

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 147/2022/EZ

In The Matter of:

Abdul Jabber Ali & Ors.

... Applicants

Versus

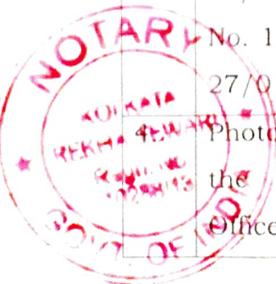
The West Bengal Pollution Control Board
& Ors.

... Respondents

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT NUMBER 04,
THE ADDITIONAL DISTRICT MAGISTRATE & DISTRICT LAND & LAND
REFORMS OFFICER, DISTRICT MURSHIDABAD.

INDEX

SL	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit-in-Opposition		82-85
2.	Photocopy of present LR plot information is annexed herewith	'R-1'	86-91
3.	Photocopies of Memorandum No. 2649-M&M-26/2010, dated 27/10/2016 read with Memorandum No. 179-M7M/LR/A-II-26/2010, dated 27/01/2022 are collectively annexed	'R-2'	92-97
	Photocopies of that notice issued by the Block Land & Land Reforms Officer, Nowda and enquiry report are	'R-3'	98-99



	collectively annexed herewith		
5.	Photocopy of the enquiry report of the Block Land & Land Reforms Officer, Nowda dated 11.11.2022 is annexed herewith	'R-4'	100-102

Filed by

Sibajyoti Chakrabarti

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534





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& Ors.

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AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT NUMBER 04
THE ADDITIONAL DISTRICT MAGISTRATE & DISTRICT LAND & LAND
REFORMS OFFICER, DISTRICT MURSHIDABAD.

I, Sri Anshul Gupta, Son of Sri Rakesh Kumar Gupta, aged about 36 years, by
faith- Hindu, by occupation -service and presently posted as the Additional
District Magistrate & District Land & Land Reforms Officer, District:
Murshidabad, having office at 40, Raja Krishnanath Road, P.O- Berhampore,
P.S.- Berhampore Town, District: Murshidabad, Pin: 742101, do hereby
solemnly affirm and declare as follows:-

1. That, I am presently posted as Additional District Magistrate & District
Land & Land Reforms Officer, District: Murshidabad, having office at 40,
Raja Krishnanath Road, P.O- Berhampore, P.S- Berhampore Town,
District: Murshidabad, Pin: 742101, and I am well acquainted with the
facts and circumstances of the case and as such I am competent to
swear, sign and affirm this affidavit.

2. That this affidavit-in-opposition is filed in compliance to the solemn
Orders dated 01.11.2022, passed by this Hon'ble Tribunal.



3. That the applicants in the Original Application have interalia alleged that the Respondent Numbers 9 to 13 are setting up a brick kiln in the name of "Indian Three Brick Field" on Plot No.1584 of Mouza Chandkathi, J.L. No.19, P.S.- Nowda in the District of Murhsidabad. The allegation is that the Respondent Numbers 9 to 13 does not possess 'Environmental Clearance' or 'Consent to Establish' or 'Consent to Operate' in favour of the said brick kiln and are, therefore, in violation of Environmental Laws. It is also alleged that the Respondents 9-13 are not owners of the land in question.
4. That it is stated and submitted that the plot no. 1584 of Mouza-Chandkati, J.L. No. 19, Police Station-Nowda, District-Murshidabad having total area 2.34 acres, which is the alleged subject matter in the instant original application, is an agricultural land. The said plot is recorded in the name of several raiyats. But neither the applicants nor the private respondent numbers 9 and 11 to 13 are the recorded raiyats of that plot as per present LR records, available in the office of District Land & Land Reforms Officer, Murshidabad. The private respondent number 10 is a recorded Raiyat of that plot in LR Khatian no. 121 of an area of 0.1800 acre.

Photocopy of present LR plot information is annexed herewith and marked with the letter 'R-1'.

5. That presently for establishment of any new brick field it is guided by the Memorandum No. 2649-M&M-26/2010, dated 27/10/2016 read with Memorandum No. 179-M7M/LR/A-II-26/2010, dated 27/01/2022 of the Land & Land Reforms Department, Government of West Bengal and not by the Memorandum No. 1251-M&M/LR/A-11/M&M-26/2010, dated 29/05/2015, as mentioned by the applicants in paragraph 3 of the Original Application. That the respondent numbers 9 to 13 of the Original Application have filed no application for establishment of the new brick field namely "INDIA-3" as mentioned in the Original Application. No permission for establishment of new brick field has been given to the private respondent nos. 9 to 13 till date, by this office.

Photocopies of Memorandum No. 2649-M&M-26/2010, dated 27/10/2016 read with Memorandum No. 179-M7M/LR/A-II-26/2010, dated 27/01/2022 are collectively annexed herewith and marked with the letter 'R-2'.

6. That this office after receipt of the mass petition dated 26.11.2021 of the petitioners that has been forwarded to the Block Land & Land Reforms Officer, Nowda for enquiry and report thereof. The Block Land & Land Reforms Officer, Nowda has caused an enquiry on the complaint of alleged establishment of new brick field in plot no. 1584 of Mouza-Chandkati on 07.12.2021 and found that the private respondent numbers 10 to 12 and one Hazi Mannan Sk have started construction of a brick field namely "INDIA-3" on that plot without obtaining any permission from the authorities.

Accordingly, the Block Land & Land Reforms Officer, Nowda has served a notice to stop construction of that brick field, vide his office memo no. 1100/BL&LRO/Nowda/2021, dated 13/12/2021.

Photocopies of that notice issued by the Block Land & Land Reforms Officer, Nowda and enquiry report are collectively annexed herewith and marked as Annexure 'R-3'.

7. That it is also submitted that subsequently after receiving a mass petition dated 19.09.2022 the Block Land & Land Reforms Officer, Nowda has caused another enquiry on 11.11.2022 and has submitted his report on 11/11/2022 stating that the construction work of that brick field has totally been stopped.

Photocopy of that enquiry report of the Block Land & Land Reforms Officer, Nowda dated 11.11.2022 is annexed herewith and marked as Annexure 'R-4'.

