

SL.No. 58

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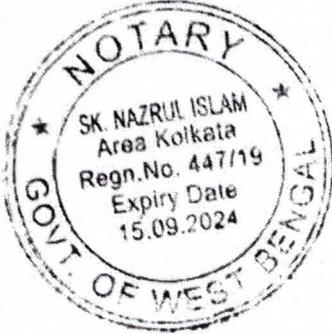
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Dt - 29/09/23

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 62/2023/EZ

NATIONAL GREEN TRIBUNAL  
EZB, KOLKATA  
DY. No: 1612/2023/62  
DATE: 29/09/23  
Sign. of receiving Officer: [Signature]



In The Matter of:

Nabyendu Moulik

... Applicant

Versus

State of West Bengal & Ors.

... Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 05, THE CHAIRMAN  
MAL MUNICIPALITY, JALPAIGURI.

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29 SEP 2023

	Officer, Mal Sub Division		
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Filed by

*Prithwish Kumar Basu.*

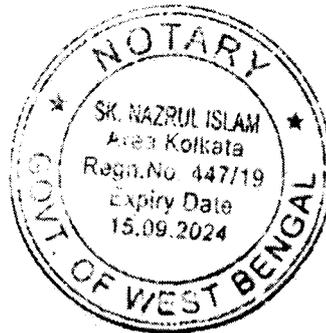
PRITHWISH BASU

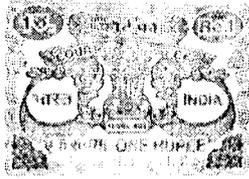
Advocate

For Respondent Number 05.

Email: [prithwish1986@gmail.com](mailto:prithwish1986@gmail.com)

(M): 7980626922





BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 62/2023/EZ

In The Matter of:

Nabyendu Moulik

... Applicant

Versus

State of West Bengal & Ors.

... Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 05, THE CHAIRMAN  
MAL MUNICIPALITY.

I, Sri Swapan Saha, S/o Late Narayan Saha, working for gain as the Chairman,  
Mal Municipality, having office at P.O- Mal, District: Jalpaiguri, Pin- 735221,  
do hereby solemnly affirm and submit as follows:-

1. That I received notice issued by the Hon'ble National Green Tribunal,  
Eastern Zone Bench, Kolkata in connection with the above original  
application presently pending before this Hon'ble Tribunal.

2. That this affidavit is being filed in compliance to the Solemn Order dated  
04.09.2023, passed by the Hon'ble Tribunal.

3. That on 13.08.2021, the Block Land & Land Reforms Officer, Mal,  
Jalpaiguri had informed the Chairperson, Mal Municipality that a joint



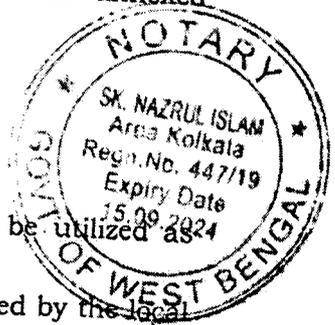
verification was conducted along with the officials of Mal Municipality on 05.08.2021 and plot of land identified for SWM Project of Mal Municipality as RS Plot No. 301, corresponding to LR Plot No.- 779/2009 and 779/2010 in Mouza- Mal, J. L. No. 44.

Photocopy of the letter dated 13.08.2021 written by Block Land & Land Reforms Officer, Mal, Jalpaiguri to the Chairperson, Mal Municipality is annexed herewith and marked with the letter 'R-1'.

- 4. That thereafter the Executive Officer, Mal Municipality vide letter dated 17.08.2021 addressed to the District Magistrate, Jalpaiguri , informed that the above plot has been identified and the land owners were ready to hand over the land through Gift Deed and accordingly the registration may be completed within that week and in that aspect cooperation was solicited.

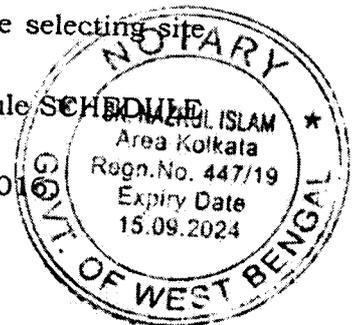
Photocopy of the letter dated 17.08.2021 written by the Executive Officer, Mal Municipality to the District Magistrate, Jalpaiguri is annexed herewith and marked with the letter 'R-2'.

- 5. That ultimately the plot of land as identified could not be utilized as dumping ground due to public tranquility and chaos created by the local inhabitants.



6. That subsequently the Principal Secretary, Urban Development & Municipal Affairs department, Government of West Bengal vide letter dated 06.04.2022, had written to the District Magistrate, Jalpaiguri district interalia stating that as per the solemn order issued by the Hon'ble National Green Tribunal and the compliance with Solid Waste Management Rules, 2016, it is mandatory for all ULBs to ensure scientific processing and disposal of Municipal Solid Waste as articulated in the rules and reiterated in the orders issued by the Hon'ble NGT in adjudication of different cases viz OA-606/2018, OA-200/2014 and OA-673/2018.

There is no identified dumping ground at 2(two) ULBs of your District (Dhupguri and Mal Municipality). Immediate identification of SWM land is required. Land for setting up of a fresh waste processing facility as well as scientific land fill is required, preferably vested/ unused Govt. land of other Departments to be considered. It is pertinent to mention here that as a matter of policy procurement or purchase of land from private owners will not be entertained for SWM purpose. The tentative quantum of land required is 5.29 acres for Dhupguri Municipality and 4.22 acres for Mal Municipality as per approved DPR. The land while selecting site for SLF should comply with the provisions according to Rule I as per Rule 15 (w), (zi), 16(1) (b) (e), 16(4) of SWM Rules 2016

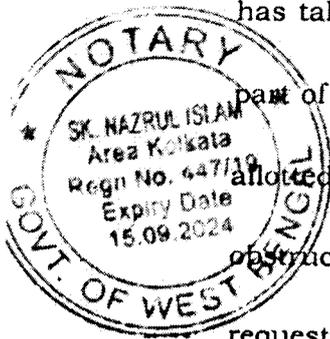


6

5A

Photocopy of the letter dated 06.04.2022, the Principal Secretary, Urban Development & Municipal Affairs department, Government of West Bengal had written to the District Magistrate, Jalpaiguri is annexed herewith and marked with the letter 'R-3'.

