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S. Swain

**BEFORE THE NATIONAL GREEN TRIBUNAL
(EASTERN ZONE BENCH, KOLKATA)**

Original Application No. 135/2023/EZ

Mousri Jana

Versus

SL. No. 9/24

The State of West Bengal & Ors.

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Filed by

Rajib Ray



Advocate for the State of West Bengal

02 FEB 2024

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BEFORE THE NATIONAL GREEN TRIBUNAL**(EASTERN ZONE BENCH, KOLKATA)****Original Application No. 135/2023/EZ****Mousri Jana****Versus****SL. No. 07/24****The State of West Bengal & Ors.****COMPLIANCE REPORT IN THE FORM OF AFFIDAVIT OF
THE DISTRICT MAGISTRATE, SOUTH 24 PARGANAS
DISTRICT, GOVERNMENT OF WEST BENGAL**

I, Sumit Gupta, Son of Shri. S.K. Gupta, aged about 41 years, by religion - Hindu, by occupation- Government Service, presently posted as the District Magistrate & Collector, South 24 Parganas, having office at New Administrative Building, Alipore, Kolkata - 700 027, do hereby solemnly affirm and say as follows:

1. That this affidavit is being solemnly affirmed and filed in view of the Solemn Order dated 05.01.2024 passed by this

Hon'ble Tribunal, whereby the Hon'ble Tribunal has been

pleased to direct the District Magistrate, South 24

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Parganas, to personally examine each of the replies submitted by the land holders to whom the show cause notices were issued and take appropriate action as per law and file affidavit of compliance within four weeks.

2. That in pursuance of this each of the replies submitted by the land holders was verified from the end of the deponent.

The brief analysis of the replies are as follows :-

i) Written submission with regard to the show cause notice, dated 10.11.2023 submitted by Sri Uttam Das on 04.12.2023 states that he acquired the property in question by purchasing the same under Deed No. 5268 in the year 2021 from one Sri Sitanath Pandey through his appointed power of attorney holders. He acquired the plot in question in converted stage. The property remains the way it was when he purchased the property. The alleged deviation so far as the change in the mode of use is concerned might have occurred in the distant past albeit the classification remained and still remains as "Pond". He expressed his willingness to create a water body of the size



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that may compensate for the loss of water body that was there on the impugned plot.

After verifying the written submission of Sri Uttam Das, it appears that he has primarily admitted that parcel of land is filled up and he expressed his willingness to create a compensatory water body.

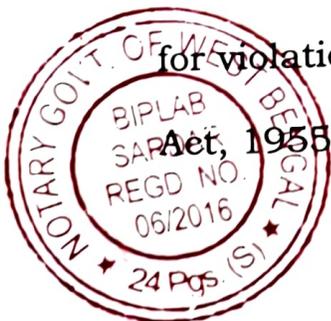
The joint inspection report states that the RS Dag No. 3672 corresponding to LR Dag No. 4572 classification-“Doba”, area - 0.16 acre is “Fully filled up with soil”.

Therefore, after careful examination, the written submission of Sri Uttam Das is not tenable at law as the change from water body has already occurred, there is no scope to create compensatory water body as prior permission from the Collector is required, as per Section 4C of the West Bengal Land Reforms Act, 1955.

The water body is fully filled up with soil so immediate restoration of the land to its original character is required

for violation of Section 4C of the West Bengal Land Reforms

Act, 1955.



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ii) Written submission with regard to the show cause notice, dated 19.12.2023 submitted by Sri Pallab Sardar on 22.12.2023 which states that he acquired the property in question by purchasing the same under Deed No. 3136 in the year 2019 from Sri Bibhas Chandra Ghosh, Sri Asit Ghosh and Sri Amit Ghosh through Purchase Deed. He acquired the plot in question in converted stage. The property remains the way it was when he purchased the property. The alleged deviation so far as the change in the mode of use is concerned might have occurred in the distant past albeit the classification remained and still remains as "Pond". He expressed his willingness to create a water body of the size that may compensate for the loss of water body that was there on the impugned plot.

After verifying the written submission of Sri Pallab Sardar, it appears that he has primarily admitted that parcel of land is filled up and he expressed his willingness to create a compensatory water body.

The joint inspection report states that the RS Dag No. 3666 corresponding to LR Dag No. 4566 classification-"Pukur",



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area - 0.16 acre is "Fully filled up with soil and constructed boundary wall".

Therefore, after careful examination, the written submission of Sri Pallab Sardar is not tenable at law as the change from water body has already occurred, there is no scope to create compensatory water body as prior permission from the Collector is required, as per Section 4C of the West Bengal Land Reforms Act, 1955.

The water body is fully filled up with soil and a boundary wall has been constructed so immediate restoration of the land to its original character is required for violation of Section 4C of the West Bengal Land Reforms Act, 1955.

iii) Written submission with regard to the show cause notice, dated 19.12.2023 submitted by Sri Ayan Sardar on 22.12.2023 which states that he acquired the property in question by purchasing the same under Deed No. 05259 in the year 2018 from Sri Krishna Chandra Mukherjee

(Mukhopadhay), Sri Nanda Dulal Mukherjee

(Mukhopadhay), Sri Suman Mukherjee (Mukhopadhay), Sri



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Somnath Mukherjee (Mukhopadhyay), Smt. Sabitri Mukherjee, Smt. Bandana Saha, Smt. Debashree Bhowmik through Purchase Deed. He acquired the plot in question in converted stage. The property remains the way it was when he purchased the property. The alleged deviation so far as the change in the mode of use is concerned might have occurred in the distant past albeit the classification remained and still remains as "Pond". He expressed his willingness to create a water body of the size that may compensate for the loss of water body that was there on the impugned plot.

After verifying the written submission of Ayan Sardar, it appears that he has primarily admitted that parcel of land is filled up and he expressed his willingness to create a compensatory water body.

