

- 1 -
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE BENCH, KOKATA

ORIGINAL APPLICATION NO. 108 OF 2021

IN THE MATTER OF:

Rasulpur Dana Welfare Society

.....Applicant

VERSUS

West Bengal Pollution Control Board

.....Respondent

INDEX

	Affidavit	2 - 5
	Verification	6
	Pictures -Annexure A	7 - 8

Paushali Banerjee

Advocate

7A, Kiron Shankar Roy Road

Kolkata-700001

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Affidavit on behalf of the Applicant:

I, Nandiata Biswas, wife of Subir Biswas, aged about 46 years, by religion Hindu, by occupation- Teacher , residing at Memari, Baghila more, Memari, Purba Burdawan – 713146, I am the honorary president of Rasulpur Dana Welfare Society, I am the Applicant in the instant matter, the Applicant is a society working for the betterment of the environment of Rasulpur and other areas. I do hereby solemnly affirm and say as follows: -

1. I know the facts and circumstances of the case. I have been duly authorized by the Society and otherwise competent to affirm this affidavit on its behalf.

2. I have I have read a copy of Affidavit of the Additional District Magistrate affirmed on 14th December, 2022, (hereinafter referred to as the "said Affidavit"). I have understood the meaning and purport thereof.
3. I say that the enquiry report of the BL&LRO of Plot no 25 of Baidyadanga Mouza, on 4/0716 annexed with the said Affidavit shows that respondent no 9 attempted to fill up the pond lying and situated in the dag no.25, a drain near the pond was filled up by about 20 ft and a stag of earth 100 cft was found situated on the eastern bank of the pond.
4. I say that a notice for restoration of the water body dated 17/08/16 was issued to several persons including respondent no 7 and 8 which is annexed as annexure 'R-3' with the said Affidavit reveals that a spot enquiry showed that the water body is filled up without getting any prior permission, directions were given to restore the water body.
5. I say that FIR's lodged before Memari Police Station dated 30/08/16 are annexed as annexure R 4 with the said Affidavit specifically states that respondent no 7 have converted the mode and character of the pond to the extent of 0.08 acres in dag no.463 of Baidyadanga Mouza without any prior permission. Several other FIR's are also annexed showing Shyamali Boiragi have changed the mode and character of the pond to the extent of 0.025 acres in dag no.463 of Baidyadanga Mouza and Ramesh

4

Gosh elder son of Respondent no.8 have changed the mode and character of the pond to the extent of 0.01 acres in dag no.463 of Baidyadanga Mouza

6. I say that the inspection report of the BL&LRO, BDO, Officer -in-charge of Memari Police station and Junior Engineer of Memari I Development Block annexed as R 3 with The affidavit states that pucca construction on dag no 463 and a kaccha wide road of 8 feet at dag no 25. It is therefore evident that both the ponds have been encroached by respondents no 7,8 and 9 along with several other persons.
7. I say that the affidavits of the additional District Magistrate and District Magistrate do not state as to how much area of the ponds have been encroached and/or the reasons as to why the said illegal constructions are not demolished or not and why till date the ponds were not restored.
8. I say that on 7th April 2022, BDO, BL&LRO, BDO, OC & others again inspected the said pond in Dag no 25 of Baidyadanga Mouza when the secretary of the Applicant society met the authorities and showed the violations in Dag no25 but the respondent authorities did not inspect the pond situated and lying at dag no 463 of Baidyadanga Mouza, specifically the illegal construction of Respondent no.7.
9. I say that again on 19th May 2022, the BL&LRO inspected Dag no 25 of Baidyadanga Mouza but left out the illegal construction of Respondent no.7.

10. That with regard to paragraphs 1,2,3,4,5,6, 7,8,9,10,11,12,13,14 &15 I say at the cost of repetition that the report of the committee consisting of BDO, BL&LRO, officer-in-charge- Memari Police station and Sub Assistant Engineer Memari-I consists that there are illegal constructions encroaching the ponds situated at Dag no.463 and Dag no.25 of Baidyadanga Mouza, but the extent of encroachments are not stated, neither any step is taken towards the restoration of the ponds, illegal encroachments are not demolished, nor any action have been taken against the illegal encroachers.

11. I say that respondent no 7 have not stopped construction encroaching the pond in Dag no 463 and the construction of a two stored building is more or less complete, the illegal construction is facing the road at the western side of the pond beside the Rasulpur Baidyadanga Girls High School. The ground floor of building is used commercially and upper floor is used as residence by respondent no.7. The picture of the complete building is annexed herewith and marked as annexure A.

12. I say that immediate action must be taken to take steps and demolish the illegal construction encroaching the ponds and restore the two ponds situated at Dag no.25 and Dag no 463 of Baidyadanga Mouza, allowing the prayer of the Applicant in the Original application. The ponds are covered with garbage and hyacinths which till date have not been cleared by the respondent authorities. The picture annexed as Annexure B with the original application shows the illegal construction .

