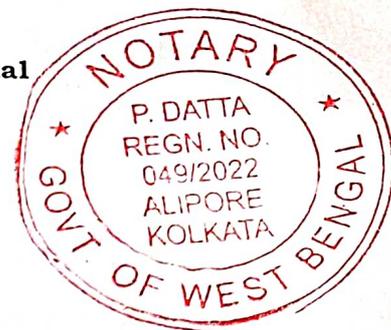


Serial no. ~~09~~ 03/02/2024

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

O.A. No. 107/2023/EZ



In the matter of

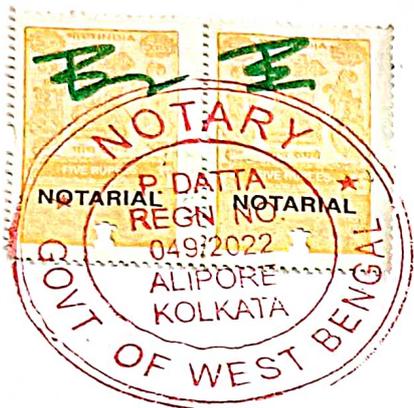
Soumen Chakraborty

.....Petitioner

Versus

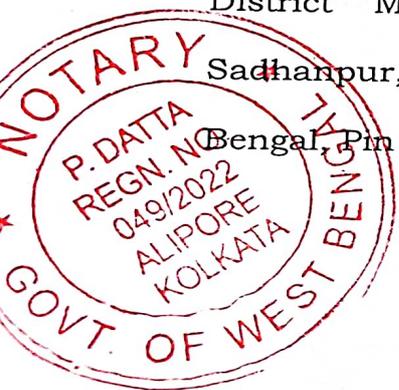
The Principal Secretary,
Environment Department,
Government of West Bengal and
others

.....Respondents



**AFFIDAVIT-IN-OPPOSITION, ON BEHALF OF RESPONDENT NO.10,
DISTRICT MAGISTRATE, PURBA BARDHAMAN in connection with
the order Dated-12.09.2023 of Hon'ble National Green Tribunal,
Eastern Zone Bench in O.A. No.: 107/2023/EZ**

I, Sri Purnendu Kumar Maji, s/o Mihir Kumar Maji, aged about 55 years, By Caste Hindu, by Occupation- Service, presently posted as District Magistrate Purba Bardhaman residing at Bardhaman Sadhanpur, Kalna Road, Near Circuit House, Purba Bardhaman, West Bengal, Pin 713101, do hereby solemnly affirm and submit as follows:-

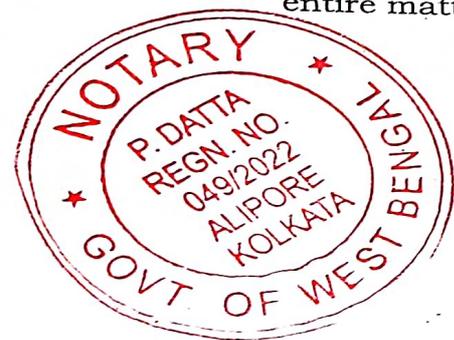


03 FEB 2024



1. That I am the District Magistrate, Purba Bardhaman, being the Respondent No. 10, and as such I am well acquainted with the facts and circumstances of the case.
2. That I am swearing this affidavit, in pursuance of the solemn order passed by the Hon'ble Tribunal on 12-09-2023, in the context of the contentions as laid down in the Original Application.
3. That the copy of the order, passed in O.A. 107/2023/EZ, dated 12-09-2023 had been served upon the District Magistrate, being the Respondent no. 10.
4. On 12-10-2023, an affidavit was duly signed and sworn before the Notary Public by the erstwhile Additional District Magistrate and the District Land and Land Reforms Officer, Purba Bardhaman but due to certain defect in the Affidavit signed and sworn on 12-10-2023, this day the instant affidavit is being filed.
5. That vide memo dated 29-09-2023, a letter was sent to B.L.&L.R.O, Aushgram - I by the Additional District Magistrate and the District Land and Land Reforms Officer, Purba Bardhaman, being the Respondent no. 7 herein to give detailed report in connection with the entire matter.