8. That it is stated that the private respondent numbers 10 to 12 of the Original Application and one Hazi Mannan Sk., S/o- Akali Sk had started



construction of the brick field in question which has been stopped by issuing stop notice to them. Thereafter the construction of that brick field has been stopped. The allegation made by the applicants regarding alleged inaction on their mass petition is not true as the matter has already been enquired and stop notice for construction of that brick field has been served and accordingly the construction work of that brick field has been stopped. Presently the process of demolition of that "INDIA-3" brick field has already been started by private respondent numbers 10 to 12 of the Original Application and Hazi Mannan Sk., S/o- Akali Sk.

9. That it is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

Identified by me

Sibojyoti Chakrabarti
Advocate
02/12/2022
WB/1730/2010
For The State of West Bengal

Anshul Gupta
Deponent
Additional District Magistrate &
District Land & Land Reforms Officer
Murshidabad

VERIFICATION

Verified at Kolkata by the deponent above named on this the ^{2nd} day of December, 2022 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs no. 2 to 8, are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal. *1/11/22*

Identified by me

Sibojyoti Chakrabarti
Advocate
02/12/2022
For The State of West Bengal

Anshul Gupta
Deponent
Additional District Magistrate &
District Land & Land Reforms Officer
Murshidabad



SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME ON IDENTIFICATION

Rekha Tewari
REKHA TEWARI
NOTARY

6 02 DEC 2022

পশ্চিমবঙ্গ সরকার

সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ

-দাগের তথ্য-



জেলা- মুর্শিদাবাদ	ব্লক- নওদা	[১২১৮০১৯]
মৌজা- চাঁদকাট	জে.এল.নং- ১৯	থানা- নওদা
দাগ নং- ১৫৮৪	শ্রেণী-	জমির পরিমাণ(এ)- ২.৩৪০০
সাবেক দাগ নং- ১৫৮৪		

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	স্বামীর/স্বামীর বিবরণ	মতব্য
১২১	আউশ	০.০৮২৭	০.১৮০০	মহঃ আব্দুল আজিজ মওল পিতা-সাহেব জান মওল সাং-নিজ	
					১৪১ ধারা প্রযোজ্য
৩৯৩	আমন	০.০৪৬৮	০.১১০০	আলি হোসেন সেখ পিতা-নৈমদ্দি সেখ সাং-ভোল্লা	
৬৫৫	আমন	০.০১২০	০.০৪০০	কলিমুদ্দিন মওল পিতা-সাহেবজান মওল সাং-ভোল্লা	
৮৯৫	আউশ	০.০১৯১	০.০৫০০	গিয়াসুদ্দিন মওল পিতা-সাহেবজান মওল সাং-ভোল্লা	
১১৯১	আউশ	০.০৮৫১	০.২০০০	মহঃ জুলফিকার আলি মওল পিতা-সাহেবজান মওল সাং-ভোল্লা	
১৪৭৫	আউশ	০.১৪১১	০.৩১০০	বুর মহম্মদ মওল পিতা-গোলজার মওল সাং-ভোল্লা	
১৪৭৮	আউশ	০.০০৭৮	০.০২০০	বুর হক মওল পিতা-সাহেব জান মওল সাং-নিজ	

পশ্চিমবঙ্গ সরকার
সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ
-দাগের তথ্য-



জেলা- মুর্শিদাবাদ ব্লক- নওদা [১২১৮০১৯]
মৌজা- চাঁদকাটি জে.এল.নং- ১৯ থানা- নওদা
দাগ নং- ১৫৮৪ শ্রেণী- জমির পরিমাণ(এ)- ২.৩৪০০
সাবেক দাগ নং- ১৫৮৪

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	রায়তের/লেসীর বিবরণ	মন্তব্য
১৬৫৫	আউশ	০.০৫২১	০.১৩০০	ফৈয়ুদ্দিন মন্ডল পিতা-সাহেবজান মন্ডল সাং-ভোলা	
১৮২০	আউশ	০.০৯৩৮	০.২২০০	ভোলা মধ্যম পাড়া মসজিদের পক্ষে পিতা-সম্পাদক । সাং-ভোলা	

পশ্চিমবঙ্গ সরকার
পমাটি ভূমি ও ভূমি সংস্কার আধিকারিকের কার্য
-দাগের তথ্য-



জেলা- মুর্শিদাবাদ	ব্লক- নওদা	[১২১৮০১৯]			
মৌজা- চাঁদকাটি	জে.এল.নং- ১৯	থালা- নওদা			
দাগ নং- ১৫৮৪	শ্রেণী-	ভূমির পরিমাণ(এ)- ২.৩৪০০			
সাবেক দাগ নং- ১৫৮৪					
খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	স্বায়ত্ত্বের/লেগীর বিবরণ	মন্তব্য
১৮২০					

মাতোয়ালি (১) সামসুদ্দিন মওল

পিতা-ইমজুদ্দিন মওল

সাং-ভোলা

অংশ-1.0000

(২) জিল্লার রহমান

পিতা-ভেলু মওল

সাং-ভোলা

অংশ-0.1667

(৩) আহম্মদ হোসেন

পিতা-আজিজুল্যা মওল

সাং-ভোলা

অংশ-0.1667

(৪) মহিরুদ্দিন

পিতা-আজিজুল্যা মওল

সাং-ভোলা

অংশ-0.1667

(৫) আব্দুর রাজাক

পিতা-ইসমাইল মওল

সাং-ভোলা

অংশ-0.1667

(৬) আব্দুল মান্নান

পিতা-ইসমাইল মওল

সাং-ভোলা

অংশ-0.1667

(৭) হাসেনউদ্দিন সরকার

পিতা-ইসমাইল সরকার

সাং-ভোলা

অংশ-0.1667

অনুমতি দং

১) সামসুদ্দিন মওল

পশ্চিমবঙ্গ সরকার
সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ
-দাগের তথ্য-



জেলা- মুর্শিদাবাদ	রক- নওদা	[১২১৮০১৯]
মৌজা- চাঁদকাটি	জে.এল.নং- ১৯	থানা- নওদা
দাগ নং- ১৫৮৪	শ্রেণী-	জমির পরিমাণ(এ)- ২.৩৪০০
সাবেক দাগ নং- ১৫৮৪		

