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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 182/2023/EZ



In The Matter of:

Sushovan Saw

... Applicant

Versus

Ministry of Environment, Forest &
Climate Change & Ors.

... Respondents

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT NUMBER 04, OFFICER-IN-CHARGE, JAMURIA POLICE STATION, PASCHIM BARDHMAN.

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Filed by

Sibojyoti Chakrabarti

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534

Solemnly Affirmed &
Declared Before me
on this 30th day of January 2024

M.C. Bhattacharyya
M. C. BHATTACHARYYA
NOTARY
Regn. No. - 88/07

30 JAN 2024



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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

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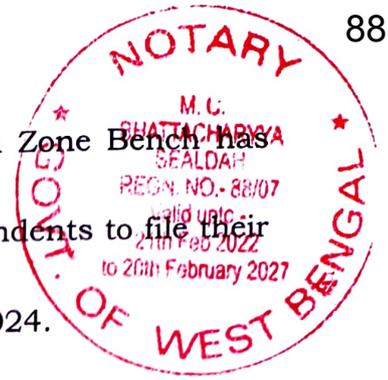
AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 04, OFFICER-IN-CHARGE, JAMURIA POLICE STATION, PASCHIM BARDHMAN.

I, Sri Rajsekhar Mukhopadhyay S/o Late Harisadhan Mukhopadhyay, presently posted as the Officer-in-Charge, Jamuria Police Station situated at Paschim Bardhaman, do hereby solemnly affirm and submit as follows:-

1. That this affidavit is being filed in compliance to the Solemn Order dated 05.01.2024, as passed by the Hon'ble Tribunal.

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2. That the Hon'ble National Green Tribunal, Eastern Zone Bench has been pleased to interalia direct the respective respondents to file their counter affidavits, vide Solemn Order dated 05.01.2024.



3. That at the outset it is stated and submitted that the applicant in the original application has no 'locus standi' to file the instant original application. In as much as the applicant resides at Village-Gopedanga, Amdahi District: Bardhaman and the illegal encroachment as alleged has taken place at Jamuria, Mouza-Madumpur, district: Paschim Bardhaman, which is approximately 4.5 to 5 hours distance by car.

Moreover neither the applicant, nor the applicant's property is being injured and/or damaged. The applicant is also not a 'person aggrieved' as per the provisions of section 16 of the National Green Tribunal Act, 2010.

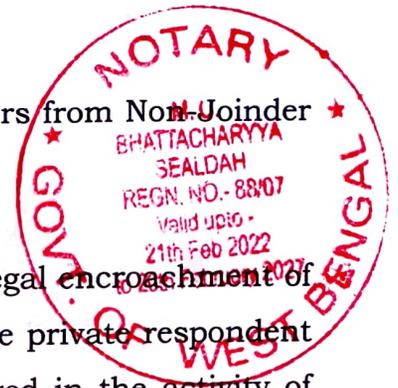
4. That it is also stated and submitted that throughout the entire original application the applicant has focused on encroachment of forest land by the respondent number 3, and the alleged Environmental Clearance (EC) granted by State Environment Impact Assessment Authority, (SEIAA), West Bengal without verifying that the respondent number 3, does not have Forest Clearance, which is a precondition for granting of Environmental Clearance (EC), but astonishingly the applicant has not made (SEIAA), West Bengal a party/respondent in the instant original application.

In as much as the (SEIAA), West Bengal has a vital role since it is the appropriate authority to answer before this Hon'ble Tribunal as to how EC has been granted without prior Forest Clearance.

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Thus the instant original application clearly suffers from Non-Joinder of parties and hence is liable to be dismissed.

5. That the instant original application relates to illegal encroachment of forest land by the respondent number 3 being the private respondent which is a proposed integrated steel plant engaged in the activity of Metallurgical industries and that the unit in question i.e the respondent number 3, had applied for 'Environmental Clearance' (EC) from the SIEAA, West Bengal without having Forest Clearance and thereby suppressed the fact and as such the same amounts to clear violation of Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986 but the respondent authorities have not taken any steps.
6. That with regard to the statements made paragraphs 1 to 4, of the original application this deponent does not comment on the same as those are matters of fact.
7. That with regard to the statements made paragraphs 5 (a) to 5 (d), of the original application this deponent states the same are matters of fact and record.
8. That with regard to the statements made paragraphs 5 (e), of the original application this deponent states that to verify the fact that the respondent number 3, has committed violation by encroaching the forest land and also obtained Environmental Clearance by suppressing the fact that no forest clearance was given before SEIAA, West Bengal is within the domain of the SEIAA, West Bengal in which this deponent does not comment on the same.
9. That with regard to the statements made paragraphs 5 (f), & 5 (g) of the original application this deponent states the same are matters of fact and record.



