

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
O.A. NO. 40 OF 2023**

IN THE MATTER OF:

Sanjib Poddar

... Applicant(s)

Vs

National Wetland Authority & Ors

...Respondent(s)

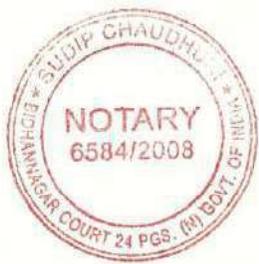
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Kolkata
Dated : 31st July, 2023

Respondent No. 1& 6
Amrita Pandey

Advocate



**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 40 OF 2023**

IN THE MATTER OF:

Sanjib Poddar

... Applicant(s)

Vs

National Wetland Authority & Ors

... Respondent(s)

**BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS**

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 (NATIONAL
WETLAND AUTHORITY) AND RESPONDENT NO. 6 (MINISTRY OF
ENVIRONMENT, FOREST & CLIMATE CHANGE).**

I, Dr. Quazi Shahida Parvin, daughter of Quazi Sirazul Haque, aged about 44 years, currently working as Scientist - E, Sub - Office at Kolkata, Ministry of Environment, Forest and Climate Change ("MoEF&CC"), at IB - 198, Sector - III, Salt Lake City, P.S - Bidhannagar(South), Kolkata - 700 106, do solemnly affirm and declare as under :-

1. That I am, the above named Deponent, authorized and well conversant with the facts and circumstances of the present case and thus competent to swear the present Affidavit.
2. That Deponent is filing the instant affidavit in compliance of this Hon'ble Court order dated 13.07.2023. This Hon'ble Court vide the said order has *inter alia*, directed as follows-

"All the Respondents shall file their counter affidavits within two weeks. The National Wetland Authority in its affidavit shall explain as to why it did not participate in the meetings of the eight Member Committee constituted by the Tribunal."

3. It is humbly submitted at the very outset that this Respondent denies each averment and/or submission made in the application which is contrary to and inconsistent with the averments made and facts stated in the present reply. It is submitted that nothing stated in the application may be deemed to have been admitted by the Respondent unless and until the same is expressly admitted in the present reply.
4. That, the Environment (Protection) Act, 1986 is a comprehensive legislation to provide protection and improvement of the environment,

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including inter-alia, wetlands, and for matters connected therewith. The Central Government had made the Wetlands (Conservation and Management) Rules, 2017 for conservation and management of wetland in exercise of powers conferred section 25, read with sub-section (1) and clause(v) of sub-section (2) and sub-section (3) and section 23 of the Environment (Protection) Act, 1986.



5. That, East Kolkata Wetlands (Management and Conservation), Act 2006 is an act to provide for conservation and management of the East Kolkata Wetlands and for matters connected therewith and incidental thereto. It is to be noted that 'Ukil Bheri', the wetland in the present dispute is protected by the said Act and Wetlands (Conservation and Management) Rules, 2017 shall also be applicable in addition to the stated Act.
6. That, Rule 6(1) and 6(2) of the Wetlands (Conservation and Management) Rules, 2017, provides for constitution of National Wetland Committee ("NWC"). It is to be noted that by virtue of Rule 6(1), Joint secretary dealing with Wetland Division in Ministry of Environment, Forest and Climate Change will be member ex-officio of the National Wetland Committee.
7. That, Rule 6(3) Wetlands (Conservation and Management) Rules, 2017, provides for functions of National Wetland Committee. The functions of National Wetland Committee include to advice the states/UTs on framing policies and action programmes on conservation and wise use of wetlands, evolve norms and guidelines for Integrated Management of Wetland, monitor the implementation of the rules and advice the central government on proposal received from states/UTs for omission of the prohibited activities, etc. It is to be noted from the rules that the National Wetland Committee is an advisory body and the functions performed by the committee is advisory in nature.

The Wetlands (Conservation and Management) Rules, 2017 are annexed as A-1.

8. That, Smt. Manju Pandey, Joint Secretary and head of wetland division, Ministry of Environment, Forest and Climate Change being member of the National Wetland Committee was present in the meeting dated 25.01.2022, conducted in compliance with the order dated 03.01.2022. Thus, the allegation of applicant that there was no representation from National Wetland Committee ever is false and misleading. Further, Raja Shekhar Ratti, Scientist D at Ministry of Environment, Forest and Climate Change (MoEF&CC) was present on behalf of MoEF&CC.

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The MOM dated 25.01.2022 & attendance sheet is annexed as - A2.

9. That, pursuant to the meeting dated 25.01.2022, a committee was constituted and a site visit was to be conducted on 17.02.2022. Subsequently, MoEF&CC vide letter dated 11.02.2022 requested to nominate an officer from Integrated Regional Office, MoEF&CC, Kolkata to be present for site visit on behalf of MoEF&CC and National Wetland Committee(NWC). Further, Dr. Shahida Parvin Quazi, Scientist-E from IRO office, Kolkata was nominated for the very purpose vide letter dated 15.02.2022.

The Letters dated 11.02.2022 and 15.02.2022 are annexed as A-3

10. That, nominated official from IRO has represented MoEF&CC and NWC in subsequent meetings that were conducted in compliance with the court's order dated 03.01.2022. The presence can be confirmed by the attendance sheet of various meetings. Subsequently, CPCB and State Wetland Authority (nodal agencies) responsible for co-ordination and compliance filed the final report of Joint Committee along with annexure before the Hon'ble Court in compliance of order dated 03.01.2022.

The Final Report of Joint Committee along with annexure is annexed as A-4.

11. That, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to pass such other order and further order(s) as this Hon'ble Tribunal may deem fit and necessary in the interest of justice.

Dr. Shahida Parvin

DEPONENT


S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs.

डॉ. शाहिदा परवीन काजी / DR. SHAHIDA PARVIN QAZI
वैज्ञानिक - ई / SCIENTIST - E
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
एकीकृत क्षेत्रीय कार्यालय / INTEGRATED REGIONAL OFFICE
आई वी-198, सेक्टर-III, सॉल्ट लेक सिटी, कोलकाता-700106
10-100, SECTOR-III, SALT LAKE CITY, KOLKATA - 700100

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VERIFICATION

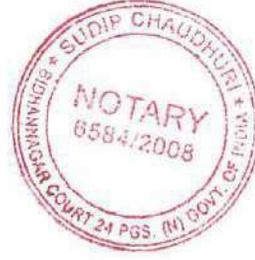
Verified at ~~Kolkata~~ on this ~~31~~ day of July, 2023 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.

Q. Shahida Parvin
DEPONENT


S. CHAUDHURI
* NOTARY *
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs.

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31 JUL 2023



रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 802] नई दिल्ली, मंगलवार, सितम्बर 26, 2017/आश्विन 4, 1939

No. 802] NEW DELHI, TUESDAY, SEPTEMBER 26, 2017/ASVINA 4, 1939

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 26 सितम्बर, 2017

सा.का.नि. 1203(ब).—आर्द्रभूमि, जो जलीय चक्र का अत्यावश्यक भाग हैं, उच्चतर उत्पादक पारिस्थितिकी प्रणालियां हैं जो समृद्ध जैवविविधता का आधार हैं तथा हमारी समृद्ध सांस्कृतिक विरासत का भाग होने के कारण कई महत्वपूर्ण मनोरंजक, सामाजिक और सांस्कृतिक कार्यकलापों का समर्थन करते हुए जल भंडारण, जल शुद्धिकरण, बाढ़ अल्पीकरण, अपरदन नियंत्रण, भूजल का पुनःभरण, सूक्ष्म जलवायु का विनियमन, दुश्चभूमि के सौन्दर्य वीध को बढ़ाना जैसी पारिस्थितिकी प्रणाली सेवाओं की व्यापक रेंज प्रदान करता है।

और, अधिकतर आर्द्रभूमि, अपवहन और भरणस्थान, प्रदूषण (घरेलू और औद्योगिक बहिःस्राव का निस्सारण, ठोस अपशिष्टों का निपटान), जल विज्ञान संबंधी परिवर्तन (जल अपतयन और अंतर्वाह तथा बहिःवाह परिवर्तन) के माध्यम से भूमि सुधार और अवक्रमण के कारण गंभीर रूप से संकटस्थ स्थिति में हैं और उनके प्राकृतिक संसाधनों के अत्यधिक दोहन के परिणामस्वरूप जैव विविधता की हानि और आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी प्रणाली सेवाओं में विघटन हुआ है;

और, संविधान के अनुच्छेद 51क के खंड (ख) में यह बताया गया है कि भारत के प्रत्येक नागरिक का यह कर्तव्य होगा कि वह प्राकृतिक पर्यावरण की, जिसके अंतर्गत वन, झील, नदी और वन्यजीव हैं, रक्षा करे और उसका संवर्धन करे तथा प्राणिमात्र के प्रति दयाभाव रखे;

और पर्यावरण (संरक्षण) अधिनियम, 1986 पर्यावरण को संरक्षण प्रदान करने तथा उसमें सुधार लाने के लिए एक व्यापक विधान है, जिसमें अन्य बातों के साथ-साथ आर्द्रभूमि और उससे जुड़े मामले भी सम्मिलित हैं।

और, राष्ट्रीय पर्यावरण नीति, 2006 में आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी सेवा को मान्यता दी गई है और सभी आर्द्रभूमि के लिए एक विनियामक तंत्र स्थापित करने की आवश्यकता पर बल दिया गया है, जिसमें उनकी ऐसी पारिस्थितिकी स्थिति को बनाए रखा जा सके, जो अंततोगत्वा उनके एकीकृत प्रबंध में सहायक हो;

और, भारत, आर्द्रभूमि संबंधी रामसर अभिसमय का हस्ताक्षरकर्ता है, तथा अपने अधिकार क्षेत्र के भीतर सभी आर्द्रभूमियों के संरक्षण और बुद्धिमतापूर्ण उपयोग के लिए प्रतिबद्ध है।

और केन्द्रीय सरकार ने तारीख 4 दिसंबर, 2010 की सं.ना.का.नि. 951(अ) द्वारा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010, प्रकाशित किए हैं;

और आर्द्रभूमि का संरक्षण और युक्तियुक्त उपयोग राज्य और राष्ट्रीय अर्थव्यवस्था को मारवान प्रत्यक्ष और अप्रत्यक्ष आर्थिक लाभ प्रदान कर सकता है तथा केन्द्रीय सरकार विभिन्न क्षेत्रों के लिए विक्रम आयोजना तथा निर्णय लेने की प्रक्रिया में आर्द्रभूमि जैवविविधता तथा पारिप्रणाली सेवाओं की पूर्ण श्रृंखला को मुख्य धारा में लाने के लिए प्रतिबद्ध है;

और, राज्य सरकारों और संघ राज्य क्षेत्र प्रशासनों को इसी प्रकार से अपने विकासोन्मुख कार्यक्रमों तथा आर्थिक कल्याण में आर्द्रभूमि पारिस्थितिकी प्रणाली सेवाओं और जैव विविधता संबंधी मूल्यों पर विचार करने और इस बात को संज्ञान में लेने की आवश्यकता है कि आर्द्रभूमि पारिस्थितिकी प्रणाली के दो मुख्य पारिस्थितिकी घटक भूमि और जल, भारतीय संविधान के अनुसार राज्य के विषय के रूप में सूचीबद्ध हैं;

और केन्द्रीय सरकार ने देश में आर्द्रभूमियों के प्रभावी संरक्षण और प्रबंधन के लिए आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010 को अधिक्रान्त करना आवश्यक समझा है;

और, अब, केन्द्रीय सरकार ने पर्यावरण (संरक्षण) अधिनियम, 1986 की उपधारा (1) और उपधारा (2) के खंड (v) और धारा 3 की उपधारा (3) के साथ पठित धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जनसाधारण की जातकारी के लिए, जिनके उसमें प्रभावित होने की संभावना है, सं.का.नि. 385 (अ) तारीख 31 मार्च, 2016 द्वारा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2016 का प्रारूप प्रकाशित किया था; और यह सूचना दी गई थी कि केन्द्रीय सरकार द्वारा उक्त प्रारूप नियमों पर, उम तारीख से, जिसको इस राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दी जाती है, साठ दिन की अवधि की समाप्ति के पश्चात् विचार किया जाएगा;

और, केन्द्रीय सरकार को प्रारूप आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2016 के संबंध में राज्य सरकारों, संघ राज्य क्षेत्रों राज्यों और इसके संगठनों, व्यक्तियों और निवृत्त समाज संगठनों से सुझाव तथा आक्षेप प्राप्त हुए हैं;

और, ऐसे आक्षेपों और सुझावों पर, जो ऊपर उल्लिखित प्रारूप नियमों के संबंध में प्राप्त हुए हैं, पर राज्य सरकारों और राज्य क्षेत्र प्रशासनों के परामर्श से केन्द्रीय सरकार द्वारा सम्यक रूप से विचार किया गया;

अतः अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) और उप-धारा (3) के साथ पठित धारा 25 और धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010 को उन बातों के सिवाय अधिक्रान्त करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया था या करने का लोप किया गया था, आर्द्रभूमि के संरक्षण और प्रबंधन के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. संक्षिप्त नाम और प्रारंभ.—

- (1) इन नियमों का संक्षिप्त नाम आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2017 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं.—

- (1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

- (क) "अधिनियम" से पर्यावरण (संरक्षण) अधिनियम, 1986 अभिप्रेत है;
- (ख) "प्राधिकरण" से यथास्थिति राज्य आर्द्रभूमि प्राधिकरण या संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण, अभिप्रेत है;
- (ग) "समिति" से नियम 6 में निर्दिष्ट राष्ट्रीय आर्द्रभूमि समिति अभिप्रेत है;
- (घ) "पारिस्थितिकीय गुण" से पारिस्थितिकी प्रणाली घटकों, प्रक्रियाओं तथा सेवाओं का ऐसा संकलन अभिप्रेत है जो आर्द्रभूमियों की विशिष्टता चित्रित करता है;
- (ङ) "एकीकृत प्रबंधन योजना" से कोई ऐसा दस्तावेज अभिप्रेत है जिसमें आर्द्रभूमि का युक्तियुक्त उपयोग के लिए कार्यनीतियों और कार्यवाहियों का वर्णन किया गया है तथा इस योजना में स्थल प्रबंधन के उद्देश्य; उद्देश्यों को प्राप्त करने के लिए अपेक्षित प्रबंधन कार्यवाहियां, वे घटक, जो विभिन्न स्थल विशिष्टताओं को प्रभावित करते हैं, या प्रभावित कर सकते हैं; पारिस्थितिकीय स्वरूप में परिवर्तनों का पता लगाने के लिए और प्रबंधन की प्रभावितता के मापन के लिए अपेक्षित मानीटरी और कार्यान्वयन प्रबंधन कार्यान्वयन के लिए संसाधन सम्मिलित हैं;
- (च) "रामसर अभिसमय" से 1971 में ईरान के रामसर में हस्ताक्षरित आर्द्रभूमि संबंधी अभिसमय अभिप्रेत है;
- (छ) "आर्द्रभूमि से कोई क्षेत्र या कच्छ पंक, पीटभूमि या जल; प्राकृतिक या कृत्रिम, स्थायी या अस्थायी, जल जो टहरा है या बहते, ताजे, खारे या लवणीय, जिनके अंतर्गत समुद्री जल का जिसकी गहराई ज्वार की स्थिति छह मीटर से अधिक की न हो अभिप्रेत है, परंतु इसमें नदी जल मार्ग, श्रान के खेत, पेयजल प्रयोजनार्थ विशिष्ट रूप से मानव निर्मित जल निकास/जलाशय, मत्स्यपालन, तमक उत्पादन और सिंचाई प्रयोजनों के लिए विशिष्ट रूप से निर्मित संरचनाएं सम्मिलित नहीं हैं;

- (ज) "आर्द्रभूमि परिस्तर" से दो या दो से अधिक पारिस्थितिकीय और जलीय समीपस्थ आर्द्रभूमियां तथा जिनमें उनसे जुड़े नाले/वाहिकाएं सम्मिलित हो सकती हैं, अभिप्रेत हैं;
- (झ) "आर्द्रभूमियों का शुक्युक्त उपयोग" से सतत विकास के संदर्भ में पारिप्रणाली दृष्टिकोण के माध्यम से प्राप्त पारिस्थितिकीय गुणों का रख-रखाव अभिप्रेत है;
- (ञ) "प्रभावित जोन" से आर्द्रभूमि या आर्द्रभूमि परिस्तर के आवाह-क्षेत्र का वह भाग जिस पर विकसनात्मक कार्यकलापों के कारण पारिप्रणाली ढांचे, तथा पारिप्रणाली सेवाओं में प्रतिकूल परिवर्तन पड़ता है।
- (2) उन सभी शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं, किंतु अधिनियम में परिभाषित हैं, वही अर्थ होंगे जो उनके उस अधिनियम में हैं।

