

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, FINANCE CENTRE,  
3<sup>RD</sup> FLOOR, NEW TOWN, KOLKATA.

Original Application No. 133 of 2023/EZ

In the matter of:

Serajul Islam & Anr.

...Applicants

Versus

The State of West Bengal and Ors.

...Respondents

REPLY AFFIDAVIT FILED ON BEHALF OF THE DISTRICT  
MAGISTRATE, BIRBHUM TO THE COUNTER AFFIDAVIT  
DATED 05.02.2025 FILED BY THE APPLICANTS.

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NOTARY  
SURI SADAR COURT, BIRBHUM  
REGD-12/16

S.I. 25...DL...08/07/2025

Police Officer, Rampurhat duly forwarded by the Superintendent of Police, Birbhum through his Memo No.59/Legal Cell/Birbhum dated 23.05.2025.		
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Filed by,

S.K. Dutta

Sudip Kumar Dutta

Advocate

Mobile No.9874782072



BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, FINANCE CENTRE,  
3<sup>RD</sup> FLOOR, NEW TOWN, KOLKATA.

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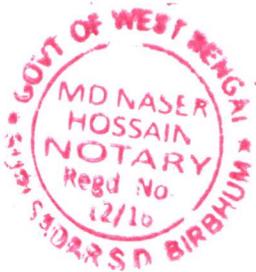
...Respondents

REPLY AFFIDAVIT FILED ON BEHALF OF THE DISTRICT  
MAGISTRATE, BIRBHUM TO THE COUNTER AFFIDAVIT  
DATED 05.02.2025 FILED BY THE APPLICANTS.

I, Shri. Bidhan Chandra Ray, Late Srish Chandra Ray, aged about  
55 years, by faith Hindu working for gain as the District Magistrate and  
Collector, District- Birbhum, having my office at P.O. & P.S. Suri,  
District Birbhum, West Bengal , PIN 731101, do hereby solemnly  
affirm and say as under :-

1. That I am working as the District Magistrate and Collector,  
Birbhum District having my office at Suri, Post Office & Police  
Station- Suri, District- Birbhum, West Bengal. I am the  
Respondent No.5 and I have made myself acquainted with the  
facts and circumstances of the case and as such I am competent to  
swear sign and affirm this affidavit.

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25/08/2025  
S.L. ....Dt. .... Year .....



2. That I have read a copy of the Original Application (hereafter the Application) and the connected applications and the Counter Affidavit dated 05.02.2025 filed by the Applicants thereto, and understood the contents and purports thereof.
3. That this Reply Affidavit is being filed by the deponent Respondent No.5 in terms of the solemn Order dated 17.04.2025 passed by this Hon'ble Tribunal.
4. That, an affidavit of compliance dated 17.05.2024, a Current Status Report on Affidavit dated 07.12.2024 and the Reply Affidavit dated 11.04.2025 have already been filed before this Hon'ble Tribunal by the District Magistrate, Birbhum, whereby the steps taken for prevention of illegal mining at the alleged site, the further current status report and the reply to the various statements and/or allegations contained in the Affidavit dated 07.12.2024 filed by the Applicants, have been placed for this Hon'ble Tribunal for kind consideration and the contents and/or statements made there-at are not reiterated herein to avoid prolixity and the same are adopted herein this affidavit in their entirety. The deponent craves kind leave of this Hon'ble Tribunal to file further counter affidavit/reply affidavit and/or supplementary affidavit before this Hon'ble Tribunal, if so necessary in future.



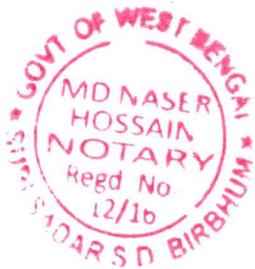
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5. It is submitted that in terms of the solemn order dated 17.04.2025 passed by this Hon'ble Tribunal to file the reply with regard to the allegations made in the rejoinder affidavit dated 05.02.2025 of the Applicants, the deponent has issued a letter being Memo No. M&M/298/DL&LRO(B)/2023 dated 30.04.2025 to the Sub-Divisional Officer, Rampurhat Sub-Division, directing him, inter alia, to take immediate appropriate steps along-with the other five members of the Sub-Divisional Committee to prevent any sort of illegal mining activities, as alleged in the Rejoinder Affidavit dated 05.02.2025 of the Applicants and to submit a Committee Report in respect of each and every statements/allegations made in the said Rejoinder Affidavit of the Applicants. Through the said letter dated 30.04.2025, the Superintendent of Police, Birbhum was also requested to take stern steps in accordance with law to ensure prevention of all illegal mining activities, as alleged in the said Rejoinder Affidavit dated 05.02.2025.

Photocopy of the said Memo No. M&M/298/DL&LRO(B)/2023 dated 30.04.2025 issued by the deponent is annexed hereto as Annexure-A.

6. That, in response thereto, the Sub-Divisional Officer, Rampurhat Sub-Division has forwarded the Committee Report together with the current photographs, to the deponent by his Memo No. 458/JM dated 03.07.2025. The Superintendent of Police, Birbhum has also forwarded the Report dated 14.05.2025 of the



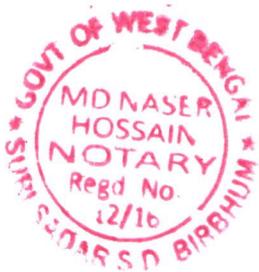
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Sub-Divisional Police Officer, Rampurhat Sub-Division to the deponent, by his Memo No. 59/Legal Cell/Birbhum dated 23.05.2025.

Photocopies of the aforesaid Committee Report along-with current photographs of the alleged site, duly forwarded by the Sub-Divisional Officer, Rampurhat through his Memo No. 458/JM dated 03.07.2025 together with the aforesaid Report dated 14.05.2025 of the Sub-Divisional Police Officer, Rampurhat duly forwarded by the Superintendent of Police, Birbhum through his Memo No.59/Legal Cell/Birbhum dated 23.05.2025, are collectively annexed hereto as Annexure-B.

