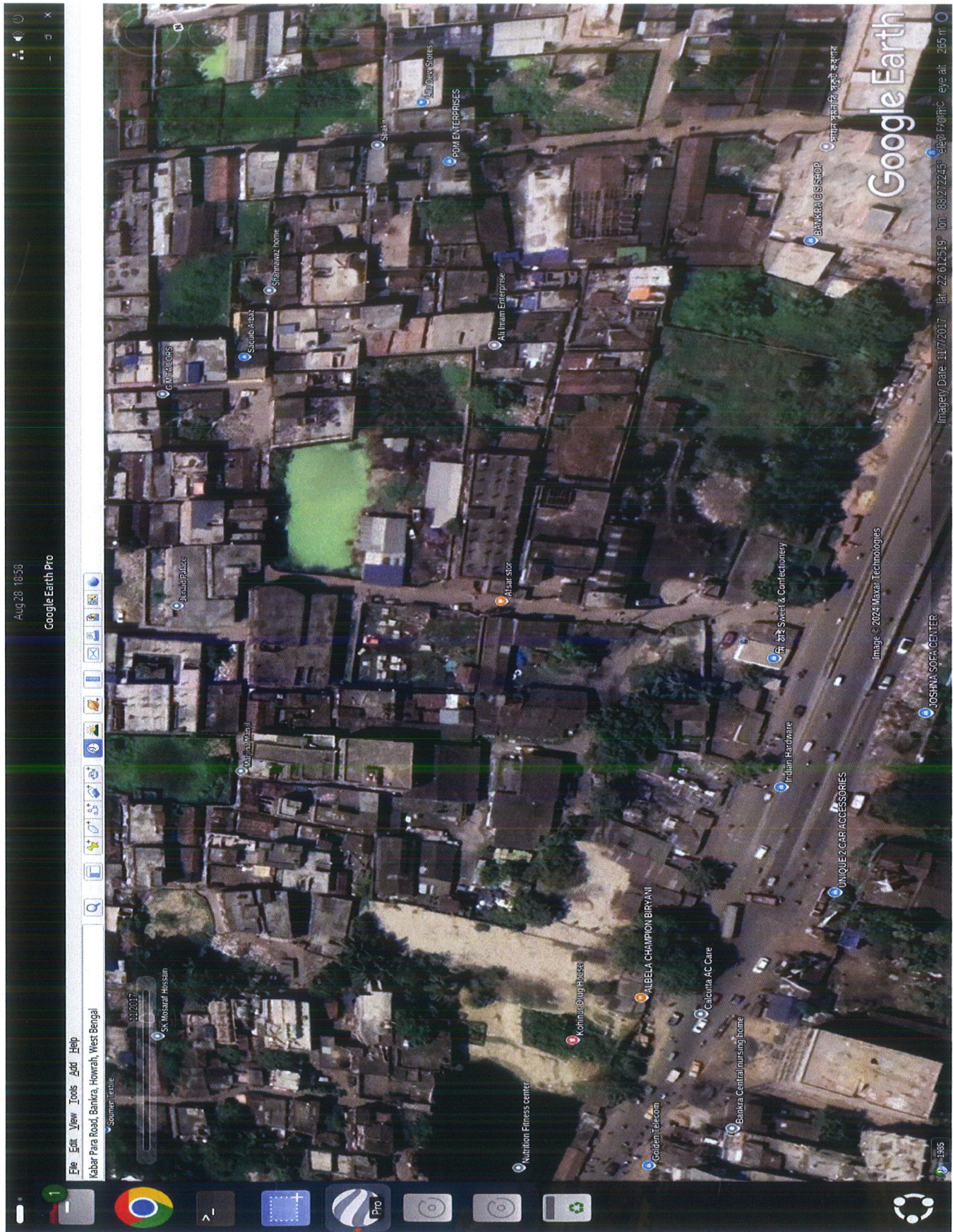
Photography of the illegal building constructions/Pucca structure on the aforesaid pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387