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10. That with regard to the statements made paragraphs 5 (h) & 5 (i) of the original application this deponent states that on 13.04.2023 Shri Sanjoy Pati, Forest Range Officer, Asansol (T) Range lodged a written complaint to the effect that during spot enquiry he came to learn that there was illegal encroachment of forest land to the extent of 8.59 acre by the respondent number 3 namely M/s. Shyam Sel & Power Ltd. at Mouza – Maudpur, J.L. No. 51, Plot No. 473.

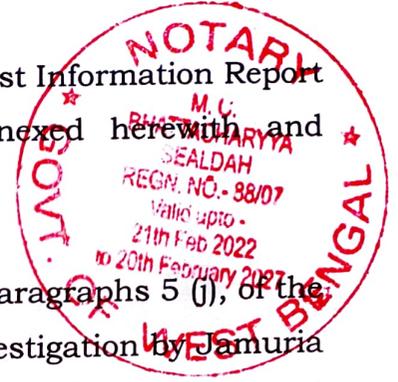
On the basis of the aforesaid complaint Jamuria P.S Case No. 159/2023 dated 13.04.2023 U/s 26/30/32/33/63 of Indian Forest Act, 1927 was registered and investigation was entrusted to SI of police Sudip Bhattacharjee of Jamuria Police Station.

During investigation Sub Inspector Sudip Bhattacharjee visited the Place of occurrence (PO), on 13.04.2024, prepared rough sketch map with index, examined available witnesses and recorded their statements u/s. 161 of Code of Criminal Procedure, 1973. He further received the report of Divisional Forest Officer (DFO), Durgapur, Survey Report of (Block Land & Land Reforms Officer) B.L. & L.R.O, Jamuria and other documents. The materials collected during investigation revealed that respondent number 3 M/s. Shyam Sel & Power Ltd. has encroached 8.73 acre of land in Plot No. 473, J.L. No. 51, Mouza – Mamudpur, classified as Jungle.

On completion of investigation prima facie case having been made out, (Investigating Officer) IO submitted charge sheet against Bajranglal Agarwal and Alok Kumar Mishra u/s. 26/30/32/33/63 of Indian Forest Act, 1927 and Sec. 4C of WBLR Act, 1955, before the Court of the Learned Chief Judicial Magistrate, Court, District: Paschim Bardhman.

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Copy of Inspection report, Written Complaint, First Information Report (F.I.R) and Charge Sheet are collectively annexed herewith and marked with the letter 'R-1'.

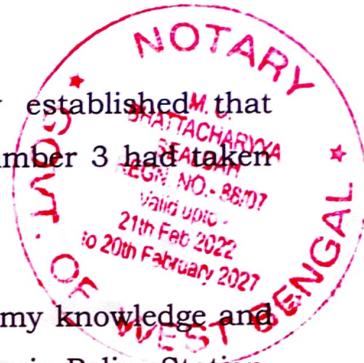


11. That with regard to the statements made paragraphs 5 (j), of the original application this deponent states that investigation by Jamuria Police Station has been completed and Charge Sheet submitted against the accused persons.
12. That with regard to the statements made paragraphs 5 (k), & 5 (l) 5 (m) of the original application this deponent states that Environment Impact Notification (EIA) 2006 has been framed by the respondent number 1 and the SEIAA, West Bengal in which duty is case upon the said authorities to grant EC after proper verification and following the procedure.
13. That with regard to the statements made paragraphs 5 (n), of the original application this deponent states that the application dated 07.11.2023 have been addressed to officials of Forest department and Ministry of Environment, Forest and Climate Change, Government of India and not to any police authority and moreover police had registered F.I.R and submitted Charge Sheet.
14. That with regard to the statements made in grounds of the original application this deponent states that the police authorities have taken steps but with regard to the other authorities does not comment on the same.

It is also humbly submitted that in this context the affidavit of the Forest department/Forest Ranger and the SEIAA, West Bengal is vital for smooth adjudicating of the case with respect to the aspect of granting EC and encroachment of Forest Land.

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From the F.I.R and Charge sheet it is clearly established that encroachment of forest land by the respondent number 3 had taken place.



15. That the statements made above are true to my knowledge and belief and from the records as available in the Jamuria Police Station, district: Paschim Bardhman.