6

VERIFICATION

I, Nandiata Biswas, wife of Subir Biswas, aged about 46 years, by religion Hindu, by occupation- Teacher , residing at Memari, Baghila more, Memari, Purba Burdawan – 713146, I am the honorary president of Rasulpur Dana Welfare Society and authorized to verify this affidavit on behalf of the Rasulpur Dana Welfare Society , do hereby verify that para 8, 9, 11 of the Affidavit are true to the best of my belief, rest are humble submissions before this Hon'ble Court and no part of the report is false and nothing has been concealed therefrom.

Verified at Kolkata on this 20th day of May, 2022.

Prepared in my office

Pankaj Saraya
Advocate

Nandiata Biswas.
DEPONENT
President
Rasulpur Dana Welfare Society
Rasulpur, Purba Bardhaman

ATTESTED

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

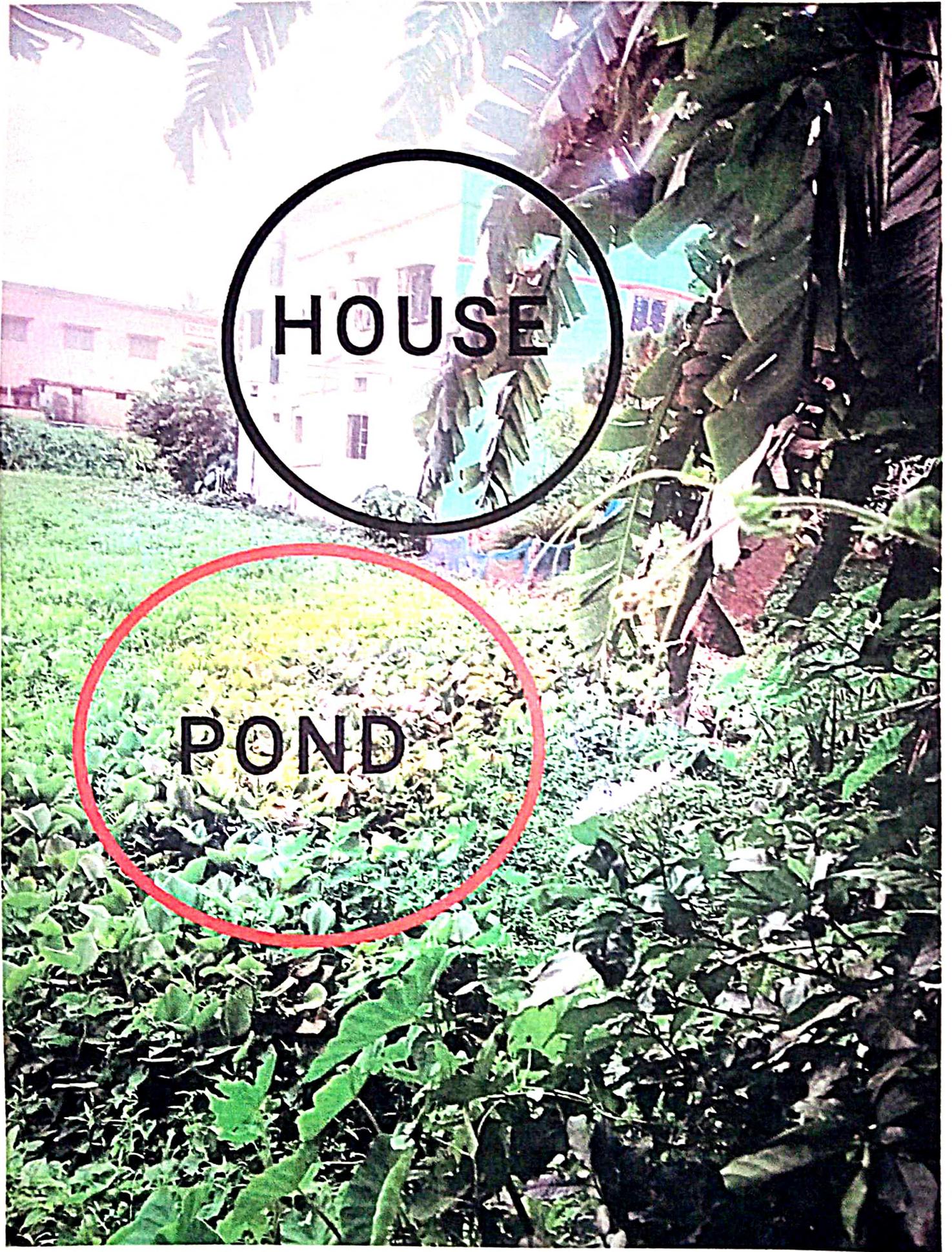


20 MAY 2022

7

Annexure 'A'





HOUSE

POND