

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.30/2023/EZB

MR. SUBHASH DUTTA

...Applicant(s)

-Versus-

THE STATE OF WEST BENGAL & OTHERS.

....Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.8, THE WEST
BENGAL POLLUTION CONTROL BOARD: *Executive*
officer, English Bazar Municipality

I N D E X

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Kolkata

Date :

Filed by
Avishek Prasad
AVISHEK PRASAD
Advocate
High Court, Calcutta



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THE STATE OF WEST BENGAL & OTHERS.

....Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.8,
EXECUTIVE OFFICER, ENGLISH BAZAR, MUNICIPALITY,
MALDA

I, Md. Kauser Ali, son of Late Md. Kalim, aged about 52 years, by religion – Islam, by occupation – Service, working for gain as Executive Officer, English Bazar, Municipality, having office at English Bazar, Municipality, P.O. – Malda, P.S. – English Bazar, Pin – 732101, do hereby solemnly declare and say as follows :-



Colour photographs of the notice in pursuant to the direction of the District Administration is annexed herewith and is marked as Annexure "A".

- b) Direction of the District Administration has been complied with by extensive miking around the area near the water body called "Chatra Beel in order to make awareness in the people so that all the construction and earth filling activities can be stopped with immediate effect.

Colour Photographs of the awareness camp conducted near the concerned water body is annexed herewith and is marked as Annexure "B".

- c) We are searching for adequate land for the construction of Sewage Treatment Plant. But the land is yet to be found. The English Bazar Municipality is situated over 13.25 Sq KM. The population is very dense (more than 15000 per Sq. KM). We are facing the scarcity of available land. As soon as the land is available, we will initiate the steps towards the



construction of Sewage Treatment Plant. So far the discharge of untreated water in to the area called "Chatra Beel" is concerned, we want to submit that the drainage water from Ward Nos.03, 11, 12, 16, 18, 19, 20, 23, 24, 25, 27, 28 & 29 flows through the "Chatra Beel" to Bangladesh for more than 50 Years.

Copy of Report prepared by Sanitary Inspector, English Bazar Municipality, Malda, is annexed hereto and is marked as Annexure "C".

- d) To minimize the extraction of ground water and to minimize the supply of water with arsenic contamination, we have commissioned the Rs.101 Cores water supply project under Urban Infrastructure Development Scheme for Small and Medium Towns Scheme (UIDSSMT) . Through this project. we are fulfilling 50% requirement of the people with treated surface water.



Copy of the status report is annexed herewith and is marked as Annexure “D”.

- e) We are preparing proposals for the construction of one Clear Water Reservoir and Two Over Head Reservoirs under Atal Mission for Rejuvenation and Urban Transformation (AMRUT)-2.0 project for supplying Arsenic free water from PHE (Public Health Engineering) Directorate. For this we have required land from DL & L.R.O (District Land and Land Reform Officer) Malda and Executive Engineer, PWD (Public Work Department) , Malda respectively.

In this respect copies of the Letter dated 07.01.2023 and dated 18.01.2023 are annexed hereto and are marked as Annexure “E”.

The lands are yet to be obtained. After commissioning of the above projects we will be able to supply treated surface water to our entire population as per their requirement.



- f) In connection with the construction and land filling activities in the area called "Chatra Beel", we want to submit that we are not recommending any Building Plan on any land having the classification of "Pukur" or "Doba" or "Beel".

Copy of the Report prepared by Sub-Assistant Engineer-II, Englishbazar Municipality Malda, is annexed herewith and is marked as Annexure "F".

- g) We are also not issuing any Holding number on a land having the classification of "Pukur" or "Doba" or "Beel" or any kind of recorded water body except where the classification as non-water body is mentioned in the instrument of land ownership



Copy of the Report of Assessing Inspector English Bazar Municipality, Malda, is annexed herewith and marked as Annexure "G".

- h) We are implementing Solid Waste Management Programme in all the Twenty Nine Wards of this Urban Local Body. People are to be made aware. For this, we

have engaged Fifty Eight Nirmal Sathis for house to house awareness. Through this we are segregating degradable and non-degradable wastes and dumping at a distant location for subsequent bio-mining and thus are minimizing plastics and other non degradable wastes in the flowing water of the drains of this Urban Local Body. After complete awareness of the people and full implementation of the programme, we will be able to stop the accumulation of plastic & other non-degradable wastes in the area called "Chatra Beel".