03 FEB 2024



The copy of the said letter sent to the B.L. & L.R.O. is annexed and marked as R-1.



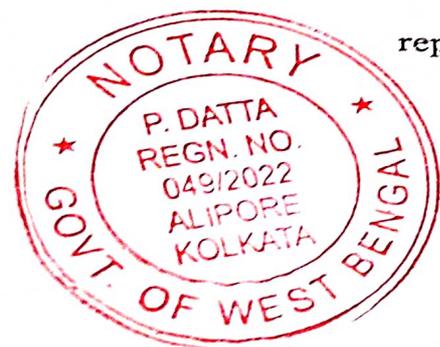
6. That the said B.L.&L.R.O., Aushgram I sent a detailed report vide Memo dated 09-10-2023.

The copy of the said report by the B.L.&L.R.O. is annexed and marked as R-2.

7. That from the detailed report as provided by the B.L.&L.R.O., Aushgram - I, the following facts have been found, which is as follows:

- a) The property involved in the above noted O.A. case is recorded against L.R. Kh. 2306 under Plot Nos. 5811, 5812, 5813 and 5818/9032, in the Mouza-Dwariapur (J.L.no.-118) in the name of K.M. Agrotech Private Ltd.
- b) On perusal of the L.R.R.O.R, it is seen that in Plot no. 5811, the name of K.M. Agrotech Pvt Ltd. represented by Director Sri Pankaj Kumar Marothi is recorded measuring about 27 decimals under khatian no. 2306, with classification Sali.
- c) In Plot no. 5812, the name of K.M. Agrotech Pvt Ltd. represented by Director Sri Pankaj Kumar Marothi is recorded,

03 FEB 2024



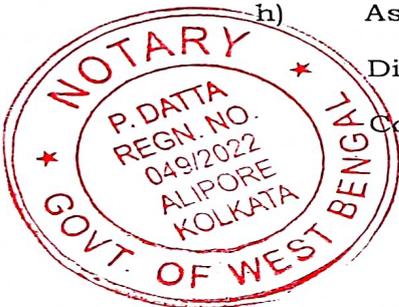
measuring about 29 decimals, with classification as "Choulkol" i.e. Rice Mill, with a noting "Conversion Case 71(I.N.D)/07"



- d) In Plot no. 5813, the name of K.M. Agrotech Pvt Ltd. represented by Director Sri Pankaj Kumar Marothi is recorded, measuring about 1.81 acres, with classification as "Choulkol" i.e. Rice Mill, with a noting "Conversion Case 71(I.N.D)/07".
- e) In Plot no. 5818/9032, the name of K.M. Agrotech Pvt Ltd. represented by Director Sri Pankaj Kumar Marothi is recorded, measuring about 79 decimals, with classification as "Choulkol" i.e. Rice Mill, with a noting "Conversion Case 71(I.N.D)/07".
- f) It is also seen in the report of the B.L.&L.R.O. that presently, a rice mill is running in the land recorded against LR Kh. 2306.
- g) Moreover, it has further been stated in the said report of the B.L.&L.R.O., Aushgram I that presently, a Fly Ash Brick manufacturing factory is also running in the land recorded against LR Kh. 2306.
- h) As per the report of the B.L.&L.R.O, he had sent a notice to the

Directors of K.M. Agrotech Pvt Ltd. for production of the Conversion Certificate issued in connection with "Conversion

03 FEB 2024





Case 71(I.N.D)/07" as well as for production of necessary papers
for running of Fly Ash Brick manufacturing factory.

8. That as per the report of the BL&LRO, Aushgram - I, a Fly Ash Brick manufacturing factory is running in the same premises of the Rice Mill but they failed to show Conversion Certificate in connection with the running of Fly Ash Brick manufacturing factory.

9. It is therefore, humbly submitted that this Hon'ble Tribunal may graciously be pleased to pass an order or orders as deems fit and proper in the interest of justice.

10. The statements made in paragraphs 1 to 8 are based on information derived from the record which are usually kept and maintained by this answering respondent in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Identified by me

Prithwish Kumar Basu.

