

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 184/2023/EZ

In The Matter of:

Prakash Ghosh

... Applicant

Versus

State of West Bengal & Ors.

... Respondents

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT
NUMBER 08, THE INSPECTOR-IN-CHARGE, HABRA POLICE STATION,
DISTRICT: NORTH (24) PARGANAS.

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Filed by
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19 FEB 2024



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AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT NUMBER 08, THE INSPECTOR-IN-CHARGE, HABRA POLICE STATION, DISTRICT: NORTH (24) PARGANAS.

I, Sri Anupam Chakraborty, Son of Shri Ashit Kumar Chakraborty, aged about 49 years, by faith Hindu by Occupation- Service, and presently posted as Inspector-in-Charge, Habra Police Station, Barasat Police District, North 24 Parganas, having office at Habra, North 24 Parganas do hereby solemnly affirm and declare as follows :-

1. That I am the Inspector-in-Charge, Habra Police Station, Barasat Police District, North 24 Parganas, being impleaded as respondent number 08, above-named. I, being the said respondent am competent to swear and affirm this affidavit for and on behalf of myself and the office

of the Inspector-in-charge, Habra Police Station, Barasat Police District, North 24 Parganas.

2. That this affidavit-in-opposition if being filed in compliance and obedience to the Solemn Order dated 16.01.2024, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in connection with the instant Original Application.

3. That it is most humbly stated and submitted that save and except those which are matters of record and which are specifically admitted by me herein below, each and every allegation, and/or contention, and/or submission, contained in the said Original Application, is denied and disputed as if the same is set out in seriatim herein and specifically traversed.

4. That without prejudice to the above, I beg to deal with the paragraphs in the said Original Application ad seriatim.

5. That it is pertinent to mention at the very outset that although the instant original application relates to operation of a brick kiln illegally in violation of the statutory norms, but after enquiry by the Official of the Habra Police Station on 14.02.2024 in which it had been observed that the unit of respondent numbers 10 and 11 (private respondents) are manufacturing flower clay tubs and clay toilet rings and not brick kiln as has been stated.

During inspection by the Inspecting Official namely Rahul Kumar Pandey, Sub Inspector of Police, Habra Police Station, Barasat Police District, that:



X

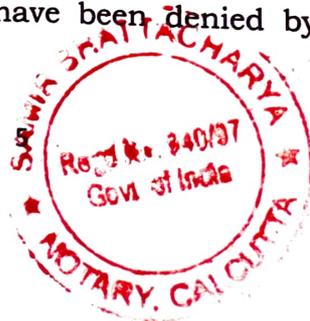
- (i) The applicant Prakash Ghosh, residing at Village-Udayanpally, Post Office- Prithiba, Police Station- Habra, District-North 24 Parganas with his family since the year of 2000.
- (ii) The private respondents 10 & 11 namely (1) Sudhangshu Paul, S/O-Late Shibapada Paul of Village - Udayanpally, Post Office-Prithiba, Police Station-Habra, Dist-North 24 Parganas and (2) Krishna Paul, W/O- Shibapada Paul of do have been running a business of manufacturing clay toilet rings and flowering clay tubs at above mentioned location for the last 35 years.
- (iii) When the private respondents 10 & 11 started said business 35 years ago it was on a small scale and was in abundant space, but with time the kiln has been surrounded by some houses in which the applicant house is also there which is within the approximately 30 meters from the kiln. The area around the kiln is yet not so densely populated but the people living there are facing the gaseous emission from the burning of woods in the kiln for the manufacturing of the flower clay tubs, clay toilet rings etc.
- (iv) On enquiring the private respondents 10 & 11 about the legal documents of running business of manufacturing of the flower clay tubs, clay toilet rings etc they could not provide any relevant documents from the competent authorities. The private respondents uses woods as the primary source for the



manufacturing of the flower clay tubs, clay toilet rings etc and runs the kiln for mostly 6/7 hours in a week.

Photocopy of the inspection report dated 15.02.2024 carried out by the Inspecting Officer of Habra Police Station is annexed herewith and marked with the letter 'R-1'.