16. 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

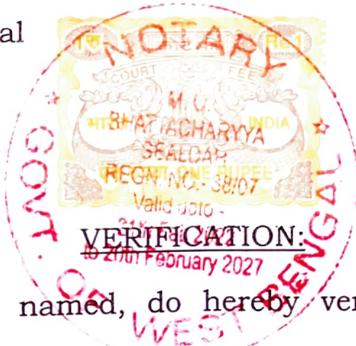
Sibojyoti Chakrabarti

Advocate
State of West Bengal

30.01.2024

Rajsekhar Mukhopadhyay

Deponent
Officer-in-Charge
Jamuria Police Station
Dist. - P. Bardwan (W.B.)
Dt. 29.01.24



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 ^{30th} Day of January, 2024. *Van*

Identified by me

Sibojyoti Chakrabarti

Advocate
State of West Bengal

30.01.2024

Rajsekhar Mukhopadhyay

Deponent
Officer-in-Charge
Jamuria Police Station
Dist. - P. Bardwan (W.B.)
Dt. 29.01.24

Solemnly Affirmed &
Declared Before me
on Identification

M.G.

M. G. BHATTACHARYYA
NOTARY
Regn. No. - 88/07

30 JAN 2024

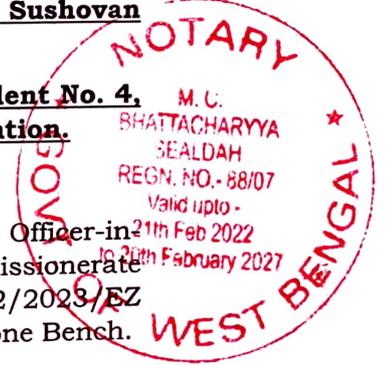


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Before The Hon'ble National Green Tribunal
Eastern Zone Bench, Kolkata

Ref: Original Application No. 182/2023/EZ, in the matter of Sushovan Saw Versus MoEF& Ors.

Sub: Inspection on behalf of the respondent No. 4, the Officer-in-Charge, Jamuria Police Station.



With due respect I, Rajsekhar Mukhopadhyay, SI of Police, being the Officer-in-Charge, Jamuria Police Station, Asansol Durgapur Police Commissionerate (ADPC) beg to submit this report in connection with O. A. No. 182/2023/EZ which is pending before Hon'ble National Green Tribunal, Eastern Zone Bench.

I have received a copy of the Original application as above referred along with copy of Solemn Order dated 05.01.2024 from the Learned State Advocate Sri Sibojyoti Chakrabarti.

It is submitted that on 13.04.2023 Shri Sanjoy Pati, Forest Range Officer, Asansol (T) Range lodged a written complaint to the effect that during spot enquiry he came to learn that there was illegal encroachment of forest land to the extent of 8.59 acre by M/s. Shyam Sel & Power Ltd. at Mouza – Maudpur, J.L. No. 51, Plot No. 473.

On the basis of the aforesaid complaint Jamuria P.S Case No. 159/2023 dated 13.04.2023 U/s 26/30/32/33/63 of Indian Forest Act, 1927 was registered and investigation was entrusted to SI of police Sudip Bhattacharjee of Jamuria Police Station.

During investigation Sub Inspector Sudip Bhattacharjee visited the Place of occurrence (PO), on 13.04.23 prepared rough sketch map with index, examined available witnesses and recorded their statements u/s. 161 of Cr.P.C. He further received the report of Divisional Forest Officer (DFO), Durgapur, Survey Report of (Block Land & Land Reforms Officer) B.L. & L.R.O, Jamuria and other documents. The materials collected during investigation revealed that M/s. Shyam Sel & Power Ltd. has encroached 8.73 acre of land in Plot No. 473, J.L. No. 51, Mouza – Mamudpur, classified as Jungle.

On completion of investigation prima facie case having been made out, (Investigating Officer) IO submitted charge sheet against Bajranglal Agarwal and Alok Kumar Mishra u/s. 26/30/32/33/63 of Indian Forest Act, 1927 and

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Sec. 4C of WBLR Act, 1955, before the Court of the Learned Chief Judicial Magistrate, Paschim Bardhaman, District: Paschim Bardhaman.

I am enclosing herewith the copy of the Written complaint, Formal FIR and Charge Sheet for Your Honour's kind perusal.

With Regards,

Yours faithfully

Encl: As stated above

Rajsekhar Mukhopadhyay

SI of Police Rajsekhar Mukhopadhyay
Officer-in-Charge,
Jamuria Police Station, ADPC
Officer-in-Charge
Jamuria Police Station
Dist. - P. Bardhaman (W.B.)
31-29.01.21



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FIRST INFORMATION REPORT



No. 3209

First Information of a cognizable crime reported under Section 154 Cr. P.C. at P.S. Jamuria Year 2023 FIR No. 159/23 Date 13/04/23
 Dist. Paschim Bardhaman Sub-Divn. Asansol P.S. Jamuria
 (i) Act. X Sections X (ii) Act. X Sections X
 (iii) Act. X Sections X (iv) Other Acts & Sections 26/30/32/33 and 63 of I.P.A. 1927
 (a) General Diary Reference: Entry No. 680 Time not mentioned
 (b) Occurrence of Offence: Day Wednesday Date 01/3/23 Time not mentioned
 (c) Information received Date 13/04/23 Time 00:25 hrs
 G.D. No. 680 at the Police Station.