7. On the basis of the aforesaid Reports, the deponent begs to submit the following facts pertaining to the instant matter and respond to the various allegations made in the Rejoinder Affidavit dated 05.02.2025 of the Applicants thereto.
8. The statements made by the Applicants in Paragraphs 1, 2 and 3 in the Rejoinder Affidavit, being formal in nature, deserves no response on merit from the answering respondent and the Applicants are put to strict proof of the same.
9. The statements and/or allegations made by the Applicants in Paragraphs 4 and 14 in the Rejoinder Affidavit, are highly disputed and denied save and except what are specifically matters of record and in this regard, I refer to and rely upon my



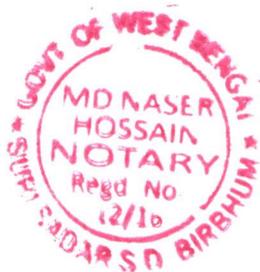
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statements made in the affidavit of compliance dated 17.05.2024, the Current Status Report on Affidavit dated 07.12.2024 and the Reply Affidavit dated 11.04.2025 filed by the deponent before this Hon'ble Tribunal.

In continuation to the same, I further respectfully submit that initially the instant Original Application contains an allegation, inter alia, of illegal mining activities in a stone quarry site pertaining to Plot Nos. 707, 708, 712, 713, 714, 715, 716, 670 and 677 in Mouza- Madna under P.S.- Nalhati. As per the Inspection Report of the three Membered Committee constituted by this Hon'ble Tribunal vide solemn order dated 04.10.2023 passed by this Hon'ble Tribunal, the alleged quarry site was found spreading over Plot Nos. 707, 712, 713, 714 and 715 covering an area of 6.76 acres of land amongst others. However, as per the said Committee Report, no quarrying activities were observed by the Inspecting Committee over Plot Nos. 708, 716, 670 and 677.

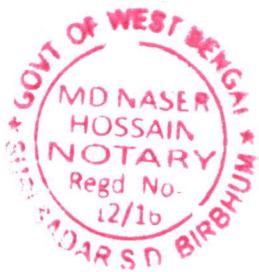
It is further respectfully submitted that as per the Committee Report forwarded to the deponent by the Sub-Divisional Officer, Rampurhat by his letter dated 03.07.2025, the illegal mining activities at the alleged site in issue involved in the instant Original Application, were completely prevented. However, with regard to the further allegation of the Applicants, inter alia, pertaining to illegal stone mining over Plot Nos. 672,



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673 and 680 and the neighbouring area in Mouza- Madna as well as running of illegal stone crushers by the private respondents, I refer to and rely upon my statements made in sub-paragraphs (i) to (ix) in the Reply Affidavit dated 11.04.2025 filed by the deponent in response to the Counter Affidavit dated 07.12.2024 of the Applicants, whereby the illegal mining activities including running of illegal crushers at various plots of land in the neighbouring areas in Mouza- Madna, as found by the Sub-Divisional Committee were elaborately stated and the steps thereto taken by the said Committee by filing written complaints being registered as FIR Nos. 37/2025, 169/2025, 127/2025, 704/2025, all of Nalhati Police Station, were also brought on record before this Hon'ble Tribunal. It is further submitted that as per the aforesaid status report dated 15.04.2025 of the Sub-Divisional Police Officer, Rampurhat, duly forwarded by the Superintendent of Police, Birbhum, it appears that except for FIR No.704/2025, investigation with regard to the other FIRs, is in progress by the Police authority; however, for the FIR No. 704/2025, the Police has completed the investigation and submitted the charge sheet vide Nalhati PS Case No. 70/2025 dated 20.03.2025.



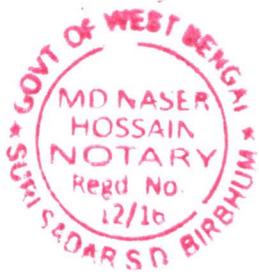
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It is further submitted that as per the said report dated 14.05.2025 of the Sub-Divisional Police Officer, Rampurhat, the Police has taken necessary preventive and legal measures to curb



illegal mining activities at Mouza- Madna and they are conducting regular patrolling, surprise visits and monitoring on the area.

10. The statements/allegations made in Paragraph 5 in the Rejoinder Affidavit, are heavily denied and disputed save and except what are specifically matters of record and in this regard, the deponent, relying on the Committee report forwarded by the Sub-Divisional Officer, Rampruhath on 03.07.2025 and the current photographs annexed thereto, respectfully submits that no mining activities are presently going on in the alleged quarry site involved in the present Original Application.



11. The statements/allegations made in Paragraph 6 in the Rejoinder Affidavit are denied and disputed save and except what are specifically matters of record and in this regard, I refer to and rely upon the aforesaid Report dated 14.05.2025 of the Sub-Divisional Police Officer, Rampurhat which has been forwarded to the deponent by the Superintendent of Police, Birbhum by his aforesaid Memo No.59/Legal Cell/Birbhum dated 23.05.2025.

12. The statements and/or allegations made in Paragraphs 7 and 8 in the Rejoinder Affidavit are heavily denied and disputed save and except what are specifically matters of record and in this regard, I refer to and rely upon my various statements made in the affidavit of compliance dated 17.05.2024, the Current Status Report on





Affidavit dated 07.12.2024 and the Reply Affidavit dated 11.04.2025 filed by the deponent before this Hon'ble Tribunal, It is further submitted that as per the current Committee Report, mining activities in the alleged site, which occurred several years ago, are not going on presently. The current photographs of the site annexed with this affidavit in Annexure-B, would reveal the fact of present non-mining thereat.

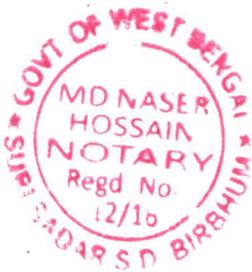
13. The statements and/or allegations contained in Paragraphs 9 and 10 in the Rejoinder Affidavit, are denied and disputed save and except what are specifically matters of record. In this regard, while referring to my various statements made in the affidavit of compliance dated 17.05.2024, the Current Status Report on Affidavit dated 07.12.2024 and the Reply Affidavit dated 11.04.2025 filed by the deponent before this Hon'ble Tribunal together with the photographs annexed thereto, I further respectfully submit that all the allegations made in these paragraphs by the Applicants, are not true to the facts and hence concocted and baseless made with ulterior motif. The photographs annexed with the Current Status Report on Affidavit filed before this Hon'ble Tribunal, were taken on the alleged quarry site in issue and the current photographs of the alleged site taken on 30.05.2025 by the Block Officers, are annexed with this affidavit in Annexure-B for kind consideration of this Hon'ble Tribunal.



