

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

In the matter of :

O.A. No. 108 of 2021 (EZ)

- And -

In the matter of :

RasulpurDanga Welfare Society

... Applicant

- Versus -

West Bengal Pollution Control

Board &Ors.

... Respondents.



Affidavit in opposition on behalf of the respondent No. 9 to this application of the applicant.

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Filed by

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S.L. No. 61/22

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Affidavit-in-opposition on behalf of the respondent No. 9 to this application of the applicant.

I, Anukul Biswas, Son of Late Amritalal Biswas, by faith- Hindu, aged about 51 years, by occupation- Business, residing at Village- PaschimRasulpur, P.O.- Rasulpur, P.S.- Memari, District- PurbaBurdwan, Pin-713151, do hereby declare and solemnly affirm as follows : -

1. That I am the respondent No. 9 of the present application and I am well acquainted with the facts and circumstances with the present case and I am competent to affidavit-in-opposition.
2. That a copy of an application being Original Application No. 108/2021/EZ filed before the Hon'ble National Green Tribunal, Eastern Zone, hereinafter referred to as "said application" has been served upon me and I have gone through the each and every

averment made thereunder and understood the contents there of and I am competent to give reply to the said application.

3. That in the said application I am dealing with only those allegation relating to subject plot No. 25 of the said application and my reply only confine to the plot No. 25 as I have no nexus with the another plot being plot no. 463 and the respondent Nos. 7 and 8 is the answerable respondent with regard to the said plot being No. 463.

4. That before dealing with the allegations made in the said application I want to state the following facts for proper and effective adjudication of the matter.

a. That in respect of the subject plot of land in question which is situated at P.S.- Memari, Mouza- Baidyadanga, J.L. No. 135, Plot No. 25, Total area of land 44 satak, Nature of land- Pukur (LR), in the District Purba Burdwan (hereinafter referred to as "said Property") I am one of the co-owner in respect of the said property on the basis of the purchase by my wife namely Pratima Biswas who died on 25.01.2018 intestate leaving behind her husband, respondent No. 9 herein, one son and one daughter as legal heirs and successors.

b. That the said property was recorded in the C.S record of rights as classified "Sona" and neither the applicant nor the State respondent authorities apprised in the pending proceeding before the Hon'ble National Green Tribunal, Eastern Zone with regard to the status recorded in the R.S. record of rights in respect of the said property.



5. With regard to paragraph Nos. 1 and 2 of the said application I have no comment.
6. With regard to paragraph No. 3 of the said application I deny and dispute the allegation made in therein save and except those are matter of record. I say that in the C.S. record of rights the Dag/plot No. 25 recorded as "Sona". Although in the L.R. record of rights the said Dag/plot No. 25 is recorded as Pukur.
7. With regard to paragraph Nos. 4(A) and 4(B) of the said application I deny and dispute the allegation made therein save and except those are matter of record.
8. With regard to paragraph No. 4(C) of the said application I deny and dispute the allegation made therein save and except those are matter of record. I say that I have not done any act which may have adversely affected nature of the said property. I tried my level best to clean up the said property from breeding grounds of mosquitos and flies.
9. With regard to paragraph No. 4(D) of the said application I deny and dispute the allegation made therein. I say that I am not tried to fill up the said property.
10. With regard to paragraph No. 4(E) of the said application I deny and dispute the allegation made therein. I repeat and reiterate the statement made in the paragraph No. 6 and I also say that the letter dated 29.06.2016 submitted before the Block Development Officer, Memari-I is illegal.
11. With regard to paragraph No. 4(F) of the said application I deny and dispute the allegation made therein save and except those are matter of record.



