

*File by  
Tribunal  
Advocate*

**Before the National Green Tribunal, Eastern Zone Bench,**

**Kolkata**

**M.A. No. 12/2024/EZ**

**In**

**Original Application No. 14/2017/EZ**

Tribunal on its own motion

Re. : Kestopur and Bagjola  
Canals

...Applicant (Mr. Subhas Dutta)

Versus

The State of West Bengal and  
others.

....Respondents

**INDEX**

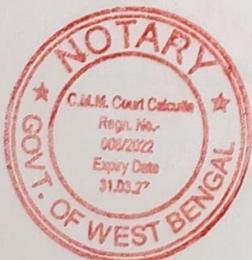
<b>Sl. No.</b>	<b>Particulars</b>	<b>Pages</b>
1.	Affidavit of Shri Debabrata Sarkar, Executive Engineer-I, Canals Division, Irrigation & Waterways Directorate, Government of West Bengal	From 2 to 5
2.	Annexure - I	From 6 to 7
3.	Annexure - II	From 8 to 14



**AFFIDAVIT IN COMPLIANCE ON BEHALF OF THE RESPONDENT  
NO. 4 i.e IRRIGATION AND WATERWAYS DEPARTMENT IN  
ACCORDANCE WITH THE DIRECTION OF THE HON'BLE  
NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,  
KOLKATA, DATED 18.01.2024.**

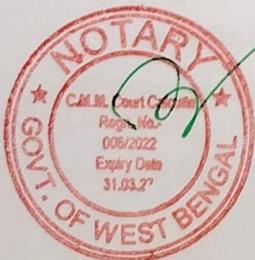
I, Shri Debabrata Sarkar, son of Shri Suranjan Sarkar, aged about 48 years, by faith: Hindu, working for gain as the Executive Engineer-I, Canals Division, Irrigation & Waterways Directorate, Government of West Bengal, having office at Jalsampad Bhawan, Salt Lake City, Kolkata - 700091, do hereby solemnly verify and say as follows :-

1. That, I had made myself acquainted with the facts and circumstances of the instant case and am duly authorized and competent to make affirm this affidavit.
2. That, this affidavit is being affirmed in compliance to the solemn order passed by the Hon'ble Tribunal on 18.01.2024.
3. That, the de-siltation of Upper Bagjola Canal has been completed on 23.05.2023, de-siltation of Lower Bagjola Canal has been completed on 31.05.2023 and de-siltation of Kestopur Canal has also been completed on 17.06.2023 from the end of Irrigation & Waterways Department. Some Photographs are enclosed for ready reference as per Annexure - I.



4. That, as per the contention of the applicant, stated at Sl. 4 of order of the Hon'ble Tribunal dated 18.01.2024 and supplemented by some photographs, cleaning of Bagjola and Kestopur Canal has not been done properly. In this regard it is to be mentioned that, periodical cleaning of floating debris in both the canals are being carried out by Irrigation & Waterways Department through Annual Maintenance Contract. During such cleaning water hyacinth, floating garbage and municipal wastes are being removed at regular interval. Some Photographs (mentioning date, latitude and longitude) of the same spots (at where photographs taken on 10.01.2024) are enclosed herewith for kind notice of Hon'ble Tribunal as per annexure – II.

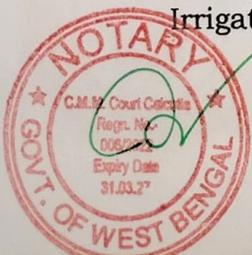
5. That, cleaning of water hyacinth, floating garbage and municipal wastes from canals are carried out from some strategic locations by putting some artificial barriers across the canal and letting the garbage accumulated at those arresters. It facilitates removal of garbage more conveniently without posing any hindrance to the public places. At the spot of Upper Bagjola Canal (as per shown photographs in Annexure – II) near Adorsho Pally Main Road, Kestopur, there is an arrester to stop ingress of some of floating garbage of this canal into the immediate downstream 10 vents sluices (under VIP Road) for hindrance free function of the same structures. Clearing and removing of floating garbage is being done at this arrester on regular interval from the end of Irrigation & Waterways Department.