4. Type of Information: Written/Oral written, typed
 5. Place of Occurrence: (a) Direction and Distance from P.S. South East. approx - 7 K.M.
 (b) Address In the factory premises of M/s. Shyam Sel & Power Ltd. at mouza - Manuapara, T.L.N.-51, Plot No-473, P.S. Jamuria, Dist. Paschim Bardhaman.
 (c) In case outside limit of this Police Station, then the name of P.S. Jamuria
 District X

6. Complainant/Informant:
 (a) Name Sanjoy Pati (8918820389)
 (b) Father's/Husband's Name Shlok Kumar Pati
 (c) Date/Year of Birth Not mentioned
 (d) Nationality Indian
 (e) Address Forest Range Officer, Asansol (T) Range Home Add. - L. 24, 2nd Floor, Po. Dulme, Nalhati, Dist. - Purulia, West Bengal.

7. Details of known/suspected/unknown/accused with full particulars Against - M/s. Shyam Sel and Power Ltd. P.S. Jamuria, Dist. Paschim Bardhaman.
 (Attach separate sheet, if necessary)
 (Reasons for delay in reporting by the Complainant/Informant) X

8. Particulars of properties stolen/involved (Attach separate sheet, if required) X
 9. Total value of properties stolen/involved X
 10. Inquest report/U.D.: Case No., if any X

11. FIR Contents (Attach separate sheets, if required) The original written Complain of the Complainant which is treated as FIR is attached here with.

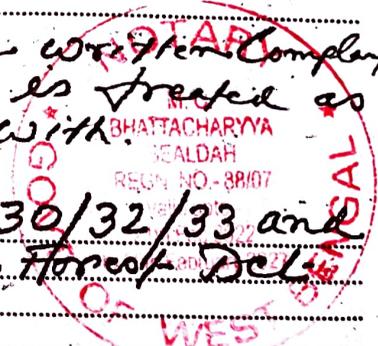
12. Action taken Since the above report reveals commission of offence(s) w/s 26/30/32/33 and 63 of I.P.A. 1927 (Indian Forest Act - 1927)

registered the case and took up the investigation/directed to SI Sudip Bhattacharya
Chargee of Jamuria P.S. ADPC to take up the investigation transferred to P.S. Jamuria on point of jurisdiction. FIR read over to the Complainant/Informant admitted to be correctly recorded and a copy given to the Complainant/Informant free of cost.

Sanjoy Pati
 Signature / Thumb Impression of the Complainant / Informant

Certified to be true copy
 Officer-in-Charge
 Jamuria Police Station
 Dist. Bardhaman (W.B.)
 91-29-01-29

Signature of the Officer-in-Charge Police Station with Name Rahul Deb Mondal
 Rank SI of Police, Jamuria P.S.
 Number, if any ADPC 13/04/23
 Officer-in-Charge
 Jamuria Police Station
 Dist. Bardhaman (W.B.)



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Received on 13/04/23 at 00:25 hrs.
and started jamuria P.C. case
no- 159/23 dt- 13/04/23 u/s- 26/30
32/33 and 63 of G.F.A.-1927

To
The Officer In Charge
Jamuria PS
Under ADCP

[Signature]
M. C. Bhattacharyya
SEALDAH
REGN. NO- 88107
Valid upto -
21th Feb 2022
to 20th February 2027

Sub: FIR against illegal encroachment of government Forest land situated under Mouza Mamudpur, J.L.no-51, plot no 473 by M/S Shyam Sel & Power Ltd.

Respected Sir,

I being the Forest Range Officer, Sri Sanjoy Pati of Asansol (T) Range under Durgapur Division do hereby submit as follows:-

That on dt 19/02/2023 i am transferred and posted as Range officer of Asansol(T) Range and on dated 01/03/2023 I got a letter vide no 6248/8 from DFO Durgapur Division about the information and direction to enquiry about the illegal encroachment Of Forest land at Mamudpur JL No-51, Plot No-473.

After that I enquire into the matter and also peruse the survey report submitted by surveyor Sanjiban Gorai and on spot enquiry came to know about the illegal encroachment of Forest Land by M/S Shyam Sel & Power Ltd at Mouza- Mamudpur, J.L. No: 51, Plot No: 473, encroached area of land 8.59 acre accordingly I have issued a notice to the said M/S Shyam Sel & Power Ltd. on-dated 04.04.2023 for demolization and removing the structure if any over the encroached land and may also further directed to handover and return the Khas possession of the encroached forest land but till today they did not response.