7. That the Chairman, Mal Municipality vide letter dated 05.09.2022, has informed the Sub Divisional Officer, Mal Sub Division, Mal Jalpaiguri interalia stating that the a plot measuring 5.22 Acres at Mouza- Soonagachi TG, JL No. 04, Sheet No. 6, Plot No 968(0.75), 978(4.47), Khatian No 01 has been allotted by the Land & Land Reforms Department, Government of West Bengal for setting up SWM Project for Mal Municipality vide Order No. 3072-GGE(M)/24012/197/2022 dated 18.07.2022. The UD & MA Department has also authorized the Executive Officer to take over the possession of the land on behalf of the UD&MA Department and hand over the possession to Mal Municipality for implementation of SWM project. The Executive Officer, Mal Municipality has taken over the possession of the land officially on 17.08.2022. As a part of the project a team was engaged for plantation of seedlings on the allotted land but unfortunately some people of adjacent areas have obstructed to plant seedlings on the said land. In this connection it is requested to take over the possession of the allotted land physically on any day as fixed by you and you are also requested to kindly remain present on the date of physical transfer. Moreover on the date of physical

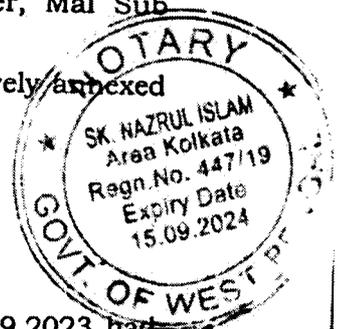


transfer of the land it was also requested to invite the following officials to remain present at the allotted site for smooth running of the program.

Photocopy of the letter dated 05.09.2022, written by the Chairman, Mal Municipality to the Sub Divisional Officer, Mal Sub Division is annexed herewith and marked with the letter 'R-4'.

8. That the Block Development Officer, Matiali informed the Sub Divisional Officer, Mal Sub Division vide letter dated 21.09.2022, that a meeting in relation to handing over plot of land for SWM (Solid Waste Management) project was held on 20.09.2022 and in the meeting various objections were raised by the members of the Matiali Panchayat Samiti, Bidan Nagar Gram Panchayat and hence that plot of land situated at Mouza-Sonagachi TG, J. L. No. 04, Plot Numbers 968, 978 measuring an area of 0.75 and 4.47 acre could not be utilized for dumping ground.

Photocopy of the letter dated 21.09.2022 written by the Block Development Officer, Matiali to the Sub Divisional Officer, Mal Sub Division along with the minutes of the meeting are collectively annexed herewith and marked with the letter 'R-5'.



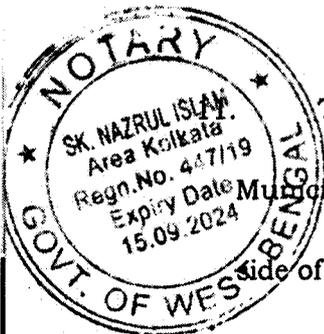
9. That the Chairman, Mal Municipality vide letter dated 05.09.2023 had informed the director SUDA (SBM), interalia requesting to visit the actual

location of the dumping ground for SWM project in respect of Mal Municipality during the last month and three location were selected for the dumping ground covering the areas.

Photocopy of the letter dated 05.09.2023 is annexed herewith and marked with the letter "R-6".

10. That in response to the letter dated 05.09.2023 written by the Chairman, Mal Municipality, The Special Secretary Urban Development and Municipal Affairs Department, Government of West Bengal vide letter dated 15.09.2023 requested The District Magistrate to sent fresh proposal for new inter departmental transfer of land in favor of UD & MA Department or setting up of dumping ground of SWM project within Mal Municipal area within the District Jalpaiguri.

Photocopy of the letter dated 15.09.2023 is annexed herewith and marked with the letter "R-7".



That due to non availability of dumping ground in the area of Mal Municipality hence on a temporary basis garbage were dumped on the side of River Mal but the same has now been stopped.

12. That cleaning of the river banks and clearing of garbage is being done by the Mal Municipality and presently the entire stretch of Mal River has been cleaned and this deponent states and humbly submits before this Hon'ble Tribunal that all endeavour is taken and in future will be taken for keeping the banks of the Mal river clean, within the area of Mal Municipality.

Color Photographs showing the cleaning of the stretch of River Mal within the Mal Municipality are annexed herewith and marked with the letter 'R-8'.

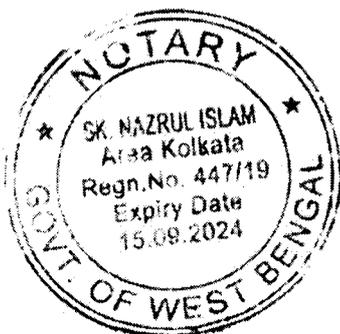
13. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice.

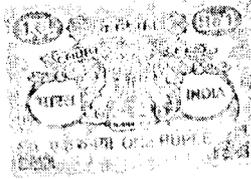
Identified by me

*Prithwish Kumar Basu.*  
29.09.2023  
Advocate

✓

*Swapan Saha.*  
Deponent  
Chairman  
Mal Municipality





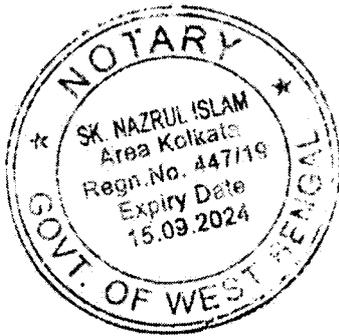
VERIFICATION:

I, the deponent above- named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at Kolkata on the 29<sup>th</sup> Day of September, 2023.

Identified by me  
*Prithwish Kumar Bose*  
*29/9/2023*  
Advocate  
~~State of West Bengal~~  
*WBF/1520/1466/2020.*

*Stratam Saha*  
Deponent  
Chairman  
Mal Municipality



Solely Affirmed and  
Declared before me U/S 139  
CPC, U/S 297 (C) CrPc

*[Signature]*  
Notary

*SK. Nazrul Islam*  
Notary, Govt. of W.B.  
Regn. No. 447/19  
City Civil Court, Calcutta

29 SEP 2023

Ameyur - (A-1)

11

59



**GOVERNMENT OF WEST BENGAL  
OFFICE OF THE BLOCK LAND & LAND REFORMS OFFICER  
MAL., JALPAIGURI.**

MEMO NO-309/MAL/JAL/2021

Dated 13/08/2021

To,  
The Chairperson,  
Board of Administrators,  
Mal Municipality.