6. That, at the spot of Lower Bagjola Canal (as per shown photographs in Annexure – II) near Gouranga Nagar, New Town, there are encroachments at both sides of the Canal. Access to that particular portion of the Canal is compromised and indiscriminate dumping of garbage from local bazar areas leads this situation. However, the stretch and canal surface are being cleaned at regular interval. This is humbly submitted that cleaning of floating debris is not the actual solution in this regard. The sustainable approach is to collect garbage and liquid waste at source by proper solid and liquid waste management and stop its dumping into the canals.

7. That, at the spot of Lower Bagjola Canal (as per shown photographs in Annexure – II) near New Town Action Area – 2E, there is a Pumping Station of Public Health Engineering Department, Govt. of W.B., out falling drainage discharge into Lower Bagjola Canal. High level Phosphates (from detergents) of the effluents from this pumping station is the main reason for forming of this frothing.

8. That, for dealing the issues towards refraining indiscriminate dumping into canals and controlling and removal of encroachments form Canal sides and for rehabilitation of encroachers, a holistic plan needs to be drawn. This relates to the Urban Planning, in which Urban Local Body, Urban Development and M. A. Department with the District Administration along with Irrigation & Waterways Department may take a lead role. Since this is a larger issue, coordinated effort by various agencies is essential, in which case Irrigation & Waterways Department may carry out the role of



excavation, canal cleaning, flushing of canal through tide water wherever possible to ensure smooth drainage. In this regard, Irrigation & Waterways Department has been maintaining close liaison with other Departments of Govt. of W.B. since years.

9. It is therefore prayed that the Hon'ble Tribunal may pass necessary order or further order as it deem fit and proper in the interest of justice.

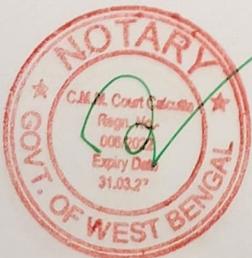
10. The statements made here in above in paragraph 3 to 9 are based on information derived from the record which are usually kept and maintained by the answering respondents in the ordinary course of business and which I belief to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Identified by me

Advocate

Debabrata Sankar

Deponent



NIRMALYA DAS GUPTA  
Advocate Cum Notary  
REGN NO.-006/2022  
C M.M. Court Calcutta

SOLEMNLY AFFIRMED  
&  
Declared Before me  
on Identification Adv.

NOTARY  
N. DAS GUPTA  
C.M.M. Court  
Govt W.B

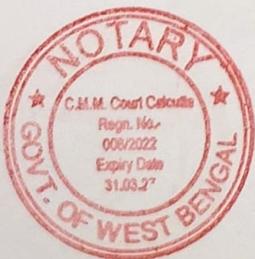
13 FEB 2024

## **Annexure - I**

Photographs showing completed de-siltation works of mentioned Canals under Irrigation & Waterways Department.