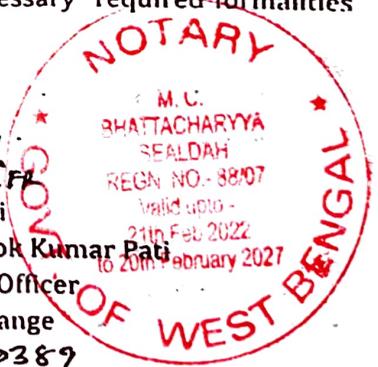
That in the above mentioned facts and circumstances it is therefore requested before you and your good office to lodge an F.I.R against M/S Shyam Sel & Power Ltd U/S 26, 30, 32, 33 and 63 of I.F.A. 1927 for illegal encroachment of forest land.

Due to proper enquiry , collecting of survey reports and other necessary required formalities the F.I.R. could not be filed within time and praying for condone of delay.

Thanking you,

Date: 13/4/23

Sincerely,
[Signature]
Sanjoy Pati
S/o- Late Ashok Kumar Pati
Forest Range Officer
Asansol (T) Range
8918820389



Enclosure :

- 1. Xerox copy of sketch map of Mamudpur Mouza, Plot No: 473.
- 2. Xerox copy of ROR.

Address - L Dey Road, by Lane
Po- Dulmi Nadiha
Dist- Purulia (W.B.)
Pin- 723102
P.S- Purulia Town P.S.

Certified to be true copy
[Signature]
Officer-In-Charge
Jamuria Police Station
Dist.- Burdwan (W.B.)
Dt- 29.01.24

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W.P.P. Form No. 39

FINAL FORM / REPORT
(Under Section 173 Cr.P.C)

IN THE COURT OF Ld. Chief Judicial Magistrate, Asansol, Paschim Bardhaman
Date 13.04.2023

1. Distt. Paschim Bardhaman P.S. Jamuria Year 2023 FIR No. 159/2023 3. Date 12.09.2023
2. Final-Report /Charge Sheet No. 336/2023
4. (i) Act. I.F.A Act 1927 Section 26/30/32/33 and 63 of I.F.A Act 1927
(ii) Act. WBLR Act, 1955 Section 4C of WBLR Act, 1955
(iii) Act. X Section X
5. Type of Final Form/ Report: Charge Sheet/ Not Charge Sheeted for want of evidence/ FRT Undetected/
FRT Untraced/ FRT offence abated/ FR Unoccurred: Charge Sheet
6. If F.R. Unoccurred: False/ Mistake of Fact/ Mistake of Law/ Non-cognizable/ Civil Nature: X
7. If Charge Sheet Yes Original-/Supplementary: Original
8. Name of the I.O. SI Sudip Bhattacharjee, Jamuria PS, ADPC
9. (a) Name of the Complainant/ Informant Sanjoy Pati
(b) Father's/ Husband's NAME -Lt. Ashok Kumar Pati of Forest Range Officer, Asansol(T) Range, home - Dulmi By Lane, Dist-Purulia
10. Date on which the complainant/informant was informed of result On 12.09.2023
11. Details of Properties/Articles/Documents recovered/seized during investigation and relied upon (separate list can be attached, if necessary) -

SL. No.	Property Description	Estimated Value (in Rs.)	P.S. Property Register No	From whom/ where Recovered or Seized	Disposal
NIL	NIL			NIL	NIL

- 11A. Number of accused persons charge-sheeted. 02 (Two)
 11B. Number of accused persons not charge-sheeted. Nil
 12. Particulars of accused persons charge sheeted:

(Use separate sheet for each accused)

Sl. No. 01 (i) Name - Mr Bajranglal Agarwal Whether verified Yes ii) Father's/Husband's Name- S/O- Lt Shyamal Agarwal iii) Date/Year of Birth X (iv) Sex Male
 v) Nationality Indian (vi) Passport No. X Date of Issue X
 Place of Issue X (vii) Religion Hindu (viii) Whether SC/ST X ix) Occupation others
others (x) Address 5 C.R Avenue, Kolkata 7 & C/O-Shyam Lal Agarwal, PS-Astoria, 12A Sarojini Naidu Sarani, La Martiniaze, School, Shakespear Sarani Circus Avenue, Kolkata Whether verified Yes (xi) Provisional Criminal No. X xii) Regular Criminal No. (if known) X (xiii) Date of Arrest - Surrendered before LD CJM Paschim Bardhaman on 06.09.2023 xiv) Date of release on bail X (xv) Date on which forwarded to court N/A xvi) Under Acts & Sections- 26/30/32/33 and 63 of I.F.A Act 1927 & 4C of WBLR Act 1955 xvii) Name (s) of bailers/sureties and Address (es) X
 xviii) Previous convictions with case references X (xix) Status of the accused: X Forwarded/Bailed by Police/Bailed by Court/In judicial Custody/Abseonding/Proclaimed offender: - Bailed by Court