Sub; Identification of Land for SWM Project for Mal Municipality.  
Ref: Memo No. MM/C/439/SWM/2021-22 Dated- 13/08/2021

Sir,

In correction with the above subject and reference a joint verification with your officials was conducted on 05/08/2021. The plot of Land has been identified as RS Plot No- 301 corresponding to LR Plot No-779/2009 and 779/2010, in Mouza Mal JL No -44. The Plot information report of the Plots are enclosed for your ready reference along with a sketch map of the same .

These is for your information and necessary action.

*[Signature]*  
BLOCK LAND & LAND REFORMS OFFICER,

MAL, JALPAIGURI  
Block Land & Land Reforms  
Officer, Mal

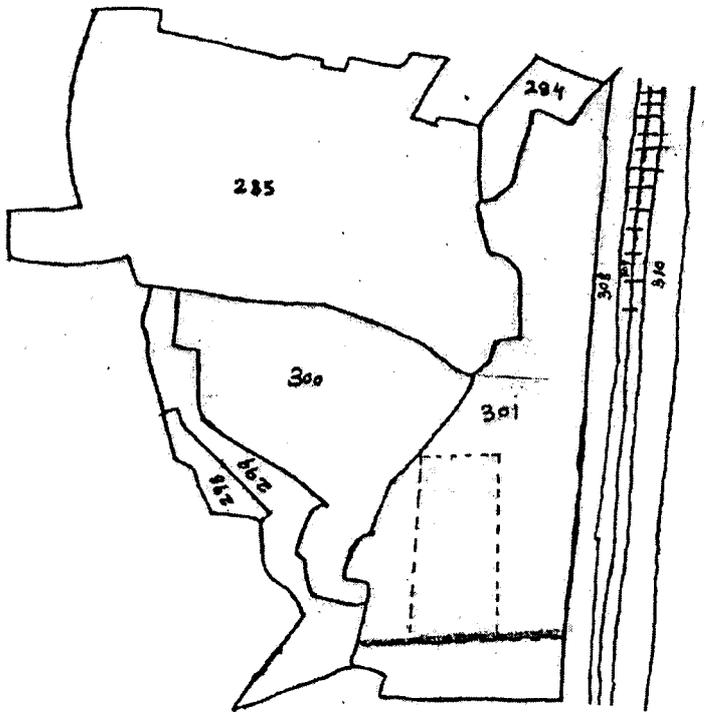
*[Signature]*  
Executive Officer:  
MAL MUNICIPALITY

MOUZA. MAL JL NO-44 SHEET NO-02  
PS. MAL DIST- JALPAIGURI. SCALE- 16" = 1 MILE



Reference: -

Land under possession -   
Kacha Road



LAND SCHEDULE

<u>Plot No</u>	<u>Plot No</u>	<u>Area</u>
RS	LR	
301		1.46 acre

*De*  
15/11/2012  
Mal. Dist.

Annexure - 'R-2'

13

61

OFFICE OF THE COUNCILLORS OF THE MAL MUNICIPALITY  
PO. MAL, DIST. JALPAIGURI, PIN CODE NO 735221  
ESTD: 1989

MEMO NO. MM/C/456/SWM/2021-22

DATED 17.08.2021

From : The Executive Officer,  
Mal Municipality

To : The District Magistrate,  
Jalpaiguri,

Sub: Regarding identification of Land for SWM Project under Mal  
Municipality.  
Ref; Memo No 309/MAL/JAL/2021 dt. 13.08.2021 of the BL&LRO, Mal  
\*\*\*\*\*

Madam,

In reference to the above I like to inform you that an area measuring 1.46 acre, duly enclosed, is lying with us. The BL&LRO has been requested to submit a report regarding the status of the land and the same has been received in the mean time. The owners of the land are ready to handover the land through a Gift Deed at any time. Accordingly it is expected that registration of the Gift Deed will be completed within this week, This is for your information and taking necessary action from your end. Your cooperation into the matter is requested

Thanking you.

Yours sincerely

*[Signature]*  
Executive Officer  
Mal Municipality  
MAL MUNICIPALITY  
DATED 17.08.2021

MEMO NO. MM/C/456/1(3)/SWM/2020-21

Copy forwarded for information to:

- 1) The District Land & Land Reforms Officer, Jalpaiguri
- 2) The Sub Divisional Land & Land Reforms Officer, Mal, Jalpaiguri
- 3) The Block Land & Land Reforms Officer, Mal, Jalpaiguri

*[Signature]*  
Executive Officer  
Mal Municipality  
MAL MUNICIPALITY

Amex one - R-3

19

62

Government of West Bengal  
Urban Development and Municipal Affairs Department  
NAGARAYAN, DF-8, Sector-I  
Salt Lake, Kolkata-700064

Memo No. 1578 - UDMA-11012(99)/45/2021

Date: 06.04.2022

From : Shri Khalil Ahmed, IAS,  
Principal Secretary to the Govt. of West Bengal,  
Urban Development & Municipal Affairs Department.

To: The District Magistrate,  
Jalpaiguri District.

Sub: Land related matter for Solid Waste Management project  
within Dhupguri and Mal Municipality.

Ref: 1)DO NO: Psecy/UD&MA/2021/213 Dt.19.01.2021  
2)No:34-UD/O/M/Estt/MISC/20/2018 Dt.04.01.2022  
3)No:27-UD/O/M/Estt/MISC/20/2018 Dt.04.01.2022  
4)No:-841-UDMA-11012(99)/45/2021 Date : 21.02.2022

Sir,

As you aware, as per the order issued by the Hon'ble National Green Tribunal(NGT) and the compliance with Solid Waste Management Rule,2016, it is mandatory for all ULBs to ensure scientific processing and disposal of Municipal Solid Waste as articulated in the rules and reiterated in the orders issued by the Hon'ble NGT in adjudication of different cases viz OA-606/2018, OA-200/2014 and OA-673/2018.

There is no identified dumping ground at 2(two) ULBs of your District(Dhupguri and Mal Municipality). Immediate identification of SWM land is required. Land for setting up of a fresh waste processing facility as well as scientific land fill is required, preferably vested/ unused Govt. land of other Departments to be considered. It is pertinent to mention here that as a matter of policy procurement or purchase of land from private owners will not be entertained for SWM purpose. The tentative quantum of land required is 5.29 acres for Dhupguri Municipality and 4.22 acres for Mal Municipality as per approved DPR. The land while selecting site for SLF should comply with the provisions according to Rule SCHEDULE I (see rule 15 (w), (z), 16(1) (b) (e), 16(4)) of SWM Rules-2016(attached).