**Lower Bagjola Canal**

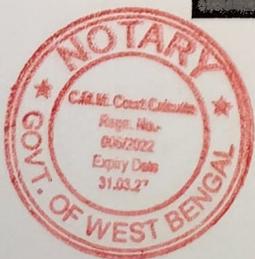




**Upper Bagjola Canal**

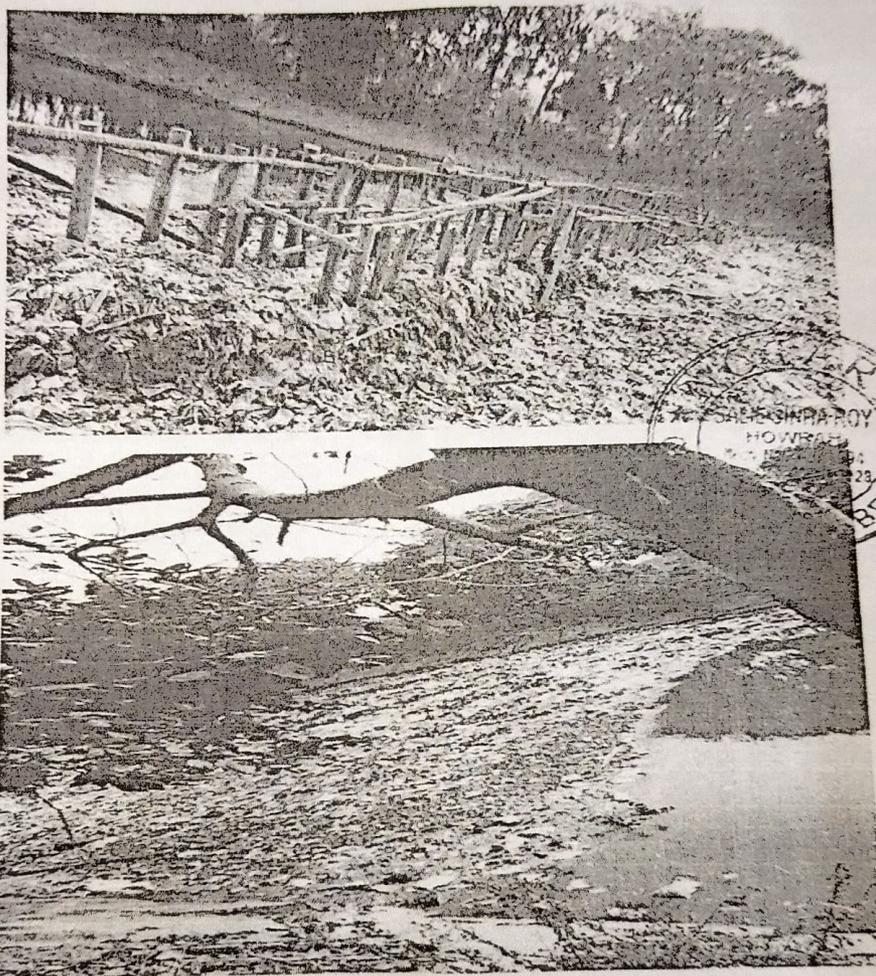


**Kestopur Canal**



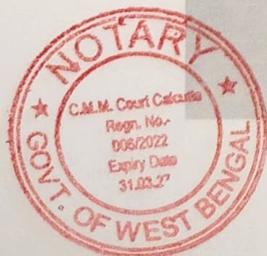
**Annexure -II**

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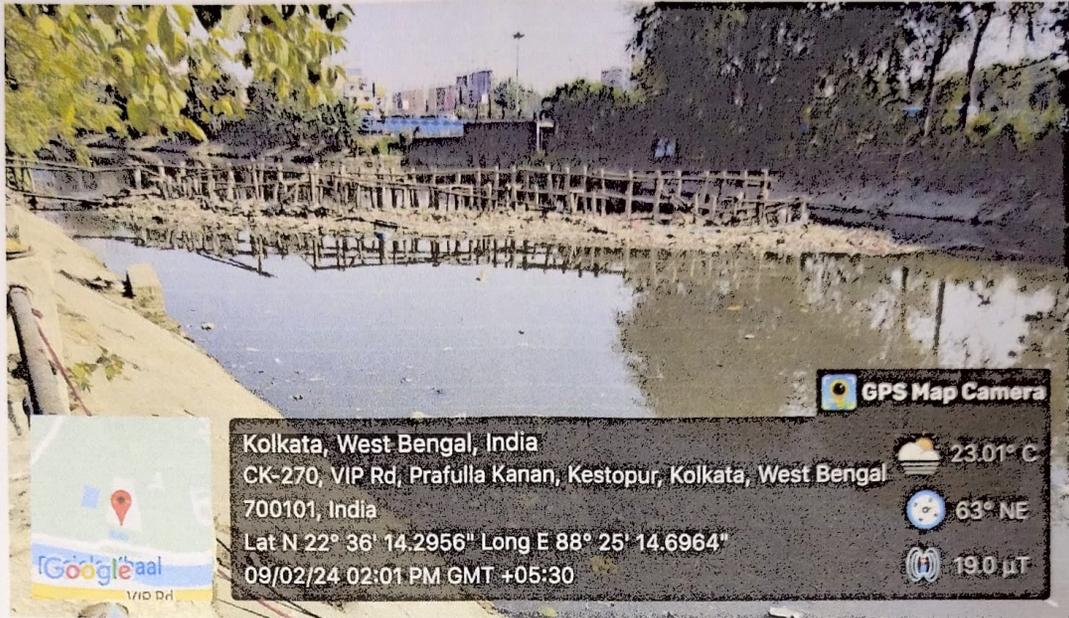