3. नियमों का लागू होना.—ये नियम निम्नलिखित आर्द्रभूमियों या आर्द्रभूमि परिस्तरों को लागू होंगे, अर्थात्:-

- (क) रामसर अभिसमय के अधीन 'अंतरराष्ट्रीय महत्व की आर्द्रभूमि' के रूप में वर्गीकृत आर्द्रभूमियां;
- (ख) केन्द्रीय सरकार, राज्य सरकार और संघ राज्य क्षेत्र प्रशासन द्वारा यथा अधिसूचित आर्द्रभूमियां।

परंतु ये नियम समय-समय पर यथा संशोधित भारतीय वन अधिनियम, 1927, वन्यजीव (संरक्षण) अधिनियम, 1972, वन (संरक्षण) अधिनियम, 1980, राज्य वन अधिनियम तथा नदीय विनियमन जोन अधिसूचना, 2011 के अंतर्गत आने वाले क्षेत्रों में पड़ने वाली आर्द्रभूमियों को लागू नहीं होंगे।

4. आर्द्रभूमियों में क्रियाकलापों पर निर्बंधन.—(1) आर्द्रभूमि का संरक्षण और प्रबंध, आर्द्रभूमि प्राधिकरण द्वारा यथा अवधारित 'शुक्युक्त उपयोग' के सिद्धांत के अनुसार किया जाएगा।

(2) आर्द्रभूमि के भीतर, निम्नलिखित क्रियाकलापों को प्रतिषिद्ध किया जाएगा, अर्थात्:-

- (i) किसी भी विस्म के अतिक्रमण सहित गैर-आर्द्रभूमि उपयोग हेतु परिवर्तन;
- (ii) किसी उद्योग को स्थापित करना और विद्यमान उद्योगों का विस्तार करना;
- (iii) निर्माण और विध्वंस अपशिष्ट प्रबंधन नियम, 2016 के अंतर्गत आने वाले निर्माण और विध्वंस अपशिष्ट का विनिर्माण या हथालन या भंडारण या निपटान; परिसंकटमय रसायन के विनिर्माण, भंडारण और आयात नियम, 1989 या परिसंकटमय सूक्ष्म जीवों आनुवंशिक रूप से निर्मित जीवों या कोशिकाओं का उपयोग, आयात, निर्यात और भंडारण संबंधी नियम, 1989 या परिसंकटमय अपशिष्ट (प्रबंधन, हथालन और सीमापारणीय संचलन) नियम 2008 के अंतर्गत आने वाले परिसंकटमय पदार्थ; ई-अपशिष्ट (प्रबंधन) नियम, 2016 के अंतर्गत आने वाला ई-अपशिष्ट;
- (iv) ठोस अपशिष्ट का पाटन;
उद्योगों, शहरों, कस्बों, गांवों और अन्य मानव बस्तियों में अशोधित अपशिष्ट और बहिष्कारों का निस्सारण;
- (v) किसी स्थायी प्रकृति का किसी निर्माण सिंचन नाले खादों के, पचास मीटर के भीतर इन नियमों के प्रारंभ की तारीख से पिछले दस वर्षों में प्रेषित बाढ़ के औसत उच्च स्तर से गणना की जाएगी; और
- (vi) अवैध शिकार।

परंतु केन्द्रीय सरकार प्राधिकरण की सिफारिश पर किसी कार्यकलाप के विलोपन के लिए राज्य सरकार या संघ राज्य क्षेत्र प्रशासन से प्राप्त प्रस्तावों पर विचार कर सकती।

5. आर्द्रभूमि प्राधिकरण.—(1) केन्द्रीय सरकार, प्रत्येक राज्य में राज्य आर्द्रभूमि प्राधिकरण का गठन करेगी जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:-

- (i) राज्य सरकार के पर्यावरण/वन विभाग का भारसाधक मंत्री या आर्द्रभूमि के विषय से संबंधित कार्य कर रहे भारसाधक मंत्री - अध्यक्ष;
- (ii) राज्य का मुख्य सचिव या समतुल्य अपर मुख्य सचिव - उपाध्यक्ष;
- (iii) पर्यावरण विभाग का भारसाधक सचिव - पदेन सदस्य;
- (iv) वन विभाग का भारसाधक सचिव - पदेन सदस्य;
- (v) शहरी विकास विभाग का भारसाधक सचिव - पदेन सदस्य;
- (vi) ग्रामीण विकास विभाग का भारसाधक सचिव - पदेन सदस्य;
- (vii) जल संसाधन विभाग का भारसाधक सचिव - पदेन सदस्य;

- (viii) मत्स्यकी विभाग का भारसाधक सचिव - पदेन सदस्य;
- (ix) सिंचाई और बाढ़ नियंत्रण विभाग का भारसाधक सचिव - पदेन सदस्य;
- (x) पर्यटन विभाग का भारसाधक सचिव - पदेन सदस्य;
- (xi) राजस्व विभाग का भारसाधक सचिव - पदेन सदस्य;
- (xii) निदेशक, राज्य सुदूर संवेदी केन्द्र - पदेन सदस्य;
- (xiii) मुख्य वन्यजीव वार्डन - पदेन सदस्य;
- (xiv) सदस्य सचिव, राज्य जैवविविधता बोर्ड - पदेन सदस्य;
- (xv) सदस्य सचिव, राज्य प्रदूषण नियंत्रण बोर्ड - पदेन सदस्य;
- (xvi) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के क्षेत्रीय कार्यालय का अपर प्रधान मुख्य मंत्रक्षक - पदेन सदस्य;
- (xvii) आर्द्रभूमि पारिस्थितिकी, जल विज्ञान, मत्स्यकी, भू-दृश्य योजना और सामाजिक-आर्थिक क्षेत्र में से प्रत्येक का एक विशेषज्ञ जिसे राज्य सरकार द्वारा नामनिर्दिष्ट किया जाए; और
- (xviii) पर्यावरण/वन विभाग या आर्द्रभूमियों में संबंधित विभाग में अपर सचिव/संयुक्त सचिव/निदेशक - सदस्य सचिव।
- (2) केन्द्रीय सरकार, प्रत्येक राज्य क्षेत्र के लिए, संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण का गठन करेगी जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:-
- (i) संघ राज्य क्षेत्र का प्रशासक या मुख्य सचिव - अध्यक्ष;
- (ii) पर्यावरण विभाग का भारसाधक सचिव - उपाध्यक्ष;
- (iii) वन विभाग का भारसाधक सचिव - पदेन सदस्य;
- (iv) शहरी विकास विभाग का भारसाधक सचिव - पदेन सदस्य;
- (v) ग्रामीण विकास विभाग का भारसाधक सचिव - पदेन सदस्य;
- (vi) जल संसाधन विभाग का भारसाधक सचिव - पदेन सदस्य;
- (vii) मत्स्यकी विभाग का भारसाधक सचिव - पदेन सदस्य;
- (viii) सिंचाई और बाढ़ नियंत्रण विभाग का भारसाधक सचिव - पदेन सदस्य;
- (ix) पर्यटन विभाग का भारसाधक सचिव - पदेन सदस्य;
- (x) राजस्व विभाग का भारसाधक सचिव - पदेन सदस्य;
- (xi) निदेशक, सुदूर संवेदी केन्द्र - पदेन सदस्य;
- (xii) सदस्य सचिव, संघ राज्य क्षेत्र प्रदूषण नियंत्रण समिति - पदेन सदस्य;
- (xiii) सदस्य सचिव, संघ राज्य क्षेत्र जैव-विविधता बोर्ड - पदेन सदस्य;
- (xiv) मुख्य वन्यजीव वार्डन - पदेन सदस्य;
- (xv) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के क्षेत्रीय कार्यालय के अपर प्रधान मुख्य वन मंत्रक्षक - पदेन सदस्य;
- (xvi) आर्द्रभूमि पारिस्थितिकी, जल-विज्ञान, मत्स्यकी, भू-दृश्य योजना और सामाजिक-आर्थिक क्षेत्रों में एक-एक विशेषज्ञ जिसे संघ राज्य क्षेत्र प्रशासन द्वारा नामनिर्दिष्ट किया जाए; और
- (xvii) पर्यावरण/वन विभाग या आर्द्रभूमि स्थान विभाग में अपर सचिव/संयुक्त सचिव/निदेशक - सदस्य सचिव।
- (3) राज्य आर्द्रभूमि प्राधिकरण या संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण, तीन से अधिक, यदि अपेक्षित हों, अन्य सदस्यों, का मह-चयन, कर सकेगा।
- (4) राज्य आर्द्रभूमि प्राधिकरण या संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण, निम्नलिखित शक्तियों का प्रयोग करेगा और निम्नलिखित कृत्यों का पालन करेगा, अर्थात् :-
- (क) इन नियमों के प्रकाशन की तारीख से तीन मास के भीतर राज्य या संघ राज्य क्षेत्र की सभी आर्द्रभूमियों की सूची तैयार करना;
- (ख) इन नियमों के प्रकाशन की तारीख से छह मास के भीतर अधिसूचित की जाने वाली आर्द्रभूमियों की सूची तैयार करना; अन्य सुसंगत राज्य अधिनियमों के अधीन तैयार/अधिसूचित आर्द्रभूमियों की किसी विद्यमान सूची को संज्ञान में लेना;

- (ग) इन नियमों के अधीन विनियमन हेतु उनके संक्षिप्त दस्तावेजों के आधार पर अभिज्ञात आर्द्रभूमियों की संस्तुति करना;
- (घ) इन नियमों के प्रकाशन की तारीख से एक वर्ष की अवधि के भीतर सभी आर्द्रभूमियों की व्यापक डिजिटल सूची तैयार करना और उक्त प्रयोजन से केन्द्रीय सरकार द्वारा विकसित की जाने वाले डेडीकेटेड वेब पोर्टल पर इसे अपलोड करना; और इस सूची को प्रत्येक दस वर्ष में अद्यतन किया जाएगा;
- (ङ) अधिसूचित आर्द्रभूमियों के भीतर विनियमित और अनुज्ञात किए जाने वाले कार्यकलापों और उनके प्रभाव क्षेत्र की विस्तृत सूची विकसित करना;
- (च) विनिर्दिष्ट आर्द्रभूमियों के लिए प्रतिपिद्ध कार्यकलापों की सूची में बदलाव, यदि कोई हो, की सिफारिश करना;
- (छ) आर्द्रभूमियों की अधिकारिता के भीतर उनके संरक्षण और युक्तियुक्त उपयोग के लिए कार्यनीतियां पारिभाषित करना; यदि पारिस्थितिक प्रणाली के कार्यकलापों (जल भण्डारण, भू-जल संभरण, बाढ़-प्रतिरोधक जैसे) और मूल्य (मनोरंजन और सांस्कृतिक जैसे) का अनुक्षण किया जाता है या उसमें अभिवृद्धि की जाती है; तो इन पारिस्थितिक प्रणाली को प्रबंधित करने के लिए एक सिद्धांत, जो संरक्षण के साथ संगत वृहतीय उपयोगों को समावेशित करता है (जैसे जीवन-निर्वाह स्तर हेतु मछली पकड़ना या जलीय वनस्पति की पैदावार करना) का विवेकपूर्ण उपयोग करना;
- (ज) प्रत्येक अधिसूचित आर्द्रभूमियों के लिए एकीकृत प्रबंधन योजना का पुनर्विलोकन करना (केन्द्रीय सरकार के समन्वयन से सीमा-पारीय आर्द्रभूमियों सहित), और इन योजनाओं के भीतर आर्द्रभूमियों, जो पारिस्थितिकीय स्वरूप के अनुकूल हैं, के पारम्परिक उपयोगों को जारी रखना और उसमें समर्थन देने पर विचार करना;
- (झ) उन मामलों में, जहां अधिसूचित आर्द्रभूमियों या आर्द्रभूमि परिमर्गों की सीमा के भीतर भूमि क्षेत्र का निजी भू-धारण अधिकार है, उन्हें बढ़ावा देने के लिए कार्यकलापों के माध्यम से पारिस्थितिकीय स्वरूप को बनाये रखने के लिए कार्यतंत्रों हेतु सिफारिश करना;
- (ञ) विद्यमान राज्य/संघ राज्य क्षेत्र स्तर की विकास योजनाओं और कार्यक्रमों के साथ प्रबंध योजना के कार्यान्वयन के अभिसरण के लिए कार्यतंत्रों की पहचान करना;
- (ट) इन नियमों और अन्य सुसंगत अधिनियमों, नियमों और विनियमों का प्रवर्तन सुनिश्चित करना और अर्द्ध-वार्षिक आधार पर (प्रत्येक कैलेंडर वर्ष के जून और दिसम्बर पर) एक सूचना तंत्र के माध्यम से ऐसी अधिसूचित आर्द्रभूमियों की स्थिति पर संबंधित राज्य सरकार या संघ राज्य क्षेत्र प्रशासन या केन्द्रीय सरकार को सूचना देना;
- (ठ) विभिन्न संगत विभागों और अन्य संबंधित अभिकरणों के माध्यम से युक्तियुक्त उपयोग के सिद्धांत के आधार पर एकीकृत प्रबंधन योजनाओं के क्रियान्वयन का समन्वयन करना;
- (ड) राज्य या संघ राज्य क्षेत्र प्रशासन के भीतर सभी आर्द्रभूमि विनिर्दिष्ट प्राधिकरणों के लिए नोडल प्राधिकरण के रूप में कार्य करना;
- (ढ) संबंधित क्रियान्वयन अभिकरणों को आर्द्रभूमियों के संरक्षण और सतत प्रबंधन हेतु आवश्यक निर्देश जारी करना;
- (ण) आर्द्रभूमियों के मूल्यां और क्रियाकलापों के संबंध में पणधारियों और स्थानीय समुदायों के बीच जागरूकता के संबंधन हेतु उपाय करना; और
- (त) स्वप्रेरणा से या राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा यथानिर्दिष्ट अन्य मामले पर मलाह देना।
- (5) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन का संबंधित विभाग, प्राधिकरण के लिए नोडल विभाग और सचिवालय के रूप में सभी आवश्यक मलायना प्रदान करेगा और कार्य करेगा।
- (6) प्राधिकरण, इन नियमों के प्रकाशन के तब्द दिन के भीतर :
- (क) संक्षिप्त दस्तावेजों और प्रबंध योजनाओं का पुनर्विलोकन करने तथा आर्द्रभूमि प्राधिकरण द्वारा निर्दिष्ट किसी तकनीकी विषय पर मलाह देने के लिए एक तकनीकी समिति का, और
- (ख) जनता द्वारा प्राधिकरण को की गई शिकायतों की सुनवाई करने और उन्हें अग्रपिपित करने के लिए एक कार्यतंत्र उपलब्ध करने हेतु चार सदस्यों से मिलकर बनी एक शिकायत समिति का गठन करेगा।
- (7) उप-नियम (6) में निर्दिष्ट समितियां अपने कृत्यों के निष्पादन के लिए प्रत्येक तिमाही में कम से कम एक बार बैठक करेंगी।
- (8) प्राधिकरण की वर्ष में कम से कम तीन बार बैठक होगी।
- (9) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा नामनिर्दिष्ट प्राधिकरण के सार-अधिकारिक सदस्यों का कार्यकाल अधिकतम तीन वर्ष की अवधि का होगा।