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	রায়তের/লেসীর বিবরণ	মন্তব্য
১৮২০					পিতা-ইমাজদ্দিন মওল সাং-নিজ অংশ-০.৫০০০ ভোলা মধ্যমগ্রাম মসজিদের পক্ষে ২) খোদাবক্স মওল পিতা-পঞ্চত মওল সাং-নিজ অংশ-০.৫০০০ ভোলা মাদ্রাসার পক্ষে
১৯৫৩	আউশ	০.০৯৩৭	০.২৩০০	মসজিদের পক্ষে সাং-নিজ মাতোয়ালি (১) আব্দুল গনি মওল পিতা-বারেক মওল সাং-নিজ অংশ-১.০০০০	
২০৩৭	আউশ	০.০৮৬৬	০.২০০০	মুসাহক মওল পিতা-মাহেবজান মওল সাং-ভোলা	
২৪৪১	আউশ	০.০০৩৪	০.০০৮৮	সবেতুল্লা মওল পিতা-ইব্রাহিম মওল সাং-নিজ	
২৬৮৫	আউশ	০.০৮৬৫	০.২০০০	আব্দুল হামিদ মওল পিতা-মাহেবজান মওল সাং-ভোলা	

৭০
পশ্চিমবঙ্গ সরকার
সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ
-দাগের তথ্য-



জেলা- মুর্শিদাবাদ
মৌজা- চাঁদকাটি
দাগ নং- ১৫৮৪
সাবেক দাগ নং- ১৫৮৪

ব্লক- নওদা
জে.এল.নং- ১৯
শ্রেণী-

থানা- নওদা
জমির পরিমাণ(এ)- ২.৩৪০০

[১২১৮০১৯]

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	রায়ভের/লেসীর বিবরণ	মন্তব্য
২৭৪১	আউশ	০.০১৯০	০.০৫০০	হিফাজুদ্দিন মণ্ডল পিতা-সাহেবজান মণ্ডল সাং-ভোলা	
৩৭০১	আউশ	০.০০৩২	০.০০৮৯	বিলাত সেখ পিতা-সপেত সেখ সাং-ট্যাকপাড়া	
৩৭০২	আউশ	০.০০৩৩	০.০০৮৯	খেজমত সেখ পিতা-সপেত সেখ সাং-ট্যাকপাড়া	
৩৭০৩	আউশ	০.০০৩২	০.০০৮৯	জলিমুদ্দিন সেখ পিতা-সপেত সেখ সাং-ট্যাকপাড়া	
৪৩৫২	আমন	০.০২৩৫	০.০৬০০	তুনজেরা বিবি স্বামী-আব্দুল আওয়াল মন্ডল সাং-ভোলা	
৪৩৫৩	আমন	০.০২৩৫	০.০৫০০	মুক্তার হোসেন মন্ডল পিতা-আব্দুল আওয়াল মন্ডল সাং-ভোলা	
৬৮৫১	আউশ	০.০৯৩৮	০.২৩০০	ভোলা গ্রামের জুম্মা মসজিদের পক্ষে পিতা-সম্পাদক সাং-ভোলা	
৮৬০২	আউশ	০.০০১৬	০.০০৪৫	আসারুল সেখ পিতা-খেজমত সেখ সাং-সেখপাড়া	

a1

পশ্চিমবঙ্গ সরকার
সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ



-দাগের তথ্য-

জেলা- মুর্শিদাবাদ	ব্লক- নওদা	[১২১৮০১৯]
মৌজা- চাঁদকাটি	জে.এল.নং- ১৯	থানা- নওদা
দাগ নং- ১৫৮৪	শ্রেণী-	জমির পরিমাণ(এ) - ২.৩৪০০
সাবেক দাগ নং- ১৫৮৪		

খতিয়ান নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	রায়তের/লেসীর বিবরণ	মন্তব্য
		১.০০০০	২.৩৪		

91A

Translated True Copy

Government of West Bengal
Office of the Block Land & Land Reforms Officer

-Plot Information-

District-Murshidabad
Mouza- Chankati
Plot No.-1584
Previous Plot No.- 1584

Block Nowda
J.L. No.19
Class

[1218019]
Police Station -Nowda
Area of Land(Acre)- 2.3400

Khatian No.	Class	Share	Share Area (Acre)	Details of Raiyat/ Lessee	Remarks
121	Aush	0.0827	0.1800	Md. Abdul Aziz Mondal S/O- Sahebjan Mondal Vill- Self	Section 14U Applicable
393	Aman	0.0468	0.1100	Ali Hossain Seikh S/O- Naimuddi Seikh Vill- Bholla	
655	Aman	0.0150	0.0400	Kolimuddin Mondal S/O- Sahebjan Mondal Vill- Bholla	
895	Aush	0.0191	0.0500	Giasuddin Mondal S/O- Sahebjan Mondal Vill- Bhola	
1191	Aush	0.0851	0.2000	Md. Julfikkar Ali Mondal S/O- Sahebjan Mondal Vill- Bhola	
1475	Aush	0.1563	0.3300	Nur Mohammad Mondal S/O- Goljar Mondal Vill- Bholla	
1478	Aush	0.0078	0.0200	Nur Hoque Mondal S/O- Sahebjan Mondal Vill- Self	
1655	Aush	0.0521	0.1300	Faimuddin Mondal S/O- Sahebjan Mondal Vill- Bhola	
1820	Aush	0.0938	0.2200	On behalf of Bhola Middle Para Masjid S/O- Secretary. Vill- Bhola	Matowali (1) Samsuddin Mondal S/O- Imajuddin Mondal Vill- Bhola Share-1.0000 (2) Jillar Rahaman S/O- Bhelu Mondal Vill- Bhola Share-0.1667 (3) Ahammad Hossain S/O- Ajijulla Mondal Vill- Bhola Share 0.1667 (4) Mohiruddin S/O- Ajijulla Mondal Vill- Bhola Share-0.1667 (5) Abdur Rajjak S/O- Ismail Mondal Vill- Bhola Share-0.1667 (6) Abdul Mannan S/O- Ismail Mondal Vill- Bhola Share-0.1667 (7) Hasenuddin Sarkar S/O- Ismail Sarkar Vill- Bhola Share-0.1667 Permissive Possessor