Colour photo copies of the Solid Waste Management (SWM) activities is annexed hereto and is marked as Annexure "H".

- i) As per our official records, we are still not aware of the exact demarcation of the area called "Chatra Beel" which falls under our jurisdiction. We need proper direction from District Land Authority, Environment Authority, Fishery Authority and other Authorities through District Administration for the exact





demarcation of the "Chatra Beel" area within the jurisdiction of our Municipality.

- j) The undersigned also needs the direction and support of the Chairman English Bazar Municipality as he is our controlling Authority as per Section-16 and Section-60A of the West Bengal Municipal Act-1993, towards ensuring perfect environment friendly activities by the English Bazar Municipality.

4. It is therefore respectively submitted that this Hon'ble Tribunal will take note of the instant affidavit and may pass such order/orders as it deem fit and proper for the interest of justice.

Md. Kamal H.

DEPONENT

Identified by me :

Anisheer Prasad

Advocate

Enrollment No.WB/1560/2009

VERIFICATION

I, Md. Kauser Ali, son of Late Md. Kalim, aged about 52 years, by religion – Islam, by occupation – Service, working for gain as Executive Officer, English Bazar, Municipality, having office at Englishbazar, Municipality, P.O. – Malda, P.S. – Englishbazar, Pin – 732101, do hereby solemnly declare and say as follows :-

1. That the I am the Executive Officer of English Bazar, Municipality, Malda and I look after the instant case. I am well acquainted with the facts and circumstances of the instant case. I am competent to affirm the instant affidavit.
2. That the statements made in paragraph 1 and 2 are true to my knowledge.
3. That the statements made in paragraph no.3 are derived from records which I verily believe to be true and rest are my humble submission before this Hon'ble Tribunal.

Md. Kauser Ali

Identified and Settled by me

DEPONENT

Ajishen Prasad

Advocate
English Bazar Municipality,
Malda



26 JUL 2023

SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME ON IDENTIFICATION

S. M. Hassan
S. M. HASSAN
NOTARY

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Annexure - A

বিজ্ঞপ্তি

এতদ্বারা সর্বসাধারণের জ্ঞাতার্থে জানানো যাচ্ছে যে, মাননীয় ন্যাশনাল গ্রীন ট্রাইব্যুনাল-এর আদেশ অনুসারে ইংলিশবাজার পৌরসভা এলাকার অধীনে চাতরা বিলের মধ্যে নিম্নলিখিত মৌজায় কোন ধরনের আবর্জনা বা মাটি ফেলে উঁচু করা বা বিল্ডিং তৈরীর উদ্দেশ্যে মাটি খনন বা বিল্ডিং সংক্রান্ত যে কোন ধরনের কাজ করা যাবে না।

বিষয়টি অত্যন্ত গুরুত্বপূর্ণ।

মৌজা - উত্তর রামচন্দ্রপুর, জে.এল নং- ৭১

মৌজা - শিরোজপুর, জে.এল নং- ৬৯

মৌজা - অভিরামপুর, জে.এল নং- ৯১

মৌজা - আরাজি বিলালপুর, জে.এল নং- ৭০

মৌজা - উত্তর যদুপুর, জে.এল নং- ৮৮

আদেশানুসারে

ইংলিশবাজার পৌরসভা, মালদা।

realme Shot on realme 9i 5G



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Annexure - A

বিজ্ঞপ্তি

এতদ্বারা সর্বসাধারণের জ্ঞাতার্থে জানানো যাচ্ছে যে, মাননীয় ন্যাশনাল গ্রীন ট্রাইব্যুনাল-এর আদেশ অনুসারে ইথলিশবাজার পৌরসভা এলাকার অধীনে চাতরা বিলের মধ্যে নিম্নলিখিত মৌজায় কোন ধরনের আবর্জনা বা মাটি ফেলে উঁচু করা বা বিল্ডিং তৈরীর উদ্দেশ্যে মাটি খনন বা বিল্ডিং সংক্রান্ত যে কোন ধরনের কাজ করা যাবে না।