8 7 DEC 2024







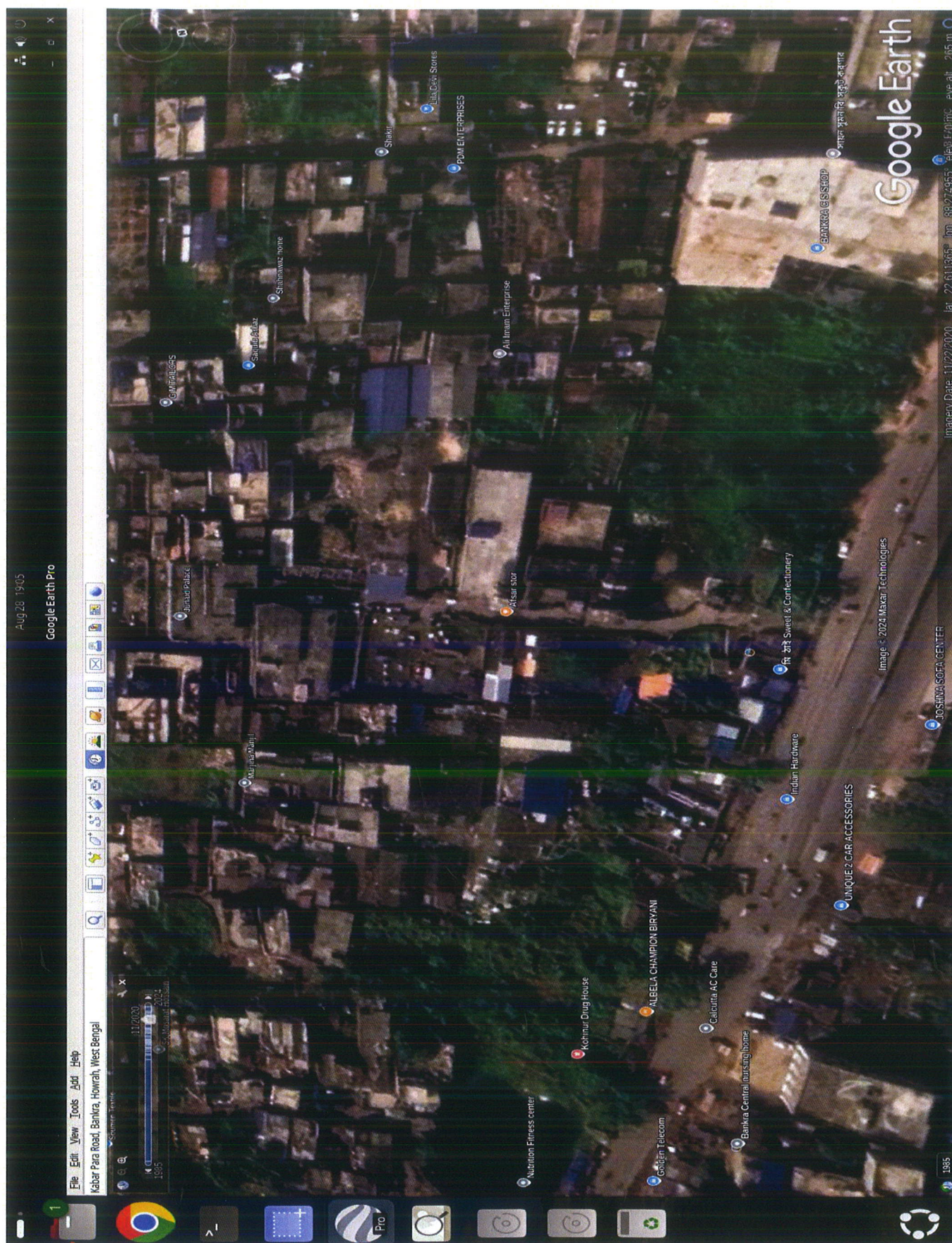


Photography of the gradual illegal pond filling and illegal building constructions/Pucca structure on the aforesaid pond from the Google Earth images at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387