Government of West Bengal
Office of the Block Land & Land Reforms Officer

-Plot Information-

District-Murshidabad Mouza- Chankati Plot No.-1584 Previous Plot No. 1584	Block- Nowda J.L. No.19 Class-	[1218019] Police Station -Nowda Area of Land(Acre)- 2.3400
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					1) Samsuddin Mondal S/O- Imajuddin Mondal Vill- Self Share-0.5000 On behalf of Bhola Madhyamgram Masjid 2) Khodabox mondal S/O- Panchat Mondal Vill- Self Share-0.5000 On behalf of Bhola Madrasa
1953	Aush	0.0937	0.2300	On behalf of Masjid Vill- Self	Matwali (1) Abdul Gani Mondal S/O- Barek Mondal Vill- Self Share-1.0000
2037	Aush	0.0866	0.2000	Musahak Mondal S/O- Sahebjan Mondal Vill- Bhola	
2441	Aush	0.0034	0.0088	Sabetulla Mondal S/O- Ibrahim Mondal Vill Self	
2685	Aush	0.0865	0.2000	Abdul Hamid Mondal S/O- Sahebjan Mondal Vill- Bhola	
2741	Aush	0.0190	0.0500	Hifajuddin Mondal S/O- Sahebjan Mondal Vill- Bholla	
3701	Aush	0.0032	0.0089	Bilat Seikh S/O- Sapet Seikh Vill- Tyakpara	
3702	Aush	0.0033	0.0089	Khejmot Seikh S/O- Sapet Seikh Vill- Tyakpara	
3703	Aush	0.0032	0.0089	Jalimuddin Seikh S/O- Sapet Seikh Vill- Tyakpara	
4352	Aman	0.0235	0.0600	Tunjera Bibi W/O- Abdul Awal Mondal Vill- Bhola	
4353	Aman	0.0235	0.0500	Muktar Hossain Mondal S/O- Abdul Awal Mondal Vill- Bhola	
6851	Aush	0.0938	0.2300	On behalf of Bhola Village Jumma Masjid S/O- Secretary Vill-Bhola	
8602	Aush	0.0016	0.0045	Asarul Seikh S/O- Khejmat Seikh Vill- Sekhpara	
		1.0000	2.34		

Government of West Bengal
Office of the Block Land & Land Reforms Officer
-Plot Information-

District-Murshidabad	Block- Nowda	[1218019]
Mouza- Chankati	J.L. No.19	Police Station -Nowda
Plot No.-1584	Class-	Area of Land(Acre)- 2.3400
Previous Plot No.-1584		

Khatian No.	Class	Share	Share Area (Acre)	Details of Raiyat/ Lessee	Remarks
121	Aush	0.0827	0.1800	Md. Abdul Aziz Mondal S/O- Sahebjan Mondal Vill- Self	Section 14U Applicable
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655	Aman	0.0150	0.0400	Kolimuddin Mondal S/O- Sahebjan Mondal Vill- Bholla	
895	Aush	0.0191	0.0500	Giasuddin Mondal S/O- Sahebjan Mondal Vill- Bholla	
1191	Aush	0.0851	0.2000	Md. Julfikkar Ali Mondal S/O- Sahebjan Mondal Vill- Bholla	
1475	Aush	0.1563	0.3300	Nur Mohammad Mondal S/O- Goljar Mondal Vill- Bholla	
1478	Aush	0.0078	0.0200	Nur Hoque Mondal S/O- Sahebjan Mondal Vill- Self	
1655	Aush	0.0521	0.1300	Faimuddin Mondal S/O- Sahebjan Mondal Vill- Bholla	
1820	Aush	0.0938	0.2200	On behalf of Bhola Middle Para Masjid S/O- Secretary. Vill- Bhola	Matowali (1) Samsuddin Mondal S/O- Imajuddin Mondal Vill- Bhola Share-1.0000 (2) Jillar Rahaman S/O- Bhelu Mondal Vill- Bhola Share-0.1667 (3) Ahammad Hossain S/O- Ajijulla Mondal Vill- Bhola Share-0.1667 (4) Mohiruddin S/O- Ajijulla Mondal Vill- Bhola Share-0.1667 (5) Abdur Rajjak S/O- Ismail Mondal Vill- Bhola Share-0.1667 (6) Abdul Mannan S/O- Ismail Mondal Vill- Bhola Share-0.1667 (7) Hasenuddin Sarkar S/O- Ismail Sarkar

Government of West Bengal
Office of the Block Land & Land Reforms Officer
-Plot Information-

District-Murshidabad Mouza- Chankati Plot No.-1584 Previous Plot No.-1584	Block- Nowda J.L. No.19 Class-	[1218019] Police Station -Nowda Area of Land(Acre)- 2.3400
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					Vill- Bhola Share-0.1667 Permissive Possessor 1) Samsuddin Mondal S/O- Imajuddin Mondal Vill- Self Share-0.5000 On behalf of Bhola Madhyamgram Masjid 2) Khodabox mondal S/O- Panchat Mondal Vill- Self Share-0.5000 On behalf of Bhola Madrasa
1953	Aush	0.0937	0.2300	On behalf of Masjid Vill- Self	Matwali (1) Abdul Gani Mondal S/O- Berek Mondal Vill- Self Share-1.0000
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2685	Aush	0.0865	0.2000	Abdul Hamid Mondal S/O- Sahebjan Mondal Vill- Bhola	
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4352	Aman	0.0235	0.0600	Tunjera Bibi W/O- Abdul Awal Mondal Vill- Bhola	
4353	Aman	0.0235	0.0500	Muktar Hossain Mondal S/O- Abdul Awal Mondal Vill- Bhola	
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8602	Aush	0.0016	0.0045	Asarul Seikh S/O- Khejmat Seikh Vill- Sekhpara	

91 E

Translated True Copy

Government of West Bengal
Office of the Block Land & Land Reforms Officer
-Plot Information-

District-Murshidabad	Block- Nowda	[1218019]
Mouza- Chankati	J.L. No.19	Police Station -Nowda
Plot No.-1584	Class-	Area of Land(Acre)- 2.3400
Previous Plot No.-1584		

	1.0000	2.34	
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92
Annexure, R-2.