Please expedite identification of suitable Government land to set up the fresh waste processing and Sanitary Land Fill facility.  
Matter urgent.

Yours faithfully,

Enclo : As stated.

Principal Secretary  
to the Govt. of West Bengal

Memo No. 1578/1(2) - UDMA-11012(99)/45/2021

Date: 06.04.2022

Copy forwarded to:

- 1) Executive Officer, Dhupguri Municipality.
- 2) Executive Officer, Mal Municipality

Additional Secretary  
to the Govt. of West Bengal

and Ministry of Environment, Forest and Climate Change, along with its recommendations before the 31<sup>st</sup> day of August each year.

(5) The annual report shall be reviewed by the Ministry of Environment, Forest and Climate Change during the meeting of Central Monitoring Committee

**25. Accident reporting-** In case of an accident at any solid waste processing or treatment or disposal facility or landfill site, the Officer-in-charge of the facility shall report to the local body in Form-VI and the local body shall review and issue instructions if any to the in-charge of the facility.

#### SCHEDULE I

[see rule 15 (w),(zi), 16 (1) (b) (e), 16 (4)]

##### Specifications for Sanitary Landfills

- (A) **Criteria for site selection.-**
- (i) The department in the business allocation of land assignment shall provide suitable site for setting up of the solid waste processing and treatment facilities and notify such sites.
  - (ii) The sanitary landfill site shall be planned, designed and developed with proper documentation of construction plan as well as a closure plan in a phased manner. In case a new landfill facility is being established adjoining an existing landfill site, the closure plan of existing landfill should form a part of the proposal of such new landfill.
  - (iii) The landfill sites shall be selected to make use of nearby wastes processing facilities. Otherwise, wastes processing facility shall be planned as an integral part of the landfill site.
  - (iv) Landfill sites shall be set up as per the guidelines of the Ministry of Urban Development, Government of India and Central Pollution Control Board.
  - (v) The existing landfill sites which are in use for more than five years shall be improved in accordance with the specifications given in this Schedule.
  - (vi) The landfill site shall be large enough to last for at least 20-25 years and shall develop 'landfill cells' in a phased manner to avoid water logging and misuse.
  - (vii) The landfill site shall be 100 meter away from river, 200 meter from a pond, 200 meter from Highways, Habitations, Public Parks and water supply wells and 20 km away from Airports or Airbase. However in a special case, landfill site may be set up within a distance of 10 and 20 km away from the Airport/Airbase after obtaining no objection certificate from the civil aviation authority/ Air force as the case may be. The Landfill site shall not be permitted within the flood plains as recorded for the last 100 years, zone of coastal regulation, wetland, Critical habitat areas, sensitive eco-fragile areas..
  - (viii) The sites for landfill and processing and disposal of solid waste shall be incorporated in the Town Planning Department's land-use plans.
  - (ix) A buffer zone of no development shall be maintained around solid waste processing and disposal facility, exceeding five Tonnes per day of installed capacity. This will be maintained within the total area of the solid waste processing and disposal facility. The buffer zone shall be prescribed on case to case basis by the local body in consultation with concerned State Pollution Control Board.
  - (x) The biomedical waste shall be disposed of in accordance with the Bio-medical Waste Management Rules, 2016, as amended from time to time. The hazardous waste shall be managed in accordance with the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, as amended from time to time. The E-waste shall be managed in accordance with the e-Waste (Management) Rules, 2016 as amended from time to time.
  - (xi) Temporary storage facility for solid waste shall be established in each landfill site to accommodate the waste in case of non-operation of waste processing and during emergency or natural calamities.
- (B) **Criteria for development of facilities at the sanitary landfills.-**
- (i) Landfill site shall be fenced or hedged and provided with proper gate to monitor incoming vehicles, to prevent entry of unauthorised persons and stray animals
  - (ii) The approach and / internal roads shall be concreted or paved so as to avoid generation of dust particles due to vehicular movement and shall be so designed to ensure free movement of vehicles and other machinery.
  - (iii) The landfill site shall have waste inspection facility to monitor waste brought in for landfilling h, office facility for record keeping and shelter for keeping equipment and machinery including pollution monitoring equipment. The operator of the facility shall maintain record of waste received, processed and disposed.

OFFICE OF THE COUNCILORS OF THE MAL MUNICIPALITY  
PO. MAL, DIST. JALPAIGURI, PIN CODE NO. 735221  
ESTD: 1989

MEMO NO. MM/C/761/SWM/2022-23

DATED 05.09.2022

From The Chairman  
Mal Municipality

To The Sub-Divisional Officer,  
Mal Sub-Division, Mal Jalpaiguri.

Sub: Regarding hand over of possession of land in favour of Mal Municipality  
for setting up SWM Project for Mal Municipality.

Ref. Memo No. 3072/GE(M)/24012/197/2022 dated 18.07.2022 of the L&L R  
& RR&R Department Govt of West Bengal. & Memo No 367/UDMA-  
24011(15)/31-2022/GENL-SEC/Dept. of UD&MA dated 12.08.2022.

\*\*\*\*\*

Sir

In reference to the above I like to inform you that the a plot measuring 5.22 Acres at Mouza Soongachi TG, JL No. 04, Sheet No. 6, Plot No 968(0.75), 978(4.47) , Khatian No. 01 has been allotted by the Land & Land Reforms Department, Government of West Bengal for setting up SWM Project for Mal Municipality vide Order No. 3072-GGE(M)/24012/197/2022 dated 18.07.2022 The UD&MA Department has also authorized the Executive Officer to take over the possession of the land on behalf of the UD&MA Department and hand over the possession to Mal Municipality for implementation of SWM project. The Executive Officer, Mal Municipality has taken over the possession of the land officially on 17.08.2022. As a part of the project a team was engaged for plantation of seedlings on the allotted land but unfortunately some people of adjacent areas have obstructed to plant seedlings on the said land. In this connection it is requested to take over the possession of the allotted land physically on any day as fixed by you and you are also requested to kindly remain present on the date of physical transfer. Moreover on the date of physical transfer of the land it is also requested to invite the following officials to remain present at the allotted site for smooth running of the programme.

- 1 The Sub-Divisional Police Officer, Mal Sub-Division with sufficient police arrangement
- 2 The Officer-in-Charge, Matiali Police Station, with sufficient Police arrangement
- 3 The Officer-in-Charge, Mal Police Station
- 4 The Block Development Officer, Matiali Block
- 5 The BL&RO, Matiali Block.
- 6 The Sabhapati, Matiali Panchayat Samiti.
- 7 The Pradhan, Matiali Batabari Gram Panchayat.