12. With regard to paragraph No. 4(G) of the said application I deny and dispute the allegation made therein save and except those are matter of record. I say that the mode of uses and/or changes of the classification of land has been specifically dealt with in the relevant provisions of the West Bengal Land Reforms Act 1955 as amended upto date as such this Hon'ble Tribunal has no jurisdiction to entertain such application of changes of mode of uses of the land. It is pertinent to mention herein that in the order of the District Land & Land Reforms Officer in respect of changes of mode of use of land is appealable to the West Bengal land & Land Reforms & Tenancy Tribunal as such no question of changes of mode of uses of land can be initiated and/or raised before this Hon'ble Tribunal.
13. With regard to paragraph No. 4(H) of the said application I deny and dispute the allegation made therein. I further submit that I never attempt to fill up the said property. I say that the said property is private property and the applicant of the said application filed this application also the complaints before the State respondent authorities to concerting the said private property to public property by way of depriving the right of the deponent thereof. I further say that it is apparent from the said complaint, the whole purpose being lodged is only to attain the goal of making the said property into a public one, so that the applicant and its officials could have used the same for their own purpose under the garb of alleged welfare society.
14. With regard to paragraph No. 4(I) of the said application I deny and dispute the allegation made therein save and except those are matter of record. I repeat and reiterate the statement made in the paragraph No. 13 herein.



15. With regard to paragraph Nos. 4(J) and 4(K) of the said application I deny and dispute the allegation made therein save and except those are matter of record.
16. With regard to the statement made in paragraph No. 4(L) of the said application I deny and dispute the allegation made therein save and except those are matter of record. I submit that the said property which is situated within dag No. 25 never been changed or attempt to change the nature and character by me in as much as the said property is well in existence right form of the origin of the said property.
17. With regard to the statements made in paragraph Nos. 4 (M), 4(N), 4(O), 4 (P) and 4(Q) I say that the judgment of the Hon'ble Apex Court cited in the said application has no manner of application in the facts and circumstances of the present case and as such ratio of law enacted therein is quite distinguishable.
18. I submit that the instant application is barred by Limitation and I deny that the statement as to cause of action has ever happened.
19. I submit that the said application is bad in law harassing one for misjoinder of party and as such fails the same.
20. I further submit that the grounds taken I the said application are not good grounds to entitled to get any relief from this Hon'ble Tribunal and as such the present proceedings arising out of the said application is liable to be dismissed in limini with.]



21. That the statement made in paragraph Nos. 1 to 17 are true to my knowledge and rest is my humble submission before this Hon'ble Tribunal.

Prepared in my office



Advocate

Arunel Biswas

Deponent is identified by me



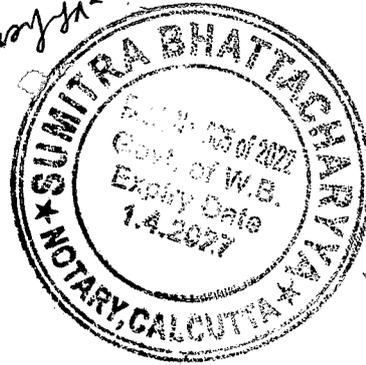
Advocate

Solely Affirmed and
Declared before me U/S 139
CPC, (C) CRPC



Notary

Sumitra Bhattacharyya
Notary, Govt. of W.B.
Regd. No. 065 of 2022
City Civil Court, Calcutta



S.L. No.

VERIFICATION

I, Anukul Biswas, Son of Late Amritalal Biswas, by faith- Hindu, aged about 51 years, by occupation- Business, residing at Village- PaschimRasulpur, P.O.- Rasulpur, P.S.- Memari, District- PurbaBurdwan, Pin-713151, do hereby declare that I am the respondent No. 9 in the instant case and as I am well acquainted with the facts and circumstances of the case, I do verify that the statements made in the forgoing paragraph Nos. 1 to 17 are true to my knowledge and rest is my humble submission before this Hon'ble Tribunal and I sign this verification at my Learned Advocate's on this the 15th July, 2022.

Prepared in my office

Partha Sarkar

Advocate

Anukul Biswas

Deponent



Solely Affirmed and
Declared before me U/S 139
CPC, (C) CRPC

Sumitra Bhattacharyya
Notary

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Notary, Govt. of W.B.
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BEHALF OF THE RESPONDENT
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THE APPLICANT :

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Advocate

C/o Mr. Sandip Ghosh

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