Government of West Bengal
Land & Land Reforms Department
M & M Branch
Nabanna, 6th Floor
325, Sarat Chatterjee Road, Howrah - 711 102

MEMORANDUM

No. 2649-M&M-26/2010

Dated : 27/10/2016

Whereas, bricks are an important component of the construction industry and there is a growing demand of bricks for development of infrastructure including housing;

Whereas, unplanned and unauthorised manufacture of bricks destroy top soil of agricultural land beyond reclamation and makes it un-usable for agriculture practices;

Whereas, un-planned and un-scientific brick manufacturing may have adverse impact on environment and human health;

Whereas, vide Memo No.1251-M&M dated 29/5/2015 detailed guidelines were issued relating to setting up and operation of new brick fields/kilns;

Whereas, there were some operational difficulties and lack of clarity which required simplification and clarification for expeditious disposal of cases;

Whereas, the West Bengal Minor Minerals Concession Rules, 2016, regulating extraction of minor mineral including brick earth has also come into force;

Therefore, after careful consideration of all aspects in the matter. It is felt necessary to issue revised guidelines for operation of new brick fields/brick kilns as enumerated below:-

A. Regulatory Guidelines:

1. District Land & Land Reforms Officers are the Ex-Officio Environment Officers within their respective jurisdictions for the purpose of grant or refusal of Consent-to-Establish (CtE) and Consent to-Operate (CtO) of the brick fields/brick kilns on behalf of the West Bengal Pollution Control Board (hereinafter referred to as the 'State Board')

Applications should be made to the District Land & Land Reforms Officer concerned in the prescribed format, which may be downloaded from the website of the State Board (www.wbpcb.gov.in), along with requisite fee and other relevant documents for obtaining permission to establish and/or to operate brick fields/kilns.

2. The District Land & Land Reforms Officer will also receive 'Consent to Operate' (CtO) applications for the existing brick fields/kilns with arrear consent application fees.

Such applications should be accompanied by the following documents:-

- (a) Trade Licence issued by the appropriate authority.
- (b) Land documents including copy (s) of RoR.
- (c) Royalty and cess challans and up-to-date rent receipt of the Land & Land Reforms Department for using top soil and alluvial soil for manufacture of bricks.
- (d) For Identity Proof: PAN Card/Driving Licence/ECI Card/Aadhar Card.

- (e) Photographs showing the proposed brick fields area / land and a sketch map showing the four boundaries with coverage in adjoining plots.
- (f) Environment clearance from an appropriate authority is to be submitted for excavation or borrowing of brick earth or ordinary earth.
- (g) Any other relevant papers and documents.

Without such accompanying documents, applications shall be liable to be rejected.

3. An Applicant shall submit self declaration in the form of affidavit to the effect that his or her operation of brick field(s) will not cause any damage to any public road, bridge, culvert, embankment or any other public utility and will also cause no obstruction to the flow of the canal/river/drainage in any manner whatsoever.
4. In case of mining of 'brick earth' and 'ordinary earth' in an individual project with an area less or equal to 5 hectare and also in respect of cluster of projects comprising areas of 5 hectare to 25 hectare, prior Environmental Clearance (EC) under 'B2' category project from the District Environment Impact Assessment Authority (DEIAA) shall be required before processing the application for regularization.
However effort shall be made to restrict the excavation of top soil for manufacture of bricks.

B. Locational Guidelines:

No new brick fields / kilns shall be allowed to be set up in the following places or areas:

1. On any land recorded and used as orchard / forest whether it is situated within the jurisdiction of the Municipality or Panchayats
2. Within a distance of 1.0 kilometre from registered hospitals, schools, public buildings, religious places or places where inflammable substances are stored.
3. Within a radius of 1.0 kilometre in notified sensitive areas such as zoo & wild life sanctuaries, historical monuments, museums and the like.
4. Within a distance of 100 metres from both sides of the railway tracks.
5. Within a distance of 100 metres from both sides of National and State Highways.
6. Within a distance of 100 metres from both sides of main district roads, major bridges and embankments and the river bank.
7. Within a radial distance of 1.6 kilometres from mango orchards as per the order dated 4th April, 2003 passed by the Hon'ble Supreme Court of India in Civil Appeal No.2735 of 2003 in the matter of Bijay Krishna Bera & Ors vs Badal Chandra Mondal & Ors.
8. Beyond a distance of 1.6 kilometres from mango orchards, new brick fields / kilns may be allowed only after ensuring the adequacy of air pollution control devices and equipment (underground gravitational settling chamber and fixed type stack of height at least 30 metres from G.L. provided with port hold and ladder as per the Emission Regulations Part-III of CPCB).

C. Operational Guidelines:

- 1) (a) Applications received for setting up new brick fields/ kilns shall be examined and scrutinized by a District Level Screening and Scrutiny Committee consisting of the :
- i) District Magistrate & Collector of the district,
 - ii) District Land & Land Reforms Officer of the district .
 - iii) Regional Officer of the West Bengal Pollution Control Board of the district.
 - iv) Deputy Director, Agriculture (Administration)/Agriculture Officer connected with soil conservation and
 - v) Executive Engineer, Irrigation & Waterways of the district.

The Committee will ensure that a brick field/kiln is set up on a plot of land only after getting its classification changed from agriculture to non-agriculture use as per the relevant provisions of the WBLR Act, 1955 and the Rules made there-under and also in terms of the relevant provisions of the West Bengal Minor Minerals Concession Rules, 2016 and Environmental Protection laws. The District Magistrate & Collector will direct the DL & LRO to communicate the decision of the committee regarding 'Consent to Establish'(CtE) and/or the 'Consent to Operate'(CtO), as the case may be, to the applicants concerned.