The joint inspection report states that the RS Dag No. 3665 corresponding to LR Dag No. 4565 classification-"Pukur", area - 0.18 acre is "Fully filled up with soil and constructed boundary wall".



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Therefore, after careful examination, the written submission of Sri Ayan Sardar is not tenable at law as the change from water body has already occurred, there is no scope to create compensatory water body as prior permission from the Collector is required, as per Section 4C of the West Bengal Land Reforms Act, 1955.

The water body is fully filled up with soil and a boundary wall has been constructed so immediate restoration of the land to its original character is required for violation of Section 4C of the West Bengal Land Reforms Act, 1955.

iv) The reply submitted by Sri Sougata Biswas on behalf of Smt. Nilima Biswas, the recorded tenant on 22.12.2023 of LR Plot No. 4575, Mouza – Matla having an area 0.15 acre of land states that the plot of land is not being filled up and requested to re-enquire the plots.

The joint inspection report states that the RS Dag No. 3675 corresponding to LR Dag No. 4575 classification - “Pukur”, area - 0.15 acre is “Partly filled up with soil”.



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The water body is partly filled up with soil so immediate restoration of the land to its original character is required for violation of Section 4C of the West Bengal Land Reforms Act, 1955.

v) Sri Susanta Acharya and Sri Saikat Acharya submitted their reply on 22.12.2023 which states that they purchased a small area of 10 decimal in LR Plot No. 4578 (Water body) and 0.08 decimal in LR Plot No. 4579(Shali). However, being abandoned for long, the entire land has completely being filled up with various plantations. They also prayed that they are willing to pay penalty to get relieved from the matter of illegal conversion.

The joint inspection report states that the RS Dag No. 3678 corresponding to LR Dag No. 4578 classification -“Pukur”, area - 0.2 acre is “partly filled up with soil and initial stage of construction”.

The water body is partly filled up with soil and it is at the initial stage of construction so immediate restoration of the



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land to its original character is required for violation of Section 4C of the West Bengal Land Reforms Act, 1955.

vi) That Sri Ajit Kumar Dey of RS Dag No. – 3646 corresponding to LR Dag No. – 4546 classification of land – ‘Doba’, area – 0.04 acre, present status of land – Pucca House.

vii) Sri Sukhendu Biswas, Sri Rabindra Kumar Biswas, Sri Ujjal Saha and Smt. Madhumita Kayal of RS Dag No. – 3678 corresponding to LR Dag No. – 4578 classification of land – ‘Pukur’, area – 0.2 acre, present status of land – Partly filled up with soil and initial stage of construction.

viii) Sri Nirmal Chandra Biswas of RS Dag No. – 3675 corresponding to LR Dag No. – 4575 classification of land – ‘Pukur’, area – 0.15 acre, present status of land – Partly filled up with soil.

ix) Sri Satish Chandra Ghosh of RS Dag No. – 3666 corresponding to LR Dag No. – 4566 classification of land – ‘Pukur’, area – 0.16 acre, present status of land – Fully filled up by soil and constructed boundary wall.



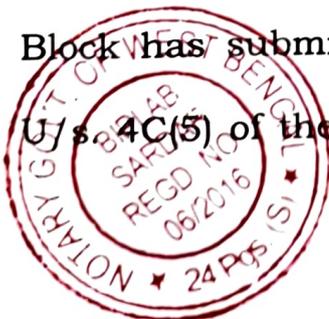
The above mentioned recorded raiyats from sub-point no. (vi-ix) of point 2, have not submitted their replies in spite of notices being served upon them.

The joint inspection report states that the above mentioned plots of lands are waterbody and has been illegally filled up and constructions thereupon. So immediate restoration of the land to its original character is required for violation of Section 4C of the West Bengal Land Reforms Act, 1955.

That all the recorded Raiyats were directed by the Block Land and Land Reforms Officer, Canning – I Block to restore the land to its original character as per the provisions of Section 4C (5) of the West Bengal Land Reforms Act, 1955.

The copies of the replies submitted by the Raiyats as well as the joint inspection report are annexed herewith and marked as Annexure R/1(coly).

3. That the Block Land and Land Reforms Officer, Canning – I Block has submitted the Order Sheet of the proceedings U/s 4C(5) of the West Bengal Land Reforms Act, 1955 in



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connection with this case which inter-alia states that the replies of the violators are not accepted as per the provisions of Section 4C of the West Bengal Land Reforms Act, 1955 as post-facto conversion is not permissible and such prayer for creating compensatory water body requires prior permission from the Collector. All the recorded Raiyats are directed to restore the land in to the original character as per the provision of Section 4C(5) of West Bengal Land Reforms Act, 1955.

The copy of the Order Sheet of Block Land and Land Reforms Officer, Canning – I Block is annexed herewith and marked as Annexure R/2.

4. That after verifying each of the replies submitted by the Raiyats, it appears that the filling up of water bodies and illegal conversion occurred after 24.03.1986 i.e., the date of publication of the Official Gazette of the West Bengal Land Reforms (Amendment) Act, 1981. The Raiyats has caused change in the area, character and mode of use of land in question unauthorisedly without any prior permission from



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the Collector and in violation of the provisions of Section 4C of the West Bengal Land Reforms Act, 1955.

Therefore, for such illegal conversion and violation of section 4C of the West Bengal Land Reforms Act, 1955 all the Raiyats are to restore the land into the original character as per the provision of Section 4C(5) of West Bengal Land Reforms Act, 1955 as directed by the Block Land and Land Reforms Officer, Canning – I Block.

5. That the deponent prays for some time for completion of the restoration process of the illegal conversion to its original character in accordance with law in case of failure on the part of the Raiyats to do the same.

The entire demolition and restoration process shall be completed within six (06) weeks and the Sub-Divisional Officer, Canning Sub-Division will supervise and monitor the entire demolition and restoration process.