6. राष्ट्रीय आर्द्रभूमि समिति का गठन.—(1) केन्द्रीय सरकार, एक राष्ट्रीय आर्द्रभूमि समिति का गठन करेगी, जिसमें निम्नलिखित सदस्य होंगे, अर्थात् :—
- (i) सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार — अध्यक्ष;
 - (ii) आर्द्रभूमि संबंधी कार्य देख रहे विशेष सचिव या अपर सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार — उपाध्यक्ष;
 - (iii) अपर महानिदेशक, वन्यजीव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार — पदेन सदस्य;
 - (iv) आर्द्रभूमियों संबंधी कार्य देख रहे सलाहकार या संयुक्त सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय — पदेन सदस्य;
 - (v) संयुक्त सचिव, पर्यटन मंत्रालय, भारत सरकार — पदेन सदस्य;
 - (vi) संयुक्त सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय, भारत सरकार — पदेन सदस्य;
 - (vii) संयुक्त सचिव, कृषि और किसान कल्याण मंत्रालय, भारत सरकार — पदेन सदस्य;
 - (viii) संयुक्त सचिव, सामाजिक न्याय और अधिकारिता मंत्रालय भारत सरकार — पदेन सदस्य;
 - (ix) संयुक्त सचिव, शहरी विकास मंत्रालय, भारत सरकार - पदेन सदस्य;
 - (x) संयुक्त सचिव, ग्रामीण विकास मंत्रालय, भारत सरकार - पदेन सदस्य;
 - (xi) अध्यक्ष, केन्द्रीय प्रदूषण नियंत्रण बोर्ड - पदेन सदस्य;
 - (xii) निदेशक, भारतीय प्राणि सर्वेक्षण या वैज्ञानिक एफ - पदेन सदस्य;
 - (xiii) निदेशक, भारतीय वनस्पति सर्वेक्षण या वैज्ञानिक एफ - पदेन सदस्य;
 - (xiv) निदेशक, अंतरिक्ष अनुप्रयुक्ति केंद्र, अहमदाबाद या वैज्ञानिक एफ - पदेन सदस्य;
 - (xv) सदस्य केन्द्रीय जल आयोग - पदेन सदस्य;
 - (xvi) सलाहकार, नीति आयोग - पदेन सदस्य;
 - (xvii) राज्य सरकार या मंत्र राज्यक्षेत्र प्रशासन के तीन प्रतिनिधि, चक्रानुक्रम आधार पर, प्रत्येक दो वर्ष के कार्यकाल के लिए;
 - (xviii) आर्द्र भूमि पारिस्थितिकी, जल विज्ञान, सत्यकी क्षेत्र, भू-दृश्य योजना और सामाजिक अर्थशास्त्र के क्षेत्रों में से प्रत्येक का एक-एक विशेषज्ञ; और
 - (xix) आर्द्रभूमि से संबंधित कार्य करने वाले निदेशक/अपर निदेशक/संयुक्त निदेशक, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय - सदस्य सचिव।
- (2) राष्ट्रीय आर्द्रभूमि समिति, यदि अपेक्षित हो, तीन से अधिक अन्य सदस्यों को सहयोजित कर सकेगी।
- (3) राष्ट्रीय आर्द्रभूमि समिति निम्नलिखित कृत्यों का पालन करेगी, अर्थात्:—
- (क) आर्द्रभूमियों के संरक्षण तथा बुद्धिमत्तापूर्ण उपयोग के लिए समुचित नीतियों और कार्रवाई सम्वन्धी कार्यक्रमों के विषय में केन्द्रीय सरकार को सलाह देना;
 - (ख) आर्द्रभूमियों के एकीकृत प्रबंधन के लिए, बुद्धिमत्तापूर्ण उपयोग के सिद्धान्त पर आधारित मानदंड और मार्गदर्शक सिद्धान्त तैयार करना;
 - (ग) प्राधिकरण द्वारा इन नियमों के क्रियान्वयन की निगरानी करना;
 - (घ) नियम 4 के उप नियम (2) में यथानिर्दिष्ट प्रतिप्रेक्षित क्रियाकलापों के लिए राज्य सरकारों या मंत्र राज्य क्षेत्र प्रशासनों से प्राप्त पुनर्शिक्षित प्रस्तावों के संबंध में केन्द्रीय सरकार को सलाह देना;
 - (ङ.) गमसर अभिसमय के अधीन अंतर्गर्तीय महत्व की आर्द्रभूमियों को अभिहित किये जाने की सिफारिश करना;
 - (च) अधिसूचित किये जाने के लिए सीमापार आर्द्रभूमियों की सिफारिश करना;
 - (छ) गमसर स्थलों और सीमापार आर्द्रभूमियों के एकीकृत प्रबंध की प्रगति का पुनर्विलोकन करना;
 - (ज) आर्द्रभूमियों से संबंधित मुद्दों पर अंतर्गर्तीय अभिकरणों के समन्वय के संबंध में सलाह देना; और
 - (झ) किसी अन्य मामले पर स्वप्रेरणा से सलाह देना या केन्द्रीय सरकार को निर्दिष्ट करना।

- (4) समिति के गैर-सरकारी सदस्यों को कार्यकाल तीन वर्ष से अधिक का नहीं होगा।
- (5) समिति प्रत्येक छह मास में कम से कम एक बार बैठक करेगी।
7. राज्य सरकारों और संघ राज्य क्षेत्र प्रशासनों को शक्तियों और कार्यों का प्रत्यायोजन.—(1) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन का सम्बद्ध विभाग इन नियमों के प्रकाशन की तारीख से एक वर्ष की अवधि के भीतर अधिसूचित किये जाने हेतु अभिजात प्रत्येक आर्द्रभूमि के लिए एक संक्षिप्त दस्तावेज तैयार करेगा, जिसमें निम्नलिखित का उपबंध होगा:—
- (क) निर्देशांकों सहित यथार्थ डिजिटल मानचित्रों द्वारा समर्थित और जमीनी सत्यापन द्वारा विधिमान्य आर्द्रभूमि का सीमांकन;
- (ख) इसके प्रभाव क्षेत्र का सीमांकन और डिजिटल मानचित्र में संकेतित उसका भूमि उपयोग और आच्छादित भूमि क्षेत्र;
- (ग) पारिस्थितिक-स्वरूप का विवरण;
- (घ) पूर्वतः विद्यमान अधिकारों तथा विशेषाधिकारों का लेखा;
- (ङ.) आर्द्रभूमि तथा इसके प्रभाव क्षेत्र के भीतर अनुज्ञप्त स्थल-विशिष्ट क्रियाकलाप की सूची;
- (च) आर्द्रभूमि और उसके प्रभाव क्षेत्र के भीतर विनियमित किये जाने वाले स्थल-विशिष्ट क्रियाकलापों की सूची; और
- (छ) विनियमों के प्रवर्तन की रीति;
- (2) प्राधिकरण, संक्षिप्त दस्तावेज के आधार पर, आर्द्रभूमियों को अधिसूचित किये जाने के लिए राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को सिफारिश करेगा।
- (3) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन संबंधित और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् प्राधिकरण द्वारा की गयी सिफारिश की तारीख से दो सौ चालीस दिन से अधिक की अवधि के भीतर राजपत्र में आर्द्रभूमियों को अधिसूचित करेगी।
- (4) (क) केन्द्रीय सरकार सीमा-पार आर्द्रभूमियों के मामले में, संक्षिप्त दस्तावेज, जिसमें उप-नियम (1) में यथा सूचीबद्ध सूचना दी गई हो, को तैयार करने में संबद्ध राज्य सरकार और संघ राज्यक्षेत्र प्रशासनों के साथ समन्वय करेगी।
- (ख) संक्षिप्त दस्तावेज के आधार पर, राष्ट्रीय आर्द्रभूमि समिति आर्द्रभूमि को अधिसूचित किये जाने के लिए केन्द्रीय सरकार को सिफारिश करेगी।
- (ग) केन्द्रीय सरकार संबद्ध और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् समिति द्वारा की गई सिफारिश की तारीख से दो सौ चालीस दिन से अधिक की अवधि के भीतर आर्द्रभूमियों को राजपत्र में अधिसूचित करेगी।
- (5) (क) केन्द्रीय सरकार आर्द्रभूमियों से संबंधित सूचना के लिए एक समर्पित वेब पोर्टल का सृजन करेगी।
- (ख) केन्द्रीय सरकार, राज्य सरकार और संघ राज्य क्षेत्र प्रशासन अपनी अधिकारिता में की आर्द्रभूमियों के विषय में, सभी संबंधित सूचना अपलोड करेगी।

[फा. सं. जे-22012/78/2003-सीएम(डब्ल्यू) पार्ट.V]

डॉ. ए. दुरैसामी, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 26th September, 2017

G.S.R. 1203(E).—Whereas the wetlands, vital parts of the hydrological cycle, are highly productive ecosystems which support rich biodiversity and provide a wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge, microclimate regulation, aesthetic enhancement of landscapes while simultaneously supporting many significant recreational, social and cultural activities, being part of our rich cultural heritage;

And whereas many wetlands are threatened by reclamation and degradation through drainage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alteration (water withdrawal and changes in inflow and outflow), over-exploitation of their natural resources resulting in loss of biodiversity and disruption in ecosystem services provided by wetlands;

And whereas clause (g) of article 51A of the Constitution stipulates that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;

And whereas the Environment (Protection) Act, 1986 is a comprehensive legislation to provide protection and improvement of the environment, including *inter-alia*, wetlands, and for matters connected therewith;

And whereas the National Environment Policy, 2006 recognises the ecosystem services provided by wetlands and emphasizes the need to set up a regulatory mechanism for all wetlands so as to maintain their ecological character, and ultimately support their integrated management;

And whereas India is a signatory to the Ramsar Convention on Wetlands and is committed to conservation and wise use of all wetlands within its territory;

And whereas the Central Government has published the Wetlands (Conservation and Management) Rules, 2010, vide number G.S.R. 951(E), dated the 4th December, 2010;

And whereas conservation and wise use of wetlands can provide substantial direct and indirect economic benefits to state and national economy, and thereby the Central Government stands committed to mainstreaming full range of wetland biodiversity and ecosystem services in development planning and decision making for various sectors;

And whereas the State Governments and Union Territory Administrations need to take into account wetland ecosystem services and biodiversity values likewise within their developmental programming and economic well-being, also taking into cognizance that land and water, two major ecological constituents of wetland ecosystems, are enlisted as State subjects as per the Constitution;

And whereas the Central Government considered it necessary to supersede the Wetlands (Conservation and Management) Rules, 2010 for effective conservation and management of wetlands in the country;

And whereas the Central Government had, in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986, published the draft Wetlands (Conservation and Management) Rules, 2016, vide number G.S.R. 385 (E) dated 31st March, 2016 for information of the public likely to be affected thereby; and notice was given that the said draft rules would be taken into consideration by the Central Government after expiry of a period of sixty days from the date on which copies of the Gazette notification is made available to the public;

And whereas the Central Government has received the suggestions and objections from the State Governments, Union Territories and its organisations, individuals and civil society organisations on the draft Wetlands (Conservation and Management) Rules, 2016;

And whereas the suggestions and objections received in response to the above mentioned draft rules have been duly considered by the Central Government in consultation with State Governments and Union Territory Administrations.

Now, therefore, in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 and section 23 of the Environment (Protection) Act, 1986 and in supersession of the Wetlands (Conservation and Management) Rules, 2010, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules for conservation and management of wetlands, namely:—

1. Short title and commencement.—

- (1) These rules may be called the Wetlands (Conservation and Management) Rules, 2017.
- (2) These shall come into force from the date of their publication in the Official Gazette.

2. Definitions.—

- (1) In these rules, unless the context otherwise requires,—
 - (a) "Act" means the Environment (Protection) Act, 1986;
 - (b) "Authority" means the State Wetlands Authority or Union Territory Wetlands Authority, as the case may be;

- (c) "Committee" means the National Wetlands Committee referred to in rule 6;
- (d) "ecological character" means the sum of ecosystem components, processes and services that characterise the wetlands;
- (e) "integrated management plan" means a document which describes strategies and actions for achieving wise use of the wetland and the plan shall include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation;
- (f) "Ramsar Convention" means the Convention on Wetlands signed at Ramsar, Iran in 1971;
- (g) "wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;
- (h) "wetlands complexes" means two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels/ducts;
- (i) "wise use of wetlands" means maintenance of their ecological character, achieved through implementation of ecosystem approach within the context of sustainable development;
- (j) "zone of influence" means that part of the catchment area of the wetland or wetland complex, developmental activities in which induce adverse changes in ecosystem structure, and ecosystem services.
- (2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings assigned to them in the Act.
3. **Applicability of rules.**—These rules shall apply to the following wetlands or wetlands complexes, namely:—
- (a) wetlands categorised as 'wetlands of international importance' under the Ramsar Convention;
- (b) wetlands as notified by the Central Government, State Government and Union Territory Administration:
- Provided that these rules shall not apply to the wetlands falling in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.
4. **Restrictions of activities in wetlands.**—(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.
- (2) The following activities shall be prohibited within the wetlands, namely,-
- (i) conversion for non-wetland uses including encroachment of any kind;
- (ii) setting up of any industry and expansion of existing industries;
- (iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;
- (iv) solid waste dumping;
- (v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;
- (vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and.
- (vii) poaching.

Provided that the Central Government may consider proposals from the State Government or Union Territory Administration for omitting any of the activities on the recommendation of the Authority.

5. **Wetlands Authorities.**—(1) The Central Government hereby constitutes the State Wetlands Authority in each State with the following members, namely:—

- (i) Minister In-charge of the Department of Environment/Forests of the State Government or Minister In-charge of the Department handling wetlands - Chairperson;
- (ii) Chief Secretary of the State or Additional Chief Secretary equivalent - Vice Chairperson;
- (iii) Secretary in-charge of the Department of Environment - Member *ex-officio*;
- (iv) Secretary in-charge of the Department of Forests - Member *ex-officio*;
- (v) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;
- (vi) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;
- (vii) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;
- (viii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;
- (ix) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;
- (x) Secretary in-charge of the Department of Tourism - Member *ex-officio*;
- (xi) Secretary in-charge of the Department of Revenue - Member *ex-officio*;
- (xii) Director, State Remote Sensing Centre - Member *ex-officio*;
- (xiii) Chief Wildlife Warden - Member *ex-officio*;
- (xiv) Member Secretary, State Biodiversity Board - Member *ex-officio*;
- (xv) Member Secretary, State Pollution Control Board - Member *ex-officio*;
- (xvi) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change - Member *ex-officio*;
- (xvii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the State Government; and
- (xviii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands - Member Secretary.