Advocate

Purnendu Kumar Maji
Deponent

**District Magistrate
Purba Bardhaman**

03 FEB 2024

VERIFICATION

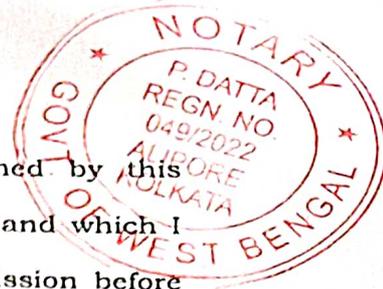
I, the deponent above-named, do hereby verify and declare that the statements made in paragraphs 1 to 8 are based on information derived

03 FEB 2024



(12-1)

from the record which are usually kept and maintained by this answering respondent in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before



this Hon'ble Tribunal.



Identified by me

Prithwish Kumar Das

Advocate

WBF/1520/2020.

03 FEB 2024

Verified at _____ On day of December, 2023

Pranendu Kumar Maji

Deponent

District Magistrate
Purba Bardhaman

Solemonly Affirm & Declare
before me on Identification

PRATIM DATTA, Notary
Alipore Judges/Police Court, Kol-27
Regd No. 049/2022 Govt. Of West Bengal

03 FEB 2024

7

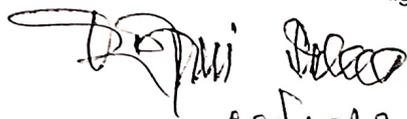
(R-1)

District - Purba Bardhaman		Khatian No. 2306		[0209118]		
Mouza- Dwarigpur Aushgram		J.L. No. 118		Police Station-		
(1) Revenue- 64.0 Rupees		(3) Total Dag : Total number of Dag-4				
2) Total Area of land(A). 3.16		Acre				
Name	(4) Name and Address of Ryot	(5) Right	(6) Remarks			
Father	On behalf of K.M. Agrotech Pvt. Ltd Director	Rayot				
Address	Sri Pankaj Kumar Marathi, Son of Jhanwarlal Marathi resident of Gopinathbati, Gushkara.					
(7) Land of this Right under own possession						
Dag No.	Nature of Land	Remarks	Total area under Dag	Share of this Right in the Dag	Area of share of land of this Right in the Dag	
			Acre		Acre	Hect.
5S11	Shali		0.87	0.3121		
5S12	Rice Mill		0.29	1.0000	0.27	
5S13	Rice Mill	Conversion 71(I.N.D.)/07 Case No.	1.81	1.0000	0.29	
5S18/903	Rice Mill	Conversion 71(I.N.D.)/07 Case No.	3.03	0.2610	1.81	
		Conversion 71(I.N.D.)/07 Case No.			0.79	
Total Number of dag: Four Only					3.16	

Page 1 of 1

10.10.2023

Certified to be the English translation of a Record of Right in Bengali



08/12/23

R. Islam
Rtd. Senior Interpreting Officer (Ct)
O. S. High Court, Calcutta

8

Dist. Bardhaman P.S. Aushgram		Mouza-Dwariapur Ro. Sur No.1835 Pargana- Gopbhum		J.L. No. 162		Khatian No. 116 Touzi No. 1	
In respect of Superior Right			Payable in respect of this right		Remarks under Section and from date	
Khatian No.	Particulars and possessor (in Brief)	Respective Share	Rent	Cess		Rent	Cess
	Pattani Harihar Nandi chowdhury	8-anna 8-anna ----- Re.1/-	12 anna	5 gonda	9 gonda One anna 13 anna 2 gonda		
	ATTESTED Sd/- illegible Date 16.9.55						
Group No.	Particulars and possessor of this right	Share	Particulars and possessor of this right		Share	Class of this right and special Rule and Appendix	
	Poss: Parbati Charan Bandopadhyay Bandopadhyay	Re.1/-	Ryoti Stitiban Having Ryoti possessory right as per rule 4			This khatian will be effective under the Government	
Note or changed under Section 105/106/108/109 (with Case No. & year)							

24

9

Khatan No. 116		Land in Khas Possession in this right							
Dag no.	Possesor of dag the North boundaries	Class of Land	Remarks	Total area of Dag		Share of this right in the Dag	Area of land in the share of this right out of the Dag.		
				A.	Dec.		A	Dec.	
5815	Totan	Shali				16 anna			
5811	Mahesh nath	Shali				16 anna			
Total area of the Land under own possession:									
Khatian no. of the recipient of rent			Khatians of subordinate right						
Total are under subordinate right									
Grand Total:									