6. That in view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Tribunal may



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graciously be pleased to pass such further order or orders as deemed fit and proper in the interest of justice.

7. That the Statement made in paragraph No. 1 is true to my knowledge and those made in paragraph 2 to 5 hereof are based on information derived from the records including facts & figures which I verified and believe to be true to the best of my knowledge and belief and rest are my humble submissions before the Hon'ble Tribunal.



DEPONENT
District Magistrate,
South 24-Parganas



02 FEB 2024

VERIFICATION

I, Sumit Gupta, District Magistrate, South 24 Parganas, do hereby verify that the contents of the compliance report in the form of affidavit are true and correct to the best of my knowledge and belief. No part of the report is false and nothing material has been concealed there from.

Verified at Kolkata on this 2nd Feburary, 2024.

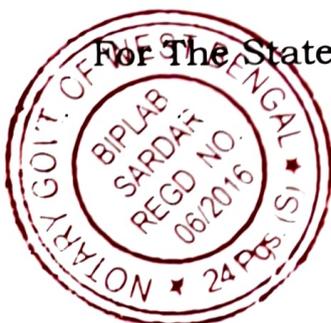
Identified by me



Advocate


 DEPONENT
 District Magistrate,
 South 24-Parganas

For The State of West Bengal



Solemnly Affirmed & Declared
before me on Identification


 BIPLAB SARDAR,
 NOTARY
 Regd. No 06/2016
 Govt Of W Bengal

02 FEB 2024

Docket No. 9947
Date 4/12/23

To,
The Block Land & Land Reforms Officer
Canning - I Block
Canning Town
South 24 PGS
PIN-743329

Sub:- Written Submission with regard to the Show-Cause Notice send from your end Dated 10/11/2023 addressed to the undersigned

Sir,

Apropos the letter forwarded from your august office as has been mentioned above wherein your kind self has raised pertinent and poignant issues indicating towards certain possible/alleged violation/breach of provisions of relevant statute and sought clarification from your undersigned, your undersigned would like to take this opportunity to bare himself before your august office by presenting the following facts :

That at the outset your undersigned denies that he has conducted himself in any manner that may have occasioned in violation of any provisions of law including the one alluded to in your letter addressed to your undersigned. As a respectable member of the society and as a aware citizen of this country your undersigned has always shown utmost respect towards the rule of law we by inculcating the values of Fundamental Duties enshrined in our Constitution by observance of strict adherence to the laws of the land.

That your undersigned acquired the property in question by purchasing the same under Deed No. 5268 in the year 2021 from Sitanath Pandey ,s/o- Lt. Haridas Pandey through his appointed power of attorney holders. The said Sitanath Pandey in his turn received the impugned property through inheritance and family settlement. Haridas Pandey who is father of the seller/ transferor Sitanath Pandey himself came to be the owner of the property from somebody else. Therefore, the brief history as to how many hands the property has been through is enough to lead a person of ordinary prudence to at least harbour a reasonable doubt as to the fact that not all the owners who previously possessed, occupied and enjoyed the property did so in a uniform manner. For sake of brevity it could safely be presumed that different owners might well have put the property to different uses as per their personal need and convenience and strict adherence to the rule that the use a property may be put to must correspond as to how that property has been classified.

Biplab Sarda
(Notary)
Govt. of W. B.

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That your undersigned would also like to point out that he has never done anything as would induce chance in the way the impugned plot has been used and this remains true from the time he acquired the property to till date. The question of alleged change in the mode of use of the plot does not arise as the property remains the way it was when your undersigned purchased the property excluding the latter arrangements or modifications done for the sole purpose of erecting a permanent structure for dwelling purpose.

Therefore, the alleged deviation so far as the change in the mode of use is concerned might have occurred in the distant past albeit the classification remained and still remains as 'Pond' on paper. But when the change in the mode of use actually happened cannot be pinpointed with exactitude without resorting to fair bit of guesswork. Therefore, your undersigned rescues himself from committing himself towards commenting of the fact as to when the impugned change in the mode of use indeed happened.

All that can be furthermore added is that it beats the common sense and logic that why would somebody purchase a water body and then fill it up with earth and other proper material and then try construct a dwelling house on it and incur a considerable amount of expenditure in doing so especially when there is no dearth of suitable plots available at reasonable price which are fit and proper for making any construction thereon and also which would not call for explanation for alleged violation of rule of law if one tries to construct something on them. Why would anyone purchase a waterbody, spend on it considerable amount of money and effort and simultaneously run the risk of rendering oneself liable under the law of the land for alleged violation of it. A person of ordinary prudence would any day choose the latter and that it what your undersigned has also done. He did not purchase a waterbody and then change the mode of use later on. When your undersigned purchased the property it was the way it is now.

However, your undersigned would also like to take this opportunity to express his willingness to create a waterbody of the size that may compensate for the loss of the water body that was there on the impugned plot.



Thank you

With Regards

- L. D. D. S.

Date :-

Place :-

Attested by me


Bipin Sardar
(Notary)
Govt. of W. B.

02 FEB 2024

To,
 The Block Land & Land Reforms Officer
 Canning - I Block
 Canning Town
 South 24 PGS
PIN-743329

Sub:- Written Submission with regard to the Show-Cause Notice send from your end Dated 19-12-2023 having Memo No. 999(2)/BL-Can-I/2023 addressed to the undersigned.

Sir,

Apropos the letter forwarded from your august office as has been mentioned above wherein your kind self has raised pertinent and poignant issues indicating towards certain possible/alleged violation/breach of provisions of relevant statute and sought clarification from your undersigned, your undersigned would like to take this opportunity to bare himself before your august office by presenting the following facts :

That at the outset your undersigned denies that he has conducted himself in any manner that may have occasioned in violation of any provisions of law including the one alluded to in your letter addressed to your undersigned. As a respectable member of the society and as a aware citizen of this country your undersigned has always shown utmost respect towards the rule of law we by inculcating the values of Fundamental Duties enshrined in our Constitution by observance of strict adherence to the laws of the land.