বিষয়টি অত্যন্ত গুরুত্বপূর্ণ।

- মৌজা - উত্তর বামচন্দ্রপুর, জে.এল নং- ৭১
 মৌজা - পিরোজপুর, জে.এল নং- ৬৯
 মৌজা - অভিরামপুর, জে.এল নং- ৯১
 মৌজা - আরজি বিলাসপুর, জে.এল নং- ৭০
 মৌজা - উত্তর বদুপুর, জে.এল নং- ৮৮

আদেশনুসারে
 ইথলিশবাজার পৌরসভা, মালদা।

realme Shot on realme 9i 5G



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Annexure - A

বিজ্ঞপ্তি

এতদ্বারা সর্বসাধারণের জ্ঞাতার্থে জানানো যাচ্ছে যে, মাননীয় ন্যাশনাল গ্রীন ট্রাইবুনাল-এর আদেশ অনুসারে ইংলিশবাজার পৌরসভা এলাকার অধীনে চাতরা বিলের মধ্যে নিয়মিত মৌজায় কোন ধরণের আবর্জনা বা মাটি ফেলে উঁচু করা বা বিল্ডিং তৈরীর উদ্দেশ্যে মাটি খনন বা বিল্ডিং সংক্রান্ত যে কোন ধরণের কাজ করা যাবে না।