Sl. No. 02 (i) Name - Mr. Alok Kumar Mishra Whether verified Yes ii) Father's/Husband's Name- S/O- Late Nathmal Mishra iii) Date/Year of Birth X (iv) Sex Male
 v) Nationality Indian (vi) Passport No. X Date of Issue X
 Place of Issue X (vii) Religion Hindu (viii) Whether SC/ST X ix) Occupation others
others (x) Address 5 C.R Avenue, Kolkata 7 & C/O-Shyam Lal Agarwal, PS-Astoria, 12A Sarojini Naidu Sarani, La Martiniaze, School, Shakespear Sarani Circus Avenue, Kolkata Whether verified Yes (xi) Provisional Criminal No. X xii) Regular Criminal No. (if known) X (xiii) Date of Arrest - Surrendered before LD CJM Paschim Bardhaman on 06.09.2023 xiv) Date of release on bail X (xv) Date on which forwarded to court N/A xvi) Under Acts & Sections- 26/30/32/33 and 63 of I.F.A Act 1927 & 4C of WBLR Act. 1955 xvii) Name (s) of bailers/sureties and Address (es) X xviii) Previous convictions with case references X (xix) Status of the accused: X Forwarded/Bailed by Police/Bailed by Court/In judicial Custody/Abseonding/Proclaimed offender: - Bailed by Court

Certified to be true copy
 Officer-In-Charge
 Jamuria Police Station
 Dist. - Bardhaman (W.B.)
 31. 29.01.21

NOTARY
 CHITRA CHARYA
 10/20/2023
 2023

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Particulars of accused persons-not charge sheeted (suspected).
 Separate sheet for each suspect

i) Sl. No. 01 (i) Name X Whether verified X
 ii) Father's/Husband's Name X
 iii) Date/Year of Birth X (iv) Sex X (v) Nationality X
 vi) Passport No. X Date of issue X Place of Issue X
 vii) Religion X (viii) Whether S/ST X (ix) Occupation X
 x) Address X
 xi) Suspicion Approved: Yes/No

xii) Status of accused (suspected): Bailed by Police/Bailed by Court/In judicial Custody/Not arrested X
 xiii) Under Acts & Sections X

xiv) Any Special remarks including reasons for not charge sheeted X

Particulars of witnesses to be examined: All may kindly be summoned.

Sl. No.	Name	Father's/Husband's Name	Date/Year of Birth	Occupation	Address	Type of Evidence to be tendered
1.	2	3	4	5	6	7

- Sanjoy Pati S/O Lt. Ashok Pati of L, Dey Road by Lane, P.O.-Dulmi Nadiha, P.S-Purulia Town, Dist.-Purulia, Forest Range officer, Asansol (T) Range(8918820389) (Complainant) Ph No-8918820389, E. Mail Id No-sanjoyapati06@gmail.com
- Sandip Majumder (30) S/o Kanailal Majumder of Vill+P.O-PanchBeriya, P.S-Gopalnagar, Dist-North 24 Pargana (Mob-7548097606) email Id- majumder.sandip754@gmail.com Forest Guard.
- Dhananjay Mondal (49) S/o Lt Kamakanta Mondal of Bijaynagar Mondal Para, P.S- Jamuria, Dist-Paschim Bardhaman (Mob-9679095951) Bono Sramik(Bana Sharmik).
- Montu Mondal (57) S/o Lt Hemchandra Mondal of Bijaynagar Kali Mandir, P.S- Jamuria, Dist-Paschim Bardhaman (Mob-9547313825) Bono Sramik (B.S).
- Tapan Ghosal S/o Hari Narayan Ghosal of Searsole, P.S- Raniganj, Dist- Paschim Bardhaman (Mob-7001760115) (B.S)
- Sanjiban Gorai S/o Parimal Gorai of Vill- Birkulti, P.S-Jamuria, Dist- Paschim Bardhaman (Mob-9749697987) (Land Surveyor)
- Rahuldeb Mondal, O/C, SI of Police, Jamuria PS, ADPC (R.O) Ph no-8116604556.
- SI Sudip Bhattacharjee, Jamuria PS, ADPC (I.O), Ph no-8116604556

All may kindly be summoned.