07 DEC 2024





Photography of the gradual illegal pond filling and illegal building constructions/Pucca structure on the aforesaid pond from the Google Earth images at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387



07 DEC 2024





Photography of the gradual illegal pond filling and illegal building constructions/Pucca structure on the aforesaid pond from the Google Earth images at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian Nos. 1153, 495, 10022, 14368-14387



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**ANNEXURE- "D"**

SARBANI BRAHMA &lt;sarbani.brahma.2024@gmail.com&gt;

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**REF: Illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances, hot waste water effluents at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District-Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate.) : Legal notice to completely remove all rubbish, solid waste rubbish materials, industrial effluents, toxic substances from the pond illegally filled at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, ( being one of the plots at Babubhai Ashrafi Estate ) and to restore the pond to its original pristine state.**

1 message

SARBANI BRAHMA &lt;sarbani.brahma.2024@gmail.com&gt;

Sat, Jul 27, 2024 at 11:59 AM

To: bankraiigp@rediffmail.com, dm-how-wb@nic.in, dllrohowrah2017@gmail.com, domjurbllro@gmail.com, dlrswb@gmail.com, sabujskr@yahoo.com, britishbarman2013@gmail.com, net.wbpcb-wb@bangla.gov.in, wbpccnet@wbpcb.gov.in, dsfisheries@gmail.com, dfwb\_kol@hotmail.com, wbfisheriesipu@gmail.com, wbfcltd@gmail.com, sfdcltd@yahoo.co.in, wbfmpu@gmail.com, commissioner.howrah@gmail.com, amrut.howrah.wb@gmail.com, citizen.care@myhmc.in, mhowrah@yahoo.com, borough3hmc@gmail.com, commhowrah@gmail.com, croomhpc@gmail.com, domjurps@gmail.com, bankraop@gmail.com, zm.kolkata@wbsedcl.in, rm.howrah@wbsedcl.in, salapccc@gmail.com, chrmn.wbpcb-wb@bangla.gov.in

**FROM: SARBANI BRAHMA D/O NALINI RANJAN BRAHMA**  
**278, Kalighat Road,**  
**P.S. Kalighat, Kolkata-700026**  
**Phone:9339208757**  
**Email: sarbani.brahma.2024@gmail.com**

**TO:**

**1) THE PRADHAN,**  
**BANKRA-II GRAM PANCHAYAT,**  
**Village + Post Office - Bankra,**  
**Howrah-711403**  
**Email: bankraiigp@rediffmail.com**  
**Phone no - 9339599026, 9143779626**

**2) THE DISTRICT MAGISTRATE & COLLECTOR,**  
**HOWRAH DISTRICT,**  
**Office of the District Magistrate & Collector,**  
**Howrah, 3rd Floor, New Collectorate Building,**  
**6, Rishi Bankim Chandra Road,**  
**Post + PS + District - Howrah, Pin-711 101**  
**Email: dm-how-wb@nic.in**  
**Phone: 033-2641-2024**

**3) THE DISTRICT LAND & LAND REFORM OFFICER,**  
**HOWRAH DISTRICT,**  
**12, Nityadhan Mukherjee Road, 2<sup>nd</sup> Floor,**  
**Howrah - 711101**  
**Email: dllrohowrah2017@gmail.com**  
**Phone no - 033-26412749**

**4) THE BLOCK LAND & LAND REFORM OFFICER,**



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**BLOCK - DOMJUR,**  
**Baruipara, Near B D O, Domjur,**  
**Howrah - 711405**  
**Email: domjurblro@gmail.com**  
**Phone no - 03326701561**

**5) THE ADDITIONAL DIRECTOR OF LAND RECORDS AND SURVEY,**  
**DIRECTORATE OF LAND RECORDS AND SURVEY,**  
**WEST BENGAL SURVEY BUILDING,**  
**35 Gopal Nagar Road, Kolkata-700027.**  
**Mobile: 9433051090.**  
**Phone: 033-2479 5726/5727/5991,**  
**Email: dlrswb@gmail.com, sabujskr@yahoo.com, britishbarman2013@gmail.com**