Thanking you.

Yours sincerely

*[Signature]*  
Chairman CHAIRMAN  
Mal Municipality MUNICIPALITY

DATED 05.09.2022

MEMO NO. MM/C/761/1(3) SWM/2022-23  
Copy forwarded for information to:

1. The District Magistrate, Jalpaiguri
2. The District Land & Land Reforms Officer & ADM, Jalpaiguri.
3. The BL&LRO, Matiali Block

*[Signature]*  
Chairman CHAIRMAN  
Mal Municipality MUNICIPALITY

17

6

**GOVERNMENT OF WEST BENGAL  
URBAN DEVELOPMENT AND MUNICIPAL AFFAIRS DEPARTMENT  
(MUNICIPAL AFFAIRS BRANCH)  
NAGARAYAN  
DF-8, SECTOR-1, SALT LAKE  
KOLKATA-700 064**

No.367/UDMA-24011(15)/31/2022-GENL SEC-Dept. of UDMA  
Dated Kolkata, the 12<sup>th</sup> August, 2022

From : The Additional Secretary, the Govt. of West Bengal.

To : The Chairman,  
Mal Municipality,  
Dist. Jalpaiguri.

Sub: Regarding nomination of authorized representative for taking over Physical possession of land so sanctioned in t/o UD&MA Deptt., GoWB for the purpose of setting up SWM Project for Mal Municipality in the district of Jalpaiguri.

Sir,

With reference to the letter of the Land & Land Reforms and Refugee Relief and Rehabilitation Department, Nabanna, vide Memo No. 3072-GE(M)/24012/197/2022 dt. 18/07/2022 (copy enclosed) on the subject noted above, I am directed to inform you that Executive Officer, Mal Municipality is hereby authorized on behalf of UD&MA Deptt. to take over the possession of the following schedule of land and handover possession of the same to the Mal Municipality for holding the land on behalf of this Department for implementation of the project mentioned under subject.

Land Schedule:-

Dist.	P.S.	Mouza	JL No.	LI Plot No.	Area
Jalpaiguri	Matelli	Songachi TG	04	968	1.75
				978	1.47

Total-3.22 acre

A report of compliance thereof along with a copy of Possession Certificate should be furnished to this Department for onward submission of the same to the Land & Land Reforms and Refugee Relief and Rehabilitation Department at the earliest.

Encl: As stated

Yours faithfully,  
*(Signature)*  
Addl. Secretary  
to the Government of West Bengal

No.367/1(7)/UDMA-24011(15)/31/2022-GENL SEC-Dept. of UDMA  
Dated Kolkata, the 12<sup>th</sup> August, 2022

Copy forwarded for information and necessary action to:-

1. The CEO, KMDA.
2. The Director, SUDA
3. The Special Secretary, Land & Land Reforms Department, Govt. of West Bengal  
Nabanna, 325, Sarat Chatterjee Road, Howrah - 711 102
4. The District Magistrate, Jalpaiguri, Dist. Jalpaiguri
5. The ADM(LR) and DL&LRO, Jalpaiguri, Dist. Jalpaiguri.
6. Chief Engineer, MED.
7. The Executive Officer, Mal Municipality, Dist. Jalpaiguri

*(Signature)*  
Addl. Secretary  
to the Government of West Bengal



**GOVERNMENT OF WEST BENGAL**  
OFFICE OF THE BLOCK LAND & LAND REFORMS OFFICER  
MATELLI BLOCK, DISTRICT JALPAIGURI

**WRIT OF POSSESSION**

In consonance with the sanction order of the Inter Departmental Transfer vide Memo No. 3072-GE(M)/24012/197/2022 dated 18.07.2022 of the L&LR & RR&R Deptt., Govt. of West Bengal communicated vide Memo No. 160/D/C/007/049/LMS-I/DLLRO/JAL/2022 dated 27.07.2022 of the ADM and DL&LRO, Jalpaiguri, we the undersigned, i.e., BL&LRO, Matelli and Executive Officer, Mal Municipality, are hereby respectively handing over and taking over possession of the below scheduled land today, i.e., on 17.08.2022, for the purpose of setting up Solid Waste Management Project for Mal Municipality in Matelli, which has been inter departmentally transferred in favour of the Urban Development and Municipal Affairs Department, Govt. of West Bengal.

Land Schedule

District	Block	P.S.	Mouza	J.L No.	Khatian No.	Plot No. (LR)	Area (acre)
Jalpaiguri	Matelli	Matelli	Soongachi T.G.	04	1	968	0.75
						978	4.47
						Total Area	5.22

Terms & conditions pertaining to the IDT

1. The land will be reverted back to the Land & Land Reforms Department when no longer required by the Urban Development and Municipal Affairs Department, Govt. of West Bengal.
2. If it is found that the land has not been utilized for a period of 3 (Three) years from the date of taking over possession, the Land & Land Reforms Department may resume such quantum of land from the Urban Development and Municipal Affairs Department, Govt. of West Bengal.
3. The Urban Development and Municipal Affairs Department, Govt. of West Bengal, will not alienate the land.
4. The Urban Development and Municipal Affairs Department, Govt. of West Bengal, will not lease out or let out or transfer any portion or whole of the land at all.
5. If any portion of the land so sanctioned is found surplus to the requirements at any stage for the purpose above mentioned, the said portion of land shall be reverted to the Land & Land Reforms Department.
6. If it is subsequently found that the subject land is involved in any court case in Hon'ble court of law including WBLRTT, then all concerned shall abide by the orders as may be passed by such Hon'ble court of Law or WBLRTT.
7. The Urban Development and Municipal Affairs Department, Govt. of West Bengal will not use the land for commercial purpose.
8. If it is detected subsequently that the Land is being used for commercial purpose, the Urban Development and Municipal Affairs Department, Govt. of West Bengal will be liable to pay full market value as to be assessed on the date of such detection.

*Shubhasmit Goswami*  
Signature of the Officer handing over possession  
(Shubhasmit Goswami)  
Block Land & Land Reforms Officer  
Matelli Block, Jalpaiguri

*Bimalendu Roy*  
Signature of the Officer taking over possession  
(Bimalendu Roy)  
Executive Officer,  
Mal Municipality,  
P.O. Mal, District Jalpaiguri

Memo no. 226 /1(1)/BL&LRO/MATELLI/JAL/2022

Dated 17.08.2022

Copy forwarded for kind information to :  
1. The ADM and DL& LRO, Jalpaiguri.