Photographs taken on 10-01-24 showing dumping/accumulation of solid wastes on Bagjola Canal near Adorsha Pally Main Road, Kastipur, Calcutta,

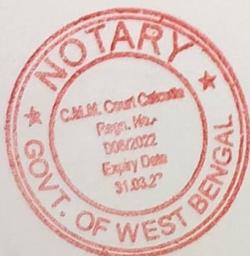
15 JAN 2024



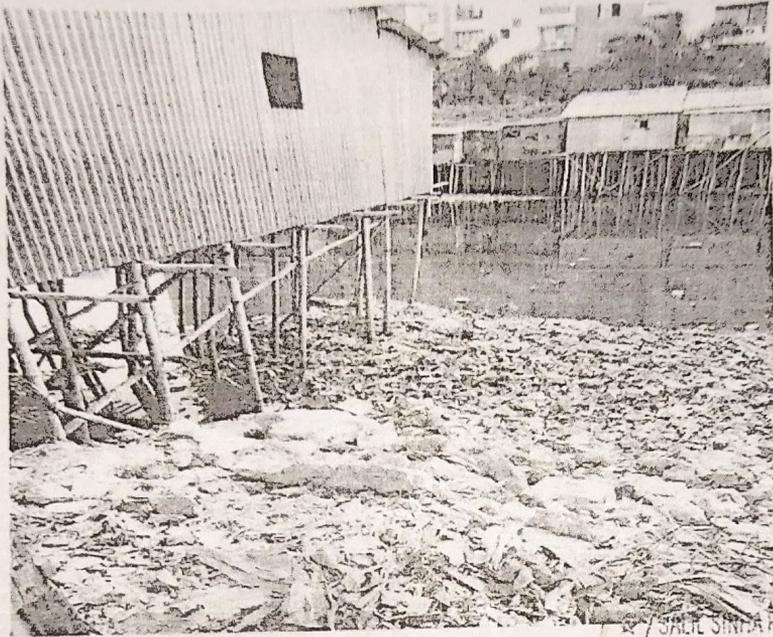




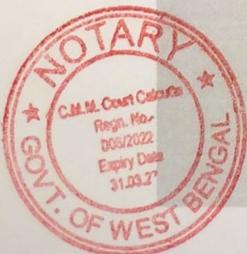
Photographs (3 nos.) at the same spot of Upper Bagjola Canal near Adorsho Pally Main Road, Kestopur, Kolkata.