(2) The Central Government hereby constitutes the Union Territory Wetlands Authority for each Union Territory with the following members, namely:—

- (i) Administrator or Chief Secretary of the Union Territory - Chairperson;
- (ii) Secretary in-charge of the Department of Environment - Vice Chairperson;
- (iii) Secretary in-charge of the Department of Forests - Member *ex-officio*;
- (iv) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;
- (v) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;
- (vi) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;
- (vii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;
- (viii) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;
- (ix) Secretary in-charge of the Department of Tourism - Member *ex-officio*;
- (x) Secretary in-charge of the Departments of Revenue - Member *ex-officio*;
- (xi) Director, Remote Sensing Centre - Member *ex-officio*;
- (xii) Member Secretary, Union Territory Pollution Control Committee - Member *ex-officio*;

- (xiii) Member Secretary, Biodiversity Board of the UT - Member *ex-officio*;
- (xiv) Chief Wildlife Warden - Member *ex-officio*;
- (xv) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change- Member *ex-officio*;
- (xvi) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the Union Territory Administration; and
- (xvii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands - Member Secretary.
- (3) The State Wetlands Authority or Union Territory Wetlands Authority may co-opt other members, not exceeding three in number, if required.
- (4) The State Wetlands Authority or Union Territory Wetlands Authority shall exercise the following powers and perform the following functions, namely:-
- (a) prepare a list of all wetlands of the State or Union Territory within three months from the date of publication of these rules;
- (b) prepare a list of wetlands to be notified, within six months from the date of publication of these rules; taking into cognizance any existing list of wetlands prepared/notified under other relevant State Acts;
- (c) recommend identified wetlands, based on their Brief Documents, for regulation under these rules;
- (d) prepare a comprehensive digital inventory of all wetlands within a period of one year from the date of publication of these rules and upload the same on a dedicated web portal to be developed by the Central Government for the said purpose; the inventory to be updated every ten years;
- (e) develop a comprehensive list of activities to be regulated and permitted within the notified wetlands and their zone of influence;
- (f) recommend additions, if any, to the list of prohibited activities for specific wetlands;
- (g) define strategies for conservation and wise use of wetlands within their jurisdiction; wise use being a principle for managing these ecosystems which incorporates sustainable uses (such as capture fisheries at subsistence level or harvest of aquatic plants) as being compatible with conservation, if ecosystem functions (such as water storage, groundwater recharge, flood buffering) and values (such as recreation and cultural) are maintained or enhanced;
- (h) review integrated management plan for each of the notified wetlands (including trans-boundary wetlands in coordination with Central Government), and within these plans consider continuation and support to traditional uses of wetlands which are harmonized with ecological character;
- (i) in cases wherein lands within boundary of notified wetlands or wetlands complex have private tenancy rights, recommend mechanisms for maintenance of ecological character through promotional activities;
- (j) identify mechanisms for convergence of implementation of the management plan with the existing State/Union Territory level development plans and programmes;
- (k) ensure enforcement of these rules and other relevant Acts, rules and regulations and on half-yearly basis (June and December of each calendar year) inform the concerned State Government or Union Territory Administration or Central Government on the status of such notified wetlands through a reporting mechanism;
- (l) coordinate implementation of integrated management plans based on wise use principle through various line departments and other concerned agencies;
- (m) function as nodal authority for all wetland specific authorities within the State or Union Territory Administration;
- (n) issue necessary directions for conservation and sustainable management of wetlands to the respective implementing agencies;

- (o) undertake measures for enhancing awareness within stakeholders and local communities on values and functions of wetlands; and
- (p) Advise on any other matter *suo-motu*, or as referred by the State Government/Union Territory Administration.
- (5) The concerned Department of the State Government or Union Territory shall provide all necessary support and act as nodal Department and Secretariat to the Authority.
- (6) The Authority shall, within ninety days of publication of these rules, shall constitute,—
- (a) a technical committee to review brief documents, management plans and advise on any technical matter referred by the Wetland Authority; and
- (b) a grievance committee consisting of four members to provide a mechanism for hearing and forwarding the grievances raised by public to the Authority;
- (7) The Committees referred to in sub-rule (6) shall meet at least once in every quarter to perform their functions.
- (8) The Authority shall meet at least thrice in a year.
- (9) The term of non-official members of the Authority nominated by State Government or Union Territory Administration, shall be for a period not exceeding three years.
6. **Constitution of National Wetlands Committee.**—(1) The Central Government, hereby constitutes the National Wetlands Committee with the following members, namely:—
- (i) Secretary, Ministry of Environment, Forest and Climate Change, Government of India - Chairperson;
- (ii) Special Secretary or Additional Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change, Government of India-Vice Chairperson;
- (iii) Additional Director General, Wildlife, Ministry of Environment, Forest and Climate Change, Government of India - Member *ex-officio*;
- (iv) Adviser or Joint Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change - Member *ex-officio*;
- (v) Joint Secretary, Ministry of Tourism, Government of India- Member *ex-officio*;
- (vi) Joint Secretary, Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India- Member *ex-officio*;
- (vii) Joint Secretary, Ministry of Agriculture and Farmers Welfare, Government of India- Member *ex-officio*;
- (viii) Joint Secretary, Ministry of Social Justice and Empowerment, Government of India- Member *ex-officio*;
- (ix) Joint Secretary, Ministry of Urban Development, Government of India- Member *ex-officio*;
- (x) Joint Secretary, Ministry of Rural Development, Government of India- Member *ex-officio*;
- (xi) The Chairman, Central Pollution Control Board - Member *ex-officio*;
- (xii) Director, Zoological Survey of India or Scientist F- Member *ex-officio*;
- (xiii) Director, Botanical Survey of India or Scientist F- Member *ex-officio*;
- (xiv) Director, Space Application Centre, Ahmedabad or Scientist F- Member *ex-officio*;
- (xv) Member, Central Water Commission - Member *ex-officio*;
- (xvi) Adviser, Niti Aayog - Member *ex-officio*;
- (xvii) Three representatives of State Government or Union Territory Administration on a rotational basis for a tenure of two years each;
- (xviii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning & socio-economics; and

- (xix) Director/Additional Director/Joint Director dealing with wetlands, Ministry of Environment, Forest and Climate Change - Member Secretary.
- (2) The National Wetlands Committee may co-opt other members, not exceeding three in number, if required.
- (3) The National Wetlands Committee shall perform the following functions, namely:-
- advise the Central Government on appropriate policies and action programmes for conservation and wise use of wetlands;
 - evolve norms and guidelines for integrated management of wetlands based on wise use principle;
 - monitor implementation of these rules by the Authority;
 - advise the Central Government on proposals received from State Governments or Union Territory Administrations for omission of the prohibited activities as referred in sub-rule (2) of rule 4;
 - recommend designation of wetlands of international importance under Ramsar Convention;
 - recommend trans-boundary wetlands for notification;
 - review progress of integrated management of Ramsar sites and transboundary wetlands;
 - advise on collaboration with international agencies on issues related to wetlands; and
 - advise on any other matter *suo-moto*, or as referred by the Central Government.
- (4) The tenure of non-official members of the Committee shall not exceed three years.
- (5) The Committee shall meet at least once in every six months.

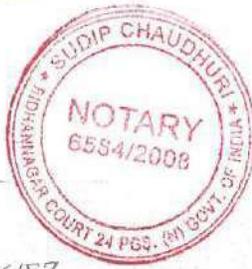
7. Delegation of powers and functions to the State Governments and Union Territory Administrations.—

- (1) The concerned Department of the State Government or Union Territory Administration shall, within a period of one year from the date of publication of these rules, prepare a Brief Document for each of the wetland identified for notification, providing:—
- demarkation of wetland boundary supported by accurate digital maps with coordinates and validated by ground truthing;
 - demarkation of its zone of influence and land use and land cover thereof indicated in a digital map;
 - ecological character description;
 - account of pre-existing rights and privileges;
 - list of site-specific activities to be permitted within the wetland and its zone of influence;
 - list of site specific activities to be regulated within the wetland and its zone of influence; and
 - modalities for enforcement of regulation;
- (2) Based on the Brief Document, the Authority shall make recommendations to the State Government or Union Territory Administration for notifying the wetlands.
- (3) The State Government or Union Territory Administration shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Authority.
- (4) (a) In case of trans-boundary wetlands, the Central Government shall coordinate with concerned State Governments and Union Territory Administrations to prepare the Brief Document containing information as listed in sub-rule (1).
- (b) Based on the Brief Document, the National Wetlands Committee shall make recommendations to the Central Government for notification of the wetland.
- (c) The Central Government shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Committee.

- (5) (a) The Central Government shall create a dedicated web portal for information relating to wetlands.
- (b) The Central Government, State Government and Union Territory Administration shall upload all relevant information and documents pertaining to wetlands in their jurisdiction.

[F. No. J-22012/78/2003-CS (W) Pt. V]

Dr. A. DURAISAMY, Scientist 'G'



Annexure - 1/1

OA 25/2016/EZ

Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors

Meeting of the Committee constituted by the NGT vide Order dated 03.01.2022 in OA 25 of 2016/EZ (Sabyasachi Mallick Vs State of West Bengal & Others).

The first Committee meeting was called in compliance with the Order dated 03.01.2022 of the Hon'ble National Green Tribunal, Eastern Zone in relation to illegal filling up of a water body namely "Ukil Bheri". The Hon'ble NGT in its said Order stated that proper demarcation of boundaries of the said water body is not clear. *Prima facie*, the area where the construction has been made appears to be part of the said water body or its buffer zone, attracting prohibition under the Rules. The NGT directed the constituted Committee "to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority".

The following Members of the constituted Committee were present in the meeting held at 12noon on 25.01.2022 through Video Conference:

- 1) Smt. Manju Pandey, Joint Secretary, Ministry of Environment, Forest and Climate Change.
 - 2) Shri Rajasekhar Ratti, Scientist D, Ministry of Environment, Forest and Climate Change, Wetland Division.
 - 3) Smt. Neelam Meena, Director, Institute of Environmental Studies and Wetland Management.
 - 4) Shri Kaliyamurthi Balamurugan, Chief Environment Officer, Department of Environment, Government of West Bengal & Member, State Wetlands Authority.
 - 5) Shri Gaurav Lal, Deputy Commissioner of Police, East Division, Kolkata Police.
 - 6) Smt. Susmita Ekka, Scientist D, Central Pollution Control Board.
 - 7) Shri Debasish Chakraborty, DG, Environment & Heritage Department, Kolkata Municipal Corporation.
 - 8) Shri Nitesh Dhali, Additional District Magistrate Land Reforms, South 24 Parganas.
 - 9) Shri Rupesh Sapui, Additional Officer-in-Charge, Pragati Maidan Police Station.
 - 10) Shri Sidhartha Guin, Deputy District Land Reforms Officer, South 24 Parganas.
- The Chief Environment Officer, Department of Environment chaired the meeting and welcomed the members.

The following decisions were taken in the meeting

1. To conduct a joint survey by the Kolkata Municipal Corporation and the ADM&LR, Dist. South 24 Parganas on 07.02.2022 to ascertain on which Dag number the said water body namely "Ukil Bheri" falls and also the status of Dag numbers 267 and 268 of Mouza Nimokpoktan, under P.S. Pragati Maidan, Ward No. 57, Kolkata Municipal Corporation.
2. The survey report to be submitted by 11.02.2022 (tentatively).
3. Based on the survey report the constituted Committee to make a site visit on 16.02.2022 (tentatively) for inspection along with the Applicant of OA 25/2016/EZ and the project proponent(s).
4. The Committee to submit its report by 09.03.2022 (tentatively).

The meeting ended with vote of thanks.


Chief Environment Officer,
Department of Environment, Government of West Bengal &
Member, State Wetlands Authority



OA 25 of 2016/EZ

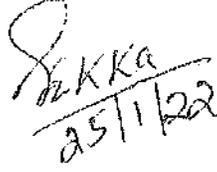
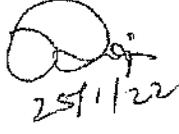
Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors

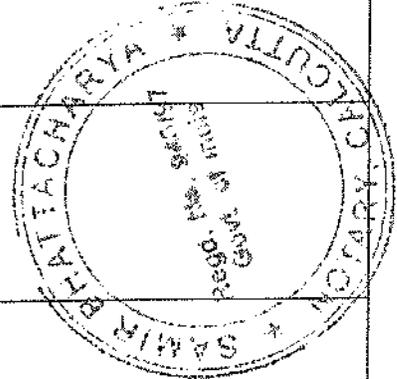
ATTENDANCE SHEET

Hearing conducted as per the Order of the Hon'ble National Green Tribunal, Eastern Zone Bench
dated 03.01.2022

Date: 25.01.2022

Time: 12:00 noon

| Name With Designation (IN CAPITAL LETTERS) | Organization | Contact no. & E-mail Id | Signature |
|--|---------------------------------------|---|---|
| SUSMITA EKKA Secretary D | Central Pollution Control Board of | 9433023133 susmita-ekka@ rediffmail.com |  25/1/22 |
| PAUSALI MUKHERJEE Sr. L.O. | Dept. of Environment | |  25/1/22 |
| Mr. Manju Pandey, Joint Secretary, MOEF&CE | MOEF&CE and MVC | manju.pandey@ nic.in | |
| Debashis Chakraborty, Joint Secretary , WBPEB KMC | WBPEB KMC | | |
| Debashis Sarkar, | WBPEB | | |
| Neelam Meena, Director, IESWM | IESWM | | |
| Rajasekhar Rathi | | | |
| Gaurav Lal, IPS Deputy Commissioner, East Div, KP. | East Division, Kolkata Police | | |



OA 25 of 2016/EZ
Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors

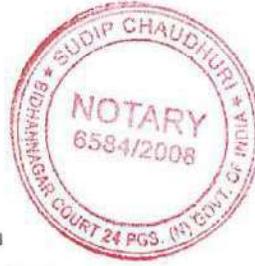
ATTENDANCE SHEET

Hearing conducted as per the Order of the Hon'ble National Green Tribunal, Eastern Zone Bench
dated 03.01.2022

Date: 25.01.2022

Time: 12:00 noon

| Name With Designation (IN CAPITAL LETTERS) | Organization | Contact no. & E-mail Id | Signature |
|---|---------------------------------|--|-----------|
| Nitesh Dholi, ADM Land Referrals, South 24 Parganas | DM office, South 24 Parganas | | |
| Rupesh Saini, Additional D.C., Pragati Mandan PS | Kolkata Police | | |
| Siddhartha Guin Deputy DLRO | ADMLR, South 24 Parganas | 9681808343 dlro.24pgs @gmail.com | |
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भारत सरकार / Government of India

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

Ministry of Environment, Forest & Climate Change

एकीकृत क्षेत्रीय कार्यालय

Integrated Regional Office

कोलकाता/Kolkata-700106

Phone-033-2335-5713/7938 Fax-2335-5904



File No:- IRO/KOL/108-026/2022/49

Date :15-02-2022

To

The Chief Environmental Officer,
Department of Environment,
Government of West Bengal & Member,
State Wetlands Authority,
Pranisampad Bhavan, 5th Floor, LB-2, Sector III, Saltlake,
Kolkata- 700106.
Email : ctoekwma@gmail.com

Post-Kolkata
Wetlands Management Authority
Dated: 09/02/2022
Date: 18/02/2022



Sub: Nomination Letter in the matter of O.A. No. 25 of 2016 (EZ) in the matter of the Sabyasachi Mallik Chowdhury vs State of West Bengal & Ors. Vide Hon'ble NGT Order dated 03.01.2022 - reg.

Ref: Email dated 11.02.22.

Sir,

I am directed to draw your kind attention to the subject and reference cited above and to state that Ministry through e-mail dated 11.02.2022 has informed IRO, Kolkata that a Committee was constituted in compliance to the Hon'ble NGT Order dated 03.01.2022 and it was decided to conduct a site visit on 16.02.2022 (tentatively) for inspection along with the Applicant of OA No.25/2016/EZ and the project proponent(s). Ministry has requested to nominate an officer from IRO, Kolkata, MoEF&CC for site visit. In this regard, this office nominates the following officer with details as follows:

Name : Dr. Shahida Parvin Quazi
Designation : Scientist 'E'
Address : Integrated Regional Office, MoEF&CC, IB-198, Sector-III, Salt Lake Kolkata, West Bengal - 700 106
Email ID : iro.kolkata-mefcc@gov.in / sp.quazi@gov.in
Mobile No : 8974599218

This is for your kind information.

Yours Faithfully,

Encl: As Above

(डॉ. शाहिदा परवीन काज़ी/ Dr. Shahida Parvin Quazi)

(वैज्ञानिक- इ/ Scientist-E)

Copy to: - Shri. Rajasekhar Ratti, Scientist - D, Ministry of Environment, Forest & Climate Change, Email: rs.ratti@gov.in for kind information.

(वैज्ञानिक- इ/ Scientist-E)

2/14/22, 12:09 PM

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Dr Soma Das

Email

OA.No.25 of 2016 in the matter of Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors before the National Green Tribunal (NGT), Special Bench - Compliance - reg.

From : Rajasekhar Ratti <rs.ratti@gov.in>

Fri, Feb 11, 2022 07:12 PM

Subject : OA.No.25 of 2016 in the matter of Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors before the National Green Tribunal (NGT), Special Bench - Compliance - reg.

1 attachment

To : Dr Soma Das <iro.kolkata-mefcc@gov.in>, roez@fsi.nic.in

Cc : RAGHU KUMAR KODALI <kodali.rk@gov.in>, MANJU PANDEY <manju.pandey@nic.in>

Sir,

This is regarding court case in Hon'ble NGT, EZ. You are requested to nominate an official for site visit which is to be conducted on 16.02.2022. Please see the attachment for details.

regards

(Rajasekhar Ratti)
Scientist D
Wetlands Division
MoEF&CC



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 **Ltr_Nomination_IRO_Site Visit.docx.pdf**
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**Government of India
Ministry of Environment, Forest & Climate Change
(Wetlands Division)**

Indira Paryavaran Bhawan
Jorbagh Road, Aliganj
New Delhi - 110003.
Dated: 11.02.2022

To

Deputy Director General of Forests (C)
Integrated Regional Office, Kolkata
IB-198, Sector-III, Salt Lake City
Kolkata - 700106
Email: iro.kolkata-moefcc@gov.in , roez@fsi.nic.in

**Subject: OA.No.25 of 2016 in the matter of Sabyasachi Mallick Chowdhury Vs
State of West Bengal & Ors before the National Green Tribunal (NGT),
Special Bench - Compliance -reg.**

Sir,

This has reference to the subject matter and minutes of the meeting held on 25.01.2022 in compliance to the Hon'ble NGT order dated 03.01.2022 (A copy of the minutes is enclosed).