বিষয়টি অত্যন্ত গুরুত্বপূর্ণ।

মৌজা - উত্তর রামচন্দ্রপুর, জে.এল নং- ৭১

মৌজা - পিরোজপুর, জে.এল নং- ৬৯

মৌজা - কতিয়ামপুর, জে.এল নং- ৯১

মৌজা - আরাজি বিলাতপুর, জে.এল নং- ৭০

মৌজা - উত্তর বদুপুর, জে.এল নং- ৮৮

আদেশানুসারে

ইংলিশবাজার পৌরসভা, মালদা।

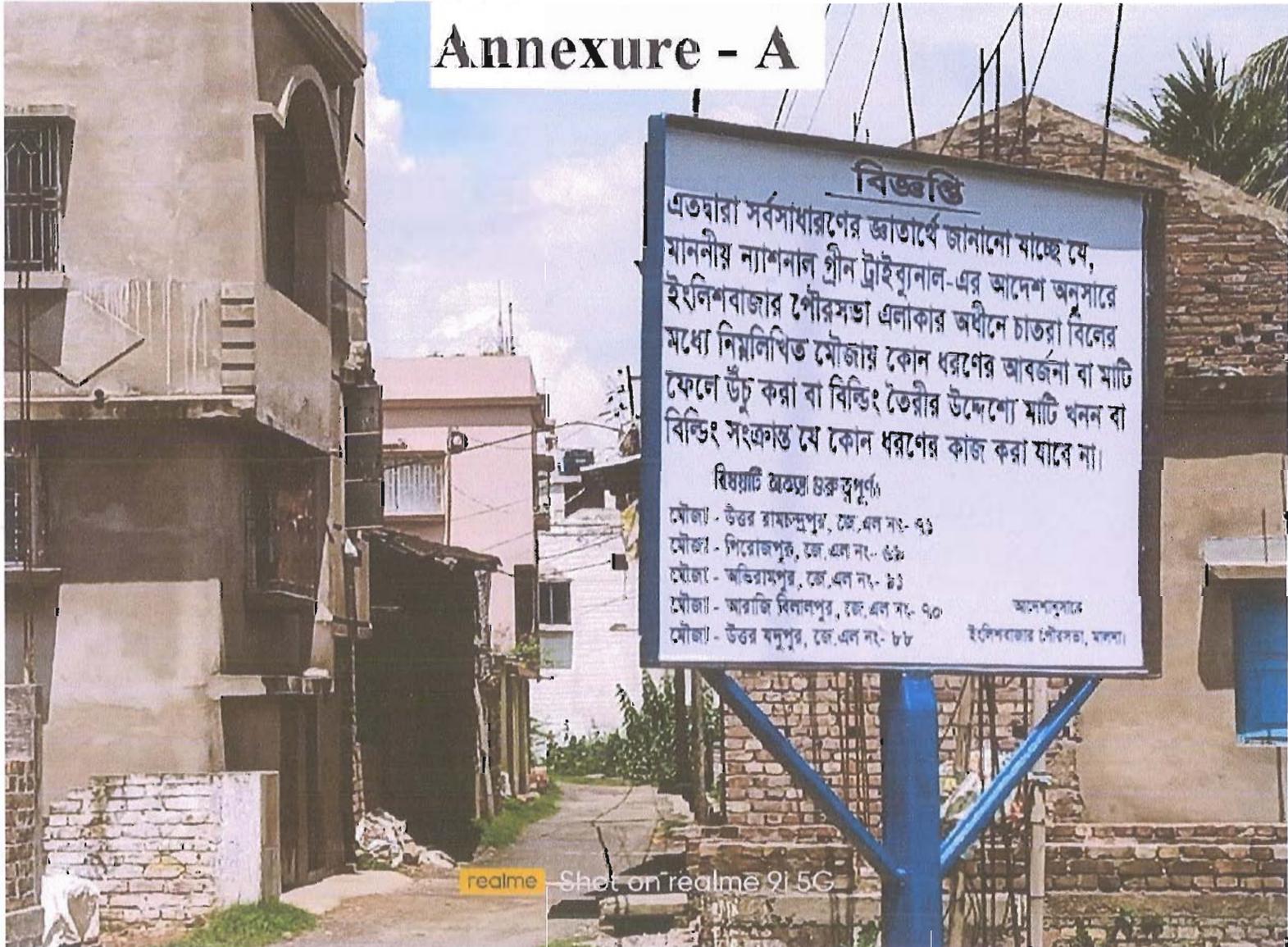
realme

Shot with



- 13 -

Annexure - A



14A

Notice

It is hereby informed for the public information that as per the solemn order of the Hon'ble National Green Tribunal, in the following Mouzas coming under territorial limit of "Chatra beel" under English Bazar Municipality, dumping of garbage / rubbish, excavating mother earth for erecting building and building related work, dumping of soil for raising height are completely prohibited.

The matter is very urgent.

Mouza- Uttar Ramchandrapur, J.L. No.71

Mouza- Pirojpur, J.L. No.69

Mouza- Abhirampur, J.L. No.91

Mouza- Araji Bilalpur, J.L.. No. 70

Mouza- Uttar Jadupur, J.L. No.88

Sri Ranajit Bar, Prince Electric

Bashbari, Malda,

You are hereby requested to provide

one sound system comprising two mikes,

On 6.07.2023 (1 day) on the negotiable

charge to circulate the above information.

Sd/-

By order

English Bazar Municipality

Malda

6.07.2023

Annexure - B



NOTARY
GOVT. OF INDIA
13/06/2018

- 16 -

To
The Executive Officer
Englishbazar Municipality, Malda

Sub: Report in connection with O.A. No: 30/2023/EZ of the Hon'ble NGT

Sir,

As per your instruction I want to inform you that Solid Waste Management activities have been started in all the Twenty Nine Wards of Englishbazar Municipality (Photos enclosed). However due to lack of awareness in the people the segregation of degradable and non-degradable wastes could not be operationalised to the full extent. We have engaged 58 Nirmal Sathis for house to house awareness under SWM. All the wastes are dumped at a distant rural location at Kanchantar for subsequent bio-mining. Except with the ignorant error of the people no plastic or hazardous wastes are allowed to flow through our drains in to the area called "Chatra Beel". The natural direction of flow of water from our Ward Nos-03, 11, 12, 16, 18, 19, 20, 23, 24, 25, 27, 28 and 29 is towards Bangladesh through Chatra Beel. Water is flowing in the above route for more than 50 years. We are in search of land for the construction of Sewage Treatment Plant. As soon as the land is available we will initiate the construction steps of the Sewage Treatment Plant.

This is for your kind information.