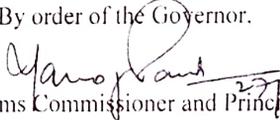
(b) This Committee will also deal with the renewal of the 'Consent to Operate ' (CtO) of the existing brick fields/kilns as per the existing norms and procedures.

- 2) It will be only after obtaining the Consent-to-Establish (CtE) from the DL&LRO concerned, the applicant can start construction work of brick field / kiln.
- 3) The operation of brick fields/kilns can start only after erecting the appropriate pollution control systems and obtaining Consent-to-Operate (CtO) from the DL&LRO of the district concerned.
- 4) All brick fields / kilns located within a radius of 100 kilometres from any coal-based Thermal Power Plant should utilise at least 25% fly ash of its total raw materials required, as per the Fly Ash Utilisation Rules, 1999 and as subsequently amended by the Ministry of Environment Forests & Climate Change, Government of India.
- 5) Effort shall be made to restrict the excavation of top soil for manufacture of bricks. River silt and fly ash should be used for this purpose as far as possible.
- 6) Multi-layer green belt of 10-metre width shall be constructed along the periphery of brick fields / kilns leaving two 10-metre wide gaps in the boundary for entry and exit of materials and vehicles. A 3-metre high wall shall be constructed on the sides where land is not available for green belt development in order to prevent fugitive dust emission. For installation of a brick field / kiln with green belt development, the minimum area required is 2.0 acres.
- 7) No brickfield/kiln shall be allowed to be set up unless a chimney of specific height and standard is installed as per norms specified by the State Pollution Control Board.

- 8) A lightning arrester as per PWD norms or of any other standard design shall be installed for brick fields / kilns to avoid any damage to stack / chimney by lightning.
- 9) While digging the earth for making bricks in the area as marked for the same, the straight cutting of earth should be avoided. Instead cutting should be done with a slope of 1:3, so that solid erosion of the agricultural land can be minimized.
- 10) Good house-keeping practices such as proper disposal of coal ash, provision for double wall around the kiln, proper layout, brick lined passage, use of a properly graded coal, proper firing practices, protection from noise pollution and other environmental measures should be adopted by all brick field / kiln owners.

This order issues in supersession of all earlier orders/memorandums of this Department vide Nos. 9503(16)-M&M, dated 30.10.1986, 4840(16)-M&M dated 20.06.1986, 6100(18)-M&M dated 25.07.1986, 2739(18)-L, Ref dated 29.09.2000 and No.1251-M&M dated 29/05/2015 regarding operation of brick field /brick kiln with immediate effect.

By order of the Governor.

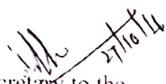

Land Reforms Commissioner and Principal Secretary
to the Government of West Bengal

No. 2649/1(50)-M&M

Dated : 27 / 10 / 2016

Copy forwarded for information and necessary action to :-

- 1) The Addl. Chief Secy/Principal Secretary/Secretary to the Govt. of West Bengal, Environment/Irrigation & Waterways/Agriculture/PWD/Commerce & Industries Department.
- 2) The Commissioner, _____ Division.
- 3) Member Secretary, West Bengal Pollution Control Board.
- 4) The D.L.R.&S., West Bengal, 35, Gopalnagar Road, Alipore, Kolkata -700 027.
- 5) The District Magistrate & Collector _____ (All)
- 6) The A.D.M. & D.L.&I.R.O., _____ (All)
- 7) _____


Secretary to the
Government of West Bengal

Government of West Bengal
 Department of Land & Land Reforms and Refugee Relief & Rehabilitation
 Nabanna (6th Floor), 325 Sarat Chatterjee Road
 Shibpur, Howrah-711102

MEMORANDUM

No. 179 - M & M/LR/A-II-26/2010

Dated- 27/01/2024

In view of the Amendment in the West Bengal Minor Minerals Concession Rules, 2016 vide the Department of Industry, Commerce & Enterprises No. 378-ICE/O/MIN/GEN/MIS/04/2021 dated 24th September, 2021 wherein it is stated that removal of earth for the purpose of brick kiln shall be deemed as non-mining activity and shall not require Environmental Clearance if the depth of quarry/removal is not more than 1.5 metres from the adjoining ground level, the following amendment is made in the guidelines relating to operation of new brick fields/kilns which was issued vide this Department No. 2649-M & M/LR/A-II-26/2010 dated 27/10/2016.

Amendments

In the said guideline

(1) for clause (f) of sub-para 2 of Para A, substitute the following clause:-

“(f) Environment Clearance from an appropriate authority is to be submitted for excavation or borrowing of brick earth or ordinary earth for the purpose of brick kiln if the depth of quarry/removal/excavation/borrowing is more than 1.5 metres from the adjoining ground level.”

(2) in sub-para-3 of Para A, after the words “in any manner whatsoever.” Insert the following words, letter, figures and brackets:-

“If the applicant does not submit Environmental Clearance from the appropriate authority as per (f) above, then the applicant shall also submit self declaration in the form of affidavit to the effect that the depth of quarry/removal of brick earth for the purpose of his/her brick field(s) shall in no case be more than 1.5 metres from the adjoining ground level.”

(3) to sub-para 4 of para A, insert the following proviso:-

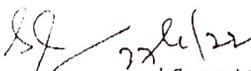
“Provided that if the depth of quarry/ removal of brick earth for the purpose of the project of the concerned brick field is not more than 1.5 metres from the adjoining ground level then no prior environmental clearance shall be required before processing the application for operation of new brick field.”

97

(4) In para C, after clause 10, insert the following clauses:

"11) The removal of brick earth shall be guided by the orders/circulars issued by the Department of Land and Land Reforms and Refugee Relief and Rehabilitation from time to time. For the time being the recommendations/decisions in this regard as laid down in para-4 of the Guideline of Office Memorandum of No. L-11011/47/2011-1A.II(M) dated 24th June, 2013 of the Ministry of Environment and Forests, GoI need to be followed.

12) The plots of the lands on which the brick field under consideration will be established are to be converted first u/s 4C of the WBLR Act in accordance with the existing law, rules and guidelines under it."