Certified to be the English translation of a Record of Right in Bengali

R. Islam

08/12/23

R. ISLAM
Rtd. Senior Interpreting Officer (C)
O. S. High Court, Calcutta

10

Dist. Dardhaman P. B. Aushgram		Muzra Gaudhapan P. B. No. 1635 Pargana Gopabhum		JL No. 162		Khasra No. 1215 Tarezi No. 1	
In respect of Superior Right			Payable in respect of this right		Remarks	under Section 105/106/108/109	
Khasra No.	Particulars and possessor (in brief)	Respective Share	Fixed	Case		Fixed	Case
2Ka	Pallani And Dar Pallani Nishingha Charan Nandi Chowdhury	10 anna	Rent free		By way of assignment and possession		
3	Harihar Nandi Chowdhury	10 anna Rs. 1/-					
Group No.	Particulars and possessor of this right	Share	Particulars and possessor of this right		Share	Class of this right and special Rules and Appendix.	
	Brahmatra Bakkrowar Bandopadhyay Poss: Nalinakhya Bandopadhyay Ramnath Bandopadhyay Panchanan Bandopadhyay Son of Bijoy Krishna Bandopadhyay Kalyani Devi w/o Anadi Nath Bandopadhyay Sarati Jamini Devi W/o Rampada Bandopadhyay Nakulleswar Bandopadhyay Baidyanath Bandopadhyay Amiya Bandopadhyay Son of Rampada Bandopadhyay Of P.O.	0-017-3-6 0-0-17-3-7 0-017-3-6 0-017-3-7 0-0-6-2-2	Having intermediary Permanent rent free right			Brahmatra	
Note or changed under Section 105/106/108/109 (with Case No. & year)							

413
P-1
B

ATTESTED
Sd/- illegible
Date 5.10.57

11

Khatian No. 1216		Land in Khas Possession in this right							
Dag no.	Possesor of dag the North boundaries	Class of Land	Remarks	Total area of Dag		Share of this right in the Dag	Area of land in the share of this right out of the Dag.		
				A.	Dec.		A	Dec	
5818	Tarak Chandra	Garden	Nalinakshya			Re.1/-	22	50	
5818 9031	Khatian No. 2744	Garden	Shankar and others			Re.1/-	7	97	
5818 9032	Khatian No. 1744	Garden	Dddd			Re.1/-	3	03	
(3) three dag only									
Total area of the Land under own possession:								22	50
Khatian no. of the recipient of rent			Khatians of subordinate right						
Total are under subordinate right									
Grand Total:								22	50

Certified to be the English translation of a Record of Right in Bengali

Rafiqul Haque

08/12/23,

R. Islam
Senior Interpreter
Court, ...

12

Dist. Bardhaman P.S. Aushgram		Mouza-Dwariapur Re. Sur No.1835 Pargana - Gopbhum		J.L. No. 162		Khatian No. 545 Touzi No. 1	
In respect of Superior Right			Payable in respect of this right		Remarks under Section and from date	
Khatian No.	Particulars and possessor (in Brief)	Respective Share	Rent	Cess		Rent	Cess
2Ka	Pattani And Dar Pattani Nrisingha Charan Nandi Chowdhury	10 anna	Rent free		By way of enjoyment and possession		
3	Harihar Nandi Chowdhury	10 anna ----- Re.1/-					
Group No.	Particulars and possessor of this right	Share	Particulars and possessor of this right		Share	Class of this right and special Rule and Appendix	
	Brahmatra Bakkreswar Bandopadhyay Poss: Jogeswar Chongdar Of Gushkara Poss: Dasarathi Goswami S/o Haridas Goswami Manikeswar Goswami Son of Balaram Goswami	Re.1/- 8 anna 8 anna ----- Re.1/-	Ryoti Stitiban rent free right Having Ryoti possessory right as per rule 4			Brahmator This khatian will be effective under the Government	
Note or changed under Section 105/106/108/109 (with Case No. & year)							