Yours faithfully

(Subir Roy)

Sanitary Inspector
Englishbazar Municipality, Malda



STATUS REPORT UIDSSMT PROJECT AS ON 01.07.2023

- 17 -

- PROJECT APPROVAL DATE : 21.11.2011
- SANCTIONED COST : 10164.64 Lakhs
- EXPENDITURE INCURRED : 8947.08 Lakhs
- PHYSICAL PROGRESS : 98%
- FINANCIAL PROGRESS : 88%

• **COMPONENTS**

Sl No	Description	Status
1.	Water Treatment Plant of 22.89 MLD including E/M works	Completed
2.	Sub-Station building for WTP with 750 KVA HT Connection	Completed
3.	Intake Structure & Raw Water Pumping Station(Civil & Elect/Mech)	Completed
4.	Sub-Station building for Intake point with 750 KVA HT Connection	Completed
5.	Raw Water Rising Main from Intake to WTP	Completed
6.	Clear Water Rising Main from WTP to OHRs	Completed
7.	Over Head Reservoir(OHR)- 5 nos(New)	Completed
8.	Distribution Pipe Line for Zone-I to VI	126 Km
9.	Intermediate Under Ground Reservoir(1500 Cum) & Sub-Station Building with 750 KVA HT Connection.	Completed

Zone-II commissioned on 30.05.2023. Zone-III to VI commissioned on 02.03.2023.

At present purified water is supplied in Zone-II, IV & VI from 3:00 pm to 5:00 pm. At Zone-III & V water is supplied from 9:00 am to 11 am & 3:00 pm to 5:00 pm. In Zone-I, purified water is supplied from 01.06.2023 from 11:00 pm to 12:00 pm.

Due to shortage of water in river Mahananda, about 50% of total water requirement is supplied from surface water & rest is met from ground water. Additional 5.2 mld water (from river Ganga) will be available from P.H.E Deptt. which we are considering during preparation of DPR under AMRUT 2.0. Along with this, construction of 3(three) nos overhead reservoir at Ward No 03, 19 & near Satish B.Ed College is also under consideration. Once this project is completed, 100% water supply will be surface water supply.

[Signature]
14/07/23
Superintendent
Water Works Deptt.
E.B.M.

[Signature]
14.07.23
Assistant Engineer
UIDSSMT
English Bazar Municipality, Malda





OFFICE OF THE MUNICIPAL COUNCILLORS

ENGLISHBAZAR MUNICIPALITY, MALDA.

Netaji Subhas Road, Malda. Pin-732101

E-mail : englishbazar_municipality@gmail.com [Website : www.englishbazar_municipality.com] Office : (EPABX) : 03512-252029 Fax : 03512-25339

Memo No. 3321 / 14.2 / 2023

Date 18.09.2023

To : The Executive Engineer,
Malda Division, Public Works Department,
Govt. of West Bengal,
Singatala, Malda.

Sub: N.O.C against construction of Over-Head Reservoir under AMRUT 2.0 Scheme at Plot No 1197, JL No 91 of Abhirampur Mouza, Ward No 03, Englishbazar Municipality.

Ref : Memo No ME/SE(CC)/323/A-10/2021 of Superintending Engineer, Central Circle, Municipal Engineering Directorate, Govt. of West Bengal.

This is to inform you that this ULB has submitted a D.P.R against augmentation of purified water supply under AMRUT 2.0 scheme to U.D & M.A department through Municipal Engineering Directorate, Govt of West Bengal. Under this project we need to construct an over-head reservoir opposite of Arun Smrity Petrol Pump adjacent to road. Now this land falls under your jurisdiction. The porcha of this land is attached herewith for your ready reference. We need N.O.C for only 30m x 30m area or 900 sqm area out of 3.667 acres land owned by you. This project amounting Rs 50.00 crores & sponsored by Central Govt. will not be possible without your N.O.C.

Therefore, the undersigned requests you to kindly provide N.O.C for the required land in the interest of public.

Thanking you,


Chairman
Englishbazar Municipality, Malda
CHAIRMAN
English Bazar Municipality
MALDA

Memo No. 3321 / 14.2 / 22.23 / (6)

Date: 18.09.2023

Copy forwarded for information to:

1. District Magistrate, Malda.
2. Vice-Chairman, Englishbazar Municipality, Malda.
3. C.I.C. Water Supply Project, Englishbazar Municipality, Malda.
4. Superintending Engineer, Central Circle, M.E.Dte, Malda.
5. Executive Officer, Englishbazar Municipality, Malda.
6. Assistant Engineer, UIDSSMT Project, Englishbazar Municipality, Malda.