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**NOTARY**  
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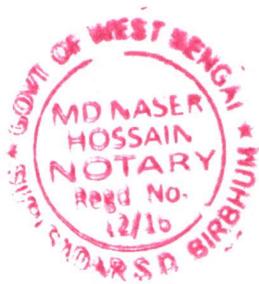


14. The statements and/or allegations contained in Paragraph 11 in the Rejoinder Affidavit are denied and disputed save and except what are matters of record. At the cost of repetition to my statements made the affidavit of compliance dated 17.05.2024, the Current Status Report on Affidavit dated 07.12.2024 and the Reply Affidavit dated 11.04.2025 filed by the deponent before this Hon'ble Tribunal, it is respectfully submitted that iron barricades were installed by the Committee with a view to prevent access to the alleged site by illegal miners and to further prevent transportation of mineral there-from. However, as per the current Committee Report, two of such installed iron barricades were uprooted by miscreants and therefore, new iron barricades have been further installed.
15. The statements and/or allegations made in Paragraphs 12 and 13 in the Rejoinder Affidavit are denied and disputed save and except what are matters of record and the deponent begs to refer to the current photographs annexed with this affidavit. It is further respectfully submitted that as per the current Committee Report, the existence of the cited JCB excavator and the tyre marks in the photographs in the Current Status Report on Affidavit, may not be absolute proof of the fact that those machine and tyre marks pertain to involvement in illegal mining activities being conducted there-at at that time.



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16. The statements and/or allegations made in Paragraphs 15, 16, 17, 18, 19, 20 and 21 are denied and disputed save and except what are specifically matters of record and in this regard, I rely upon the aforesaid response/report dated 15.05.2025 furnished by the Sub-Divisional Police Officer, Rampurhat which is forwarded to the deponent by the Superintendent of Police, Birbhum by his aforesaid Memo No. 59/Legal Cell/Birbhum dated 23.05.2025, wherein it has been categorically denied that no proceeding under section 160 or section 91 of the Cr.P.C. was made by the contemporary Investigating Officer against the Applicant No.1 with respect to the aforesaid Nalhati PS Case No.239/2024.
17. All the statements and/or allegations made in the Paragraphs 22, 23, 24, 25 and 26 in the Rejoinder Affidavit, are denied and disputed save and except what are matters of record. In this regard, while heavily and categorically denying each and every allegations made in these Paragraphs, I heavily deny the categorical allegation of the Applicants as regards the alleged nexus between the private respondents and the State respondent authorities and I humbly say that the State respondent authorities including the Sub-Divisional Committee are always duty bound to carry out every and all solemn orders and directions of this Hon'ble Tribunal as and when so passed and they are in strict vigil on the issue of alleged illegal mining activities for its prevention, for which different measures/actions so far taken,



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have already been placed before this Hon'ble Tribunal. I further categorically deny all other and further allegations raised in these Paragraphs.

- 18. It is respectfully prayed that this Hon'ble Tribunal may graciously be pleased to pass appropriate order/orders in the present matter, as may be necessary for the ends of justice.
- 19. The statements made in paragraphs 1 to 3 of the foregoing affidavit are true to my knowledge, those made in paragraphs 5 to 17 are information derived from the records and the rest are my humble submissions before this Hon'ble Tribunal.



*Bidhan Chandra Ray*

Deponent.  
District Magistrate  
Birbhum

Identified by me  
*SK. Alauddin*

Advocate  
*08.07.2025*  
**SK. ALAUDDIN**  
Advocate  
SURI JUDGE'S COURT  
Enrollment No.-WB-1528/1983

Solemnly affirmed on  
day of *08th July* .....2025  
by deponent.. *Bidhan Chandra*  
*Ray* ..... Identified by  
*SK. Alauddin* ..... Advocate

*MD Naser Hossain*  
**MD NASER HOSSAIN**  
**NOTARY**  
SURI SADAR COURT, BIRBHUM  
REGD-12/16  
*08/07/2025*

Annexure - A

12

o/c



Government of West Bengal  
Office of the District Magistrate  
Birbhum

Prashasan Bhavan, PO- Suri, District- Birbhum, W.B., 731101

Email :: [dm-bir@nic.in](mailto:dm-bir@nic.in)

Memo No. M&M/ 298

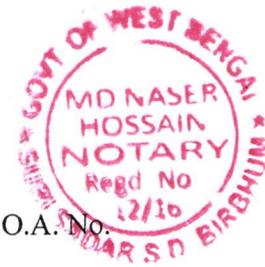
/DL&LRO(B)/2023

Date: 30/04/2025

To  
The Sub-Divisional Officer  
Rampurhat Sub-Division, Birbhum.

Sub: Illegal mining and related activities in Mouza- Madna.

Ref: (i) Rejoinder Affidavit dated 05.02.2025 filed by the Applicants in O.A. No. 133 of 2023/EZ (Sirajul Islam & Anr. Vs. State of WB & Ors.)  
(ii) Order dated 17.04.2025 passed by the Hon'ble NGT, Eastern Bench in O.A. No. 133 of 2023/EZ in the matter of Serajul Islam & Anr. Vs. State of WB & Ors.



Copies of the Rejoinder Affidavit dated 05.02.2025 filed by the Applicants in O.A. No. 133 of 2023/EZ before the Hon'ble NGT along-with the solemn order dated 17.04.2025 and the Current Status Report on Affidavit dated 07.12.2024 filed on behalf of the District Magistrate, Birbhum, are enclosed for perusal.

It may be mentioned that based on the Committee Report and the accompanying annexure thereon, Current Status Report on Affidavit dated 07.12.2024 was filed by the District Magistrate, Birbhum before the Hon'ble NGT. The Applicants took exception to the said Affidavit dated 07.12.2024 of the District Magistrate, Birbhum and filed the Rejoinder Affidavit dated 05.02.2025 making serious allegations and annexing many photographs to show that large scale mining is going in at Nalhati by using dumpers and trucks.