That your undersigned acquired the property in question by purchasing the same under Deed No. 3136 in the year 2019 from 1) Sri Bibhas Chandra Ghosh, S/O.- Late Satish Chandra Ghosh, of 18/5 B.B. Sengupta Road, P.O. & P.S.- Behala, Dist.- South 24 Parganas, Kolkata- 700034, 2) Sri Asit Ghosh, 3) Amit Ghosh, both S/O- Late Satish Chandra Ghosh, of Vill.- Rajarlat Paschim, P.O.- P.S.- Canning, Dist.- South 24 Parganas, through his purchase Deed. The said in his turn received the impugned property through inheritance and family settlement. Late Satish Chandra Ghosh who is father of the seller/ transferor himself came to be the owner of the property from somebody else. Therefore, the brief history as to how many hands the property has been through is enough to lead a person of ordinary prudence to at least harbour a reasonable doubt as to the fact that not all the owners who previously possessed, occupied and enjoyed the property did so in a uniform manner. For sake of brevity it could safely be presumed that different owners might well have put the property to different uses as per their personal need and convenience and strict adherence to the rule that the use a property may be put to must correspond as to how that property has been classified.

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That your undersigned would also like to point out that he has never done anything as would induce chance in the way the impugned plot has been used and this remains true from the time he acquired the property to till date. The question of alleged change in the mode of use of the plot does not arise as the property remains the way it was when your undersigned purchased the property excluding the latter arrangements or modifications done for the sole purpose of erecting a permanent structure for dwelling purpose.

Therefore, the alleged deviation so far as the change in the mode of use is concerned might have occurred in the distant past albeit the classification remained and still remains as 'Pond' on paper. But when the change in the mode of use actually happened cannot be pinpointed with exactitude without resorting to fair bit of guesswork. Therefore, your undersigned rescues himself from committing himself towards commenting of the fact as to when the impugned change in the mode of use indeed happened.

All that can be furthermore added is that it beats the common sense and logic that why would somebody purchase a water body and then fill it up with earth and other proper material and then try construct a dwelling house on it and incur a considerable amount of expenditure in doing so especially when there is no dearth of suitable plots available at reasonable price which are fit and proper for making any construction thereon and also which would not call for explanation for alleged violation of rule of law if one tries to construct something on them. Why would anyone purchase a waterbody, spend on it considerable amount of money and effort and simultaneously run the risk of rendering oneself liable under the law of the land for alleged violation of it. A person of ordinary prudence would any day choose the latter and that it what your undersigned has also done. He did not purchase a waterbody and then change the mode of use later on. When your undersigned purchased the property it was the way it is now.

However, your undersigned would also like to take this opportunity to express his willingness to create a waterbody of the size that may compensate for the loss of the water body that was there on the impugned plot.

Thank you

With Regards

Pallab Sardar

Date :- 22/12/2023

Place :- Canning



Attested by me


Pallab Sardar
(Notary)
Govt. of W. B.

02 FEB 2024

To,
 The Block Land & Land Reforms Officer
 Canning - I Block
 Canning Town
 South 24 PGS
 PIN-743329

Sub:- Written Submission with regard to the Show- Cause Notice send from your end Dated 19-12-2023 having Memo No. 1000(1)/BL-Can-I/2023 addressed to the undersigned.

Sir,

Apropos the letter forwarded from your august office as has been mentioned above wherein your kind self has raised pertinent and poignant issues indicating towards certain possible/alleged violation/breach of provisions of relevant statute and sought clarification from your undersigned, your undersigned would like to take this opportunity to bare himself before your august office by presenting the following facts :

That at the outset your undersigned denies that he has conducted himself in any manner that may have occasioned in violation of any provisions of law including the one alluded to in your letter addressed to your undersigned. As a respectable member of the society and as a aware citizen of this country your undersigned has always shown utmost respect towards the rule of law we by inculcating the values of Fundamental Duties enshrined in our Constitution by observance of strict adherence to the laws of the land.

That your undersigned acquired the property in question by purchasing the same under Deed No. 05259 in the year 2018 from 1) Sri Krishna Chandra Mukherjee(Mukhopadhay), 2) Sri Nanda Dulal Mukherjee(Mukhopadhay) both S/O- Late Narendranath Mukherjee(Mukhopadhay), of Vill.- Rajarlat(Paschim), P.O. & P.S.- Canning, Pin- 743329, 3) Sri Suman Mukherjee(Mukhopadhay), S/O- Late Narayan Chandra Mukherjee (Mukhopadhay), of Vill.- 220 N. Paruipaka Road, P.O- Sursana, P.S.- Parnashri, Kolkata- 700061, 4) Sri Somnath Mukherjee(Mukhopadhay), S/O- Late Narayan Chandra Mukherjee (Mukhopadhay), 5) Smt Sabitri Mukherjee, W/O- Late Narayan Chandra Mukherjee, both of Vill.- Rajarlat(Paschim), P.O. & P.S.- Canning, Pin- 743329, 6) Smt Bandana Saha, W/O- Haripada Saha (D/O- Late Narayan Chandra Mukherjee) Vill.- Nonagheri, P.O. & P.S.- Canning, Pin- 743329, 7) Smt. Debashree Bhowmik, W/O.- Sri Ashutosh Bhowmik(D/O- Late Narayan Chandra Mukherjee), of Vill.- Bosepukur Paschim Battala, P.O.- Nabagram, P.S.- Uttar Para, through his purchase Deed. The said in his turn received the impugned property through inheritance and family settlement. Late Narayan Chandra Mukherjee who is father of the seller/ transferor himself/herself came to be the owner of the property from somebody else. Therefore, the brief history as to how many hands the property has been through is enough to lead a person of ordinary prudence to at least harbour a reasonable doubt as to the fact that not all the owners who previously possessed, occupied and enjoyed the property did so in a uniform manner. For sake of brevity it could safely be presumed that different owners might well have put the property to different uses as per their personal need and convenience and strict adherence to the rule that the use a property may be put to must correspond as to how that property has been classified.