*[Signature]*  
Block Land & Land Reforms Officer  
Matelli Block, Jalpaiguri

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GOVERNMENT OF WEST BENGAL  
DEPARTMENT OF LAND & LAND REFORMS AND REFUGEE RELIEF & REHABILITATION  
GEIM/LRA-III BRANCH, NABANNA, 325, SARAT CHATTERJEE ROAD  
P.O. SHIBPUR, HOWRAH-711002

Memo No. 3072-GE(M)/24012/197/2022

Date: 18.07.2022

From: The Deputy Secretary  
to the Government of West Bengal.

O/O THE D.L. OFFICE, JALPAIGURI

Docket No. 25/3833

To: The District Magistrate & Collector, Jalpaiguri,  
Dist. - Jalpaiguri.

Docket Date: 25/07/22

Section: GC LMS-I

Subject: Inter-Departmental Transfer of Govt. land in favour of the Urban Development and Municipal Affairs Department, Govt. of West Bengal for the purpose of setting up SWM Project for Mal Municipality in the district of Jalpaiguri

With reference to the above, the undersigned is directed to say that the Governor is hereby pleased to accord sanction to the following inter-departmental transfer of Govt. land in favour of the Urban Development and Municipal Affairs Department, Govt. of West Bengal for the purpose of setting up SWM Project for Mal Municipality in the district of Jalpaiguri as per land schedule below.

Schedule

District	P.S.	Mouza	J.L. No.	LR Plot No.	Area (in acre)
Jalpaiguri	Matelli	Soongachi T.G.	04	968	0.75
				978	4.47

Total Area - 5.22 acre

2. The Urban Development and Municipal Affairs Department, Government of West Bengal will hold the land as sanctioned on the following terms and conditions:

(i) The land will be reverted to the Land and Land Reforms Department when no longer required by the Urban Development and Municipal Affairs Department, Government of West Bengal.

(ii) If it is found that the land has not been utilized for a period of 3 (three) years from the date of handing over possession, the Land & Land Reforms Department may resume such quantum of land from the Urban Development and Municipal Affairs Department, Government of West Bengal.

(iii) The Urban Development and Municipal Affairs Department, Government of West Bengal will not alienate the land.

(iv) The Urban Development and Municipal Affairs Department, Government of West Bengal will not lease out or let out or transfer any portion or whole of the land at all.

(v) If any portion of the land so sanctioned is found surplus to the requirements at any stage for the purpose above mentioned, the said portion of land shall be reverted to the Land and Land Reforms Department.

D.A.  
G.T.C. 18/7/22

Amexurp - (R-5)

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GOVERNMENT OF WEST BENGAL  
OFFICE OF THE BLOCK DEVELOPMENT OFFICER  
MATIALI :: JALPAIGURI

Memo No: 1511 /BDO/MAT.

Date: 21.09.2022

To  
The Sub-Divisional Officer,  
Mal Sub-Division, Mal, Jalpaiguri

Sub: Minutes of meeting in relation with handing over possession of land.

Ref: His Memo No.1661/MA./2022 dated 19.09.2022.

Sir,

I am sending herewith the minutes of meeting in connection with handing over of possession of land (SWM, Mal Municipality) for your kind perusal.

Enclo.:

1. Minutes of Meeting
2. Attendance

Yours faithfully,

*Bino*  
Block Development Officer  
Matiali :: Jalpaiguri

**Minutes of the meeting i.c.w. handing over of possession of land in favour of Mal Municipality for setting up SWM Project for Mal Municipality.**

**Venue: Meeting Hall, Office of the Block Development Officer, Matiali Date: 20.09.2022  
12:00 noon**

The meeting started with a note of welcome by the BDO, Matiali to all the dignitaries.

The following points have been raised by the present delegates and detailed discussions are as follows: -

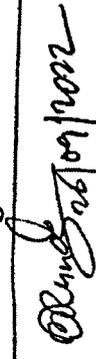
1. The Senior Manager of Soongachi T.G., R.S. Khandelwal suggests that if the project is implemented in the proposed area it may cause hygienic issues and environmental degradation of local ecosystem. Therefore he has suggested for an alternative place for implementation for the project.
2. Sri Bikram Runda, Sabhapati, Matiali Panchayat Samiti claims that Matiali Panchayat Samiti wasn't aware of the proceedings and preliminary actions related to the project like demarcation of the land, handing over the selected plot etc. In addition to this no proper consent or written approval was taken from the Matiali Panchayat Samiti. Sabhapati apprehends that Law & Order problem may arise in this area if the project is implemented. Broad discussion to be conducted to get the confidence of the local people for further proceeding. He has suggested to find out alternative land at Mal Block where huge chunk of land available. General body meeting to be conducted for taking views of all elected members of Matiali Panchayat Samiti.
3. Sri William Tiru, Karmadhyasha Bon O Bhumi Sanskar Sthayee Samiti, Matiali Panchayat Samiti raised some pertinent question that the local body i.e. Panchayat Samiti has no information and had never consulted about the handing over the land in question. No information was communicated from any authority however he has learnt from today's meeting.
4. Smt. Babli Oraon, Local Gram Panchayat Member, she has no knowledge about the project to be installed here under her constituency. She fears residents will be suffered and will resist of any kind of activities to be conducted by the authority concerned.
5. Sri Raj Sabar, Upa-Pradhan, tribal cultural activities will be suffered as local people are using this land during cultivation period. He has requested the Chairman, Mal Municipality to find out suitable land at any place of Mal block.
6. The Pradhan, Bidhan Nagar Gram Panchayat, he has no knowledge about the project, even he does not know when the land was handed over to Municipality. No information was given to local pradhan. He will raise the issue in General Body Meeting of the Gram Panchayat. He has also requested Chairman, Mal Municipality to find out vested land at Mal block.
7. Smt. Sima Sarkar, ZP Member, She has no knowledge about the proceeding. She has also requested to shift the proposal to Mal block where vested land is available. She objects against such schemes to be implemented in Matiali Block.

As there were no further issues to discuss as of now, the meeting ended with the vote of thanks to and from the chair.