The Hon'ble NGT, Eastern Bench, in the order dated 17.04.2025, has directed the State Respondents to file a categorical reply with regard to the allegations made in the Rejoinder Affidavit dated 05.02.2025 filed by the Applicants.

You are therefore requested to:

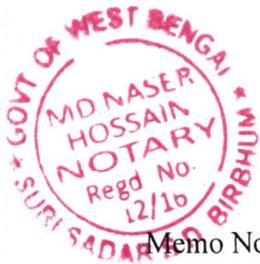
1. Carefully go through the contents/statement/allegations of the Rejoinder Affidavit dated 05.02.2025 including the photographs and other annexure enclosed thereto, filed by the Applicants as well as the solemn order dated 17.04.2025 passed by the Hon'ble NGT, and to take immediate appropriate steps along-with other five members of the Committee constituted vide this Office Order No. M&M/1736/DL&LRO(B)/24 dated 19.04.2024, strictly in accordance with law, as may deem necessary to prevent any sort

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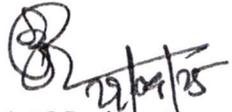
of illegal mining activities, as alleged in the said Rejoinder Affidavit dated 05.02.2025 of the Applicants.

2. Prepare a categorical and para-wise Reply to each and every statements/allegations made in the said Rejoinder Affidavit dated 05.02.2025 of the Applicants and send the same to this end.
3. Forward an updated Report in respect of various written complaints/FIRs made by him with the concerned Police Station in connection with this matter, after obtaining such information from the concerned Police authorities.

The Report along-with supportive documents/current photographs should reach to this end within four weeks from this date.



Memo No. M&M/ 298/1(2) /DL&LRO(B)/2023

  
29/04/25  
District Magistrate  
Birbhum.

Date: 30/04/2025

Copy along-with the Rejoinder Affidavit dated 05.02.2025 of the Applicants, forwarded to:

The Superintendent of Police, Birbhum, with a request to:

1. Take strict steps, as deems necessary in accordance with law, to ensure prevention of all illegal mining activities, as alleged in the Rejoinder Affidavit dated 05.02.2025 of the Applicants
2. Forward an Action Taken Report to this end within one month to enable the undersigned to file an Affidavit before the Hon'ble NGT.

  
29/04/25  
District Magistrate  
Birbhum.

Annexure - B

Docket No. 3208 ICRA Dt. 4/07/25



ADM(LR)  
District Magistrate  
Birbhum Collectorate

GOVERNMENT OF WEST BENGAL  
OFFICE OF THE SUB-DIVISIONAL OFFICER

RAMPURHAT \* BIRBHUM  
E-mail ID : - [sdmrph@gmail.com](mailto:sdmrph@gmail.com)  
(J.M SECTION)

Diary No. 8272  
Section.....  
File No. 07/07/25  
Date.....

Memo No:- 458/JM  
To,  
The District Magistrate,  
Birbhum,  
PO. Suri, Dist. Birbhum.

Dated: 03/07/2025

O/C (M&M)  
07/07/25



**Sub:-** Illegal Mining and related activities in Mouza-Madna.

**Ref:-** i) Memo no. M&M/298/DL&LRO(B)/2023 dated 30.04.2025  
ii) Order dated 17.04.2025 passed by the Hon'ble NGT, Eastern Bench in O.A. No. 133 of 2023/EZ in the matter of Serajul Islam & Anr- Vs- The state of West Bengal & Ors.

Sir,

Enclosed please find herewith the desired Para- wise Report to each and every statements/allegations made is the rejoinder Affidavit dated 05.02.2025 of the Applicants and the report of O/C, Nalhati Police Station in respect of various written complaints/FIRs for kind perusal and owned action.

**Encl:** As Stated

Sub-Divisional Officer  
Rampurhat, Birbhum



NS

**Para-wise Reply to the Rejoinder Affidavit submitted by the Applicants dated on 05.02.2025 in Hon'ble NGT i.c.w. O.A. No. 133/2023/ EZ.**

Para- 1,2,3: Nothing to say.

Para-4 : In the Original Application , being No. O.A 133/2023/EZ allegations were brought against the private respondents for carrying out illegal Stone quarrying activities at plots no. 707, 708, 712, 713, 714, 715, 716, 670, And 677, of the Mouza -Madna , J.L. no. 11 under Nalhati Police Station , Birbhum.

Dated on 16.02.2024 solemn order was passed by the Hon'ble NGT with direction to the District Magistrate, Birbhum to take immediate steps to prevent illegal mining and later the District Magistrate , Birbhum formed a Team to undertake the task to ensure complete prevention of illegal mining in the site.

The illegal mining has been completely prevented in the suit site pertaining to the plots no. 707, 708, 712, 713, 714, 715, 716, 670, And 677,

Now in this Para the Deponents have mentioned that the private respondents are consistently mining in plots no. 672, 673, 680 and the neighbouring areas in Madna Mouza. These plots are not related to the present O.A.

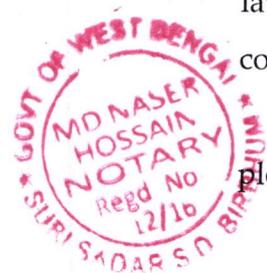
However the Team is ready to execute any further order/ execution to prevent illegal mining in anywhere under jurisdiction in addition to existing suit plots. FIRs have been lodged against the private respondents for running illegal Crushers, being the Nalhati P.S. case no. 37/25, dated 27.01.2025, 127/25 dated 13.03.2025.

Para-5 : No mining activities are going on at the suit site pertaining to the plots no. 707, 708, 712, 713, 714, 715, 716, 670, And 677. Current photographs are annexed as Annexure-A.

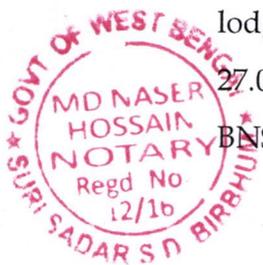
Para-6 : The Deponents have not mentioned the specific no. and date of complaints, if so filed in any Police Station or in other offices, So it is not possible to say whether appropriate measures have been taken or not.