**6) THE CHAIRMAN,**  
**WEST BENGAL POLLUTION CONTROL BOARD,**  
**10A, Block-L.A Sector III, Salt Lake City,**  
**Kolkata-700 098.**  
**Email: chrnmn.wbpcb-wb@bangla.gov.in,**  
**net.wbpcb-wb@bangla.gov.in, wbpcbnnet@wbpcb.gov.in,**

**7) THE SECRETARY,**  
**DEPARTMENT OF FISHERIES,**  
**Govt. of West Bengal,**  
**31 GN Block, Sector V, Salt Lake,**  
**Kolkata-700091,**  
**Email: dsfisheries@gmail.com,**  
**dfwb\_kol@hotmail.com,**  
**wbfisheriesipu@gmail.com,**  
**wbfcld@gmail.com,**  
**sfdcltd@yahoo.co.in, wbfmpu@gmail.com**

**8) THE MUNICIPAL COMMISSIONER,**  
**HOWRAH MUNICIPAL CORPORATION,**  
**4, Mahatma Gandhi Road, Howrah- 711101**  
**Phone: (+91-33) 26383211/3212/3213**  
**WhatsApp No. 6292232868**  
**Email: commissioner.howrah@gmail.com, amrut.howrah.wb@**  
**gmail.com, citizen.care@myhmc.in**

**9) THE MAYOR,**  
**HOWRAH MUNICIPAL CORPORATION,**  
**4, Mahatma Gandhi Road, Howrah- 711101**  
**Mobile: 033- 2660-3211 / 3214 ,9830177722,**  
**Email: mhowrah@yahoo.com**

**10)THE EXECUTIVE ENGINEER,**  
**HOWRAH MUNICIPAL CORPORATION,**  
**Building Department**  
**4, Mahatma Gandhi Road, Howrah- 711101**  
**Mobile: 9883330904**  
**Email: commissioner.howrah@gmail.com, amrut.howrah.wb@**  
**gmail.com, citizen.care@myhmc.in**

**11)THE ASSITANT ENGINEER & OFFICER-IN-CHARGE,**  
**HOWRAH MUNICIPAL CORPORATION, BOROUGH-III**  
**50, Panchanantala Road, Howrah-711101**  
**Mobile: 9062534565, 033-26405059**  
**Email: borough3hmc@gmail.com,**



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**12)THE COMMISSIONER OF POLICE,  
HOWRAH POLICE COMMISSIONERATE  
28 No. Nityadhyan Mukherjee Road,  
Howrah-711101  
Phone: 033-2637-4761  
Email: commhowrah@gmail.com, croomhcp@gmail.com**

**13)THE INSPECTOR-IN-CHARGE,  
DOMJUR POLICE STATION, Domjur Bazaar,  
Howrah-Bargachia-Amta Road, Domjur,  
Howrah-711405  
Email: domjurps@gmail.com  
Phone no. 033-26706666**

**14)THE IN-CHARGE,  
POLICE STATION – BANKRA OUTPOST (BANKRA PHARI)  
Bankra, Howrah – 711403  
Email: bankraop@gmail.com  
Phone no – 8420313977**

**15)THE ZONAL MANAGER,  
KOLKATA ZONAL OFFICE, WBSEDCL  
19/ A, British India Street (3rd Floor),  
Kolkata-700069  
Mob:8900798001  
E-mail: zm.kolkata@wbasedcl.in**

**16)THE HOWRAH REGIONAL MANAGER,  
WBSEDCL,  
13 Netaji Subhas Road, (1<sup>st</sup> floor),  
Mullick Fatak, Howrah-711101  
Phone 8900798323  
E-mail: rm.howrah@wbasedcl.in**