*[Signature]*  
Block Development Officer  
Matiali :: Jalpaiguri

Attendance Sheet for the meeting i.c.w. handing over of possession of land in favour of Mal Municipality for setting up SWM Project for Mal Municipality

DATE: 20.09.2022

Sl. No.	Name	Designation & Office	Contact No.	Signature
1	Sri Bikram Runda	Sabhapati, Matiali Panchayat Samiti	7063105150	
2	Sri Swapan Saha	Chairman, Mal Municipality	9434110303	
3	Sri Kingshuk Chanda	DMDC, Mal Sub Div.		
4	Sri Bimalendu Roy	Executive Officer Mal Municipality	9836995500	
5	R. S. Khazadei D.S.	S. N go. Panchayat, T.F.R.	9636050032	
6	Babli Chatterjee	Bidhanmohana Jais Minibar	8768008392	
7	Raj Suban	Up-Pradhan. BNGP	9083090992	
8	Niten Roy	Pradhan BNGP	9641012093	
9	William Jim	Bon. Bhumi. Karmaditya	9339913567	
10	Shubhasmita Goswami	B.L.R.O., Matelli	8670272829	

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Attendance Sheet for the meeting i.c.w. handing over of possession of land in favour of Mal Municipality for setting up SWM Project for Mal Municipality

DATE: 20.09.2022

Sl. No.	Name	Designation & Office	Contact No.	Signature
11	HARI PADA DATTA	TOWN PROJECT OFFICER.	943424298	
12	Sukhi Dange	SI of Police	7908513927	
13	Deepak Datta	BDO, Malali		
14				
15				
16				
17				
18				
19				
20				

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**OFFICE OF THE COUNCILLORS OF THE MAL MUNICIPALITY  
PO. MAL, DIST. JALPAIGURI, PIN CODE NO. 735221  
ESTD: 1989**

Memo No MM/C/ 919/SWM/2023-24

Dated 05.09.2023

From: The Chairman  
Mal Municipality

To : The Director SUDA (SBM)  
Ilgus Bhavan, HC Block, Sector III  
Salt Lake, Kolkata 700106

Sub: Regarding allocation of land for Dumping ground in connection  
with SWM programme in respect of Mal Municipality.  
Ref; Memo No.157/D/C/007/044/DLLRO/JAL/16 dated 19.07.2022  
of the District Magistrate, Jalpaiguri.

\*\*\*\*\*

Sir,

In reference to the above the undersigned likes to inform you that a team was engaged from SUDA, West Bengal to visit the actual locations of the Dumping Ground for SWM project in respect of Mal Municipality during last month. Three locations were selected for Dumping Ground covering areas for location No (1) 5.22 acres for location No. (2) 0.33 acres and for location No. (3) 2.30 acres approx. Out of the above three locations the team members preferred the location No (2) adjacent to Newra River for construction of Dumping Ground for Mal Municipality. Actually a proposal for 0.33 acres of land for Surface Water project of Mal Municipality adjacent to Newra River has been submitted to the Land & Land Reforms Department, Government of West Bengal from the District Magistrate, Jalpaiguri vide Memo No.157/D/C/007/044/DLLRO/JAL/16 dated 19.07.2022 for immediate allocation of land for the above project. But in the meantime the Technical team from Amrut Project visited the location of the Surface Water Project adjacent to Newra River and advised us to shift the Surface water project adjacent to Mal River in place of Neora River as the source of water is smoothly available at Mal river. Considering the opinion of the Technical Team Mal Municipality has decided to shift the Surface Water Project to Mal River. In this position we can easily use the land for location No. 2 for construction of Dumping Ground of Mal Municipality as the Project has been shifted to Mal River. It may be noted here that there are sufficient vacant land adjacent to the proposed Dumping Ground which may also be used for our Dumping Ground after maintaining all formalities. This is for your information and taking necessary action from your end.

Details of the lands

1. Location No. 01: Area 5.22 Acres , Mouza Soongachi TG, JL No. 04, Sheet No. 6, Plot No 968(0.75), 978(4.47) , Khatian No. 01, PS Matiali, Jalpaiguri
2. Location No. 02: Area 0.33 acres Mouza Soongachi, TG, Sheet No. 6, Khatian No.01, Plot No 962, 963, PS. Matiali, Jalpaiguri
3. Location No. 03: Area 2.30 acres , Mouza, Mal, Khatian No 01, Plot No. 1

Thanking you.

Yours faithfully,

(Swapn Saha)  
Chairman  
Mal Municipality

Memo No MM/C/919/1(1)SWM/2023-24

Dated 05.09.2023

Copy forwarded for information and taking necessary action to : Sri Joly Chaudhury WBCS  
(Exe ),Jt. Secretary, UD & MA Department & Addl. Director SUDA, Ilgus Bhavan, HC Block,  
Sector III, Salt Lake, Kolkata 700106

(Swapn Saha)  
Chairman  
Mal Municipality

Amexure - (R-7)

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GOVERNMENT OF WEST BENGAL  
URBAN DEVELOPMENT AND MUNICIPAL AFFAIRS DEPARTMENT  
(MUNICIPAL AFFAIRS BRANCH)  
NAGARAYAN  
DF-8, SECTOR-1, SALT LAKE  
KOLKATA-700 064

No. 243/UDMA-24011(15)/91/2023-GENL SEC-Dept. of UDMA  
Dated Kolkata, the 15<sup>th</sup> September, 2023

From : The Special Secretary, the Govt. Of West Bengal.

To : The DM & Collector, Cooch Behar  
Dist. - Cooch Behar

Sub: - Initiation of proposal for a new Inter-Departmental Transfer of land in favour of UD&MA Deptt. for setting up of Dumping Ground for SWM project with n Mal Municipal Area in the District Jalpaiguri.

Ref: 157/D/C/007/044/DLLRO/JAL/16 dated, 19/07/2022 of ADM & DL & LRO, Jalpaiguri.

Sir/Madam,

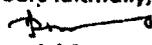
In connection to the subject cited above, I am directed to forward herewith a copy of letter, vide No.MM/C/919/SWM/2023-24 dated 05/09/2023 of Chairman Mal Municipality (copy enclosed) and to request you to submit a proposal of cancellation for IDT of following schedule of land in favour of UD & MA Department for Surface Water Project under AMRUT Scheme as was submitted by a letter stated in reference above and to initiate and submit a new formal proposal for IDT on stated schedule of land in favour of UD & MA Department for creation of dumping ground in connection with SWM project of Mal Municipality with a copy to this Deptt. so that the issue may be taken up with L&LR and RR&R Deptt. for approval.