Para-7 & 8: yes it is undeniable that there are traces of mining activities in the suit site, but the mining activities have taken place in the past, near about seven to eight years ago. It is fact that at present no mining activities are going on in the suit site. As proof the Photographs, taken on 30.05.2025 are being annexed herewith.

Cont.. to 2



- Para-9 : Dated on 30.05.2025 the Block Level Committee visited the suit site and took photographs, annexed herewith and didn't find any trace of mining at plots no, 688 and 715.
- Para-10: It is highly condemnable allegations what have been brought in this Para, as the allegations are not based on proof and truth. Photographs so was annexed were not edited, not cropped and not outside the location. Rather these were taken with latitudes and longitude, so that any one can get the actual plots no. from ISRO's 'Bhuvan' app. Matter related to taking photographs by the team is totally transparent and without any doubt. Allegations are baseless .
- Para-11 : On field visit dated on 30.05.2025 it was observed that the two iron barricades which were previously installed had been uprooted by un-identified miscreants. So new iron barricades have been re-installed, photographs of which are annexed. However on this route no trace of plying of any transport is found.
- Para-12 : Deponents have mentioned the existence of a JCB in the photograph , but it does not mean that JCB was used for excavation work therein . It was stand by and after instruction it was moved from the site. At present there are neither any excavation work nor any excavator standing by is found. Photographs annexed.
- Para-13 : The Committee would like to inform the Hon'ble NGT that prevention of illegal mining in the suit plots has been completely done. Presence of some tyre marks on the dust of the road, may be of any types of Vehicle , may be of official Vehicle, Police Vehicle, even may be of the Vehicle of the Deponents who went to take photographs of the site, can not be the proof of mining. Status report made by the committee was not false, rather the Deponents are baselessly trying to search for a perforation.
- Para-14 : It is admissible that the private respondents are having stone Crusher units in plots no. 710, 711, 1057, 1058, 1059, 1060,1061 and 1062 of Mouza Madna, J.L. no. 11 and these units are operating without valid Licence/Permit for this reason FIRs have been lodged against them and on basis of those FIRs Nalhati P.S. Cases no. 37/25, dated 27.01.2025 and 127/25, dated 13.03.2025 have been running u/s 303(1) and 304(2) of the BNS, 2023 and Section 21 of M.M(D&R) Act,1957, Rules 50 of the WBMMC Rules, 2016.



X7

Para-15 to 21 : Statement and allegation made in the Para-15, 16, 17, 18, 19, 20 & 21 are not related to the present O.A. However the Deponents are free to raise these allegations in the proper Forum.

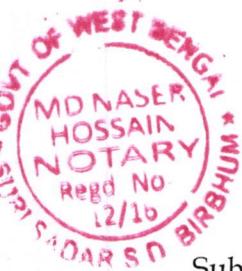
The team can only reply to these Paras by quoting the report of Officer-In -Charge , Nalhati Police Station, sent vide DR no. 5838/25 dated 26.06.2025 that "Nalhati P.S. case no. 239/24 , dated 08.05.2024 u/s 379 IPC & 21 Mines and Minerals ( Regulation and Development)Act, 1957 is pending for the arrest of accused person. Raid is on to secure arrest of accused person. Investigation will be completed within stipulated time".

Para-22: No such Nexus exists between the private respondents and the members of the team and no conspiracy is being made. The team is only discharging their duties as per Law and as per direction of the Hon'ble NGT.

Para-23 : The team will execute each and every directions and orders issued upon by the Hon'ble NGT.

Para-24 : It is admitted to some extent. However it is to be stated that at present no mining activities are going on in the suit plots.

Para-25 to 27 : The matter is being left before the Lordships of the Hon'ble NGT.



*[Signature]*  
Sub Divisional Police Officer

Rampurhat :: Birbhum

Sub-Divisional Police Officer

Rampurhat, Birbhum

*[Signature]*

Sub Divisional Land & Land Reforms Office

Rampurhat :: Birbhum

Rampurhat, Birbhum

*[Signature]*

Block Land & Land Reforms Officer

Nalhati-I Block, Birbhum

Nalhati-I, Birbhum

Submitted by

*[Signature]*  
Sub Divisional Officer  
Rampurhat, Birbhum

*[Signature]*  
Block Development Officer  
Nalhati-I Dev. Block, Birbhum

*[Signature]*  
Inspector-In- Charge,  
Nalhati Police Station  
Nalhati :: Birbhum

5027



To  
The Sub-Divisional Officer,  
Rampurhat Sub-Division,  
Birbhum.

Returns

18

OTC Mines

Ref: your good offices Momo no-441/9/JM dtd-25.06.2025 arising out of memo no- M&M/298/DL&LRO(B)/2023 dated 30.04.2025 of the office of the DM Birbhum.

Subject: Report regarding status of the cases registered against illegal stone mining in Nalhati area.

Sir,

With reference to the above-cited memorandum and in compliance with the directives of the Hon'ble NGT, the instant report is submitted for your favour of your kind perusal.

At the outset I beg to submit that the following five number of cases have been registered in Nalhati PS district Birbhum against the perpetrators of illegal stone mining activities on the basis of the complaints received from the SDO Rampurhat subdivision and BL & LRO Nalhati I. The status of investigation of the cases are submitted against each. The cases are-

- a) Nalhati PS Case No 239/24 Dt. 08.05.2024 U/S 379 IPC & 21 Mines and Minerals (Regulation and Development) Act (1957) -  
The case is pending for the arrest of accused person. Raid is on to secure arrest of the accused person. Investigation will be completed within stipulated time.
- b) Nalhati PS Case No - 704/24 dt. 17.12.24 u/s 4D WBLR Act/21(I)MM Act and Rule 50 of West Bengal Minor Minerals concession Rule 2016-

The case has ended in charge sheet and is sub-judice.

