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Sl. No. 144/29

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH

KOLKATA

O.A. No.21 of 2021 (EZ)

In the matter of:

Krishna Chandra Santra & Ors.

... Applicants

-Versus-

Pollution Control Board, West Bengal &

Ors.

... Respondents

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Filed by :

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12 MAY 2022

253

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Counter Affidavit of the Applicants with regard to the Personal Affidavit filed by the District Magistrate, Hooghly (Respondent No.3) in terms of the order dated 08.02.2022.

We (1) Krishna Chandra Santra son of Late Ganapati Santra, residing at Village- Jalapara, Post Office – Paltagarh, Police Station- Singur, District- Hooghly, Pin- 712409 and (2) Swapan Das son of Late Tarak Das, residing at Village- Ghanashyampur, Post Office- Paltagarh, Police Station- Singur, District- Hooghly, Pin- 712 409, do hereby solemnly affirm and say as follows:-

1. That a copy of the affidavit of the District Magistrate, Hooghly dated 24.02.022 supplied to our Learned Advocate on 22.04.2022 and we have gone through the said affidavit and we have been advised to



traverse the same which are natural for the purpose of adjudication of the case.

2. That at the outset we emphatically deny the contents of the said affidavit and say that the same is false in toto.

3. That in the said affidavit a "filed Enquiry Report" regarding removal of illegal construction and encroachment (age page- 229) and cleaning of entire debris from site /water body in question and restoration to its original form stated to have been annexed which was signed by Junior Engineer, WRDD, Singur Dev. Block and Junior Engineer, Block Plan, Singur Dev. Block, Singur Hooghly dated 18.02.2022.



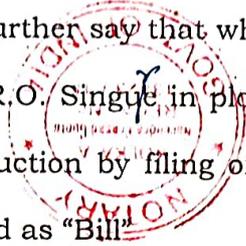
4. That we say that the said field enquiry report is false and concocted and misleading. The entire plot no. 88, JL No. 80 of Mouza- Ghanashyampur has been classified as "Bill" in the record of right. Therefore any construction be it pucca or kancha should not be existed there. The enquiry report of the R.I. attached to the B.L. & L.R.O. Singur, Hooghly (at page 230) shows that by filling of earth constructions were made by the respondents no.8, 9 and 10 and only temporary sheds have been removed but the pucca two storied building of respondent no.8 and one storied building of respondents no.9 and 10 over the plot no. 88 still exists there and those constructions have not been removed nor the water body classified "Bill" have been restore to its original form.

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We annexed herewith the coloured photographs as Annexure "A8" where from it will reveal that the pucca structure as stated hereinabove still exist there.



We further say that when conversion has not been allowed by the B.L & L.R.O. Singur in plot No. 88 therefore there should ^{not} be any pucca construction by filling of earth over the plot no. 88 which has been classified as "Bill".



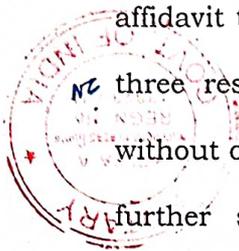
6. That we say that the alleged affidavit as sworn by the respondent no.3 is wrong, false and misleading and the same has been designed form escaping from the liability as directed by the Learned Tribunal by its order dated 08.02.2022.



7. That we say that a temporary (kancha) part of the Grill Factory only have been removed but the pucca two storied part constructed by filling earth in Plot no.88 classified as "Bill" have not been demolished by respondent no.8 and similarly one storied pucca construction of respondent no.9 and 10 over plot no.88 have not been removed.

8. We further say that by an affidavit dated 19.07.2021 the District Magistrate Respondent No.3 intimated (Page 67) said illegally constructed Grill Factory which is running at present also, out of which some constructions have been made by making brick built structures which are in existence for long period of time. In the said

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affidavit the respondent no.3 avered (at page 68) that thus the said 3 three respondents have converted 0.14 decimal of land in question without obtaining any permissions from any competent authority. It is further stated that in the said affidavit dated 19.07.2021 the respondent no.3 have annexed a letter dated 08.07.2021 of the B.L. & L.R.O. Singur (at page 77-78) wherefrom it transpired that subject plot found to be damaged caused by respondent no.8, 9, 10 aggregating 0.14 acre.

This it is clear that the respondent nos. 8, 9, 10 have made illegal brick built structure over the plot in question therefore, no question arise removal of temporary shed what is to done the illegal brick built structure has /have to be removed.