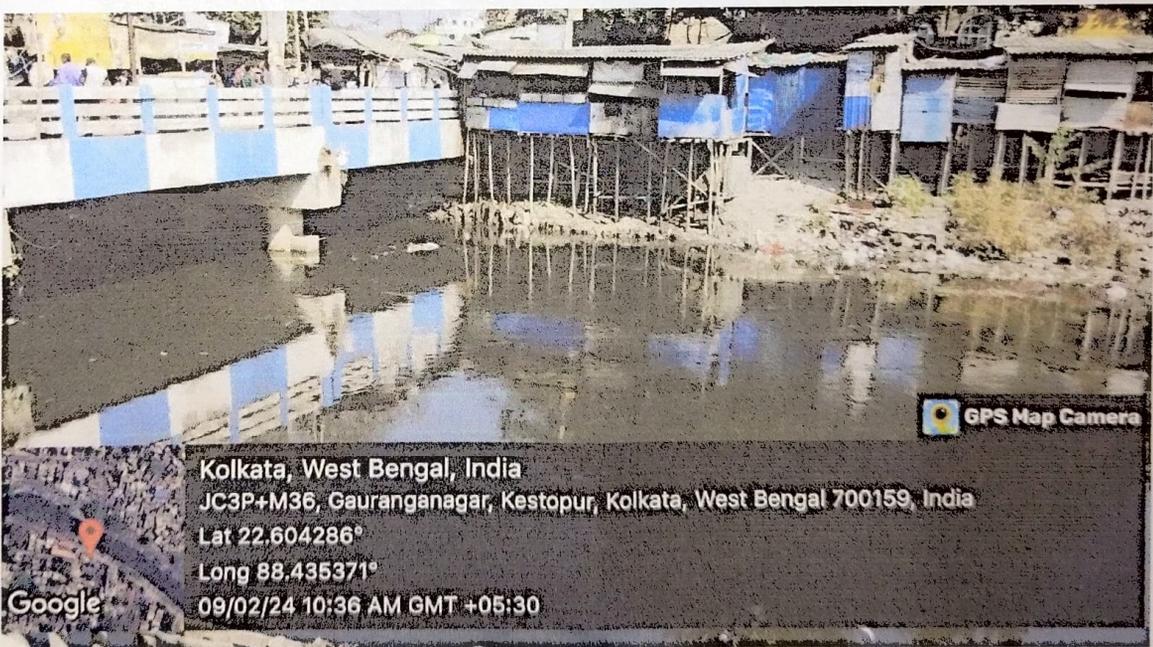
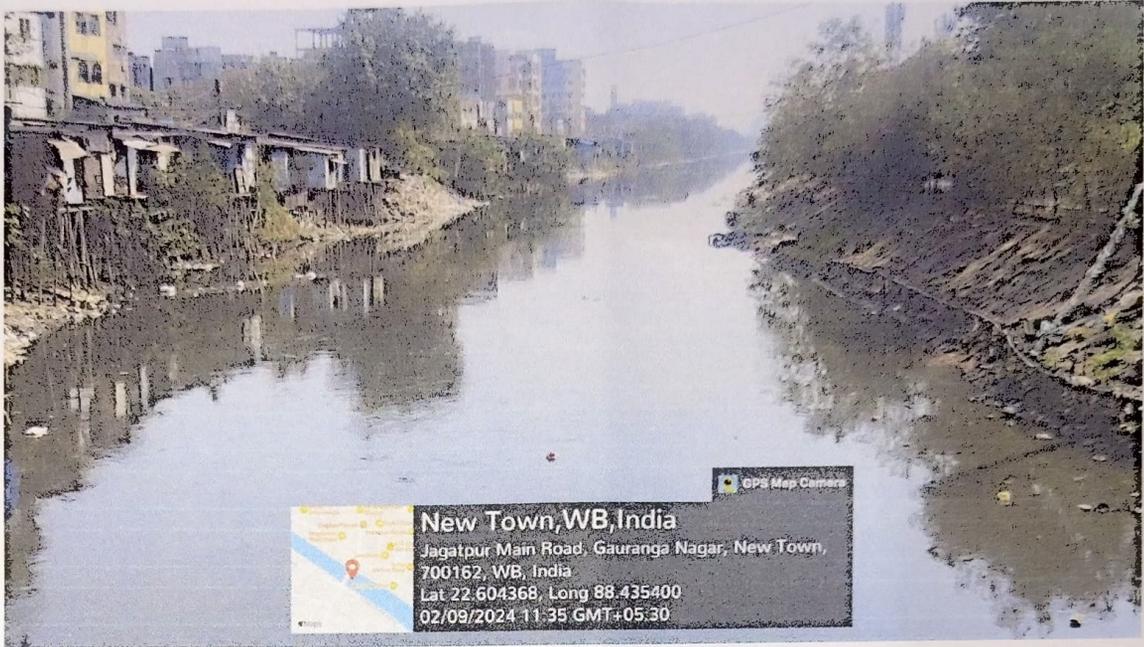
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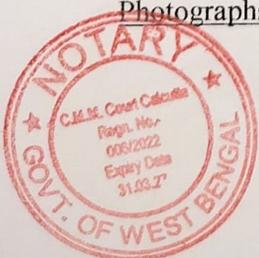
Photographs taken on 10.01.2024 showing make shift shanties on Bagjola canal near Gauranga Nagar, New Town



15 JAN 2024



Photographs (2 nos.) at the same spot of Lower Bagiola Canal near Gouranga Nagar, Newtown.