**17)THE STATION MANAGER,  
SALAP CCC, WBSEDCL,  
KantliaSalap,  
Post Nibra, P.S. Domjur,  
Howrah-711409  
Mob: 033-26537942  
E-mail: salapccc@gmail.com**

**REF:**

- 1. Illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances, hot waste water effluents at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District Howrah, Block - Domjur, Mouza - Bankra Pin – 711403 (being one of the plots at Babubhai Ashrafi Estate.)**
- 2. Continuing illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances, hot waste water effluents at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District -**



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**Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate) by the following accused persons:-**

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1. Mahfuz Ansari son of late Md. Hakim Ansari residing at 40, Ganga Ram Bairagi Lane, P.S. & District - Howrah, Pin - 711101
2. Sahim Ansari son of late Md. Hakim Ansari residing at 40, Ganga Ram Bairagi Lane, P.S. & District - Howrah, Pin - 711101
3. Karim Ansari son of late Md. Hakim Ansari residing at 40, Ganga Ram Bairagi Lane, P.S. & District - Howrah, Pin - 711101
4. Rahim Ansari son of late Md. Hakim Ansari residing at 40, Ganga Ram Bairagi Lane, P.S. & District - Howrah, Pin - 711101
5. Matin Ansari son of late Md. Hakim Ansari residing at 40, Ganga Ram Bairagi Lane, P.S. & District - Howrah, Pin - 711101

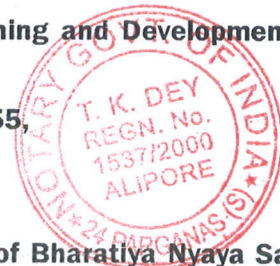
All the accused persons reside & carry on business at premises No. 40, Ganga Ram Bairagi Lane, P.S. & District - Howrah, Pin - 711101

All have another place of business at Babubhai Ashrafi Estate Bankra, Kabarpara, New Bastee near Baraf Kal opposite to Kolkata West International City, Howrah - 711403.

**DATE, TIME, AND PLACE OF OCCURRENCE:** Continuing offence since 25/07/2024 around 10:30 am of the illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra, Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate) by the abovementioned accused persons and their men, agents and associates.

**OFFENCE:** The aforesaid offence is a continuing offence, punishable under the following laws:-

1. Sections 326(a) read with section 324, 279, 280, 292, 270 of the Bharatiya Nyaya Sanhita, 2023,
2. Section 17A of the West Bengal Inland Fisheries Act, 1984
3. Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979,
4. Sections 4C & 4D of the West Bengal Land Reforms Act, 1955,
5. Section 23 of the West Bengal Gram Panchayat Act, 1973.



The offence is a cognizable offence under aforesaid sections of Bharatiya Nyaya Sanhita, 2023 and under section 17A sub-section 12 of the West Bengal Inland Fisheries Act, 1984, Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979, and sections 4C & 4D of the West Bengal Land Reforms Act, 1955.

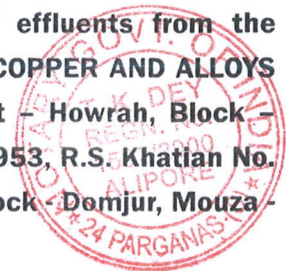
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SUB:

1. Legal notice to completely remove all rubbish, solid waste rubbish materials, industrial effluents, toxic substances from the pond illegally filled at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, ( being one of the plots at Babubhai Ashrafi Estate ) and to restore the pond to its original pristine state.
2. An application seeking legal action against the above-mentioned accused persons for illegally filling up the large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances, at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 ( being one of the plots at Babubhai Ashrafi Estate.)
3. An application seeking FIR registration against the accused persons for the crime of illegal filling up the large pond of area with rubbish, solid waste rubbish materials, industrial effluents, toxic substances, punishable under sections 326(a) read with section 324, 279, 280, 292, 270 of the Bharatiya Nyaya Sanhita, 2023. The offence is also punishable under section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979 and sections 4C & 4D of the West Bengal Land Reforms Act, 1955.
4. Legal Notice to stop persistent water pollution, air pollution & illegal building construction in and around the pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate.)
5. An application seeking not to provide any building sanction plan at the Pond situated at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 in violation of section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979, and sections 4C & 4D of the West Bengal Land Reforms Act, 1955, and section 23 of the West Bengal Gram Panchayat Act, 1973.
6. To permanently restrain the accused persons and their men, agents and associates from discharging industrial effluents, toxic substance, hot waste water effluents from the workshop of MERAJ INDUSTRIES, and another different unit ASHRAFI COPPER AND ALLOYS CENT at R.S. Dag No. 974, L.R. Dag No. 954 Mouza-Bankra, District - Howrah, Block - Domjur, Pin - 711403, into the pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 without any authority of law.
7. To permanently restrain the accused persons and their men, agents and associates of the MERAJ INDUSTRIES, its workshop and another unit ASHRAFI COPPER AND ALLOYS CENT CAST from causing air pollution and noise pollution in a densely populated residential area at



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**R.S. Dag No. 974, L.R. Dag No. 954 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 being one of the plots at Babubhai Ashrafi Estate and also at premises No. 40, Ganga Ram Bairagi Lane, P.S. Domjur, Howrah - 711101.**

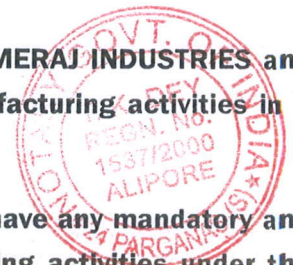
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8. To permanently restrain the accused persons and their men, agents and associates of the **MERAJ INDUSTRIES**, its workshop and another unit **ASHRAFI COPPER AND ALLOYS CENT CAST** from any kind of industrial activities in a densely populated residential area at **R.S. Dag No. 974, L.R. Dag No. 954, Mouza - Bankra District - Howrah, Block- Domjur Pin - 711403** and also at premises No. 40, Ganga Ram Bairagi Lane, P.S.- Domjur, Howrah - 711101.
9. An application seeking complete disconnection of the existing electricity supply and/or not to provide electricity supply in the illegal constructions/Pucca structure constructions/building constructions at **R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403** and also at **R.S. Dag No. 974, L.R. Dag No. 954, Mouza - Bankra District - Howrah, Block - Domjur, Pin - 711403**

Respected Sir,

I, Sarbani Brahma D/O Nalini Ranjan Brahma residing at 278, Kalighat Road, P.S. Kalighat, Kolkata-700026, by occupation service, would like to bring notice which I hereby say as follows:-

1. The accused persons since 25/07/2024 around 10:30 am started illegally filling up a large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances at **R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403** (being one of the plots at Babubhai Ashrafi Estate) without any authority of law.
2. The illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, and toxic substances resulted in significant decrease in pond area and therefore resulted in the death of many fishes in the pond.
3. The accused persons and their men, agents and associates have been discharging industrial effluents, toxic substance, hot waste water effluents from the workshop of **MERAJ INDUSTRIES**, and another unit **ASHRAFI COPPER AND ALLOYS CENT CAST** situated at **R.S. Dag No. 954, Mouza Bankra, into the pond situated at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, (being one of the plots at Babubhai Ashrafi Estate) without any authority of law.**
4. The industrial grade manufacturing Meraj Industries, workshop of **MERAJ INDUSTRIES** and another unit **ASHRAFI COPPER AND ALLOYS CENT CAST** has manufacturing activities in a densely populated residential area.
5. The accused persons and their men, agents and associates do not have any mandatory and statutory licenses to run and operate industrial grade manufacturing activities under the name & style "**MERAJ INDUSTRIES**, and another unit "**ASHRAFI COPPER AND ALLOYS CENT CAST**" in the densely populated residential.