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Date 5.10.57

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13

Khatian No. 545		Land in Khas Possession in this right					Area of land in the share of this right out of the Dag	
Dag no.	Possesor of dag the North boundaries	Class of Land	Remarks	Total area of Dag		Share of this right in the Dag	A	Dec
				A.	Dec.			
5813	Bijoy Kumar	Danga					1	81
(1) One dag only								
Total area of the Land under own possession:							1	81
Khatian no. of the recipient of rent			Khatians of subordinate right					
Total are under subordinate right								
Grand Total:							1	81

Certified to be the English translation of a Record of Right in Bengali

[Handwritten Signature]

08/12/23

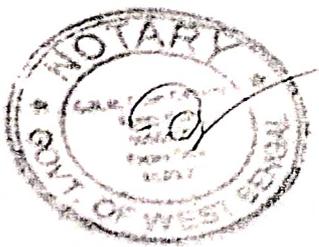
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7-A

জেলা- পূর্ব বর্ধমান
 পৌরসভা- হারিন্দপুর
 খতিয়ান নং- ১৩০৬
 জ.এস.নং- ১১৮
 (১) রাজস্ব- ৯৪.০ টাকা
 (২) জমির পরিমাণ(এ)- ৩.১৬
 (৩) মোট দাগের সংখ্যা- ৪
 (৪) মোট দাগের মূল্য- ১০০২১১৮
 খানা- অতিসংগম

নাম- বিভাগ- ডিক্রীনা-	(৪) অত্রকর্তার দখলকারের বিবরণ কে এম এমোয়টিক গ্রাম পি। এম পক্ষে ডাইরেক্টর শ্রী পাকিজ কুমার মারোঠী পি. আওয়াল শাহ মারোঠী মা.পেরাথিনাথবাটী,এমকরা	(৫) বয়	(৬) মতলা
		মাস	
(৭) অত্রকর্তার নিজ দখলী জমি			
নাম নং	জমির শ্রেণী	মতলা	

নাম নং	জমির শ্রেণী	দাগের মোট পরিমাণ(এ)	দাগের মধ্যে অত্রকর্তার অংশ	দাগের মধ্যে অত্রকর্তার জমির অংশের পরিমাণ	
				একর	হেক্টর
৫৮১১	দাগি				
৫৮১২	চাউলকর	০.৮৭	০.০১২১	০.২৭	
৫৮১৩	চাউলকর	০.২১	১.০০০০	০.২১	
৫৮১৪/১০০	চাউলকর	১.৮১	১.০০০০	১.৮১	
		৩.০০	০.২৬১০	০.৭৯	
মোট দাগের সংখ্যা- চারমাত্র				৩.১৬	



12

(228)

T. Sanipati

মোনা হারিরাপুর
সে: নং: নং ১৮৩৫
নং নং গোপজুম

পতিদার নং ১১৩
ভৌমি নং ১

16/9/55

উপস্থিত ইংরেজ		অত্র সত্বের দেয়			পাঠা নং ৫ এ কোম সন ১৯৫৫ আইনে	
কর্তৃক স্বাক্ষরিত	নং নং	খালানা	গেস	নং নং	গার্ভানি	সেম
	১০					
	১১					
	১২					

ATTESTED
Attestation Officer,
Date: 16/9/55

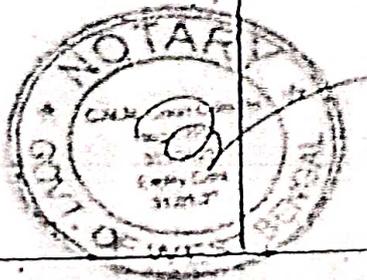
নং নং বিবরণ ও মন্তব্য	অংশ	স্বত্বের শ্রেণী ও বিবরণ	স্বত্বের বিশেষ নিয়ম ও অধুসর
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১২