Chairman
Englishbazar Municipality, Malda
CHAIRMAN
English Bazar Municipality
MALDA





OFFICE OF THE MUNICIPAL COUNCILLORS

ENGLISHBAZAR MUNICIPALITY, MALDA.

Netaji Subhas Road, Malda. Pin-732101

mail : englishbazarmunicipality@gmail.com | Website : www.englishbazarmunicipality.com | Office : (EPABX) : 03512-252029 Fax : 03512-25336

Memo No. 3225 | IX-32 | 22.23

Date 07.01.2021

To : The District Magistrate & Collector
Malda

Sub : Transfer of Govt vest land to Englishbazar Municipality against setting up clear water reservoir under AMRUT 2.0 water supply project.

Ref : Memo No ME/SE(CC)/323/A-10/2021 of Superintending Engineer, Central Circle, Municipal Engineering Directorate, Govt. of West Bengal.

Sir,

This is to inform you that we are submitting a Detail Project Report on water supply amounting Rs 50.00 crores to U.D & M.A department through Municipal Engineering Directorate. In this project we will have to construct a clear water reservoir near Malda Polytechnic College & a land area of around 10 katha is required. This D.P.R is being prepared in consultation with M.E.Dte. Malda Division & they have asked for land details available with us through above mentioned memo no. for going ahead with the project. The following govt. land is available under your jurisdiction & we request your necessary action towards transfer of the Govt. land to Englishbazar Municipality. The project can't be executed without having the land.

Therefore you are requested to take necessary action to transfer the land to Englishbazar Municipality as early as possible.

Block	Mouza	J.L No	Plot No	Type	Area(Acre)	Owner
Englishbazar	Daulatpur	31	708	Danga	0.19	District Magistrate & Collector



Asst. Secy
2021

Memo No 3225 | IX-32 | 22.23 | (6)
Copy forwarded for information to:

1. BL & LRO, Land Reforms Department, Malda.
2. Superintending Engineer, M.E.Dte. Central Circle, Malda.
3. Executive Engineer, Malda Division, Malda.
4. Executive Officer, Englishbazar Municipality, Malda.
5. Urban Planner, Englishbazar Municipality, Malda.
6. Assistant Engineer, UIDSSMT Project, Englishbazar Municipality, Malda.

Chairman

Englishbazar Municipality, Malda

Englishbazar Municipality, Malda

Date: 07.01.2023

Chairman

Englishbazar Municipality, Malda

- 20 -

To
The Executive Officer
Englishbazar Municipality, Malda

Sub: Report in connection with O.A. No : 30/2023/EZ of the Hon'ble NGT

Sir,

As per your instruction I want to inform you that to the best of my knowledge I am not reporting any building plan towards providing building plan sanction of any land of classification "Pukur" or "Doba" or "Beel" particularly in ward no- 03, 25 & 29 under Englishbazar Municipality except where the classification has been mentioned as non-water body at the time of mutation. It is for your kind information that no building plan has been reported without getting mutation/ holding no. from municipal authority.

This is for your kind information.

Yours Faithfully

Shibaji Sarkar

(Shibaji Sarkar) 14.9.2023

Sub-Assistant Engineer-II
Englishbazar Municipality, Malda



To
The Executive Officer
Englishbazar Municipality, Malda

Sub: Report in connection with O.A. No: 30/2023/EZ of the Hon'ble NGT

Sir,

As per your instruction I want to inform you that to the best of my knowledge we are not issuing any Mutation towards providing Holding number on any land of classification "Pukur" or "Doba" or "Beel" or any kind of recorded water body particularly in Ward Nos-03, 25 and 29 of Englishbazar Municipality except where the classification has been mentioned as non-water body at the time of mutation.

This is for your kind information.