In this regard, a Committee was constituted and it is decided to conduct a site visit on 16.02.2022 (tentatively) for inspection along with the Applicant of OA No.25/2016/EZ and the project proponent(s). Therefore, you are requested to nominate an officer from IRO, MoEF&CC, Kolkata for site visit.

This issues with the approval of competent authority.

Yours Faithfully,


(Rajasekhar Ratri)
Scientist D

Copy to:

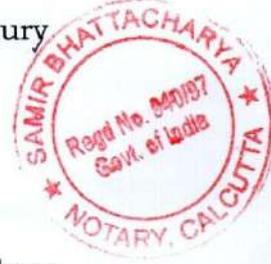
1. Shri. Kaliyamurthi Balamurugan, Chief Environmental Officer, Department of Environment, Government of West Bengal & Member, State Wetlands Authority, Pranisampad Bhaban, 5th Floor, LB-2, Sector -III, Salt Lake, Kolkata - 700106.

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 25/ 2016 /EZ

Sabyasachi Mallick Chowdhury

Versus

State of West Bengal and Others



FINAL REPORT OF THE JOINT COMMITTEE CONSTITUTED BY
THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN BENCH,
KOLKATA VIDE ORDER DATED 03.01.2022.

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| 1. | Affidavit | | |
| 2. | Final Report of the Joint Committee along with annexures | R/1 | |

Filed by:

Sudip Kumar Dutta

01 NOV 2022

ADVOCATE

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 25/ 2016 /EZ

Sabyasachi Mallick Chowdhury

Versus

State of West Bengal and Others



FINAL REPORT OF THE JOINT COMMITTEE CONSTITUTED
BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN
BENCH, KOLKATA *VIDE* ORDER DATED 03.01.2022.

I, Kaliyamurthi Balamurugan, son of Shri Kaliyamurthi, aged about 48 years, working as Chief Environment Officer, Department of Environment, Government Of West Bengal and member, State Wetlands Authority, West Bengal having office at Prani Sampad Bhawan, 5th Floor, LB-2, Sector-III, Salt Lake City, Kolkata-700106 do hereby solemnly affirm and state as under:-

1. That I am acquainted with the facts and circumstances of the present case as derived from official records and hence competent to swear the present affidavit.
2. That the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata *vide* Order dated 03.01.2022 has constituted an eight-member Joint Committee of National Wetland Authority, State

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Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority. The CPCB and the State Wetland Authority will be the nodal agency jointly for coordination and compliance.

3. In pursuance of the aforesaid Order, a final report of the Joint Committee along with annexures is annexed herewith and marked as Annexure R/1.

That the reply is true to the best of my knowledge and belief, which I derived from the office records.

Kaliyamurthi Balamurugan
 DEPONENT
 Chief Environment Officer
 Environment Department
 Government of West Bengal

VERIFICATION

I, Kaliyamurthi Balamurugan, Chief Environment Officer, Department of Environment, Government of West Bengal and do hereby verify that the contents of the report in the form of an affidavit are true to the best of my knowledge and belief. No part of the report is false and nothing has been concealed there from.

01 NOV 2022

Verified at Kolkata this 28 day of October, 2022.



*Solely A & W...
 Notarized before me U/S I...
 CPE / U / 5297 (C) CRPC*

01.11.22
 Notary

Samir Bhattacharya
 Notary, Govt. of India
 Regd. No. -940/97
 Civil Court, Calcutta

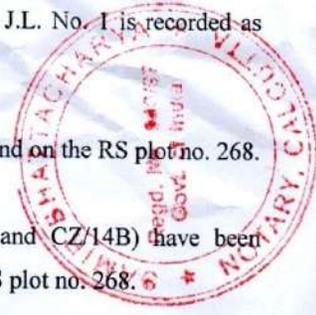
Kaliyamurthi Balamurugan
 DEPONENT
 Chief Environment Officer
 Environment Department
 Government of West Bengal

The Additional District Magistrate & District Land and Land Reforms Officer, South 24 Parganas conducted a field enquiry on R.S. Plot no. 267 and 268 in Mouza Nimokpaktan, J.L. No. 1 from 07/02/2022 to 11/02/2022 and submitted the report on 16.02.2022. The survey report of ADM & DL&LRO dated 16.02.2022 is annexed herewith and marked as **Annexure-III**.

A letter was issued for site inspection of the said plot on 15.02.2022 and 16.02.2022 to all the members of the Joint Committee as well as the applicant and project proponent. Copy of letters are annexed herewith and marked as **Annexure-IV**.

The Joint Committee inspected the site on 17.02.2022 at 11.30 a.m. and the following facts have come up at the time of site visit:

1. The present condition of "Ukil Bheri" is a low and marshy land with less water, filled up with aquatic vegetations. There is no sign of pisciculture activity.
2. At present, the bheri/ water body stretches within the parts of RS plot no. 267, 268, 271, 269, 270, 398, 272, 275, 276, 127, 274, 273, 128, 126 and 278 of Mouza Nimokpaktan, J.L. No. 1 comprising an area of approximately 8.63 ha (21.32 Acres).
3. As per report of the ADM & DL& LRO, South 24 Parganas the classification of the area in question i.e. R.S. plot no. 267 and 268 of Mouza Nimokpaktan, J.L. No. 1 is recorded as "Beel".
4. There are few complete and incomplete new constructions found on the RS plot no. 268.
5. One G+4 building (CZ/9B) and other building (CZ/14A and CZ/14B) have been constructed recently over the filled up portion of the water body of RS plot no. 268.
6. As per report of the ADM & LRO, South 24 Parganas the RS plot nos. 267 and 268 were not converted by the district administration of South 24 Parganas.
7. The subject land is not under the purview of the East Kolkata Wetlands Management Authority.



8. The complete Mouza Nimokpoktan, J.L. No. 1 has been integrated into the jurisdiction of Ward no. 57 of Kolkata Municipal Corporation as per the Kolkata Municipal Corporation Act, 1980.

At the time of site inspection on 17.02.2022, one representative of the Metropolitan Co-operative Housing Society, Mr. Sanjib Podder was present, no one was present on behalf of the petitioner.

At the end of inspection, the Joint Committee decided that KMC would submit the following documents:

- i. Assessee Number, building sanction plan by KMC, mutation certificate, completion certificate for the two buildings at 9B, 14A and 14B and for other buildings which got permission for construction at R.S. Dag No.267 and 268 situated on RS Dag no. 267 of Mouza Nimokpoktan, JL no. 1, in general starting from Canal South Road to existing waterbody.
- ii. Report of Project Management Unit (PMU), KMC regarding Ukil Bheri.
- iii. Land use pattern as per KMC land records for R.S. Dag No. 267 and 268.

Thereafter, KMC submitted the following documents for three buildings bearing premises nos. 9B, 14A and 14B of Canal South Road, Metropolitan Cooperative Housing Society situated on RS Dag no. 267 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanagram (which is shown as Dag No. 268 in BL&LRO report), under the Police Station- Pragati Maidan, Ward No. 57 of KMC:

- a. Deed of Conveyance
- b. Survey Observation Report
- c. Assessment Book
- d. Building Sanction Detail Register.



The copy of the minutes of the site visit dated 17.02.2022 is annexed herewith and marked as **Annexure-V**.

The Joint Committee held its second meeting on 15.03.2022 and scrutinized the documents submitted by KMC which stated that three buildings at premises nos. 9B, 14A and 14B of

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Canal South Road, Metropolitan Cooperative Housing Society is situated on RS Dag no. 267 of Mouza Nimokpoktan, JL no. 1, Pagladanga, although the report of ADM&DL&LRO, South 24 Parganas, stated that three buildings bearing premises nos. 9B, 14A and 14B have come up on RS Dag no. 268 (not on RS Dag no. 267), which falls within the water body.

During the meeting ADM&DL&LRO, South 24 Parganas also brought to notice of the Joint Committee that as per the Kolkata Municipal Corporation Act, 1980, Ward No.57 came under the jurisdiction of KMC from 1980. He also stated that as per R.S. records the land classification was recorded as Beel for both RS Dag no. 267 & 268.

The Deputy Chief Engineer, KMC could not produce any document on land classification of RS Dag No.267 and he requested the Joint Committee to call the following officials to be present in the next meeting to be held on 22.03.2022 namely :

- i. Chief Valuer & Surveyor, KMC
- ii. Deputy Chief Engineer, PMU, Environment & Heritage Department, KMC
- iii. Chief Manager, Revenue, South Division, KMC
- iv. Block Land & land Reforms Officer, Kolkata
- v. Deputy Chief Engineer, Building, KMC
- vi. Officer-in-charge, Khasmahal, Dist-South 24 Parganas

The Deputy Chief Engineer, KMC also informed the Joint Committee that KMC is in the process of revocation of the plan sanctioned for building nos. 9B, 14A and 14B in pursuance of the Order of Hon'ble NGT.

Thereafter, the Joint Committee decided the following :

1. Kolkata Municipal Corporation (KMC) to issue a Stop Work Notice at RS Dag nos. 267 and 268.
2. KMC to submit the following documents in the next meeting to be held on 22.03.2022:
 - i. The period from when RS Dag nos. 267 & 268 of Mouza- Nimokpoktan, JL no. I, KMC Ward No. 57, PS- Pragati Maidan came under the jurisdiction of the KMC.
 - ii. As per the survey report of the ADM&LRO, South 24 Parganas the subject RS Dag nos. 267 & 268 of Mouza- Nimokpoktan, JL no. I, KMC Ward No. 57 under PS Pragati Maidan are recorded in the RS Records as 'Beel'. If the land classification

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(land use pattern) has been changed from 'Beel' to anything else, KMC to provide with the relevant documents.

- iii. To provide the land classification details against which the KMC has issued building sanction plans at the subject RS Dag numbers.

A Copy of the minutes of the meeting dated 15.03.2022 is annexed herewith and marked as **Annexure-VI**.

The third meeting of the Joint Committee was held on 22.03.2022 at Conference Hall II of CMO Building of the Kolkata Municipal Corporation. The Chief Environment Officer chaired the meeting and requested officers of KMC to provide the Joint Committee necessary documents including procedure followed by KMC for permitting construction of buildings in the Ukil Bheri area at RS Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanangram under PS Pragati Maidan, Kolkata Municipal Corporation (KMC) Ward No. 57 which are classified as 'Beel' as per BL&LRO records.

Shri Bhaskar Bhattacharya, Chief Manager, Revenue South, Kolkata Municipal Corporation (KMC) described the procedure maintained by the assessment department of KMC for processing applications for assessment/mutations/building plan sanctioned in ward No.1 -100 of KMC as per the Kolkata Municipal Corporation Act, 1980 . He stated that for proving land character, mutation and premises no. of an unassessed property KMC only verifies the sale deed and other documents submitted by the applicant and if necessary causes a field inspection. During the process, if KMC is satisfied that the applied plot is water body, KMC does not provide sanction for construction on the applied plot. On the entire process of assessment / mutation / building plan sanction in ward no. 1 to 100 of KMC, KMC does not require to check any records of the applied plot from the end of the Block Land & Land Reforms Office (BL&LRO).He said that in the case of the Metropolitan Cooperative Society, in particular, KMC made the assessment on the basis of sale deed and thereafter sanction plan was issued as per the provisions of the Kolkata Municipal Corporation Act, 1980.

Deputy Chief Engineer (C) Environment & Heritage Department further informed that in the year 2016, a complaint was received from Shri Sunit Kumar Mallick Chowdhury regarding filling up of 'Ukil Bheri' in Ward No.57. KMC caused a field inspection and identified an illegal pond filling and construction of boundary wall on the embankment of "Ukil Bheri". KMC used a high resolution satellite map prepared by NRSA for identification of violation in

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the waterbody. In this regard four (4) complaints were lodged by KMC with PS Pragati Maidan, from 2016 - 2019, against which a case was already started vide PGM P.S. Case No.-105 dated 15.03.2016, u/s 22 of the West Bengal Inland Fisheries Act, u/s 53 of the West Bengal Town and Country Planning Act and Section 18 of the East Kolkata Wetlands Act. A copy of complaints and report from P.S- Pragati Maidan are annexed herewith and marked as **Annexure -VII.**

In the third meeting, the Joint Committee decided the following :

- a. KMC to ascertain the plot number (either RS Dag no. 267 or 268 of Mouza Nimokpoktan) on which the premises nos. 9B, 14A and 14B are in place.
- b. KMC to issue a Stop Work Notice in view of the Order of Hon'ble NGT and to call Metropolitan Cooperative Society for a hearing, and to take necessary action for restoration of waterbody.
- c. KMC has to submit a written documentation as to the procedure adopted by KMC regarding justification of assessment, mutation and building sanction issued to Metropolitan Cooperative Housing Society in order to incorporate the same in the Committee Report to be placed before the Hon'ble NGT.

The Minutes of the Meeting dated 22.03.2022 is annexed herewith and marked as **Annexure VIII.**

Thereafter, KMC submitted a report before the Joint Committee stating that KMC has issued intimation letter to stop construction work at Premises No.CZ/9B, Canal South Road and CZ/14/A/B, Canal South Road. Previously, KMC has accorded sanction vide Building Permit No.2016070100 dated 05.10.2016 for a G+IV storied residential building at Premises No.9B/B, Canal South Road and G+III storied residential building for Premises No.14A/B, Canal South Road sanction plan vide Building Permit No.2016070075 dated 01/09/2016 for considering the Deed of Conveyance, Assessment Book Copy & Survey Observation Report of KMC and NOC from Kolkata Improvement Trust.

However, on coming into notice that several buildings which have been constructed within the periphery of Dag Nos. 267 & 268 which has been demarcated by District Land and Land Reforms Officer, 24 Parganas (South) dated 16/02/2022 vide No.MISC 885/2022.

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KMC intimated stop construction notice to the following premises and revocation of sanction plan u/sec 397 of the KMC Act, 1980: 1. A/P-CZ-23, 2. A/P-34/B, 3.CZ-20A/B, 4. A/P-25/A, 5.A/P -38/A, 6. CZ/15A/B, 7. A/P-CZ-18.

The report of KMC is annexed herewith and marked as **Annexure-IX**.

An Interim Report was submitted by the Joint Committee before the Hon'ble NGT, Eastern Bench on 25.04.2022 with certain conclusion and recommendations and further three months time was sought to submit the Final Report:

- i. As per ADM&DL&LRO's Report the construction works on Dag No.268 which is "Beel" has been shown as Dag No. 267 in the documents given by the KMC and the Metropolitan Co-operative Housing Society.
- ii. ADM&DL&LRO has reported that Dag No. 267 and Dag No.268 are classified as Beel. However, KMC could not submit supporting papers regarding land conversion of Dag No. 267 and Dag No.268.
- iii. KMC has lodged 2 complaints at Pragati Maidan -P.S. in 2016 , one complaint in 2018 and one complaint in 2019 against filling up of water body and construction of boundary wall at Ukilbheri. However, KMC could not ascertain how much area has been encroached within the said water body.
- iv. As per the KMC's map total water body area is recorded as 82154.352 sq metre. The Joint Committee has requested KMC to demarcate the total waterbody area.
- v. KMC officials claims that as per the Kolkata Municipal Corporation Act, 1980, they do not require to check any records of the applied plot from the end of the Block Land & Land Reforms Office (BL&LRO) to ascertain the land clarification records of BL&LRO, for Ward no. 1to 100. The Metropolitan Co-operative Housing Society lies in Ward No. 57.



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- vi. The Joint Committee suggested that the Metropolitan Co-operative Housing Society is required to be called for hearing to provide supporting documents regarding Dag. No.268 in which the construction is taking place. They shall also provide deeds of plots surrounding the waterbody.
- vii. The petitioner is also requested to attend the hearing to produce further supporting documents regarding the said waterbody.

On 27.04.2022 one letter was given to the Petitioner i.e. Sabyasachi Mallick Chowdhury to submit all relevant documents regarding Ukil Bheri on 06.05.2022 and to attend hearing before the Joint Committee on 11.05.2022.