- c) Nalhati PS case No.37/25 dtd. 27.01.25 u/s. 303/304 BNS and u/s 21(1) MM( D&R) Act 1957 read with rules 50(1) WB MMC rules 2016 -

Investigation is in progress. Statements of relevant witnesses have been recorded, and further investigation . During investigation IO submits requisition to BL & LRO of Nalhati-I block and the Pradhan of Banior Gram Panchayet to know the actual demarcation of the land. Accordingly, collected the report from RI of Nalhati-I Block with demarcation of the mentioned plots. Due to continuous raid the accused persons surrendered in the Ld court. Charge sheet will be submitted within stipulated time.



X

d) Nalhati PS case No-127/25 dtd- 13.03.2025 u/s- 303/304 BNS and u/s 21(1) MM( D&R) Act 1957 read with rules 50(1) WB MMC rules 2016 -

Investigation is in progress. Due to continuous raid the accused persons surrendered before the Ld court. Charge sheet will be submitted within stipulated time.

e) Nalhati PS case No-169/25 dt. 08.04.25 u/s - 303/304 BNS and 21(1) MM ( D& R) 1957 -

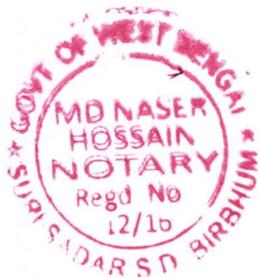
During investigation IO submitted requisition to the BL & LRO Nalhati-I block. The report is yet to be received. Raid is going on to arrest the accused persons.

On 30.05.2025, joint raid was conducted in the Nalhati stone area by the Three -Men Committee, consisting of BDO Nalhati 1 Dev. Block, BL and LRO Nalhati 1 and OC Nalhati PS to prevent illegal stone mining and its transportation, but nothing adverse has been detected. This refers to Nalhati PS general diary no-2020 dated 30.05 .2025. The committee is vigilant on this score.

Subsequently, on 25.06.2025, a joint raid was conducted with MVI Rampurhat, and it was found that no vehicle was involved in illegal transportation of stone. This refers to PS general diary no-1725 dyd- 25.06.2025.

Besides, the officers of Nalhati police station have been instructed to pay regular visit to the area to prevent the illegal mining and transportation of stone as an when they will hold mobile duty in the area.

This is submitted for fever of your kind appraisal.



Yours faithfully,

hmi.

(Isnp. Sk Mahammad Ali)  
Officer-in-Charge  
Nalhati Police Station  
Nalhati, Birbhum.  
Date: 26.06.2025

**Officer-in-Charge**  
Nalhati P.S.  
Birbhum

4938

Government of West Bengal

20

687

Office of the Block Land & Land Reforms Officer Nalhati-I

P.O. Nalhati Dist. Birbhum.

26 JUN 2025

DOCKET JM  
O/C  
A.P.C.T. S.D.O.

Memo.No. / 991 / BL&LRO/Nalhati-1/2025

Dated. 26.06.25

To  
Sub-Divisional Officer,  
Rampurhat,  
Birbhum.

Sub :- Reply to the Affidavit of NGT case no. 133 of 2023

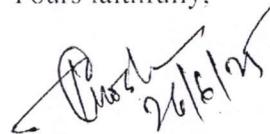
Sir,

As desired in Six Men Blackstone surveillance committee meeting on 25.06.25, sending herewith the reply to the Affidavit of NGT case no 133 of 2023 from this end.

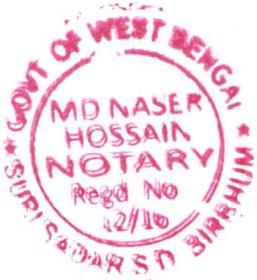
This is for his kind information and taking necessary action.

Encl:- As stated above

Yours faithfully,



Block Land & Land Reforms Officer  
Nalhati-1, Dist. Birbhum.  
B.L.&L.R.O.  
Nalhati-I, Birbhum



~~21~~

Reply to affidavit filed by the applicants in NGT case no-133 of 2023

According to point four of the Affidavit submitted on 05.02.2025 by the petitioners regarding NGT case No. 133 of 2023 , plot numbers 672,673,680 are situated far from the suit plots i.e 707,708,712,713,714,715,716,670,677 and not situated in the neighbouring of the suit plots.

~~The order~~ passed by the Hon'ble NGT on 16.02.24 where the above mentioned plots 672,673, and 680 are not being mentioned.

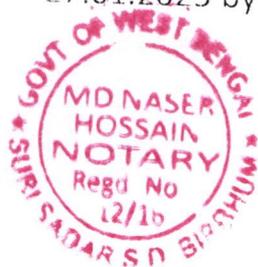
In this regard, it is pertinent to mention that an FIR vide memo no. 1342 dated 17.12.2024 has been lodged at Nalhati P.S on neighbouring plot numbers. On plot numbers 427,382,383,427 and 428 , there is mining still visible at the time of inspection. Though there were no mining activities found on the suit plots.

- (ii) According to point five of the affidavit, there were no mining activities going on the suit plots i.e 677,670,707,708,712,713,714,715 and 716.
- (iii) According to point seven of the affidavit , it is evident that there were traces of mining in mouza Madna,J.L-11, but there was no mining activities going -on the suit plots.
- (iv) According to point nine of affidavit , a recent visit by the Block Level Black Stone Surveillance Committee on 30.05.2025, there was no traces of fresh mining on plot numbers 688 and 715.
- (v) According to point ten of the affidavit, , the picture that have annexed carrying latitudes and longitudinal measurement from which any one can get the actual plot number from ISRO's Bhuvan apps.
- (vi) According to the point eleven of the affidavit, it is noticeable that two iron barricades are found missing at the time of joint visit on 30.05.2025.

The said iron barricades have been reinstated in their proper place and there is no trace of any transportation at the very site.(picture enclosed).

- (vii) According to point twelve of the affidavit, there were no traces of JCB excavation on the suit plots and neighbouring plots .
- (viii) According to point fourteen of the affidavit, the crushers of Budhisal Soren and Subhendu Soren lies on plot numbers 1057,1058,1059,1060,1061, and 1062 of mouza Madna,J.L-11. An FIR has been lodged at Nalhati P.S, by the Sub Divisional Officer, Rampurhat vide memo no. 208,dated 13.03.2025.