9. That the statements made above are true to our knowledge and belief.

শ্রী প্রসাদ গুপ্তার সাক্ষাৎ

Identified by me.

স্বাক্ষরিত

Nirbanesh Chatterjee
(Nirbanesh Chatterjee)
Advocate

Deponents

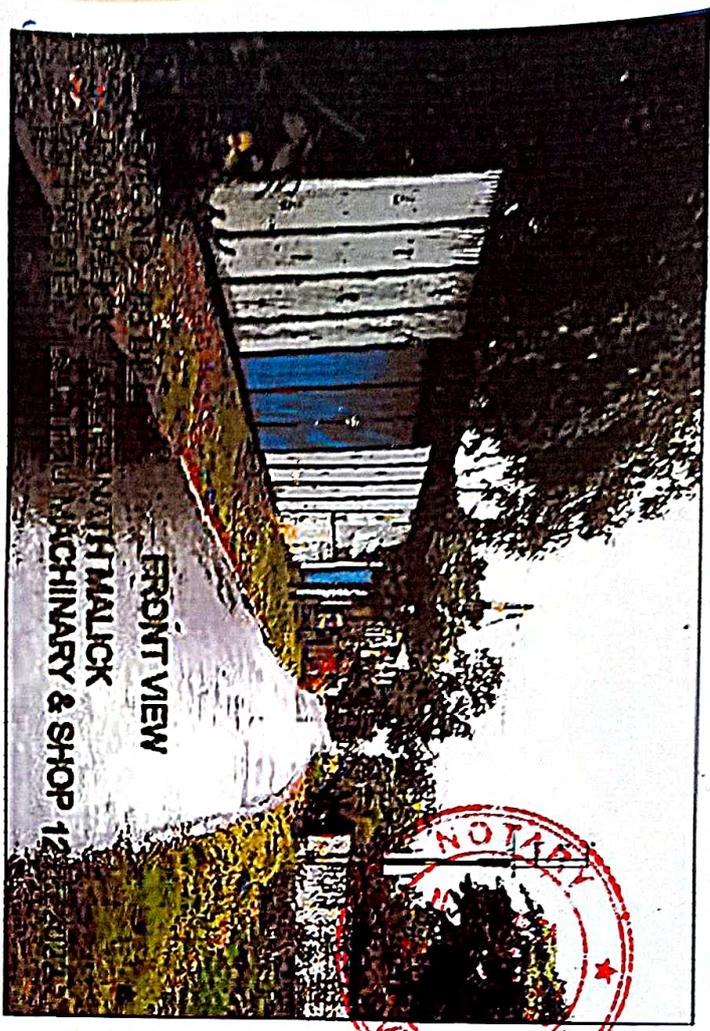
For Applicants

Narendra Prasad Gupta
NARENDRA PRASAD GUPTA
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L.T.I.(s)/Signature(s) of the
Executants attested by me on identification

Narendra Prasad Gupta
NARENDRA PRASAD GUPTA, NOTARY
Advocate, HIGH COURT, KOLKATA
Regd. No.-13823/2018, Govt. of India