6. That with respect to the statements made in Paragraph Number 1 of the Original Application; I humbly submit that, it is a matter of record.
7. That with respect to the statements made in Paragraph Numbers 2, 3, 4, 5, 6, 11, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 of the said Original Application, I in which I do not comment on the same in as much as the same relates to matters of fact and record.
8. That with respect to the statements made in paragraphs 7, 8, 9 & 10 of the original application it is stated that the unit in question of the private respondents manufactures clay pots i.e. a pottery and it is not a brick field and moreover tyre, rubber etc are not used as alleged in the original application.
9. That with respect to the statements made in paragraphs 12, 13, 14, 15,16, 17, 18, 19 & 20 of the original application it is stated that the same do not relate to the unit of the private respondents in as much as the unit is manufacturing clay pots and is not a brick kiln as has been
10. Save as aforesaid, all other allegations and/or insinuations, which have not been specifically dealt with in the instant Affidavit-in-Opposition, shall be deemed to have been denied by this answering respondent.



11. That the statements made in paragraphs 1 to 10, of the foregoing affidavit are true to my knowledge and belief and the rest are my respectful submissions before this Hon'ble Tribunal.

Identified by me

Sibojyoti Chakrabarti

Advocate 19.02.2024

State of West Bengal

Anupam Chakrabarty

Deponent

Inspector-in-charge
HABRA POLICE STATION
Barasat Police District

Solemnly Affirmed and
Declared before me on 19/2/24
19/2/24



19.2.24

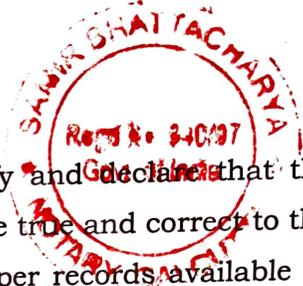
Samir Bhattacharya
Notary, Govt. of India
Regd. No. 840/07
Calcutta

19 FEB 2024

X



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 as per records available in the office of the Habra Police Station Barasat Police District, North 24 Parganas and I believe that nothing material has been concealed there from.

Verified at Kolkata on the^{19th} Day of February, 2024. ^{1/11/24}

Identified by me

Sibajyoti Chakrabarti
Advocate 19.02.2024

Anubam Chakrabarty
Deponent
Inspector-in-charge
HABRA POLICE STATION
Barasat Police District

State of West Bengal

~~Solemnly Affirmed and Declared before me U/S 1. CPC 117(2) & 118(1) CRP~~
19.2.24
Notary



~~8~~
Annexure - R-1

Ref: -Application No-184/2023/EZ.

In the matter of
 Sri Prakash Ghosh

.....Applicant

-VS-

The State of WB and others

..... Respondents

Report of the Inspector-in-Charge-Habra Police Station, Barasat Police District, North 24 Parganas.

Respected Sir,

Most respectfully and humbly I beg to submit that as per endorsement by I/C Habra P.S I SI Rahul Kumar Pandey of Habra P.S, Barasat Police District enquired into the contents of the environmental pollution filed by the Prakash Ghosh, S/O-Late Narendranath Ghosh, residing at Village-Udayanpally, Post Office-Prithiba, Police Station - Habra, District - North 24 Parganas. In this regard I beg to submit the enquiry report. This refers to Habra P.S GDE No 927 & 935 Date - 14.02.2024.



During local enquiry it could be learnt that the applicant Prakash Ghosh residing at Village - Udayanpally, Post Office-Prithiba, Police Station-Habra, Dist-North 24 Parganas with his family since the year of 2000.

The private respondents 10 & 11 namely (1) Sudhangshu Paul, S/O-Late Shibapada Paul of Village - Udayanpally, Post Office-Prithiba, Police Station-Habra, Dist-North 24 Parganas and (2) Krishna Paul, W/O-Shibapada Paul of do have been running a business of manufacturing clay toilet rings and flowering clay tubs at above mentioned location for the last 35 years.

When the private respondents 10 & 11 started said business 35 years ago it was on a small scale and was in abundant space, but with time the kiln has been surrounded by some houses in which the applicant house is also there which is within the approximately 30 meters from the kiln. The area around the kiln is yet not so densely populated but the people living there are facing the gaseous emission from the burning of woods in the kiln for the manufacturing of the flower clay tubs, clay toilet rings etc.

On enquiring the private respondents 10 & 11 about the legal documents of running business of manufacturing of the flower clay tubs, clay toilet rings etc they could not provide any relevant documents from the competent authorities. The private respondents uses woods as the primary source for the manufacturing of the flower clay tubs, clay toilet rings etc and runs the kiln for mostly 6/7 hours in a week.



X

Police is keeping strong vigil in the matter and Habra Police Station is always ready to render all assistance in accordance with law.

This is for your honours kind perusal.

Yours faithfully,

Randey_{SI}

(SI Rahul Kumar Pandey)

Habra Police Station

Barasat Police District

Dated-15.02.2024

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

O. A. NO. 184/2023/EZ

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