রায়ত
স্থিতিবান

৪নং বিধিগতে রায়ত
দখলী স্বত্ব বিশিষ্ট

কর্তৃক স্বাক্ষরিত
সরকারের
স্বত্ব



11A

15

অতিষ্ঠান নং ১১১০

শিল্প শ্রমিকের নিয়মিত কর্মসূচি

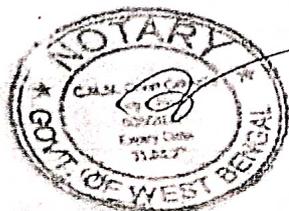
ক্রমিক সংখ্যা	কর্মচারীর নাম	পদবী	বয়স	শিক্ষণ স্তর	কর্ম সময়	মাসিক কর্মসূচি	মাসিক কর্মসূচি
১	মহেশ্বর	১৭০-১৭	১৯	মাধ্যম	১১/১১/১১	১১	১১
২	২৭০০	১৭/১১	১৯	মাধ্যম	১১/১১/১১	১১	১১
৩	১৭০০	১৭/১১	১৯	মাধ্যম	১১/১১/১১	১১	১১

নিম্ন শ্রমিকের নামে নিয়মিত কর্মসূচি

কর্মচারীর নাম: অতিষ্ঠান নং:

নিম্ন শ্রমিকের নামে নিয়মিত কর্মসূচি

কর্মসূচি



12A

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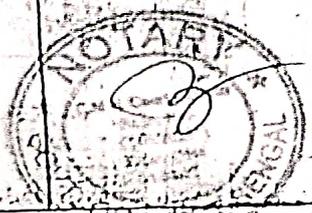
নোতা কারিগার
 জেলা বর্তমান
 থানা জাউঙ্গান
 বৈ: নং: ১৮৩৫
 পত্রিকার নং ৫৪৫
 তারিখ ৫/১/১৩

ক্রমিক নং	উপস্থিত বিষয়	অত্র বিষয় দ্বারা			সংখ্যা	সংক্রান্ত কোন কোন আইনের আধানে প্রাসিদিবে	
		স্বত্ব	সংক্রান্ত সংখ্যা	গণ্য		খাণ্ডান	সেবা
১	১৮৩৫ নং নথী	১	১	১	১		
২	২৪৩৫ নং নথী	২	২	২	২		

ATTESTED
 Attestation Officer,
 Date..... 5/1/13

ক্রমিক নং	অত্র বিষয় বিবরণ ও দস্তাবেজ	অংশ	স্বত্বের প্রকৃতি ও বিবরণ	স্বত্বের বিশেষ নিয়ম ও অনুলম্ব
১	১৮৩৫ নং নথীর বন্দোবস্ত নং যজ্ঞপত্রী টো:মার সি: সুবাসিষ্ণু চৌধুরী স্বত্ব প্রাপ্তি	২৪	স্বত্ব প্রাপ্তি	স্বত্ব
২	২৪৩৫ নং নথীর স্বত্ব প্রাপ্তি	১১	৪নং বিধিতে স্বত্ব স্বত্ব প্রাপ্তি	স্বত্ব

১০৫১৫৫১০৫১০৫
 স্বাক্ষরিত
 নং:



Report of rights duly issued and duly
 published under Sub-Sec. (2) of Sec. 44 of
 the U.P.A. Act 1953 (W.U. Act 1 of 1954)

Attestment Officer

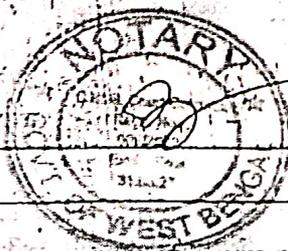
13A

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খতিয়ান নং: ৪৪৫

স্বামী অথবা অন্য কোন মালিক

স্বামী নাম	উক্তর সীমানার মাগের মতামত	পরিমাণ বর্গ	মতামত	স্বামী অথবা অন্য কোন মালিক		স্বামী অথবা অন্য কোন মালিক	
				ক্রঃ	নং	ক্রঃ	নং
স্বামী	নিম্নলিখিত	জামাতি			১	৮১	
				নিম্ন দ্বিতীয় জনের নোট পরিমাণ			
স্বামীর আশ্রয় খতিয়ান নং:		অধীনস্থ স্বতন্ত্র খতিয়ান নং					
				স্বামীর স্বতন্ত্র নোট পরিমাণ			
				স্বতন্ত্র নোট			





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ANNEXURE "R-2"

Government of West Bengal
Block Land and Land Reforms Officer
Ausgram -1 at Guskara, Purba Bardhaman
Email Id: blroausgram1@gmail.com

Memo. No: 6920/BL&LRO/Aus-1/2023

Dated 09/10/2023

To
The Additional District Magistrate
&
District Land & Land Reforms Officer
Rajbati, Purba Bardhaman.