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That your undersigned would also like to point out that he has never done anything as would induce chance in the way the impugned plot has been used and this remains true from the time he acquired the property to till date. The question of alleged change in the mode of use of the plot does not arise as the property remains the way it was when your undersigned purchased the property excluding the latter arrangements or modifications done for the sole purpose of erecting a permanent structure for dwelling purpose.

Therefore, the alleged deviation so far as the change in the mode of use is concerned might have occurred in the distant past albeit the classification remained and still remains as 'Pond' on paper. But when the change in the mode of use actually happened cannot be pinpointed with exactitude without resorting to fair bit of guesswork. Therefore, your undersigned rescues himself from committing himself towards commenting of the fact as to when the impugned change in the mode of use indeed happened.

All that can be furthermore added is that it beats the common sense and logic that why would somebody purchase a water body and then fill it up with earth and other proper material and then try construct a dwelling house on it and incur a considerable amount of expenditure in doing so especially when there is no dearth of suitable plots available at reasonable price which are fit and proper for making any construction thereon and also which would not call for explanation for alleged violation of rule of law if one tries to construct something on them. Why would anyone purchase a waterbody, spend on it considerable amount of money and effort and simultaneously run the risk of rendering oneself liable under the law of the land for alleged violation of it. A person of ordinary prudence would any day choose the latter and that it what your undersigned has also done. He did not purchase a waterbody and then change the mode of use later on. When your undersigned purchased the property it was the way it is now.

However, your undersigned would also like to take this opportunity to express his willingness to create a waterbody of the size that may compensate for the loss of the water body that was there on the impugned plot.

Date :- 22.12.2023

Place :- Canning Town

Thank you

With Regards



Attested by me

Ayan Sardar

(Signature)
 Binitab Sardar
 (Notary)
 Govt. of W. B.

02 FEB 2024

22.12.2023

To
The BL & LRO
Block Canning-1
South 24 Parganas

Sub- Clarification against memo no-998(2)/BL-Can-I/2023

Sir,

আমার বিনীত নিবেদন এই যে আপনার মেমো নাম্বার অনুসারে জানানো যাইতেছে যে RL Plot No. - 4575 of Mouza Matla আমরা কোন RLদাগের কোন শ্রেণীর পরিবর্তন করিনি। অনুগ্রহপূর্বক আপনি সর-জমিনে আবার তদন্ত করে সঠিক তথ্য জানার জন্য অনুরোধ করিতেছি।

বিনীত

নীলিমা বিশ্বাস এর পক্ষে

Soumitra Biswas

Encllo

1. Notice Copy
2. Deed Copy
3. Photo

TRUE COPY



Attested by me

[Signature]
Dipalab Sardar
(Notary)
Govt. of W. B.

02 FEB 2024

Translated Copy

22.12.2023

To
The BL & LRO
Block- Canning-I
South 24 Parganas

Sub: Clarification against memo no. 998(2)/BL-Can-I/2023

Sir,

This is to submit that as per your memo No. for RL plot 4575 of mouza- Matla we have not converted the plot. You are requested to enquire physically again.

Yours' faithfully

Sd/-

Sougata Biswas on behalf of Nilima

Biswas

Encl:-

1. Notice Copy
2. Deed Copy
3. Photo

TRUE COPY



Attested by me


Biplab Sardar
(Notary)
Govt. of W. B.

02 FEB 2024

To The Block and Land Reforms officer
Canning-1, South-24 Parganas.

সংস্করণ :-

আমার নীচের বিবরণ - এই যে আমি
সুকার্য আদায় - আদায়ের আদায়ের আদায়ের এক খামি -
সুকার্য কৃষি এবং - কবি - আমার পরিমাণ - L-R- 4578 কাঠ
10 কাঠ - (কলা) এবং 4579 কাঠ - 8 কাঠ - (আমি - বাসু)
বৈধ নীতি - কিন্তু - বহুদিন - পরিষ্কার অবস্থায় সব খামি
যত্ন - কীভাবে - কখন - আমি - এবং সুস্বাস্থ্য পূর্ণ -
নীতি - আমার সুস্থ - আমার - যাও নির্ভর করার বিশ্বাস -
আমাদের পূর্ণ - অক্ষয় - আমার - বহুদিন - বৈধ নীতি -
যাও - এবং আমার - আমার আদায় - আমার সুস্থ - 1.
এই - নীতি - যা আমি - B.L.R. -
আমি - আমার - আমার - আমার - আমার - আমার -
কৃষি - আমার - আমার - আমার - আমার - আমার -

আমার সংস্করণ - আমার একমুখ
সুকার্য - আমার - আমি - আমার - আমার - আমার -
আমি - আমার - আমার - আমার - আমার - আমার -
এই - আমার - আমার - আমার - আমার - আমার -
আমি - আমার - আমার - আমার - আমার - আমার -

TRUE COPY
OF
SARDAR
RECORD
06/20/10
24 PARGANAS
Attested by me
Bijlab Sardai
(Notary)
Govt. of W. B.

মোহর
বাকর মোহর -
কামি - 24 পর্গনা
২২/১২/২০২৩

বাকর মোহর -
কামি - 24 পর্গনা
২২/১২/২০২৩

02 FEB 2024

Translated Copy

To
The Block and Land Reforms Officer
Canning-I, South 24 Parganas.