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6. **"MERAJ INDUSTRIES" and another unit "ASHRAFI COPPER AND ALLOYS CENT CAST" do not have any kind of mandatory company/partnership firm registration, licences from competent authorities to carry out their industrial grade manufacturing business.**
7. **Karim Ansari son of late Md. Hakim Ansari residing at 40, Ganga Ram Bairagi Lane, P.S. Howrah - 711101 is the sole proprietor of "ASHRAFI COPPER AND ALLOYS CENT CAST" and his men, agent and associates who are involved in discharging industrial effluents, toxic substance, and hot waste water effluents in the said pond.**
8. **The industrial grade manufacturing unit MERAJ INDUSTRIES, its workshop and another unit ASHRAFI COPPER AND ALLOYS CENT CAST have been causing air pollution and sound pollution throughout day and night in a residential area.**
9. **The illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, and toxic substances resulted in serious ecological imbalance and water pollution in the area/locality.**
10. **The accused persons by paying bribes to Land authorities, Howrah Municipal Corporation authorities & other competent authorities planned to convert the Pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate), into a Bastu Land.**
11. **The accused persons constructed illegal constructions/Pucca structure constructions/building constructions on the side parts of the pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate). The aforesaid illegal & criminal activities resulted in the death/extermination of organisms, soil animals, and animals living at the outskirts of the pond, which constitutes offence under the Biological Diversity Act 2002.**
12. **The accused persons planned to construct a high rise building on the Pond at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, (being one of the plots at Babubhai Ashrafi Estate) by illegal filling up of large pond with rubbish, solid waste rubbish materials, industrial effluents, toxic substances.**
13. **There should be absolute disconnection of the existing electricity supply and/or not to provide electricity supply in the illegal constructions/Pucca structure constructions/building constructions at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403.**
14. **The accused persons in collusion and conspiracy with each other conspired to murder me and my family if I complain to higher authorities against the illegal activities specified above.**
15. **Unless I am granted police protection, I will be murdered soon by the accused persons, their men, agents, and associates.**

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16. Under circumstances, I, therefore most humbly request the concerned authorities to grant me the following requests:-

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1) To completely remove all rubbish, solid waste rubbish materials & industrial effluents from the pond illegally filed at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, (being one of the plots at Babubhai Ashrafi Estate) and to restore the pond to its original pristine state.

2) To permanently restrain the accused persons and their men, agents and associates from discharging industrial effluents, toxic substance, hot waste water effluents from the workshop of MERAJ INDUSTRIES, and another unit ASHRAFI COPPER AND ALLOYS CENT CAST into the pond situated at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, (being one of the plots at Babubhai Ashrafi Estate.)

3) To register FIR against the accused persons for the crime of illegal filling up the large pond of area with solid waste rubbish materials & industrial effluents, punishable offence under sections 326(a) read with section 324, 279, 280, 292, 270 of the Bharatiya Nyaya Sanhita, 2023. The offence is also punishable under section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979 and section 4C & 4D of the West Bengal Land Reforms Act, 1955.

4) To demolish, dismantle, remove all the illegal constructions/Pucca structure constructions/building constructions at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra, Pin - 711403, (being one of the plots at Babubhai Ashrafi Estate) and to restore the pond to its original pristine state.

5) To stop persistent illegal constructions/Pucca structure constructions/building constructions in any part of the pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate.)

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6) To permanently restrain the accused persons and their men, agents and associates of the MERAJ INDUSTRIES, its workshop and another unit ASHRAFI COPPER AND ALLOYS CENT CAST from causing air pollution and noise pollution in a densely populated residential area at R.S. Dag No. 954, Mouza Bankra District Howrah, Block Domjur and also at premises No. 40, Ganga Ram Bairagi Lane, P.S. Domjur, Howrah - 711101

7) To permanently restrain the accused persons and their men, agents and associates of the MERAJ INDUSTRIES, its workshop and another unit ASHRAFI COPPER AND ALLOYS CENT CAST from any kind of industrial activities in a densely populated residential area at R.S. Dag No. 973/L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403, and also at premises No. 40, Ganga Ram Bairagi Lane, P.S. Domjur, Howrah - 711101.