Land Reforms Commissioner and Secretary

to the Government of West Bengal

No 179 - M & M/LR/A-II-26/2010

Dated-27/05/2022

Copy for information and necessary action to:

- 1) The Additional Chief Secretary/Principal Secretary/Secretary to the Government of West Bengal, Environment/ Irrigation and Waterways/Agriculture/PWD/Industry, Commerce and Enterprises Department.
- 2) The Commissioner, Jalpaiguri/Malda/Bardhaman/Presidency/Medinipur Division.
- 3) The Member Secretary, West Bengal Pollution Control Board.
- 4) The D.L.R. & S, West Bengal, Alipur, Kolkata.
- 5) The District Magistrate & Collector-----All.
- 6) The Additional District Magistrate & Collector (L & LR)-----All


Joint Secretary

to the Government of West Bengal

98

Annexure, R-3

OFFICE OF THE
BLOCK LAND AND LAND REFORMS
OFFICER
NOWDA, MURSHIDABAD



P.O. - AMTALA, P.S. - NOWDA
DIST. - MURSHIDABAD
PIN- 742121
WEST BENGAL.

E-mail : blrnnowda@gmail.com

Date : 13.12.2021

Memo No. /BL & LRO/NOWDA/2021

To

- (1) Hazi Mannan Sk S/O. Akali Sk, Vill + PO. Gangadhari, PS Nowda
(2) Abdul Aziz Mondal S/O. Sahabjan Mondal, Vill. Bhola PO Gangadhari
(3) Minarul Islam Mondal S/O. Abdul Salam Mondal Vill. Bhola, PO Gangadhari
(4) Amanulla Mondal S/O. Abdur Rashid Mondal, Vill. Vhola, PO Gangadhari



Sub: Notice to stop the construction of brick klin and request to submit the of conversion certificate, Environment Clearance Certificate, C.T.O, Certificate of your Brick Field.

With reference to the above, communicated by a mass petition received on 26/11/2021 submitted by the villagers of village Bhola PO Gangadhari, Mouza Chandkathi, J.L No. 19 and as per enquiry report submitted by R.I. Madhupur G.P. it reveals that the work of construction of a new brick klin is going on the plot no. 1584 under Chandkathi Mouza, J.L. No. 19 by you.

So, you are requested to stop the construction immediately and submit the following documents which are necessary for construction and operating the brick field within 7(seven) days of receiving this letter:-

01. Conversion certificate from "Aush" to "Itkhola" along with deeds and other documents
02. Environment Clearance Certificate
03. C.T.O. Certificate.

Otherwise, action will be taken as per law.

sf
Block Land & Land Reforms Officer,
Nowda, Murshidabad.

Dated. 13/12/2021

Memo No. 1100/1/(4)/BL & LRO/Nowda/2021

Copy forwarded to:-

01. Additional District Magistrate and district Land & Land Reforms Officer, Murshidabad for his kind information.
02. Sub-Divisional Land & Land Reforms Officer, Sadar for his kind information
03. Block Development Officer, Nowda, for his kind information
04. Officer-in-charge, Nowda Police Station, Nowda for information and taking necessary action.

A
13/12/2021
Block Land & Land Reforms Officer,
Nowda, Murshidabad.

Spot enquiry report regarding a mass petition of local people of Chandkathi mouza about making against a brick kiln.

- 1) As per direction of the Block Land & Land Reforms Officer, Nowda, I, have visited the plot on 07.12.2021 for inquiry.
2. The plot number is 1584 under mouza Chandkathi, J.L. No.-19, area is 2.34 acre and classification of the plot is Aush.
- 3 It has been revealed during spot enquiry that a under construction brick kiln is situated on the plot and rest of the plot is being used as agricultural purpose.
4. At the time of spot enquiry, the brick kiln is remain in-operative. And the owner of the brick kiln was not present on the spot.
5. I have been known from the local people that Haji Hannan Sk., S/O-Akali Sk, Vill+P.O- Gangadhari, P.S Nowda, Abdul Ajjij Mondal, S/O- Saheb jan Mondal, Vill- Bhola, P.O- Gangadhari, Minarul Islam Mondal, S/O-Abdus Salam Mondal, Vill- Bhola, P.S- Nowda, Amanulla Mondal, S/O Abdul Rashid Mondal, Vill- Bhola, P.S -Nowda, are constructing the brick kiln.

Chakraborty 12/12/2021
 Revenue Inspector
 Madhupur
 Under B. L. & L. R. O., Nowda, Msu

Contract- JEC
 12/12/2021
 12/12/2021
 12/12/2021

100

Annexure, R-4.

BLOCK LAND AND LAND REFORMS
OFFICER

NOWDA, MURSHIDABAD

Memo No 1181/BLLRO/Nowda/22



P.O. - AMTALA, P.S. - NOWDA

DIST. - MURSHIDABAD

PIN- 742121

WEST BENGAL.

E-mail : bllronowda@gmail.com

Date : 11/11/2022



To
The Additional District Magistrate and
District Land & Land Reforms Officer,
Murshidabad.

Sub : Enquiry report regarding the complaint of unauthorised construction of a Brick Kiln over LR plot no. 1584 of Mouza Chandkathi, J.L. 19

Ref : Your good office memo no. 5736/En/BF/DLLRO/2022 dated. Berhampore, the 04/11/2022

Sir,

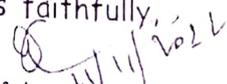
With reference to the above, sending herewith the enquiry report regarding the complaint of unauthorised construction of Brick Kiln over LR plot no. 1584 of mouza Chanakathi, JL no. 19 made by K.Jamal Ansari, R.O. attached this office and as per this report the construction work of Brick kiln is now totally stop.

This is also informed that a stop notice in this regard had been issued by the undersigned vide this office memo 1100/4/BLLRO/Nowda/2021 dated 13/12/2021 and enquiry has been done twice during this time and report has been send vide this office memo no. 900/BL & LRO/Nowda/2022 dated 08/08/2022 and 1018/BLLRO/Nowda dated 16/09/2022.

This is for your kind perusal.