Sub : Report in the matter of O.A. No. 107 of 2023/EZ
AND
In the matter of
Soumen Chakraborty
Vs.
The Principal Secretary, Environment Department,
Govt. Of West Bengal & Ors.

Sir,

As per your direction in connection with the above noted subject, the findings are given below as per the available official documents and report of the Revenue Inspector-

- 1) The property involve in the above noted OA case is recorded against LR Kh. 2306 in the mouza Dwariapur (J.L.no.-118) in the name of KM Agrotech Private Ltd. [Copy enclosed]
- 2) In RS records, and was recorded against RS Kh. 116, 545, 1216 & ors.
- 3) Presently, a rice mill is running in the land recorded against LR Kh. 2306.
- 4) Presently, a fly ash based Brick manufacturing factory is running in the same premises and for that they have failed to show conversion certificate. Undersigned has issued notices to the Directors of the KM Agrotech Private Ltd. to submit necessary papers in this regard.

Encl : As stated above

This is for your kind information.

09/10
Block Land and Land Reforms Officer
Ausgram-1, Bardhaman

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To
The B.L. & L.R.O.
Ausgram-I, Purba Bardhaman
Memo. No. 518(1)/RI/GM/2023

Date : 06/10/2023

Sub : Field Enquiry Report of the Plot Nos.
5811, 5812, 5813, 5818/9032 at Dwariyapur Mouza

Respected Sir,

As per your direction and above noted subject, a field enquiry has been conducted by the undersigned of the plot nos. 5811, 5812, 5813, 5818/9032 at Dwariyapur mouza. During the enquiry it appears that "KM Agrotech Private Limited" is situated on the aforesaid plot at present and the others facts are mentioned below-

- 1) The land schedule of "KM Agrotech Private Limited" is LR plot nos. 5811, 5812, 5813, 5818/9032 at Dwariyapur mouza and LR Khatian no. is 2306.
- 2) In course of enquiry it appears that a Rice Mill is running at present on the aforesaid plots.
- 3) In course of the enquiry it also appears that a fly ash based Brick manufacturing factory is running at the same premises.

SCHEDULE

Mouza - Dwariyapur

J.L.No. - 118

Plot No.- 5811, 5812, 5813, 5818/9032

Total Area - 3.16 acres

R. Janna
06/10/2023.
Revenue Inspector
Guskara Municipality

VAKALATNAMA
FOR HONBLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA

ORIGINAL APPLICATION NO. 107/2023/EZ.

SOURIN CHAKRABORTY

Appellant/
Petitioner/Plaintiff

VERSUS

THE PRINCIPAL SECRETARY, ENVIRONMENT DEPARTMENT, WEST BENGAL.

Respondent
Opposite Party / Defendant

Vakalatnama on behalf of STATE OF WEST BENGAL

Know all men by these presents that by the Vakalatnama I/We appoint the Advocate noted below or any one of them, my/our lawful Advocate/Advocates for filing Memorandum of Appellate Petition for entering appearance in the above matter for appearing in, conducting and arguing in the same for depositing or withdrawing any money in connection therewith, for moving the Court in any matter connected therewith, for preparing the paper-book in the case and for putting the papers, petitions etc. on my/our behalf for filing or taking back fresh suits etc. for signing and filing petitions of compromise in connection with the said matter and for taking copies of paper from the record and I/We further say that any act done by my/our said Advocate or Advocates or by any of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocate/Advocates his or their fees as settled all other sums that may be necessary to carry out the requisitions of the Court and otherwise to enable the Advocate/Advocates to conduct the case properly. Failing which the Advocate/Advocates after notice to me/us will be at liberty to withdraw from the further conduct of the case.

IN WITNESS WHEREOF I/We sign and execute this Vakalatnama, on this _____ day
of _____, 20____.

NAME OF ADVOCATES

Priywish Kumar Basu
Advocate.
WBF/1520/2010.

Arande Kumar Tiwari
PLAINTIFF/APPPELLANT/RESPONDENT/
DEFENDANT/RESPONDENT/SUBPOINTEE PARTY/ETC

Legal Representative/Member
Ward Council