**Land Schedule:-**

District	PS	Mouza	JL No.	Plot No.	Sheet No.	Khatian No.	Area (in-Acre)
Jalpaiguri	Matiyali	Soonagachi Tea Garden	4	967, 963	6	1	0.33

Encl : As stated

Yours faithfully,

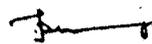
  
Special Secretary

to the Government of West Bengal

No. 243/1(5)/UDMA-24011(15)/91/2023-GENL SEC-Dept. of UDMA  
Dated Kolkata, the 15<sup>th</sup> September, 2023

Copy forwarded for information and necessary action to:-

1. The Director, SUDA
2. The Additional Secretary, Land & Land Reforms Department, Govt. of West Bengal Nabanna, 325, Sarat Chatterjee Road, Howrah - 711 102.
3. The Chief Engineer, MED.
4. The ADM and DL&LRO, Cooch Behar, Dist. - Cooch Behar.
5. The Chairman, Mal Municipality, Dist. - Jalpaiguri.

  
Special Secretary

to the Government of West Bengal

Annexure - R-8

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GPS Map Camera



Google

Jalpaiguri Division, West Bengal, India  
VPHW+7RM, Haihai Pathar Tea Garden I P,  
Long 88.747683°  
Lat 26.878462°  
28/9/2023 06:31 AM

Answer all - R-8

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GPS Map Camera

Jalpaiguri Division, West Bengal, India  
VPHW+7RM, Haihai Pathar Tea Garden I P,  
Long 88.747683°  
Lat 26.878462°  
28/9/2023 06:31 AM



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GPS Map Camera

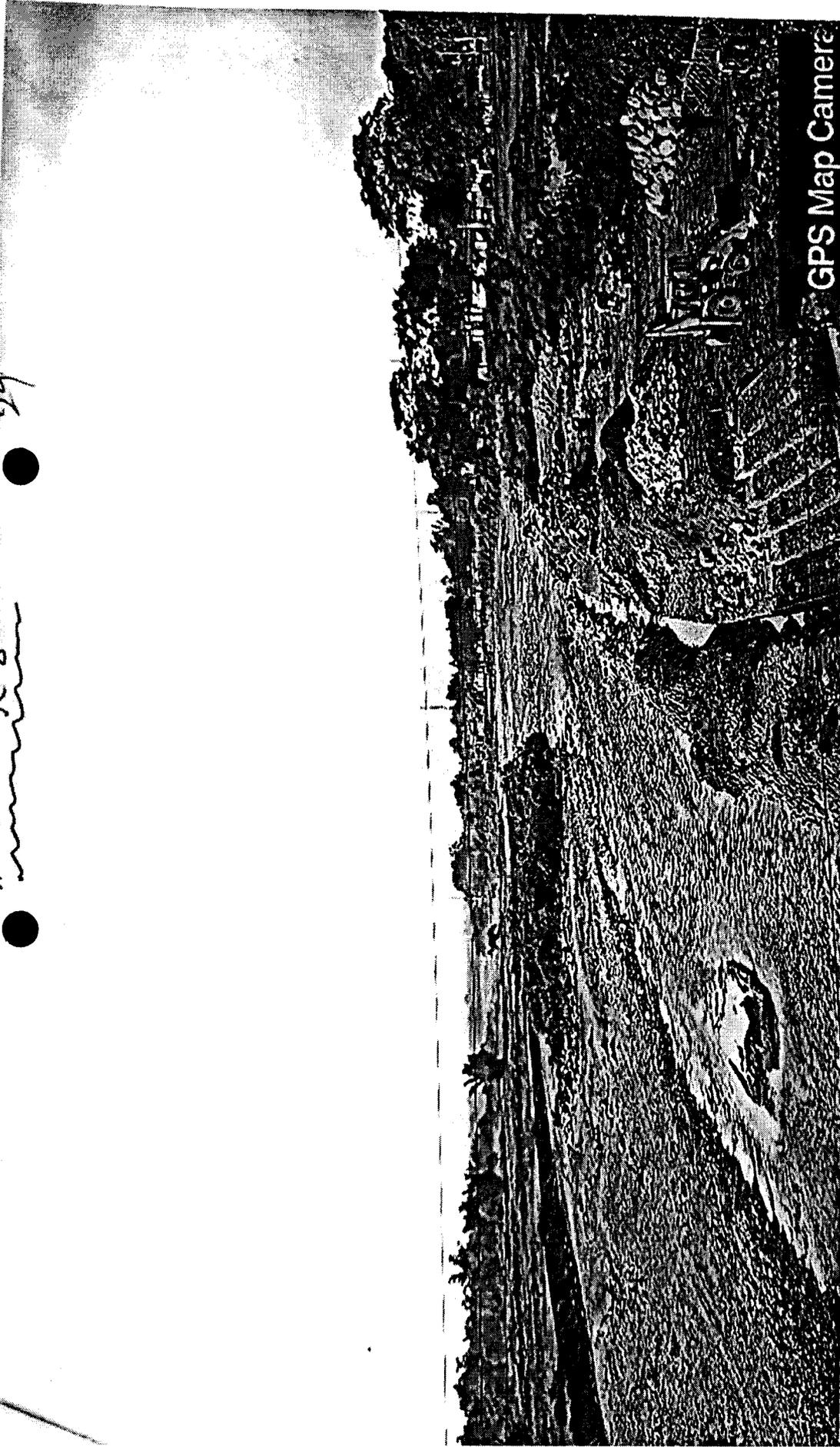


Google

Jalpaiquri Division, West Bengal, India  
VQJ2+FR2, Mal Bazar, Son Gachhi Tea Garden,  
Long 88.752012°  
Lat 26.881204°  
28/9/2023 06:29 AM

Answer - R-8

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GPS Map Camera

Jalpaiguri Division, West Bengal, India  
VPJX+MPP, Rishi Rd, Son Gachhi Tea Garden,  
Long 88.749306°  
Lat 26.881594°



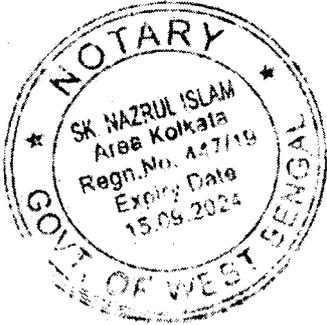
Rishi Road

Google

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BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL EASTERN ZONE  
BENCH, KOLKATA

O. A. NO. 62/2023/EZ



In The Matter of:

Nabyendu Moulik

... APPLICANT

VERSUS

The State of West Bengal & Ors.

... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE  
RESPONDENT No. 05, THE CHAIRMAN  
MAL MUNICIPALITY, JALPAIGURI.

PRITHWISH BASU

Advocate

For Respondent No. 05

Email: prithwish1986@gmail.com

(M): 7980626922