One letter was also issued to the Secretary, Metropolitan Co-operative Housing Society on 27.04.2022 to submit the documents regarding Ukil Bheri on 06.05.2022 and appear before the Joint Committee for hearing on 11.05.2022 :

On 10.05.2022 the petitioner requested the Chief Technical Officer, EKWMA to fix another date to submit relevant documents and re-schedule date for hearing.

On 11.05.2022 Secretary of the Metropolitan Co-operative Housing Society submitted written documents in support of their contentions and requested to fix a date after 10.06.2022 .

In the fourth meeting of the Joint Committee held on 17.05.2022 no decision could be taken by the Joint Committee as there was no quorum. However, Advocate Ankit Surekha appeared on behalf of Secretary of the Metropolitan Co-operative Housing Society and submitted verbally that he would collect and submit relevant deeds as and when available to him. A prayer was made by the Advocate of the petitioner to re-schedule another date for hearing and submission of documents. No one appeared on behalf of the petitioner and time was sought by them.

Another opportunity was given to the petitioner vide letter dated 19.05.2022 to submit relevant documents within 26.05.2022. Letter was issued to the Secretary of the Metropolitan Co-operative Housing Society to submit the relevant documents within 26.05.2022.

The petitioner submitted the documents on 23.05.2022 to the office of EKWMA and the Secretary, Metropolitan Co-operative Housing Society submitted the documents on 25.05.2022 in the office of EKWMA.

Letter was also issued on 19.05.2022 to the Commissioner, Kolkata Municipal Corporation by the Chief Technical Officer, EKWMA, to submit the Deeds and Mutation certificate of plots surrounding the waterbody i.e CZ-9A, CZ-14, CZ-15A, CZ-15, CZ-20, CZ-20A, CZ-8 at Sector B, Metropolitan Co-operative Housing Society, Canal South Road, Kolkata-700105.

Letter was issued by the Chief Technical Officer, EKWMA, to the Inspector General of Registration on 19.05.2022 to provide the certified copies of the Deed of Plots surrounding the water body i.e. CZ-9A, CZ-14, CZ-15A, CZ-15, CZ-20, CZ-20A, CZ-8 at Sector B, Metropolitan Co-operative Housing Society, Canal South Road, Kolkata-700105 to ascertain the factual position of the land in question.

Deeds were received from the different Registration offices of West Bengal between 21.06.2022 - 30.06.2022.

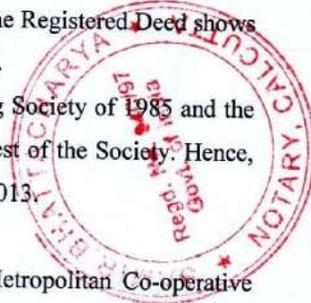
The final meeting of the Joint Committee was held on 27.07.2022, a power point presentation was shown which stated as follows:

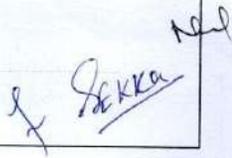
- In the presentation, the actual physical location of Ukil Bheri was shown.
- The petitioner submitted a certified copy of Sale Deed of Plot No. CZ-9A bearing No. 04577/1985 along with a Master Plan of Metropolitan Cooperative Housing Society. The master plan clearly shows that the water line of Ukil Bheri, and the plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are adjacent to the water-line. These plot numbers are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society .
- The Google imagery of 2013 also shows plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society and no encroachment on the eastern side of Ukil Bheri was found.



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- The Google Imagery of 2022, shows the existence of plot Nos. CZ-9B, CZ-14A, CZ-14B, CZ-15A, CZ-20A, CZ-21A and CZ 26 A/B/C.
- From deeds of plots of Metropolitan Cooperative Housing Society provided by the Inspector General, Registration, West Bengal, the following facts regarding filling up of Ukil Bheri is evident :
 - i. Plot no. CZ 9B was purchased by Supriti Saha from the Metropolitan Co-operative Housing Society by Deed No 04577 of 2015. The schedule of the Registered Deed shows that Plot No CZ-9A is on the Eastern side of the Plot no. CZ-9B.
As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot No. CZ-9A is the last plot to the west of the Society. Hence, plot no. CZ 9B has been created by filling up water body after 2013.
 - ii. Plot No. CZ-14A was purchased by Sri Debasis Das from Metropolitan Co-operative Housing Society by Deed No. 01451 of 2015. The Schedule of Registered Deed shows that plot no. CZ 14 is the eastern side of plot no. CZ 14A, and CZ 14B is on the west of plot no. CZ 14A. It is clearly mentioned in the Deed that plot no. CZ 14B is under water.
As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot No. CZ 14 is the last plot to the west of the Society. Hence, plot no. CZ 14A has been created by filling up water body after 2013.
 - iii. Plot no. CZ 14B was purchased by Smt. Ratna Chatterjee from Metropolitan Co-operative Housing Society by Deed No 190106470 of 2015. As per the Schedule of the Deed, plot no. CZ 14B is to the west of plot no. CZ 14A, which is referred to above.
As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot no. CZ 14 was the last plot to the west of the Society. Hence, plot no. CZ 14B has been created by filling up the water body after 2013.
 - iv. Plot no. CZ 15 was purchased by Mr. Radheshyam Agarwal from Mr. Narayan Das sharma by Deed No 00713 of 2012. As per the Schedule of the Deed, plot no. CZ 15 is to




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the west of plot no. CZ 16, wherein there is a vacant land (plot number of which is not mentioned in the Deed) to the west of plot no. 15.

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot no. CZ 15 is the last plot to the west of the Society. Hence, plot no. CZ 15A has been created by filling up water body after 2013.

Findings of the Joint Committee based on documents available are as follows:

- i. From the master plan of Metropolitan Cooperative Housing Society, 1985 and Google Imagery of 2013, it is found plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society.
- ii. As per the Google Imagery of 2022, it is evident that plot no. CZ 9B, CZ 14A, CZ 14B, CZ 15A, CZ 20A, CZ 21A and CZ 26A/B/C are newly created plots by filling up of Ukil Bheri after 2013.
- iii. The Inspection Report of West Bengal Pollution Control Board dated 18.03.2016 along with photographs, confirms that the eastern side of Ukil Bheri has been partly filled up by construction debris on the eastern side which is annexed herewith and marked as **Annexure X**.
- iv. The report of ADM& DL&LRO South 24 Parganas dated 16.02.2022, at point No.2 states that “ the construction work of two buildings, were found to be under process in the eastern portion RS plot No.268. The G+4 building (CZ/9B) appears to be completely full of residents. The other buildings (CZ14A/14B) in the opposite side has been risen up to 4th floor. Its construction work has not been completed. The two buildings have been constructed over the filled-up portion of the waterbody of RS plot No.268 ”.
- v. The alleged Dag No.268 at Mouza-Nimokpoktan, JL no. 1 under P.S. Pragati Maidan, Ward no. 57 of Kolkata Municipal Corporation (KMC) is nowhere mentioned in the deeds of Metropolitan Cooperative Housing Society available with this office, however the report and map of ADM & DL&LRO at Point No.9



Handwritten signatures and initials: A, 051, Jay, Mark, S, Sekka, Nay

confirms “ at present, most of the land in the eastern side of R.S. plot No.268 and almost all of R.S. Plot 267 is occupied by members of Metropolitan Co-operative Housing Society ”.

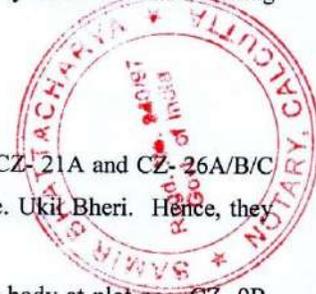
- vi. Kolkata Municipal Corporation has submitted copies of complaints on 26.07.2016, 06.08.2016, 04.05.2018, 25.01.2019 with P.S. Pragati Maidan against filling up of Ukil Bheri. The KMC issued notice dated 17.08.2018 u/s. 401 of the Kolkata Municipal Corporation Act, 1980 against Supriti Saha to stop illegal constructions at plot no. CZ- 9B. The map submitted by KMC shows that filling has been done in the eastern side of Ukil Bheri.

Finally, the Committee unanimously took the following decisions:

- Plot Nos. CZ- 9B, CZ- 14A, CZ- 14B, CZ-15A, CZ- 20A, CZ- 21A and CZ- 26A/B/C have been created after 2013 by filling up of waterbody i.e. Ukil Bheri. Hence, they need to be demolished.
- The KMC shall take steps to immediately restore the water body at plot nos. CZ- 9B, CZ -14A, CZ- 14B, CZ- 15A, CZ- 20A, CZ- 21A and CZ- 26A/B/C in compliance with the Order of the Hon'ble National Green Tribunal dated 03.01.2022.
- After restoration of the water body, the KMC shall take management control of the same in accordance with The West Bengal Inland Fisheries Act, 1984.
- The KMC will demarcate Ukil Bheri boundary with concrete pillars and do the geo-tagging with the help of ADM&LRO, Dist South 24 Parganas.
- The KMC shall submit a compliance report after restoration of the above mentioned plots before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata within a period of 6 months.

The report of the final meeting held on 27.07.2022 is annexed herewith and marked as **Annexure-XI**.

Further KMC submitted some photocopy of deeds related in plot nos. CZ-14A, CZ-14B, CZ- 15A, CZ-9B on 08.09.2022.



A

d.s.p

day

mark

f. Sekka
N.S.

On 05.09.2022 Sri Sanjib Podder , owner of plot No.CZ/20-A, Sector-B of Metropolitan Co-operative Housing Society requested for a hearing before the Joint Committee. After seeking permission from the Joint Committee, another opportunity of hearing was given to both the petitioner and Sri Sanjib Podder on 23.09.2022.

The meeting of the Joint Committee was held in virtual mode as well as physical mode on 23.09.2022. The petitioner appeared before the Joint Committee and stated that construction was complete at plot No. CZ 9B, CZ 14A, CZ 14B. Sri Sanjib Podder was represented by his Advocate Sanjay Upadhyay who has made detail submission before the Joint Committee and has also submitted written documents in support of their claim. As no new documents/evidence came up in support of their claim, the Joint Committee decided to follow the decisions taken in the final meeting dated 27.07.2022.

On 27.09.2022 , a copy of WPA 21710 of 2022 (Sabyascahi Mullick Chowdhury –vs- National Wetlands Authority & Ors.) filed at High Court, Calcutta has been served upon the SWA by the petitioner .

nm
Smt. Neelam Meena, Director, IESWM & Secretary, Environment Department

Neelam Meena, IAS
 Secretary
 Environment Department
 Government of West Bengal

Dr. Shahida Parvin
 20/10/22

Dr. Shahida Parvin Quazi, Scientist E, Integrated Regional Office, MOEF&CC,

डा. शाहिदा परवीन काजी / DR. SHAHIDA PARVIN QUAZI
 वैज्ञानिक - ई / SCIENTIST - E
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
 एकीकृत क्षेत्रीय कार्यालय / INTEGRATED REGIONAL OFFICE
 आइ बी-198, सेक्टर-III, सॉल्ट लेक सिटी, कोलकाता-700106
 IB-198, SECTOR-III, SALT LAKE CITY, KOLKATA - 700106

dmf
Sri Kaliyamurthi Balamurugan, CEO Environment Department & Member, State Wetland Authority
 Chief Environment Officer
 Environment Department
 Government of West Bengal

Susmita Ekka
Susmita Ekka, Scientist 'D', Eastern Regional Directorate, CPCB

सुष्मिता एक्का / Susmita Ekka
 वैज्ञानिक 'स' और सरकारी विश्लेषक
 Scientist 'D' & Govt. Analyst
 केन्द्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 क्षेत्रीय निदेशालय / Regional Directorate
 पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार
 M/o Env't, Forest & Climate Change, Govt. of India
 1582, राजदंगा मैन रोड / Rajdanga Main Road
 कोलकाता / Kolkata-700107

Nitesh Dhali

Sri. Nitesh Dhali, ADM& DL&LRO
District South 24 Parganas
District Land & Land Reforms Officer
South 24-Parganas, Alipore

Debashis Sarkar

Sri. Debashis Sarkar, Chief Engineer
WBPCB

Chief Engineer
W. B. Pollution Control Board
Dept. of Environment, Govt. of W.B.

Gaurav Lal

Sri Gaurav Lal, Deputy Commissioner
of Police, East Division, Kolkata Police

Dy. Commissioner of Police
East Division
Kolkata Police

Executive Engineer(Civil)
KMC Building, BR-VII



Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 25/2016/EZ

&

M.A. No. 814/2016/EZ, M.A. No. 25/2017/EZ, M.A. No. 12/2018/EZ,
M.A. No. 13/2018/EZ, I.A. No. 72/2019/EZ, I.A. No. 82/2019/EZ,
& I.A. No. 10/2020/EZ

Sabyasachi Mallick Chowdhury

Applicant

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 03.01.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

Applicant: Mr. Brijendra Chahar, Senior Advocate along with Mr. Ashok Prasad, Advocate

Respondent: Mr. Sudip Kumar Dutta, Advocate for Respondent No 1 to 4,9,10,11,13,
Mr. Dipanjan Ghosh, Advocate for Respondent No.5&6
Mr. Gopal Chandra Das, Advocate and Mr. Sibojyoti Chakraborti, Advocate for Respondent No.7&8
Mr. Jayanta Mitra, Senior Advocate along with Mr. Ankit Sureka, Advocate for Respondent No. 14
Ms. Saheli Sen, Advocate for R.15**ORDER**

1. Issue raised in this application relates to restoration of a wetland - *Ukil Bheri*, situated at Mouza-Nimokpoktan, Pagladanga, Dihi Panchanangram, near Chingrighata, within Police Station Pragati Maidan, Ward No. 57, Kolkata Municipal Corporation (KMC), measuring about 60 bighas.

2. The application was filed before the Eastern Bench of this Tribunal on 17.02.2016. Averments in the application in brief are that respondent nos. 14 to 22, Metropolitan Co-Operative Housing Society Limited and its office bearers and members are illegally constructing boundary wall on the bank of the water body since 17.10.2015. Complaint was made to the Police Station, Pragati Maidan in October, 2015 but no action was taken. Further construction was attempted on 05.02.2016 and again complaint was made but the construction continued. The applicant has a license from the Fisheries Department and such right is violated by the construction. The applicant has also referred to news article dated 04.07.2013 in Times of India under the caption "Ukiler Bheri filled up under councilor's nose, KMC clueless" and further article dated 17.07.2013 in Times of India captioned "Ukiler Bheri gets a second life". Encroachment was on Dag No. 268 measuring 2 bighas. The water body in question is protected under the East Kolkata Wetlands (Conservation and Management) Act, 2006 and the Wetlands (Conservation and Management) Rules, 2010. The applicant has relied upon photographic evidence and also time series Google Earth images to show encroachments.

3. The matter has been considered by this Tribunal in the last about six years by several orders. The parties have filed their respective versions. In the course of this order, reference will be made to the relevant orders and pleadings of the parties.

4. Vide order dated 25.02.2016, the application was admitted and notice was issued to the respondents. Direction was also issued to file status report by Chief Secretary, West Bengal, Municipal Commissioner, KMC, the East Kolkata Wetlands Management Authority, State PCB, the

Director General (Project Management Unit) KMC and the Commissioner of Police, Kolkata Police. Wetland Management Authority was directed to mention whether the water body in question is part of the wetland. Directions were also issued against illegal filling up of the waterbody.

5. On 12.07.2016, the Tribunal considered the prayer for interim relief and observed that no order was necessary in the hope that status quo will be maintained in the matter of filling up of the waterbody in question. On 20.07.2016, the Tribunal appointed Surveyor for measurement of the waterbody and to ascertain the encroachments. Status quo was directed to be maintained in the meanwhile. On 07.02.2017, the Tribunal considered the grievance against violation of the order of status quo and directed jurisdictional ADM and Police Station to verify the allegation and stop any illegal construction and file an action taken report. On 06.11.2017, the application was dismissed for non-appearance of the applicant but the said order was recalled on 11.12.2017 which was reiterated on 23.04.2018. Against the order of the Tribunal dated 23.04.2018, Civil Appeal No(s). 6191-6192/2018, *Metropolitan Co-operative Housing Society Limited & Anr. vs. Sunit Kumar Mallick Chowdhury & Ors.* was dismissed on 03.08.2018 by the Hon'ble Supreme Court and *WP No. 11287(W) of 2018, In re: Smt. Supriti Saha vs. The State of West Bengal & Ors.* was dismissed by the Kolkata High Court on 12.09.2018.