5. If F.R. is false, indicate action taken or proposed to be taken u/s 182/211 I.P.C. X

6. Result of Laboratory Analysis X

7. Brief Facts of the Case (Add separate sheet, if necessary) Attached in separate sheet

8. Despatched at AM/PM

Forwarded by Officer-in-Charge,

Name-RAJSEKHAR MUKHERJEE
 Rank SUB INSPECTOR OF POLICE,
 O/C JAMURIA P.S. ADPC
 DISTRICT- PASCHIM BARDHAMAN

Officer-In-Charge
 Jamuria Police Station
 Dist. P. Burdwan (W.B.)

Signature of the Investigating Officer
 Submitting the final Report/Charge Sheet

Name SUDIP BHATTACHERJEE
 Rank SI OF POLICE
 P.S- JAMURIA, ADPC
 DIST-PASCHIM BARDHAMAN

Date: 12.09.2023



Certified to be true copy

Officer-In-Charge
 Jamuria Police Station
 Dist. Burdwan (W.B.)

31.29.01.24

30 JAN 2024

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Column No.17 Brief facts of the case:-

The fact of the case is brief is that one Sanjoy Pati S/O Lt. Ashok Pati of L, Dey Road by Lane, P.O.-Dulmi Nadiha, P.S.-Purulia Town, Dist.-Purulia, Forest Range officer, Asansol(T) Range(8918820389) called at PS and submitted a complaint against Shyam Sel & Power Ltd. To the effect that he got a letter vide No 6248/8 from DFO Durgapur Division about the information and direction to enquire the illegal encroachment of Forest land at Mamudpur JL No51, Plot No-473. Accordingly, he made an enquiry into the matter and also perused the survey report of Forest Land by M/S Shyamal Sel & Power Lt. at Mouza - Mamudpur, J.L No 51, Plot No- 473 encroached area of land 8.59 acre. In this regard he had issued a notice to the concerned authority of M/S Shyam Sel & Power Ltd. With a direction to demolization and remove the structure if any and also to hand over the Khas possession of encroachment of Forest Land. But till date they did not response. On the basis of the written complainant the case has been registered and endorsed to me for its investigation.

During investigation of the case I visited the P.O drew a rough sketch map of the P.O, I examined the complainant and other witnesses who are acquainted the fact of the case and recorded their statement U/S-161 Cr.p.C. As per my requisition BL&LRO Jamuria replied in respect of land 8.59 acre which has been encroached by M/S Shyam Sel & Power Ltd vide Mouja-Mamudpur, J.L No 51, Plot No 473 of forest land and the actual measuring land is 8.73 acre. Received survey report in c/w memo No 6248/8 dtd 01.03.2023 which was sent from DFO, Durgapur Division through Asansol (T) Range. Mr. Sanjoy Pati Forest Ranger. The details survey report are Mamudpur Mouja, J.L No 51, Plot No 469 encroached by M/S Gagan Ferrotech Ltd and M/S Shyam Sel & Power Ltd encroached the plot No 473 Mouja Mamudpur, J.L No 51. Received one copy of Notice which was issued by Mr. Sanjoy Pati Forest Ranger to M/S Shyam Sel & Power Ltd at Jamuria Industrial Estate, Village Dhasna, P.O- Bahadurpur, P.S- Jamuria, Dist- Paschim Bardhaman for encroachment illegally the forest area Mouja Mamudpur, J.L No 51, Plot No 473 total land 8.59 acre. The said concern M/S Shyam Sel & Power Ltd violated the forest act u/s 26/30/32/33 and liable to punish U/S- 63 IFA Act. 1927. I sent one Notice to M/S Shyam Sel & Power Ltd at Jamuria Industrial Estate, Village Dhasna, P.O- Bahadurpur, P.S- Jamuria, Dist- Paschim Bardhaman in c/w the above noted case. Which is that to remove the materials which are lying in forest land and also demolished the factory shed and not to change the nature and character but they pay no heed. I also sent another Notice for owner's name & address of M/S Shyam Sel & Power Ltd at Jamuria Industrial Estate, Village Dhasna, P.O- Bahadurpur, P.S- Jamuria, Dist- Paschim Bardhaman in c/w the above noted case for the interest of investigation, As per complaint of BL & LRO I sent prayer before LD CJM Paschi Bardhaman for adding section 4C of WBLR Act. 1955 with existing section of law in c/w the above noted case. LD court is allowed my prayer. Received survey report conducted by BL&LRO, Jamuria which found that quantity of land encroached by M/S Shyam Sel & Power Ltd is 8.73 acre (approx.) on Plot No 473, J.L No-51, Mouza-Mamudpur instead of 8.59 acre. Received physical enquiry report of LR Plot No 469, 473 & 488 in Mouza-Mamudpur, J.L No 51, Jamuria in c/w the ref: - Memo No Law Cell/1360/ADM & DL & LRO/PAB/2023 dtd 13.04.2023 of the ADM & DL & LRO, Paschim Bardhaman which sent by BL & LRO, Jamuria. found that the physical enquiry reveals that 8.73 acres of land out of 19.77 acres of land of Plot No 473 of Mouza Mamudpur, J.L No-51 of Jamuria is encroached by SHYAM SEL POWER LTD. The classification of the plot is "Jungle", No land has been occupied as lease from Govt. of West Bengal. The recorded owner of the said plot if Govt. of West Bengal, Pokkhe Collector. Field enquiry report of BL&LRO Porcha of Plot number. Received the reply letter of M/S Shyam Sell & Power Ltd from P.S Junior serestha and I consulted the said reply and learnt that factory manager namely sri Alok Kumar Mishra S/o Lt Nathmal Mishra deals with all the factory affairs matters and he is competent authority on being as a responsible representative. Received one authorisation copy of M/S Shyam Sell & Power Ltd in respect of Court / Legal proceeding which restored that Mr. Alok Kumar Mishra S/o Lt Nathmal Mishra as a factory manager. Is hereby authorised from the director of Board and the appear/Represent the company before any court/Tribunal/ Forum/Authority of relation to the matter arising out from the FIR NO 159/23 before the Jamuria Police Station. Nathmal Mishra factory manager (M/S Shyam Sell & Power Ltd) in which he made declaration that the Dag No-473/541 is the property of M/S Shyam Sell & Power Ltd and the disputed land is adjacent to the said plot of land and they appeal for joint survey. I also received one photo copy of reply the show cause vide memo no-518/18, BL & LRO/JAM/2023 dt-18.01.2023 copy