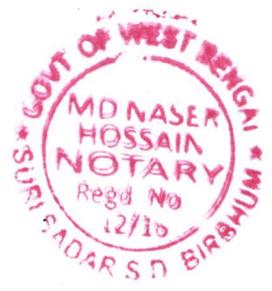
The crusher of John Hansda lies on the plot numbers 710 and 711..An FIR has been lodged against John Hansda and others at Nalhati P.S vide memo No. 82 dated 27.01.2025 by the Sub Divisional Officer, Rampurhat.



22

Reply to affidavit filed by the applicants in NGT case no-133 of 2023

(ix) According to point fifteen of the affidavit, the mining has been done long time ago and there are trenches visible in the suit plots filled with water. And there is remnant of debris visible alongside plot no 707 and 708.



*B. L. & L. R. O.*  
26/6/25  
B.L.&L.R.O.  
Nalhati-I, Birbhum

23



GOVT OF WEST BENGAL  
MD NASER HOSSAIN  
NOTARY  
Regd No  
12/10  
SADAR SO BIRBHUM

2\*



GOVT OF WEST BENGAL  
 MD NASER HOSSAIN  
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 12/10  
 SUPRI SADAR S N BIRBHUM

25



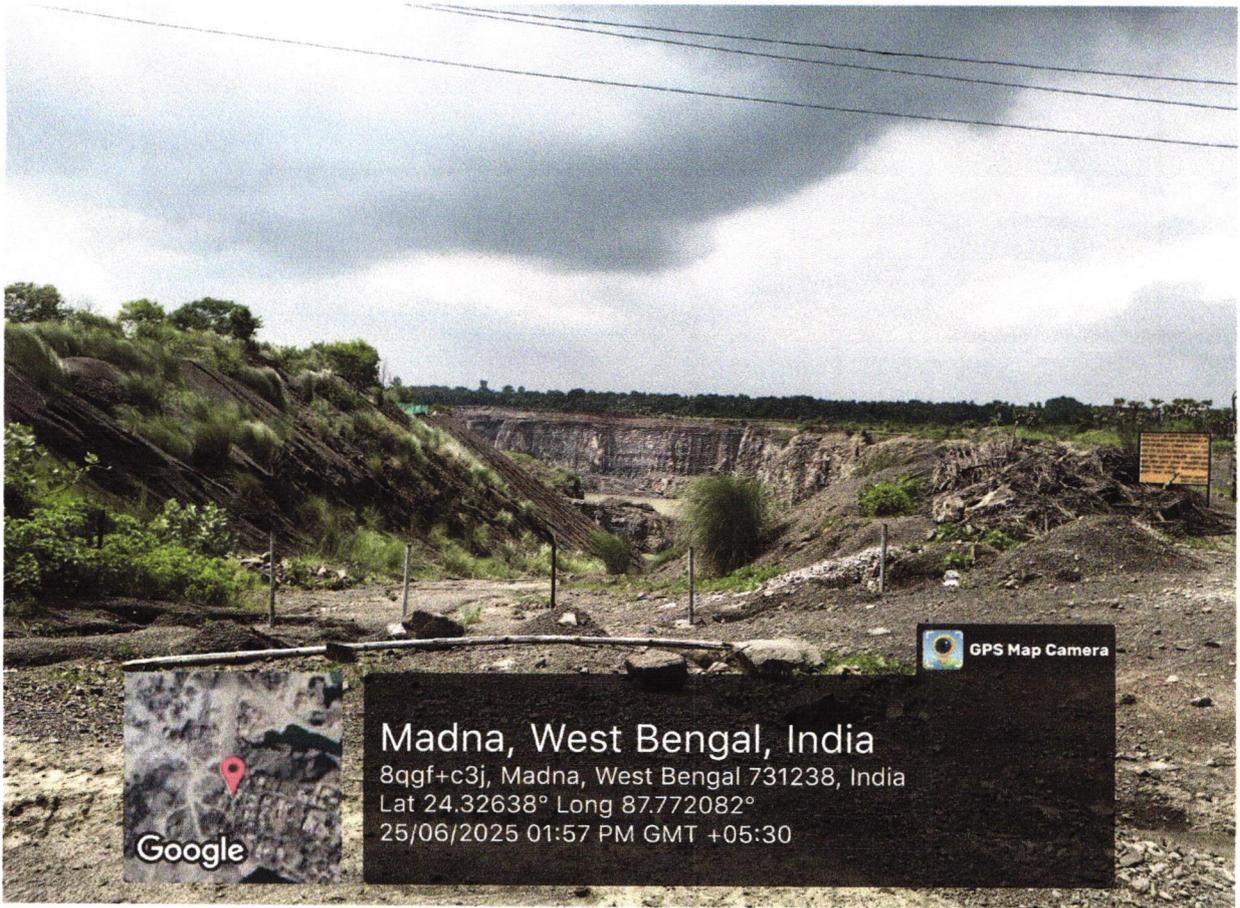
GOVT OF WEST BENGAL  
 MD NASER HOSSAIN  
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 SADAR SD BIRBHUM

26



GOVT OF WEST BENGAL  
MD NASER HOSSAIN  
NOTARY  
Regd No  
12/10  
SARSAHAR SAHIBPUR

27



GOVT OF WEST BENGAL  
 MD NASER HOSSAIN  
 NOTARY  
 Regd No 12/10  
 MADAR SD BIRAHUM



GOVT OF WEST BENGAL  
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NOTARY  
Regd No  
12/10  
SUFI SADAR SN BIRBHUM

Docket No. 2565 /CRA Dt. 23/05/25



Government of West Bengal  
Office of the Superintendent of Police  
Birbhum

29  
ADM(LR)  
District Magistrate  
Birbhum Collectorate



Memo No. 59 /Legal Cell/Birbhum

To  
The District Magistrate,  
Birbhum.

Dated 23 /05/2025. 26/25

O.NO - 425  
28/5/25  
Ashok Babu

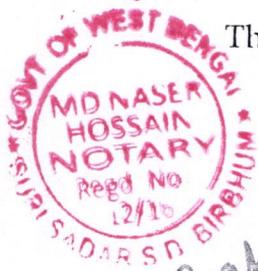
Diary No. 6380  
Section.....  
File No.....  
Date..... 26/05/25

Sub.: Report in c/w Rejoinder Affidavit dated 05-02-2025 regarding illegal mining and related activities in Mouza-Madna in connection with OA No. 133 of 2023/EZ in the matter of Serajul Islam & Anr.-Vs-The State of West Bengal & Ors.