8) To restrain the accused persons and all the competent authorities from converting Pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate ) into a Bastu Land.

9) Not to provide any building sanction plan on the Pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate), in violation of section 17A of the West Bengal Inland Fisheries Act, 1984 and Section 52 of the West Bengal Town and Country (Planning and Development) Act, 1979 and section 23 of the West Bengal Gram Panchayat Act, 1973 and 4C and 4D of the West Bengal Gram Panchayat Act, 1955.

10) To stop persistent ecological imbalance and water pollution in the said pond at R.S. Dag No. 973/ L.R. Dag No. 953, R.S. Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387 District - Howrah, Block - Domjur, Mouza - Bankra Pin - 711403 (being one of the plots at Babubhai Ashrafi Estate.)

11) To completely disconnect existing electricity supply and/or not to provide electricity supply in the illegal

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constructions/Pucca structure constructions/building  
constructions at R.S. Dag No. 973/L.R. Dag No. 953, R.S.  
Khatian No. 1153, L.R. Khatian No. 495, 10022, 14368-14387  
District - Howrah, Block - Domjur, Mouza - Bankra Pin -  
711403 (being one of the plots at Babubhai Ashrafi Estate.)

12) To provide me and my family the police protection from  
impending murder by the accused persons, their men, agents,  
and associates.

13) To permanently restrain the accused persons and their  
men, agents and associates from operating industrial grade  
manufacturing unit MERAJ INDUSTRIES & its workshop and  
another unit ASHRAFI COPPER AND ALLOYS CENT CAST, in a  
densely populated residential area situated at different  
locations at R.S. Dag No. 974 L.R. Dag No.954, Mouza -  
Bankra District - Howrah, Block - Domjur and also at premises  
No. 40, Ganga Ram Bairagi Lane, P.S. Domjur, Howrah -  
711101.

14) To arrest the accused persons, and produce them before  
Chief Judicial Magistrate at Howrah

15) Any other relief/reliefs myself entitled to get in law &  
equity.

17. That I hereby give legal notice upon all the above mentioned authorities with the notice  
period of 10 days to do needful as specified in the foregoing paragraphs, failing which I will  
be compelled to file a case against you in a competent court of Law, at your own costs and  
damages.

Thanking you,  
With Regards,

SARBANI BRAHMA d/O Nalini Ranjan Brahma  
Email: sarbani.brahma.2024@gmail.com  
Phone: 9339208757



07 DEC 2024



Sarbani Brahma

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

**VAKALATNAMA**

**ORIGINAL APPLICATION NO: \_\_\_\_\_ OF 2024**

**In the Matter of:**

**SARBANI BRAHMA.....Petitioner/ Complainant/Applicant**

**VERSUS**

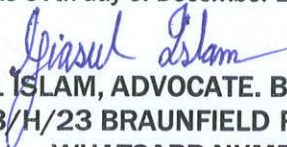
**STATE OF WEST BENGAL & OTHERS.....Respondent/Accused**

KNOW ALL to whom these present shall come that I, SARBANI BRAHMA the above named Petitioner/ Complainant/Applicant do hereby appoint:

**GIASUL ISLAM** son of late Md Tibyanul Islam (herein after called the advocate) to be my Advocate in the above noted case authorize him:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
8. And I the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.
9. And I undertake that I or my duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I hereby agree that once fee is paid, I will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me.

IN WITNESS WHEREOF I do hereunto set my hand to these presents the contents of which have been understood by me on this 07th day of December 2024. Accepted, and identified the client.

  
**MR. GIASUL ISLAM, ADVOCATE. BCI ENROLMENT NO. WB/2474/2010.**  
**CHAMBER: 13/H/23 BRAUNFIELD ROW, POST ALIPORE, KOLKATA-700027**  
**WHATSAPP NUMBER +91-9433014080**  
**EMAIL: ADV.GIASUL@GMAIL.COM**