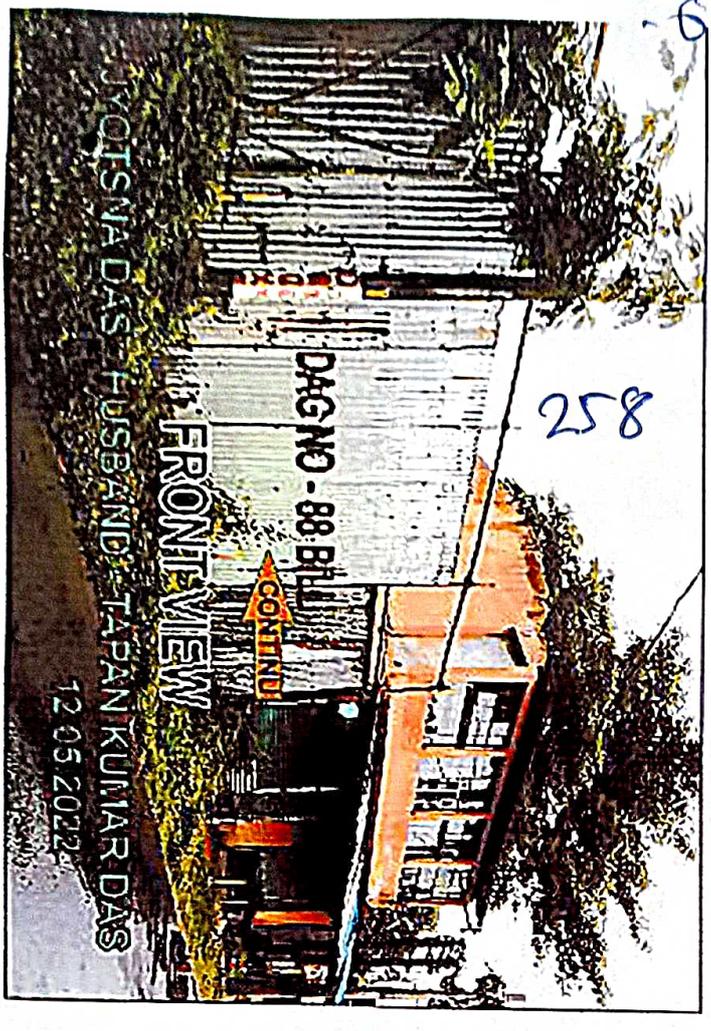
1.2 MAY 2022



FRONT VIEW
DAG NO - 88 BILL
RAM MALICK , RAGHUNATH MALICK
AT PRESENT CONTINU MACHINERY & SHOP 12

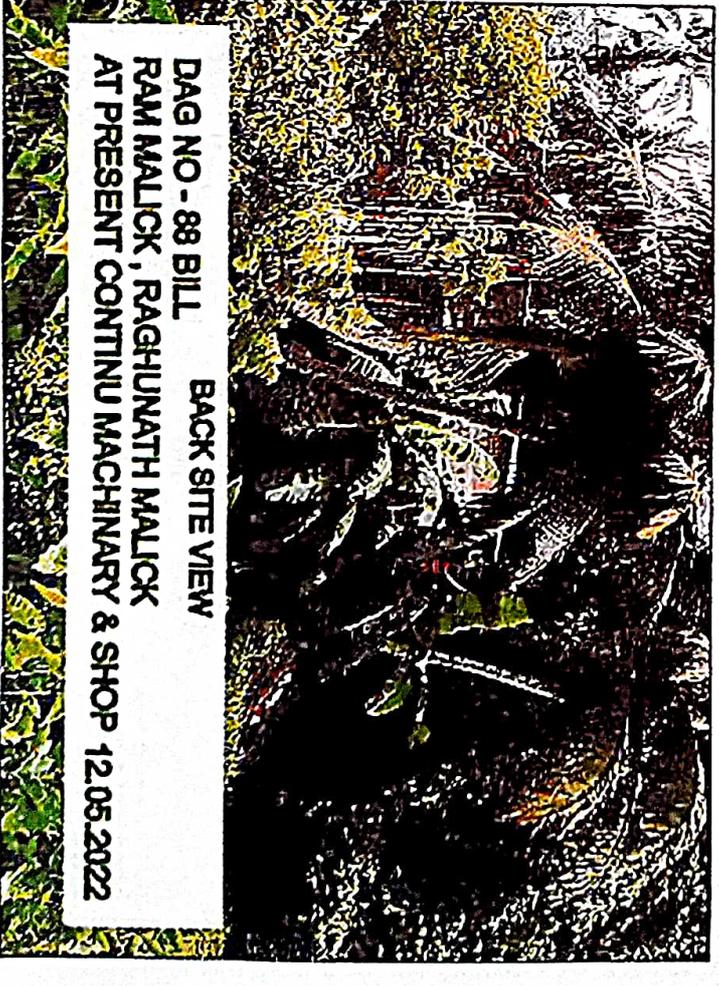


FRONT VIEW
DAG NO - 88 BILL
RAM MALICK , RAGHUNATH MALICK
AT PRESENT CONTINU MACHINERY & SHOP 12



FRONT VIEW
DAG NO - 88 BILL
CONTINU

DIJINADAS HUSBAND TAPAN KUMAR DAS
12.05.2022



BACK SITE VIEW

DAG NO - 88 BILL
RAM MALICK , RAGHUNATH MALICK
AT PRESENT CONTINU MACHINERY & SHOP 12.05.2022