Ref: Your Office Memo No. M&M 298/1/DL & LRO (B)/2023 dated 30.04.2025.

With reference to the above, enclosed please find herewith a detailed enquiry report submitted by the Sub-Divisional Police Officer, Rampurhat, Birbhum in connection with the above noted subject matter, which speaks for itself.

This is for favour of your kind perusal.



Ashok Babu.  
pls. put up with  
NGT file of Serajul Islam.

Superintendent of Police  
Birbhum  
Superintendent of Police  
Birbhum



GOVERNMENT OF WEST BENGAL  
OFFICE OF THE SUB-DIVISIONAL POLICE OFFICER  
RAMPURHAT:: BIRBHUM

Memo No. 2407

Date- 14.05.25

To,  
The Superintendent of Police  
Birbhum.

Through Proper Channel

Ref: Your good office Memo No53/Legal Cell/Birbhum Dated-09.05.2025.

Sub: Enquiry report regarding illegal mining activities in Mouza-Madna as per Rejoinder Affidavit dated 05.02.2025.

Sir,

With due respect in returning herewith in reference to above- cited memo, I am directed to submit the status report and necessary clarifications as sought in connection with the illegal mining activities at Mouza-Madna, in compliance with the directives mentioned therein.

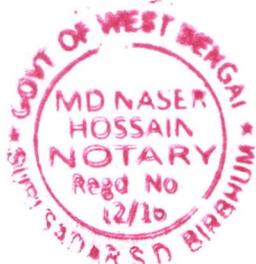
**1. Regarding Point No. 1:**

a) Nalhati PS Case No 239/24 Dt. 08.05.2024 U/S 379 IPC & 21 Mines and Minerals (Regulation and Development) Act (1957) - Investigation is in progress. Statements of relevant witnesses have been recorded, and further inquiry is being conducted as per legal provisions. Many documents related to this case has been collected.

b) Nalhati PS Case No - 704/24 dt. 17.12.24 u/s 4D WBLR Act/2 1(I)MM Act and Rule 50 of West Bengal Minor Minerals concession Rule 2016- After completion of investigation IO submitted charge sheet vide Nalhati PS CS no- 70/25 dated 20.03.2025 u/s 4D WBLR Act/21(I)MM Act and Rule 50 of West Bengal Minor Minerals concession Rule 2016.

c) Nalhati PS case No.37/25 dtd. 27.01.25 u/s. 303/304 BNS and u/s 21(1) MM( D&R) Act 1957 read with rules 50(1) WB MMC rules 2016 - Investigation is in progress. Statements of relevant witnesses have been recorded, and further inquiry is being conducted as per legal provisions. During investigation IO submits requisition to BL & LRO of Nalhati-I Block and the Pradhan of Banior Gram Panchayet to know the actual demarcation of the land, but till now no reply have been received from their end.

d) Nalhati PS case No-127/25 dtd- 13.03.2025 u/s- 303/304 BNS and u/s 21(1) MM( D&R) Act 1957 read with rules 50(1) WB MMC rules 2016- Investigation is in progress. Statements of relevant witnesses have been recorded, and further inquiry is being conducted as per legal provisions, LRO of Nalhati-I Block and the Pradhan of Banior Gram Panchayet to know the actual demarcation of the land, but till now no reply have been received from their end.



31

e) Nalhati PS Case No -169/25 dtd 08.04.25 u/s - 303/3o4 BNS & 21(1) MM ( D& R) 1957 - Investigation is in progress. Statements of relevant witnesses have been recorded, and further inquiry is being conducted as per legal provisions. During investigation IO submits requisition to BL && LRO Of Nalhati-I Block and the Pradhan of Banior Gram Panchayet to know the actual demarcation of the land, but till now no reply have been received from their end.

**2. Regarding Point No. 2:**

On verification of available PS records, it is found that at present, the mentioned five cases are registered at Nalhati Police Station. No other written complaints have been received from any corner in connection with this matter.

**3. Regarding Point No. 3:**

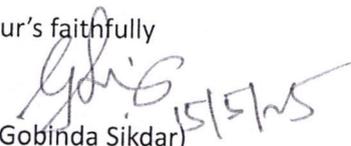
In respect of Nalhati PS Case No. 239/24 Dt. 08.05.2024 U/S 379 IPC & 21 Mines and Minerals (Regulation and Development) Act (1957) after examining the case docket, it is found that no proceeding under section 160 CrPC or section 91 CrPC has been made against Serajul Islam, S/O- Nurul Islam of Nalhati Natungram, PS Nalhati, Dist. Birbhum by the then IO ASI Dipankar Barik.

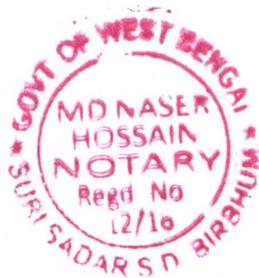
**4. Regarding Point No. 4:**

In order to curb illegal mining and related activities in Mouza- Madna, necessary preventive and legal measures have been undertaken by the police authority. Regular patrolling, surprise raids, and continuous monitoring of the area are being conducted. Necessary legal action is being initiated promptly against offenders as per law.

This is for favour of your kind perusal.

Your's faithfully

  
(Shri Gobinda Sikdar)  
Sub-Divisional Police Officer  
Rampurhat, Birbhum





BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, FINANCE CENTRE,  
3<sup>RD</sup> FLOOR, NEW TOWN, KOLKATA.

Original Application No. 133 of 2023/EZ

In the matter of:

Serajul Islam &Anr.

...Applicants

Versus

The State of West Bengal and Ors.

...Respondents

REPLY AFFIDAVIT FILED ON  
BEHALF OF THE DISTRICT  
MAGISTRATE, BIRBHUM TO  
THE COUNTER AFFIDAVIT  
DATED 05.02.2025 FILED BY THE  
APPLICANTS

Sudip Kumar Dutta

Advocate

Mobile No.9874782072