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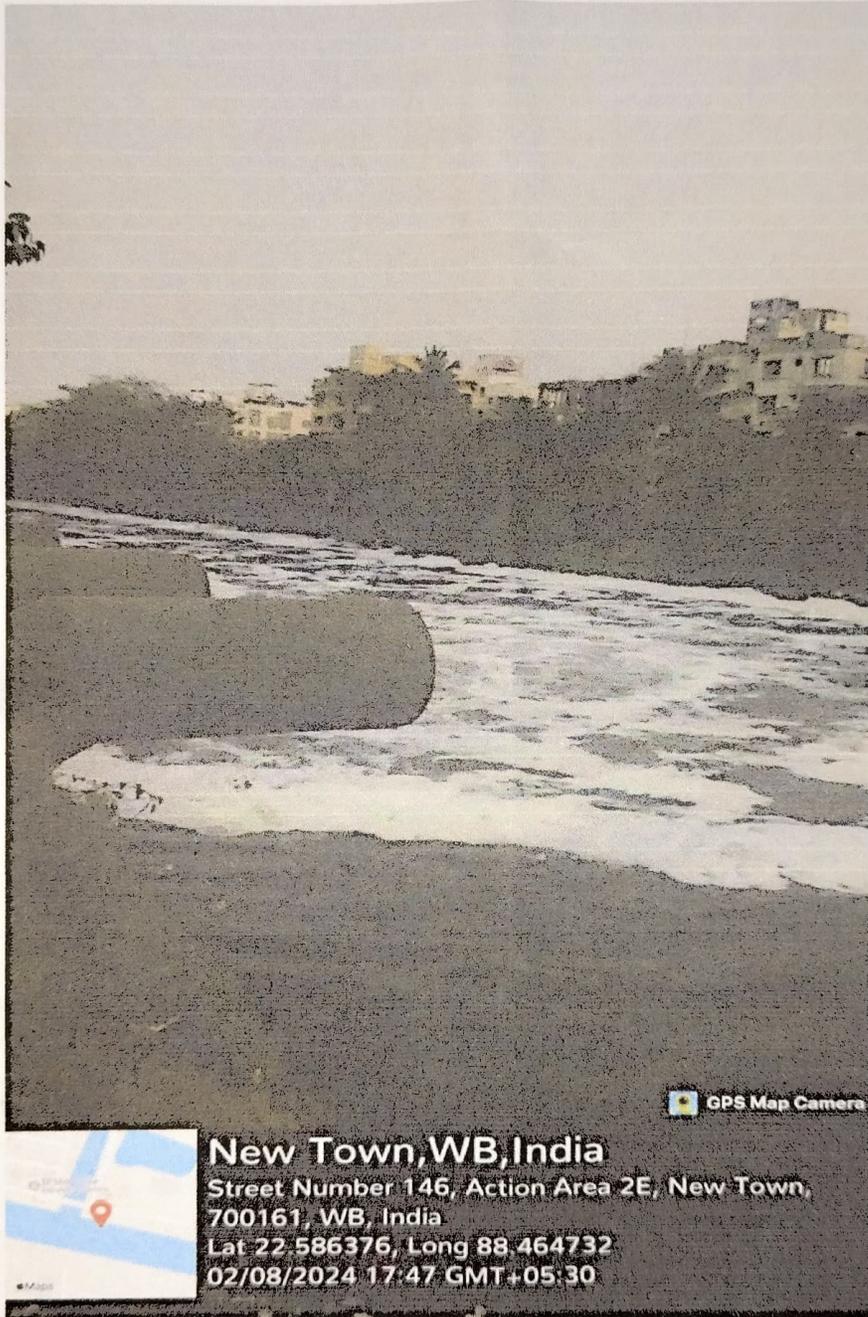
Annexure M/



Photographs taken on 10-01-24 showing the condition and colour of the water after discharge of liquid waste on the Bagjola Canal near New Town-Action Area 2E, Calcutta

15 JAN 2024





Photographs (1 no.) at the same spot of Lower Bagjola Canal near New Town  
Action Area 2E, Calcutta.