Yours faithfully



(Amitava Seth)
Assessing Inspector
Englishbazar Municipality, Malda



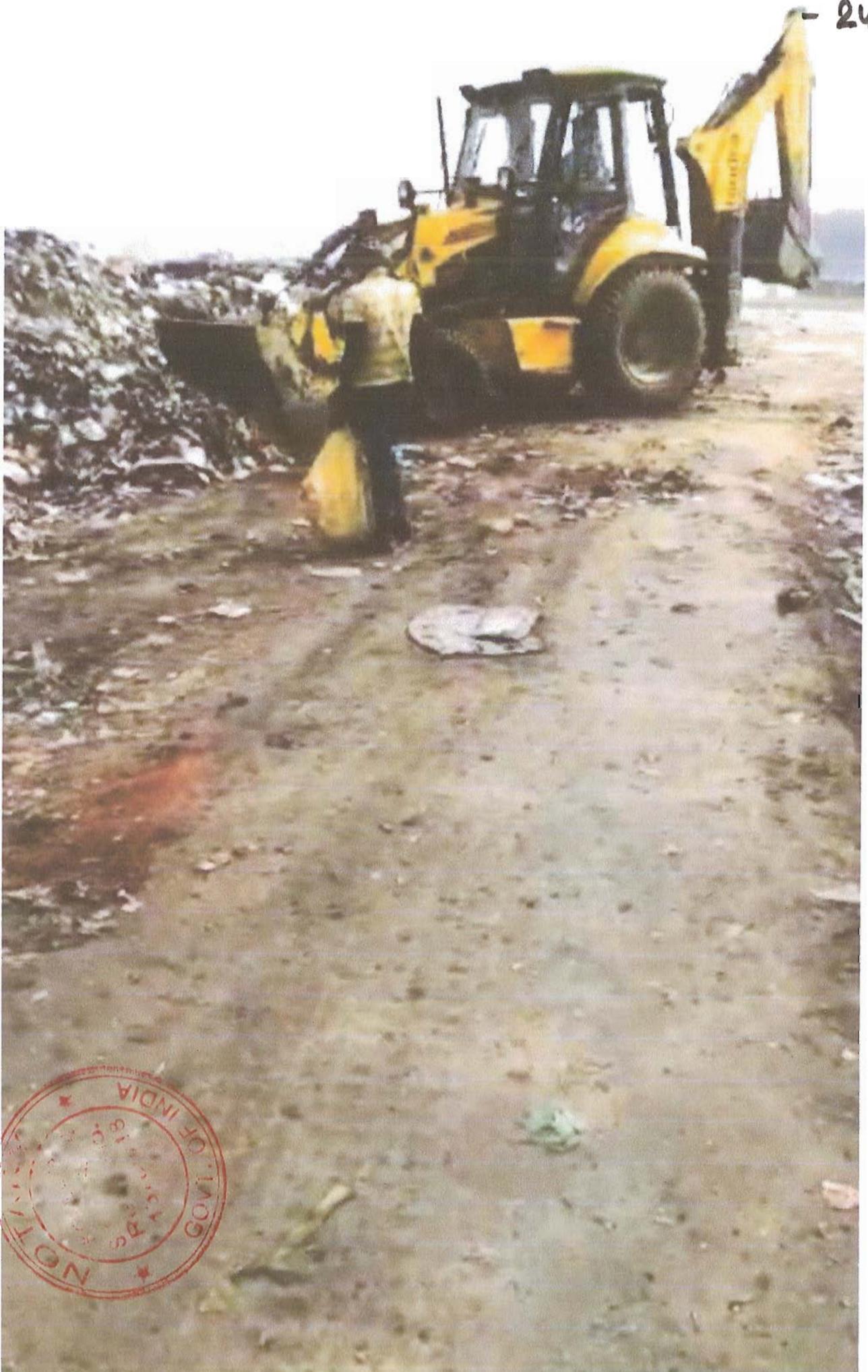


Annexure - H



Annexure - H

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.30/2023/EZB

MR. SUBHASH DUTTA

...Applicant(s)

-VERSUS-

THE STATE OF WEST BENGAL &
OTHERS.

....Respondents

**AFFIDAVIT ON BEHALF OF THE
RESPONDENT NO.8, EXECUTIVE
OFFICER, ENGLISH BAZAR,
MUNICIPALITY, MALDA**



26 JUL 2023

MR. AVISHEK PRASAD

Advocate

Bar Association, Room No.16

High Court, Calcutta

Mobile No.9434457158

Email : avishek.prasad@yahoo.com

Enrolment No.WB/1560/2009