Sir,

This is to humbly submit that I Sri Sushanta Acharya, raiyat under your jurisdiction purchased a small area of 10 decimal in LR plot no. 4578 (water body) and 0.08 decimal in LR plot no. 4579 (Shali). However, being abandoned for long, the entire land has completely filled up and complete with various plantation and erstwhile of the owner of the land was Ajit Kumar Biswas who is presently deceased and survived by sons and daughters who are also some deceased and some seriously ill.

After long since holding the land I have got the notice that my purchased LR plot no. 4578 is within the ambit of conversion under the Act.

Under the circumstances, it is my earnest prayer that if there by any provision of penalty then such advise may be made so that I may be relieved from the matter. Shall be ever grateful.

Yours' faithfully

Saikat Acharya
Rajarlat
Canning, 24 Parganas
22.12.2023

Sd/-
Sushanta Acharya
Rajarlat
Canning, 24 Parganas
22.12.2023



Attested by me

Ajayab Sardar
(Notary)
Govt. of W. B.

02 FEB 2024

Joint Inspection of alleged site was visited on 06.11.2023 by committee members constituted as per the order of Hon'ble NGT in the matter of O. A. No. 135 of 2023/EZ, located at JL No. 68 (Not 75 as mentioned by the applicant), Mouza-Matla, P.S.-Canning, Dist. South 24 Paraganas.

Observations of the committee are mentioned below:

Sl No.	RS Dag No.	LR Dag No.	Classification of land as per ROR	Area of Land in Acre	Present Status of land	Owner's name as per ROR and LR Khatian No.	
						LR Khatian No.	Name
1	3675	4575	Pukur	0.15	Partly filled up with Soil	4461	Nilima Biswas
						4462	Numal Chandra Biswas
2	3672	4572	Doba	0.16	Fully filled by soil	8816	Uttam Das
3	3664	4564	Pukur	0.17	Not filled up	4454	Abani Bhusan Mitra
4	3665	4565	Pukur	0.18	Fully Filled by soil and constructed boundary wall	6898	Ayan Sardar
						4459	Satish Chandra Ghosh
5	3666	4566	Pukur	0.16	Fully Filled by soil and constructed boundary wall	9137	Pallab Sardar
6	3680	4580	Pukur	0.18	Not filled up	4450	Satyananda Satsangha Yog Mandir, Trustee: Prafulla Chandra Mitra
7	3660	4560	Doba	0.08	Not filled up	4449	Minati Bose
8	3650	4550	Doba	0.08	Not filled up	4433	Chiranjib Sha
9	3654	4554	Doba	0.14	Not filled up	4441	Bhaskar Sardar
						4443	Ashim Sardar
						4444	Asit Sardar
						4445	Mamata Sardar
						4446	Sripati Sardar
						4447	Dilip Sardar
						4448	Arabindu Halder
						4430	Ajit Kumar dey
10	3646	4546	Doba	0.14	Pucca House	4464	Rabindra Kumar Biswas
11	3678	4578	Pukur	0.2	Partly filled with soil and initial stage of construction	4465	Sukhendu Biswas
						7155	Sushanta Acharya
						7156	Saikat Acharya
						9758	Ujjal Saha
						9854	Madhumita Kayal