Enclose : Enquiry report submitted by R.O. along with the deposition of owner of this brick kiln and copy of letter vide this office memo no. 1100/4/BLLRO/Nowda/2021 dated. 13/12/2022, 900/BL & LRO/Nowda/2022 dated. 08/08/2022 and 1018/BLLRO/Nowda dated. 16/09/2022

Yours' faithfully,


Block Land & Land Reforms Officer,

Nowda, Murshidabad

Block Land & Land Reforms Officer,
Nowda, Murshidabad

Enquiry report i.c.w. the complaint regarding the unauthorized construction of Brick Kiln over LR Plot no. 1584 of Mouza Chandkathi, J.L. No. 19

As per order of Block Land & Land Reforms Officer, Nowda, I, the undersigned enquired physically the spot today i.e. on 11/11/2022 at 11 a.m. along with Chotto Kumar Halder, R.I., Madhupur G.P and Apurba Mondal, Amin. The findings are as follows:-

01. It is seen that there is a Brick Kiln along with a Chimney on plot no. 1584 under Chandkathi mouza JL NO. 19 but the construction work is totally stopped.
02. As per P.I. the claslsification of this plot is "Aush"
03. The height of the Chimney is approx 105 metres and "India-3" inscribed on this chimney.
04. The total area of trench (along Chimney) is approx 0.50 acre and the total area of Brick Kiln is approx 1 acre and area 0.50 acre (except trench and chimney) is lying vacant.
05. On behalf of Brick Kiln owner, Amanula Mondal S/O. late Abdus Rashid Mondal informs that though they started construction of brick kiln on this plot one years ago but after receiving a stop notice from B.L & L.R.O , Nowda (memo no. 1100/4/BLLRO/Nowda/2021 dated. 13/12/2021) they have stopped the work of construction.

He also informs that they took lease of this area of brick kiln on this plot no. 1584 from Ali Hossain Sk S/O. Noimuddin Sk village Vola and others but for cancellation of these lease deeds they have now decided to demolish the construction of Brick Kiln on this spot and he has also submitted a deposition in this regard.

Submitted to the B.L & L.R.O, Nowda for his kind perusal.

Countersigned by

Amin
Amin

11/11/22
Revenue Inspector
Nowda

Seen & forwarded
11/11/22

11-11-2022
Revenue Officer
B.L & L.R.O, Nowda, M.S.O

102 A

I, Amanulla Mondal, the owner of INDIA 3 brick field, do hereby declare that the brick field which was in Chandkati Mouza , land of that brick field has been returned to the respective land owners, as because the lease deeds have been cancelled and closure of that brick field.

Mouza- Chandkati (19)

Plot No. 1584.

Sd/-

Amanulla Mondal.

I, Amanulla Mondal, the owner of INDIA 3 brick field, do hereby declare that the brick field which was in plot no. 1584 of Chandkati Mouza , is removing by me after fully demolition of that brick field, as because the lease deeds have been cancelled.

Sd/-

Amanulla Mondal.

Deposition is taken on

11/11/2022.

Sd/-

Sd/-

11-11-22

Revenue Inspector

Madhupur G.P.

Nowda, Murshidabad.

Government of West Bengal
Office of the Legal Remembrancer, W.B.
2 & 3, K.S.Roy Road, Kolkata-700001
Email : lrwb2013@gmail.com

Memo No. 5609 -A/O.C.-89/22

Dated: Kolkata, 09.11.2022

From: The Office of the Legal Remembrancer, West Bengal.

To: Sri Sibojyoti Chakrabarti, Ld. Advocate,
109, Sarat Chatterjee Road, P.O.-Lake Town
Borat, Kolkata-700 089. (Mob: 9007035534)

Sub: O.A.No.147/2022/EZ in the matter
Abdul Jabber Ali & Others
-Vs-
WBPCB & Ors.

Sir,

I am to inform you that you have been engaged to plead in the aforesaid matter on behalf of the State of West Bengal before the Hon'ble National Green Tribunal, Eastern Zone Bench at Kolkata.

'Vakalatnama' duly signed is enclosed herewith for this purpose.

You are requested to send all the communications, copy of Court's orders relating to the matter directly to the concerned department with intimation to this office.

Your bills in the matter will be paid from this office.

Enclo:- As above

Yours faithfully,


for Legal Remembrancer,
West Bengal

Memo No. 5609 /1(2)-A /O.C.-89/22

Dated: Kolkata, 09.11.2022

Copy forwarded for information and taking necessary action to:-

1. The Secretary, Land and Land Reforms and Refugee Relief and Rehabilitation Department, Nabanna, 6th Floor, 325, Sarat Chatterjee Road, Mandirtala, Shibpur, Howrah- 711102
2. Office Copy

for Legal Remembrancer,
West Bengal

VAKALATNAMA

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA

ORIGINAL APPLICATION NO. 147/2022/EZ

ABDUL JABBER ALI & OTHERS

Appellant /
Petitioner / Plaintiff

--VERSUS--

WEST BENGAL POLLUTION CONTROL BOARD & OTHERS

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 Advocates noted below or any one of them, my/our lawful Advocate/Advocates for filing Memorandum of Appeal or 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, petition, etc. on my/our behalf for filing or taking back fresh suits etc. for signing and filing petitions of compromise in connections 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 his 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 9th day
of November, 2022.

NAME OF ADVOCATES

Sibojyoti Chakrabarti
Advocate
SIBOJYOTI CHAKRABARTI
ADVOCATE

Enrolment No: WB/1730/2010
Email: - subho.advocate
@gmail.com
Ph: 9007035534

Ananda Kumar Tiwari
PLAINTIFF(S)/ APPELLANT(S)/ RESPONDENT(S)
DEFENDANT(S)/ RESPONDENT(S)/ OPPOSITE PARTY(S)

Legal Remembrancer (In-charge)
Govt. of West Bengal

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O. A. NO. 147/2022/EZ

In The Matter of:

Abdul Jabber Ali & Ors.

... Applicants

Versus

The West Bengal Pollution Control Board
& Ors.

... Respondents

AFFIDAVIT ON BEHALF OF THE
RESPONDENT No. 04, ADDITIONAL
DISTRICT MAGISTRATE & DISTRICT
LAND & LAND REFORMS OFFICER,
DISTRICT MURSHIDABAD



SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534.