6. Affidavit has been filed by the State PCB on 29.03.2016, with an inspection report as follows:-

Observation:

The alleged Ukhil bheri (also known as Moni Babu's bheri) was observed to be partially filled up by construction debris side. The major portion of the water body is covered with water hyacinth. The

said bheri is surrounded by Metropolitan Cooperative Housing Society on eastern side, Chingrighata on northern side, Pagladanga on western side and nearby area of E M Bypass on southern side. Bamboo fences and a temporary hut were also observed on the filled up area. Nearby residents confirmed that the bheri has been partially filled up with construction debris during the recent times. However, they remained silent about the persons filling up the bheri. The filled up area of the bheri lies on the side of Metropolitan Cooperative Housing Society. During inspection, the office of the Metropolitan Cooperative Housing Society was visited. Sri Paritosh Dutta Roy, Board Member of the said Society was contacted over telephone. He confirmed that the visited bheri was Ukhil bheri and he is ignorant of any filling up of the Bheri. During the visit, 02 nos. of photographs were taken and they are annexed with the report."

7. The Chief Secretary, West Bengal, vide reply dated 06.05.2016 made a statement that Mouza-Nimokpoktan, JL no. 1, Pagladanga, Dihri Panchanangram, P.S. Pragati Maidan is outside the East Kolkata Wetlands and therefore, the matter has been referred to Additional Chief Secretary, Fisheries Department, Principal Secretary, Land & Land Reforms Department, Government of West Bengal and the District Magistrate, District 24 Parganas (South) with a request not to allow filling up of the water body, without consulting the Department of Environment. Vide affidavit dated 28.11.2016 of the ADM of the area, it is mentioned that a part of plot no. 268 has been filled up and encroachments made. Plot no. 267 was part of embankment of the water body. The relevant statement is reproduced below:-

"8. Upon reconciliation of the survey report with regard to plot nos. 267 and 268 it was observed that plot 267 is classified as 'Pukur Par'. Out of total 4.45 acres, a quantum of 1.22 acres of land is being used as 'Pukur Par'. The plot 268 constitutes a part of 'Ukil Bheri' and a quantum of 2.57 acres out of total area of 9.50 acres has been filled up and encroachments are made there on. The portion which has been filled up is contiguous to the land learnt to have belonged to the Metropolitan Cooperative Housing Societies Limited. Further, it is to be noted that the premises bearing no. CZ-28, Sector B, Canal South Road, District -South 24 Parganas, Kolkata-105 of Respondent no. 15 is not situated at filled up portion of plot 268. A total of 174 points in the field was covered by ETS machine which was used in the entire survey process."

8. With the said affidavit, a sketch map and present position of the survey report has been filed as Annexure-R 4/4:-

"The survey work started in presence of representatives of both sides on 20.10.2016. We started the survey work after consulting both parties in the field and representatives of both the parties present in the field till the completion of the work. After reaching a consensus that the entire water body comprising plot no. 268 and its adjacent plots are to be surveyed, the survey work started. They survey of water bodies comprising plot no. 268 and others has completed in presence of representatives of both sides on 24.10.2016. The authorised surveyor of both sides were present all along and they put their signature on the daily proceedings. They are also allowed to check every point at every observation. We covered total 174 points in the field by the ETS machine. A quantum of 2.57 acres out of total area of 9.50 acres has been filled up and there are some encroachment. Further, it is to be noted that the premises bearing no CZ-28, Sector-B, Canal South Road, District-South, 24-Parganas, Kolkata-700105 of Respondent no. 15 does not lie on the filled up portion of plot no. 268."

9. Report of the ADM filed on 05.08.2018 mentions the encroachments as follows:-

"A. Construction work of two buildings was found to be under progress in RS Plot No. 268, Out of these two, one is a G+4 building, which appears to be almost completed. The other building has been risen up to 2nd floor. Its construction work has not been completed. The two buildings seem to have been constructed over the filled up portion of the water body of RS Plot No. 268. The location of these two under-construction buildings have been shown on the previously submitted survey sketch map as prepared by the Revenue Officer and TA on eye-estimation.

Copy of the said sketch map as prepared by Revenue Officer and TA is annexed herewith and marked as R-1/2.

B. The exact quantum of filled up portion of the water body till date can be ascertained only by performing detailed survey of the land-in-question."

10. The version of the respondent nos. 14 to 22 – the Housing Society and its Members (PP) is that they have not encroached upon wetlands. They have purchased 4.45 acres in Dag No. 267 which is not part of the

water body. Reference has been made to the KMC affidavit dated 03.11.2017 that no construction was found at the time of inspection. In further affidavit filed on 08.08.2019, the KMC has stated that it has accorded sanction for construction on 05.10.2016 and 01.09.2016 to ground plus 4 and ground plus 3 buildings without any information about proceedings before this Tribunal. The land in question appears to be part of Dag no. 267. The sanction did not authorize construction contrary to the status quo order.

11. In the rejoinder filed by the applicant on 31.01.2021, a copy of sale deed dated 11.05.2011 between the Housing Society and its Members, Debasis Das has been filed stating as follows:-

"xxxxxx.....xxx

...Metropolitan Co-operative Housing Society Limited became the absolute owner of the western portion of the Taki Estate Bheri Land(Marshy) which constitutes entire C.S. Dag Nos. 201, 141 and 140 of District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 248, 186, 187 and 267 recorded in the revised Settlement Khanda Khatian Nos. 407, 408, 352 and 353 of Mouza Nimakpoktan under Police Station - Jadavpur (Old Tollygunj) and at present Tiljala, Touzi Nos. 173, 1298/2833, J.L. No. 1 under Alipore Collectorate, District 24-Parganas (now District South 24-Parganas) as well as the Western portion of the lands of C.S. Dag No. 31 District Settlement Khatian No. 21, Touzi No. 173, J.L. No. 2, R.S. No. 236 of Mouza Dhapa under Police Station Jadavpur (Old Tollygunge) and at present Tiljala under the Alipore Collectorate, District 24-Parganas (now South 24-Parganas) corresponding to the Western Portion of the land included in the revised settlement khatian Nos. 654 (Khanda) 609 (Khanda) of the same Mouza, same Police Station and same R.S. Number under the same collectorate and District which corresponds to western portion of R.S. Dag Nos. 87 and it was for greater clearance demarcated by a common boundary line passing North to South through the said Dag No. 87."

12. In the Schedule to the said document, boundaries of the land are mentioned as follows:-

"On the North: By Plot No. CZ15A

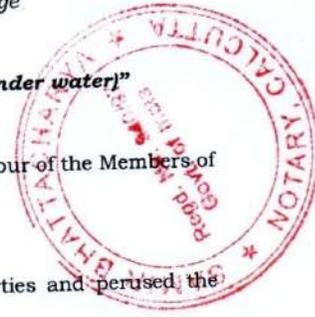
On the South: By 30' Wide Common Passage
 On the East: By Plot No. CZ14
 On the West: By Plot No. CZ14B (now under water)"

13. Similar other sale deeds have been filed in favour of the Members of the Housing Society.

14. We have heard learned Counsel for the parties and perused the record.

15. Learned Counsel for the applicant submitted that in violation of the order of this Tribunal to maintain status quo, 16 houses have been constructed. There are two buildings of ground plus 2 and ground plus 4. On eight floors, two houses each have been constructed. The construction started in the year 2018 but only 2 persons have so far shifted their residence as the construction is not habitable. He has drawn our attention to the orders of this Tribunal, the Hon'ble Supreme Court and the High Court and findings to the effect that construction was being raised as already noticed. It was submitted that constructions are not only against orders of this Tribunal but also against statutory rules mandating protection of wetlands and other water bodies as they perform important ecological functions.

16. As against above, learned Counsel for the Project Proponents submitted that no construction has been raised in Dag no. 268 which is a water body. Construction in Dag no. 267 is outside the water body and not in violation of order of status quo nor in violation of statutory Rules on the subject.



17. We have considered the rival submissions. Question for consideration is whether Dag number 267 is part of wetland and whether construction in question is permissible.

18. Proper demarcation of boundaries of the wetland and the site of construction are not clear. While prohibition in Dag number 268 is admitted by the Project Proponent, construction is claimed to be in Dag number 267, which according to the Project Proponent is not prohibited.

19. Having regard to the description of land in the Sale deeds and inspection reports referred to above, *prima facie* the area where construction has been made appears to be part of wetland or its buffer zone, zone of influence or catchment area, attracting prohibition under the Rules. The Wetland Authority is not a party nor the parties have focused on compliance status with reference to the Rules.

20. The Hon'ble Supreme Court vide orders dated 03.04.2017 and 04.10.2017 in *M.K. Balakrishnan & Ors. v. Union of India & Ors.*¹, *inter alia*, held that the principle of Rule 4 of the 2010 Rules will apply to 201503 wetlands, mapped by the Union of India. It was directed that the mapped wetland will continue to be protected on the principle of Rule 4 of 2010 Rules. Following the said directions, this Tribunal vide order dated 25.11.2021 in *O.A. No. 351/2019, Raja Muzaffar Bhat vs. State of Jammu and Kashmir & Ors.* directed monitoring of compliance by MoEF&CC as follows:-

"16. The Joint Secretary, MoEF&CC stated that water being State subject, primary responsibility of handling the matter is of the States. Similar approach was disapproved by the Hon'ble Supreme Court in observations already quoted earlier. Needless to say that Wetland Rules, 2017 have been framed under the Environment (Protection) Act,

¹ (2017) 7 SCC 805

1986 under which there are statutory powers with the Central Wetland Authority to oversee the protection of wetland. It is not subject of 'water' alone. 'Environment protection' is covered by Central laws on account of International obligations under Entry 1 List 13 of Schedule 7 to the Constitution. Attitude of avoiding responsibility cannot thus be appreciated. CWA in the MoEF&CC needs to monitor compliance of the Wetland Rules throughout the country by periodical interaction atleast once in a month.

17. The suggestion of the applicant is that significant wetlands need not be limited to 363 and more wetlands on examinations be added to the list from time to time for better protection by preparing appropriate action plans under the programme for protection of the significant wetlands. Further, **apart from figure of 2.01 lakh wetlands already mapped, to which the Wetland Rules, 2017 are applicable even if no separate Notification in terms of 2017 Rules in view of directions of the Hon'ble Supreme Court in M.K. Balakrishnan, supra, it may be possible to identify more such wetlands. Infact, the report of the MoEF&CC itself mentions that some States have already identified larger number of wetlands than earlier mapped. In UP itself, 133484 wetlands are entered in the Revenue Records which are being protected by the State. On the same pattern, all the States/UTs need to map all available wetlands in their jurisdiction and file report with the National Wetland Authority so that National Wetland Authority can prepare an exhaustive inventory of wetlands in the country and extend protection to all such wetlands. These suggestions need to be considered by the MoEF&CC.**

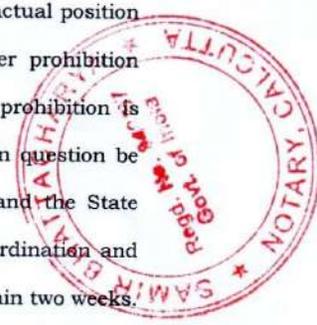
18. District Environment Plan of each District in terms of order of this Tribunal dated 05.07.2021 in OA 360/2018, Shree Nath Sharma vs. Union of India & Ors. should also cover the wetlands in the District. If necessary, the said plans be revised accordingly by the District Magistrates concerned by providing that the core activity for conservation and protection of wetlands may primarily focus on not discharging of sewage, disposal of solid waste and other wastes, preventing siltation, demarcation of wetlands/flood protection zone and removal of encroachments. There should be regular monitoring of water quality under water quality management programme at strategic locations (around 10 locations) to ensure that it is compliant with TC/FC norms. Water quality of the wetlands with respect to BOD needs to be less than 3 mg/l, faecal coliform should meet norms and contamination due to toxic constituents either directly or through runoff from the catchment should be prevented. Biodiversity of the wetlands needs to be maintained. Monitoring of steps for compliance of Rules in relation to such Wetlands ought to be at District level by the District Magistrate, at State level by State Wetland Authority and at National level by National Wetland Authority. We are confident that such initiatives in monitoring will go a long way in protecting the Wetlands which have significant environmental functions."

21. We note that though at the time of passing of the order by the Hon'ble Supreme Court, the applicable Rules were 2010 Rules, the same now stand replaced by "The Wetlands (Conservation and Management) Rules, 2017". In substance, restrictions in Rule 4 of 2017 Rules are similar to the restrictions in Rule 4 of the 2010 Rules. Definition of 'wetland' also is similar, which covers marsh land also.

22. In view of above, we consider it necessary to direct an eight-member Joint Committee of National Wetland Authority, State Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority. The CPCB and the State Wetland Authority will be the nodal agency jointly for coordination and compliance. The meeting of the Committee may be held within two weeks.

The Committee may undertake visit to the site and interact with the stakeholders including the applicant and the Project Proponents. The Committee may thereafter, take further measures in accordance with law. The Committee may conclude its proceedings preferably within three months.

23. In view of our prima facie finding that the area is wetland and prohibition against construction is applicable, pending further action, no further activity be undertaken in the area in question, including in Dag no. 267 and 268. If the Committee finds the constructions are in prohibited area, the Committee will ensure removal thereof for restoration of the wetland in question.



The application is disposed of.

A copy of this order be forwarded to National Wetland Authority, State Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas, by e-mail for compliance.

The parties are at liberty to file their respective versions along with relevant documents including satellite imageries/photographs before the Committee.

All pending M.A.s and I.A.s will also stand disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

B. Amit Sthalekar, JM

Dr. Nagin Nanda, EM

Mr. Saibal Dasgupta, EM

January 03, 2022
Original Application No. 25/2016/EZ
SN



Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors

Meeting of the Committee constituted by the NGT vide Order dated 03.01.2022 in OA 25 of 2016/EZ (Sabyasachi Mallick Vs State of West Bengal & Others).

The first Committee meeting was called in compliance with the Order dated 03.01.2022 of the Hon'ble National Green Tribunal, Eastern Zone in relation to illegal filling up of a water body namely "Ukil Bheri". The Hon'ble NGT in its said Order stated that proper demarcation of boundaries of the said water body is not clear. *Prima facie*, the area where the construction has been made appears to be part of the said water body or its buffer zone, attracting prohibition under the Rules. The NGT directed the constituted Committee "to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority".

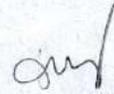
The following Members of the constituted Committee were present in the meeting held at 12noon on 25.01.2022 through Video Conference:

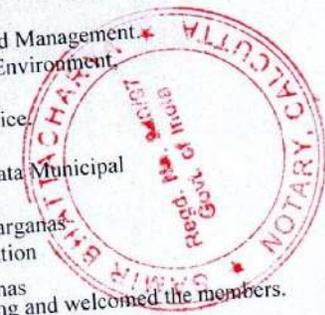
- 1) Smt. Manju Pandey, Joint Secretary, Ministry of Environment, Forest and Climate Change.
 - 2) Shri Rajasekhar Ratti, Scientist D, Ministry of Environment, Forest and Climate Change, Wetland Division.
 - 3) Smt. Neelam Meena, Director, Institute of Environmental Studies and Wetland Management.
 - 4) Shri Kaliyamurthi Balamurugan, Chief Environment Officer, Department of Environment, Government of West Bengal & Member, State Wetlands Authority.
 - 5) Shri Gaurav Lal, Deputy Commissioner of Police, East Division, Kolkata Police.
 - 6) Smt. Susmita Ekka, Scientist D, Central Pollution Control Board.
 - 7) Shri Debasish Chakraborty, DG, Environment & Heritage Department, Kolkata Municipal Corporation.
 - 8) Shri Nitesh Dhali, Additional District Magistrate Land Reforms, South 24 Parganas.
 - 9) Shri Rupesh Sapui, Additional Officer-in-Charge, Pragati Maidan Police Station.
 - 10) Shri Sidhartha Guin, Deputy District Land Reforms Officer, South 24 Parganas.
- The Chief Environment Officer, Department of Environment chaired the meeting and welcomed the members.