Office-In-Charge
Jamuria Police Station
Dist.- Bardhaman
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Power Ltd) to Block Lad and Land Reforms Officer, Jamuria Dist-Paschim Bardhaman.. I issued notice U/S-41A CR.P.C to the accd persons 1) Mr Bajranglal Agarwal, S/O- Lt Shyamlal Agarwal, 5 C.R Avenue, Kolkata 7 2) Mr. Alok Kumar Mishra S/O- Late Nathmal Mishra S/O- Late Nathmal Mishra of 07 days after receiving this notice. Received order of LD CJM Paschim Bardhaman in C/W this case and perused the same and found that accd persons 1) Mr Bajranglal Agarwal, and 2) Mr. Alok Kumar Mishra are surrendered before LD CJM Paschim Badhaman and prays for bail and LD CJM Paschim Bardhaman.

During investigation of the case from the statement of the witnesses, Report of DFO, Durgapur Division, Survey Repot of BL&LRO, Jamuria, Authorisation letter of M/S Shyam Sell & Power Ltd and other relevant documents and other circumstantial evidences collected so far a Prima Facie Charge U/S-26/30/32/33 and 63 of I.F.A Act 1927 & 4C of WBLR Act. 1955 has been well established 1) Mr Bajranglal Agarwal, S/O- Lt Shyamlal Agarwal, 5 C.R Avenue, Kolkata 7 & C/O-Shyam Lal Agarwal, PS-Astoria, 12A Sarojini Naidu Sarani , La Martiniaze, School, Shakespear Sarani Circus Avenue, Kolkata 2) Mr. Alok Kumar Mishra S/O- Late Nathmal Mishra of 69, Jelia Para Lane, Haora. Corporation Salkia Haora of Factory Manager of M/S Shyam Sell & Power Ltd noted in column no-12 in the final form. Hence after consulting with O.C Jamuria PS ADPC and C.I Raniganj I submitted Jmauria PS Charge Sheet No-336/2023 dt-12.09.2023 U/S-26/30/32/33 and 63 of I.F.A Act 1927 & 4C of WBLR Act. 1955 against the accd persons noted in column no-12 in the final form. Witnesses will prove the case during trial noted in column no-14 in the final form. They may kindly be summoned. Complainant has been informed the result of investigation.

Submitted,

Sudip Bhattacharjee
(Sudip Bhattacharjee)
SI of Police
Jamuria PS, ADPC
Date 12.09.2023



Certified to be true copy
Officer-In-Charge
Jamuria Police Station
Dist. Bardhaman
29/01/24

30 JAN 2024

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

O. A. NO. 182/2023/EZ

In The Matter of:

Susovan Saw

... APPLICANT

VERSUS

MOEF & Ors.

... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE
RESPONDENT NUMBER 04,
OFFICER-IN-CHARGE, JAMURIA
POLICE STATION, PASCHIM
BARDHMAN.

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

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