TRUE COPY

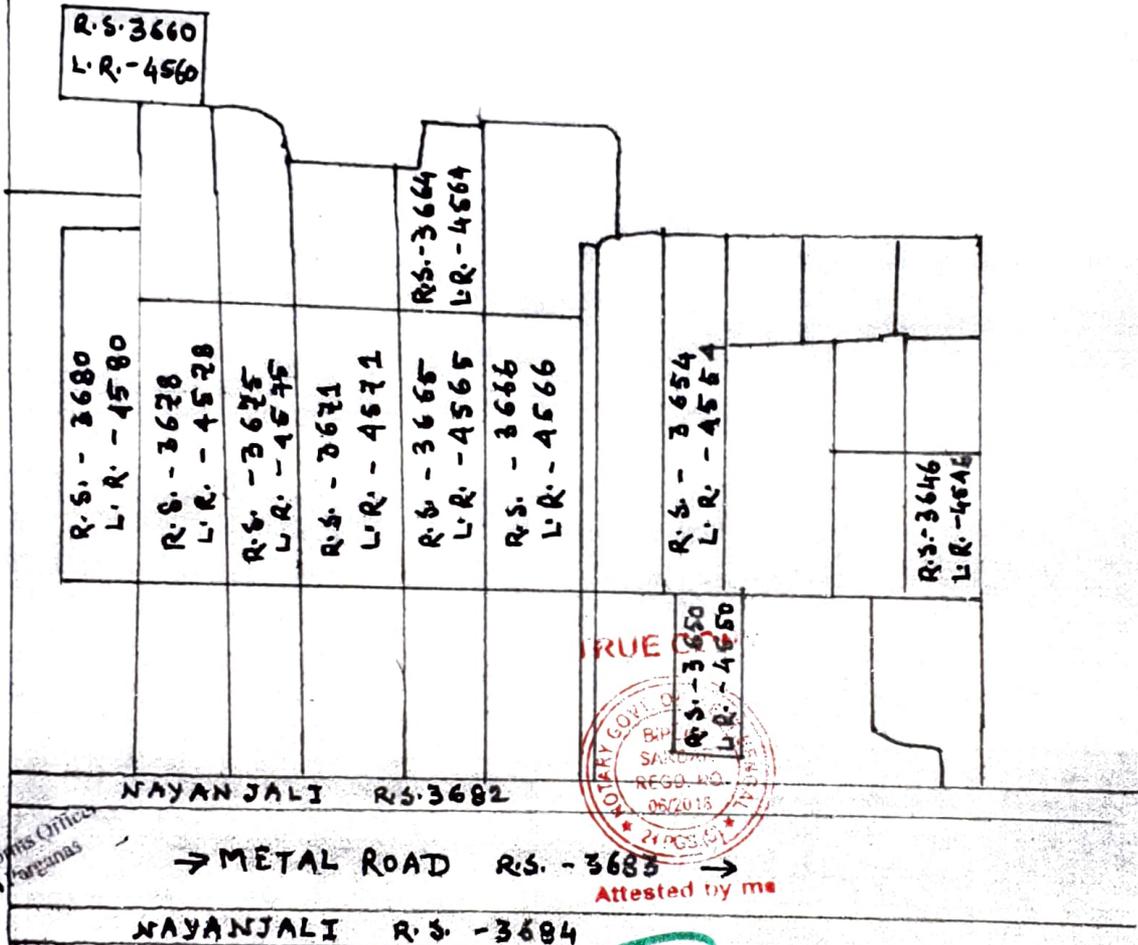


Attested by me
Biplob Sardar
(Notary)
Govt of W. B.

02 FEB 2024

(Not to Scale)

MOUZA NAME = MATLA
T.L. NO:- R.S. 25 OR. L.R. 68
R.S. SHEET NO:- 9 (NINE)



Block Land & Land Reforms Office
Canning, South 24 Parganas

Biplab Sardar
(Notary)
Govt. of W. B.

Addressed/Complained/Suit Plot (R.S. and L.R.) - With detail

PARTLY FILLED - 3678 (R.S.) i.e. 4578 (L.R.) - Concrete Construction has been primarily started.
3675 (R.S.) i.e. 4575 (L.R.) - Partly filled by soil

FULLY FILLED - 3672 (R.S.) i.e. 4572 (L.R.) - Fully filled by soil; 3665 (R.S.) i.e. 4565 (L.R.) & 3666 (R.S.) i.e. 4566 (L.R.) - Fully filled with boundary wall; 3646 (R.S.) i.e. 4546 (L.R.) - Pucca house.

NOT FILLED - 3664 (R.S.) i.e. 4564 (L.R.) & 3680 (R.S.) i.e. 4580 (L.R.) & 3660 (R.S.) i.e. 4560 (L.R.) & 3650 (R.S.) i.e. 4550 (L.R.) & 3654 (R.S.) i.e. 4554 (L.R.)

Sketched by [Signature] FEB 2024
[Signature] Revenue Inspector Canning (S)

In 07/11/2023
Revenue Inspector Canning-1

- Total area of the land 1.54 Acre. During site visit, no filling activity of above mentioned plots was going on at the moment.

There is a linkage between Matla River and those water bodies via Sluice Gate for flowing excess rain water during rainy season.

Short Terms Action:

1. Show Cause Notice may be issued by competent authority to the occupier for changing classification of land without prior permission from appropriate authority and, seeking explanation why legal action will not be taken against them for such violation.

Note: BLLRO Canning-1 has already issued show cause notices to the occupiers of the above mentioned plots where water bodies are illegally filled up.

2. Intimation may be sent to the occupier of the land having present status "Not Filled Up" to avoid further filling up. Awareness programme regarding rules/regulation w.r.t. water bodies (Pukur/Dobaetc) may be initiated by engaging local body.
3. Directions may be given by the competent authority for avoiding further development in fully/partly filled -up water bodies.

Long Term Action:

1. Order for restoration of water body, may be given as per section 4C (5) of WBLR Act, 1955 as well as section 17A of West Bengal Inland Fisheries Act, 1984 considering the reply of show-cause letter and submission of documents during subsequent hearing.
2. Plan sanctioning authority may be intimated with respect to pucca structure for taking necessary action from their end.
3. Obstruction if any, to pass excess rain water to the river Matla may be checked by engaging appropriate authority and problem if any, should be sorted out on priority basis to avoid stagnation of water.



Attested by me

 Sardar
 (Notary)
 Govt. of W. B.

02 FEB 2024

Environmental Compensation:

This committee has no such expertise to calculate Environmental Damage. Some Guideline has been issued by Central Pollution Control Board to calculate Environmental Compensation based on polluter pay principle. But it is not a case of Industrial Pollution.

As per "Report of the CPCB In-house Committee on "Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund", 1.3.2 In other instances i.e. Investigations of environmental damages, preparation of DPRs, Remediation of contaminated sites; the environmental compensation may contain two parts – one requires providing immediate relief and other long-term measures such as remediation. In all these cases, detailed investigations are required from expert institutions/organizations based on which environmental compensation will be decided.

Expert Institution like NEERI, TERI may be engaged as deem fit and proper by Hon'ble National Green Tribunal.


Dr. Saptarshi Biswas
 Dy. Director
 Department of Fisheries
 Govt. of West Bengal


Tapan Kumar Biswas
 Senior Environmental Engineer
 West Bengal Pollution Control Board


Saddam Navas, IAS
 ADM and DL & LRO
 Office of the District Magistrate
 South 24 Paraganas



Attested by me


Shilab Sardar
 (Notary)
 Govt. of W. B.

02 FEB 2024



GOVERNMENT OF WEST BENGAL
Office of the Block Land & Land Reforms Officer
Canning – I, South 24-Parganas
Email ID: blrocanni@gmail.com

Memo No. 64- /BL-Can-I/2024

Dated: 17/01/2024

To
The Additional District Magistrate
And
District Land & Land Reforms Officer
South 24 Parganas
Kolkata-700027

Sub: Order sheet of O.A Case no. 135/2023/EZ

Sir,

In connection with the above mentioned subject this office sending herewith the order sheet of the above mentioned case.

This is for your kind perusal and taking necessary action.

Enclo: As stated above



Attested by me
Biplab Sardar
(Notary)
Govt. of W. B.

Yours faithfully

Bauro 17/01/24.

Block Land & Land Reforms Officer
Canning-I, South 24-Parganas.

02 FEB 2024

ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1917)

Order Sheet, dated 06.11.2023 to 29.12.2023

District South 24 PGS. Misc Case no.: 15 of 2023

Nature of the case : Proceedings in connection with O.A. Case no 135/2023/EZ before the National Green

Tribunal Eastern Zone Bench. Kolkata

Serial number And date of Order	Order and signature of Officer	Note of action taken on Order
1. 6.11.2023	<p>Whereas as per direction of the Additional District Magistrate and District Land and Land Reforms Officer, South 24 Parganas in connection with the O.A case being no. 135/2023/EZ at Learned National Green Tribunal Eastern Zoon Bench Kolkata. the undersigned proceed to enquire the physical status of LR plot no. 4578, 4575, 4572, 4565, 4566, 4546, 4564, 4580, 4560, 4550 and 4554 corresponding to RS plot no. 3678, 3675, 3672, 3665, 3666, 3646, 3664, 3680, 3660, 3650 and 3654 of Mouza Matla J.L.No. 68</p> <p>Enquiry on schedule land by Revenue Inspector is made part of the proceedings and it is evident from the such enquiry that mode of use of plot no 4578, 4575, 4572, 4565, 4566, 4546, corresponding to RS plot no. 3678, 3675, 3672, 3665, 3666, 3646, have been changed from 'Pukur' and 'Doba' to present mode of use other than a 'water body'</p> <p>Hence, primarily notice be served upon the recorded raiyat to clarify as to how and with whose permission, if any, the change was made.</p> <p><i>Attestation by</i> <i>Biplab Santra</i> <i>Govt of W.B.</i></p> <p><i>[Signature]</i> 6/11/23. Block land and Land Reforms Officer Canning-I, South 24 Parganas.</p>	Schedule of Land Mouja- Matla JL- 68 LR Plot No. 4578, 4575, 4572, 4565, 4566, 4546, 4564, 4580, 4560, 4550 & 4554
2. 10.11.2023	<p>Notice issued S/R filed with C/R.</p> <p><i>[Signature]</i> 10/11/23 Block land and Land Reforms Officer Canning-I, South 24 Parganas.</p>	
3 04.12.2023	<p>Reply from only one offender received. The same is filed.</p> <p><i>[Signature]</i> 4/12/23 Block land and Land Reforms Officer Canning-I, South 24 Parganas</p>	
4 22.12.2023	<p>Issued further notice to the recorded Raiyat with direction to appear before the undersigned with requisite documents if any.</p> <p>02 FEB 2024</p>	Page no. 1/2

ORDER SHEET

(RULE 129 OF THE RECORDS MANUAL, 1917)

Order Sheet, dated 06.11.2023 to 29.12.2023

District South 24 PGS. Misc Case no.: 15 of 2023

Nature of the case : Proceedings in connection with O.A. Case no 135/2023/EZ before the National Green

Tribunal Eastern Zone Bench, Kolkata

Serial number And date of Order	Order and signature of Officer	Note of action taken on Order
5. 29.12.2023	<p>Reply of the some offender received. All the replies were made part of the proceedings.</p> <p>Analysis of the replies as follows:</p> <ol style="list-style-type: none"> Uttam Das has primarily admit that parcel of land is filled up and express his willingness to create a water body as a compensate for the loss of water body Pallab Sardar also admits that the parcel of land is filled up and express his willingness to create a water body as a compensate for the loss of water body. Ayan Sardar admits that the change of character has been occurred before his purchase but at present he express his willingness to create a water body as a compensate for the water body. Sougata Biswas on behalf of Nilima Biswas the recorded tenant has replied that the parcel of land is not filled up. Saikat Acharya and Susanta Acharya also replied that they are willing to face penal action. Ajit Kumar Dey, S/o- Rakhal Dey, Sukhendu Biswas, S/o- Sanjit Biswas, Nirmal Chandra Biswas, S/o- Jogeshwar Biswas, Satish Chandra Ghosh, S/o- Surendra Ghosh, Rabindra Kumar Biswas, S/o- Sanjit Biswas, Ujjal Saha, S/o- Sudhir Saha and Madhumita Kayal, D/o- Sankar Kayal have not replied though notice was served upon them. <p>Hence under the circumstance the replies of the offender are not acceptable as per provision of 4C for such prayer of creating water body cannot be post facto.</p> <p><i>Signature</i> 1/12/23 Block land and Land Reforms Officer Canning-I, South 24 Parganas</p> <p><i>Signature</i> 29/12/23 Block Land and Land Reforms Officer Canning-I, South 24 Parganas</p> <p>Hence all the recorded Raiyat as have been replied to the letters and who have not replied be directed to restore the land to the original character as per provision of section 4C(5) of WBLR Act. 1955.</p> <p>02 FEB 2024</p>	<p>TRUE COPY</p> <p>NOTARY GOVT. OF W.B. BPLAB SARDAR REGD. NO 18316</p> <p><i>Signature</i> Pallab Sardar (Notary) Govt. of W. B.</p> <p>Page no. 2/2</p>

DISTRICT:-SOUTH 24 PARGANAS
BEFORE THE NATIONAL GREEN TRIBUNAL
(EASTERN ZONE BENCH, KOLKATA)
Original Application No. 135/2023/EZ

Mousri Jana

Versus

The State of West Bengal & Ors.

COMPLIANCE REPORT IN THE FORM OF AFFIDAVIT OF THE
DISTRICT MAGISTRATE, SOUTH 24 PARGANAS DISTRICT,

TRUE COPY
GOVERNMENT OF WEST BENGAL



Attested by me

Biplab Sardar
(Notary)
Govt. of W. B.

RAJIB RAY
Advocate
For The State of West Bengal
Email: rajib.ray23@gmail.com
(M): 9830132729

02 FEB 2024