The following decisions were taken in the meeting

1. To conduct a joint survey by the Kolkata Municipal Corporation and the ADM&LR, Dist. South 24 Parganas on 07.02.2022 to ascertain on which Dag number the said water body namely "Ukil Bheri" falls and also the status of Dag numbers 267 and 268 of Mouza Nimokpoktan, under P.S. Pragati Maidan, Ward No. 57, Kolkata Municipal Corporation.
2. The survey report to be submitted by 11.02.2022 (tentatively).
3. Based on the survey report the constituted Committee to make a site visit on 16.02.2022 (tentatively) for inspection along with the Applicant of OA 25/2016/EZ and the project proponent(s).
4. The Committee to submit its report by 09.03.2022 (tentatively).

The meeting ended with vote of thanks.


Chief Environment Officer,
Department of Environment, Government of West Bengal &
Member, State Wetlands Authority

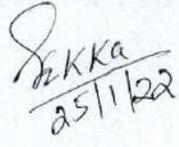
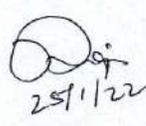


ATTENDANCE SHEET

Hearing conducted as per the Order of the Hon'ble National Green Tribunal, Eastern Zone Bench
dated 03.01.2022

Date: 25.01.2022

Time: 12:00 noon

| Name With Designation (IN CAPITAL LETTERS) | Organization | Contact no. & E-mail Id | Signature |
|---|---------------------------------------|---|--|
| SUSMITA EKKA Scientist D | Central Pollution Control Board of | 9433023133 susmita-ekka@ rediffmail.com |  25/1/22 |
| PAUSALI MUKHERJEE Sr. L.O. | Deptt. of Environment | |  25/1/22 |
| Manjiv Pandey, Joint Secretary, MOEF&CC | MOEF&CC and NWC | manjiv.pandey@ nic.in | |
| Debashish Chakraborty, Scientist, D&E (Env) WBPCB KMC | WBPCB KMC | |  |
| Debashish Sarkar, | WBPCB | | |
| Neelam Meena, Director, IESWM | IESWM | | |
| Rajasekhar Rathi | | | |
| Gourav Lal, IPS Deputy Commissioner East Div, K.P. | East Division, Kolkata Police | | |

OA 25 of 2016/EZ

Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors

ATTENDANCE SHEET

Hearing conducted as per the Order of the Hon'ble National Green Tribunal, Eastern Zone Bench
dated 03.01.2022

Date: 25.01.2022

Time: 12:00 noon

| Name With Designation (IN CAPITAL LETTERS) | Organization | Contact no. & E-mail Id | Signature |
|---|---------------------------------|--|-----------|
| Nitesh Dholi, ADM Land Referrals, South 24 Parganas | DM office, South 24 Parganas | | |
| Rupesh Sapni, Additional D.C., Pragati Maidan PS | Kolkata Police | | |
| Siddhartha Guin Deputy DLRO | ADMLR, South 24 Parganas | 9681808343 dlro.24pgs @gmail.com | |
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|---|
| East Kolkata Wetlands Management Authority |
| Docket No. 085/2022 |
| Date: 17/02/2022 |

Government of West Bengal
Office of the Additional District Magistrate &
District Land & Land Reforms Officer, South 24 Parganas
New Treasury Building (8th & 9th Floor), Alipore, Kolkata - 700027.
TEL. NO. 2479-1955, 2479-2196, FAX- 2499-4820, email ID-
dilro.s24pgs@gmail.com

AN ISO 9001:2008 CERTIFIED ORGANIZATION

Memo No. Misc/885/2022

Date : 16.02.2022

To,
 The Chief Technical Officer,
 East Kolkata Management Authority,
 Pranisampad Bhawan,
 LB-2, Sector - III,
 Salt Lake,
 Kolkata - 700 106.

Sub : Submission of report regarding present status of RS
 Plot No. 267 and 268 in Mouza Nimokpoktan (JL No.-F)
 Under BL&LRO, kolkata, P.S. Pragati Maidan, w.r.t.
 "Ukil Bheri" as per the order of the Hon'ble NGT, dt.
 03.01.2022 and communicated by the Registrar, NGT,
 Eastern Zone Bench, Kolkata, vide IA/10/2020/EZ
 In OA 25/2016/EZ.



Sir,

With reference to above, enclosed kindly find the report, submitted by
 the Revenue Officer & Technical Advisor, attached to the office of the undersigned, for his
 kind consideration.

Yours faithfully,

Encl : As stated.

Additional District Magistrate and
 District Land and Land Reforms Officer
 South 24 Parganas

Memo No. Misc/885/1/2022

Date : 16.02.2022

Copy forwarded for information to C.A to the District Magistrate, South 24 Parganas.

Additional District Magistrate and
 District Land and Land Reforms Officer
 South 24 Parganas

**REPORT REGARDING PRESENT STATUS OF RS PLOTS NO. 267 AND 268 IN
MOUZA NIMOKPOKTAN(JL NO. - 1) UNDER BL&LRO, KOLKATA, P.S. PRAGATI
MAIDAN, WITH RESPECT TO "UKIL BHERI" AS PER THE ORDER OF THE
HON'BLE COURT (NATIONAL GREEN TRIBUNAL) DATED 03/01/2022 AND
COMMUNICATED BY THE REGISTRAR, NGT, EASTERN ZONE BENCH, KOLKATA
VIDE IA/10/2020/EZ IN OA 25/2016/EZ**

As per the order of the Hon'ble Court (National Green Tribunal) dated 03/01/2022 and communicated by the Registrar, NGT, Eastern Zone Bench, Kolkata vide IA10/2020/EZ in OA 25/2016/EZ, an enquiry was conducted in RS plot no. 267 and 268 in mouza Nimokpoktan, JL no. 1 under Block Land & Land Reforms Office, Kolkata from 07/02/2022 to 11/02/2022.

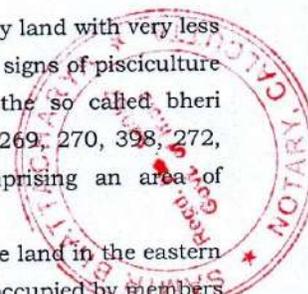
The following facts which were found out from the enquiry are as follows:

1. The status of land showing magnum of filling and remnant water body in RS plots no. 267 and 268 were found to be the following:

| RS PLOT NO. | CLASSIFICATION IN RS RECORDS | RECORDED AREA IN RS (ACRES) | PRESENT WATER BODY AS PER RS SHEET (ACRES) | PRESENTLY FILLED UP & RESIDENTIAL PORTION AS PER RS SHEET (ACRES) |
|-------------|------------------------------|-----------------------------|--|---|
| 267 | Beel | 4.45 | 0.67 | 3.78 |
| 268 | Beel | 9.50 | 6.93 | 2.57 |

2. The construction work of two buildings, which was found to be under process in the eastern portion RS plot no. 268 as mentioned in the previous report, the G+4 building (CZ/9B), appears to be completed full with residents. The other building (CZ/14A and CZ/14B) in the opposite side, has been risen up to 4th floor. Its construction work has not been completed. The two buildings have been constructed over the filled-up portion of the water body of RS plot no. 268.
3. It appeared that as many as 25 residential plots along with construction (i.e. CZ/9A, CZ/9, CZ/14, CZ/10, CZ/13, etc.) and 4 common metalled roads are present in the said RS plots 267 and 268.
4. From the ground measurement with the RS sheet, it was found that the length of the filled up and residential portion in RS plot number 268 is 153 feet from the plot boundary up to the present edge of the water body (Ukil Bheri) in the longest side.

5. From the ground measurement with the RS sheet, it was found that the length of the filled up and residential portion in RS plot number 267 is 352 feet from the plot boundary up to the present edge of the water body (Ukil Bheri) in the longest side.
6. The South Canal Road joining the Eastern Metropolitan Bypass in the south and the Canal Road in the north runs along North-South direction in RS plot number 267.
7. There are certain other complete and incomplete constructions and filled up portions in the North side of the RS plot 268, which are outside the Metropolitan Co-Operative Housing Society.
8. The present condition of "Ukil Bheri" is a low and marshy land with very less water, filled up with marsh land vegetation, showing no signs of pisciculture or any other kind of aquatic activity. At present, the so called bheri stretches within parts of RS plots no. 267, 268, 271, 269, 270, 398, 272, 275, 276, 127, 274, 273, 128, 126 and 278 comprising an area of approximately 8.63 Hectares (21.32 acres).
9. This is also worth mentioning that at present most of the land in the eastern side of the RS plot 268 and almost all of RS plot 267 is occupied by members of Metropolitan Co-Operative Housing Society Ltd., Registration No. 75/Cal of 1966 who have claimed to purchase the property from Biswendranath Chowdhury, S/o - Dhirendranath, Munshi House, Baranagar, Kolkata - 700036 and Roy Harendranath Chowdhury, S/o - Roy Surendranath, Munshi House, Baranagar, Kolkata - 700036 between 1966 and 1970, vide several purchase deeds, as mentioned by the society.
10. The Metropolitan Co-Operative Housing Society Limited has developed the entire lands, divided into Four sectors namely "A", "B" and "C" & "EA" Sectors and allotted it to different members.
11. In the present day, the filled-up portion within RS plots 267 and 268 coincides with major portion of Sector-B, and parts of Sector-A and AE respectively, as per the map of Metropolitan Co-Operative Housing Society.
12. Vide the Kolkata Municipal Corporation Act, 1980, the complete mouza has been integrated into the jurisdiction of Ward no. 57 of Kolkata Municipal Corporation. As per Metropolitan Cooperative Housing Society Limited, KMC is the owner for payment of Development charges and taking over of roads for all the Plot Numbers owned by the said society in Mouza Nimakpoktan.



13. The RS plots 267 and 268, along with the whole Nimokpoktan mouza does not come under the jurisdiction of East Kolkata Wetlands Management Act, 2006 or any other wetland protection act.

Encl: Annexure-A: Sketch map showing present status of Ukil Bheri with respect to RS plots 267 and 268 (1 sheet)

This report is being placed before you for your kind perusal.

Shraipayan Ghosh
17/1/22
RS & TA (Ho)
EPO & DM, BARUDA,
SAMPUR



MOUZA - NIMAKPOKTAN
 P.S - TOLLYGUNGE (FRAGATI MAIDAN)
 DISTRICT - SOUTH 24 PARAGANAS
 NOT TO SCALE



Shri Anupam Das
 17/12/22
 910 1234567890
 594828

AREA STATEMENT

| PLOT NO. (R.S) | CLASSIFICATION | PRESENT AREA IN ACRE (APPROX) | WATER BODY AREA IN ACRE (APPROX) | RESIDENTIAL PORTION AREA IN ACRE (APPROX) |
|-------------------|----------------|-------------------------------|----------------------------------|---|
| 267 | BHEEL | 4.45 | 0.67 | 3.78 |
| 268 | BHEEL | 9.50 | 6.93 | 2.57 |

* HIGHLIGHTED PORTION SHOWING PRESENT LOCATION OF PLOTS NOS. C2/9B, C2/14A AND C2/14B

LEGEND

| | |
|--|-----------|
| MOUZA BOUNDARY | ————— |
| PLOT BOUNDARY | ————— |
| PRESENT WATER BODIES (UKIL BHERI) | |
| FILLING PORTION WITHOUT BUILDING | |
| PORTION OF THE METROPOLITAN CO-OPERATIVE HOUSING SOCIETY | - - - - - |

ANNEXURE : A

No: 053/EN/3C-15/2016

Date: 15.02.2022

From: Kaliyamurthi Balamurugan
Chief Environment Officer, Environment Department &
Member, State Wetlands Authority

To:

1. The Chairperson
National Wetlands Committee
Ministry of Environment, Forest & Climate Change
Indira Paryavaran Bhawan, Jorbagh Road
New Delhi-110003
2. The Secretary
Ministry of Environment, Forest & Climate Change
Indira Paryavaran Bhawan, Jorbagh Road
New Delhi-110003
3. Dr. Shahida Parvin Quazi
Scientist E', Integrated Regional Office, MoEF&CC
IB -198, Sector III, Salt Lake, Kolkata 700106
4. Member Secretary
Central Pollution Control Board
Parivesh Bhawan, Maharshi Valmiki Marg
Delhi 110032
5. Dr. Susmita Ekka
Scientist 'D', Eastern Regional Directorate
Central Pollution Control Board
6. Smt. Roshni Sen, IAS
Member Secretary
West Bengal Pollution Control Board
7. Smt. Neelam Meena, IAS
Director
Institute of Environmental Studies and Wetland
Management
8. The District Magistrate
South 24 Parganas
9. Shri Nitesh Dhali, WBCS (Exe.)
Additional District Magistrate, Land Reforms
South 24 Parganas
10. Shri Gaurav Lal, IPS
The Deputy Commissioner of Police
East Division, Kolkata Police
11. Shri Debasish Chakraborty
DG, Environment & Heritage Department
Kolkata Municipal Corporation
12. Shri Siddhartha Guin, WBCS (Exe.)
Deputy DL & LRO, South 24 Parganas
13. Shri Rupesh Sapui
Additional Officer-in-Charge
Pragati Maidan Police Station)

Sub: Field visit of the Committee constituted by the Hon'ble National Green Tribunal vide Order dated 03.01.2022

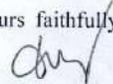
Ref: Minutes of the meeting of the Committee held on 25.01.2022 (copy enclosed)

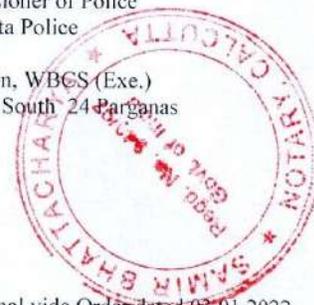
Sir/Madam,

With reference to the above, this is to inform you that site visit will be held on 17.02.2022 at 11.30 a.m.

You are requested to present or send your representative at the site during the site inspection.

Yours faithfully,


(K. Balamurugan)



State Wetlands Authority
Department of Environment, Government of West Bengal
Pranisampad Bhavan, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata – 700 106

No: 055/EN/3C-15/2016

Date: 16.02.2022

From: K. Balamurugan, IFS
Chief Environment Officer, Department of Environment
& Member, State Wetlands Authority

To: 1. Shri Ashok Prasad
Advocate of Sabyasachi Mallick Chowdhury
ashokadvhc@gmail.com

2. Shri Ankit Sureka,
Advocate of Metropolitan Co-operative Housing Society Limited
mchslkolkata@gmail.com



Sub: Field visit of the Committee constituted by the Hon^{ble} National Green Tribunal vide Order dated 03.01.2022

Ref: Minutes of the meeting held on 25.01.2022 of the Committee (copy enclosed)

Sir / Madam,

With reference to the above, this is to inform you that site visit will be held on 17.02.2022 at 11:30am.

You are requested to be present or to send your authorized representative at the site during the site inspection.

You may contact Shri Anirudha Paul, Scientific Officer, East Kolkata Wetlands Management Authority at no. 9038707344.

Yours faithfully


(K. Balamurugan)

Encl: As stated above

Original Application No. 25 of 2016/EZ
Sabyasachi Mallick Chowdhury Vs. The State of West Bengal & Others

Minutes of the site visit conducted by the Committee constituted by the Hon'ble National Green Tribunal vide Order dated 03.01.2022 in O.A. No. 25 of 2016/EZ (Sabyasachi Mallick Vs. State of West Bengal & Ors) on 17.02.2022.

In compliance with the Order of Hon'ble National Green Tribunal vide dated 03.01.2022 the Committee held its first meeting on 25.01.2022 and as per the decision of the said meeting, the Additional District Magistrate & District Land and Land Reforms Officer, South 24 Parganas conducted a field enquiry on R.S. Plot no. 267 and 268 in Mouza Nimokpoktan, J.L. No. 1 from 07/02/2022 to 11/02/2022 and submitted their report on 16.02.2022.

Based on the survey report, the Committee members inspected the site on 17.02.2022 at 11.30 am. The list of participants is annexed herewith.

From the available documents, reports, records, maps etc. following facts have come up:

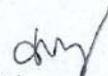
1. The present condition of "Ukil Bheri" is a low and marshy land with less water, filled up with aquatic vegetations. There is no sign of pisciculture activity.
2. At present, the bheri/ water body stretches within the parts of RS plot no. 267, 268, 271, 269, 270, 398, 272, 275, 276, 127, 274, 273, 128, 126 and 278 of Mouza Nimokpoktan, J.L. No. 1 comprising an area of approximately 8.63 Ha (21.32 Acres).
3. The classification of the area in question i.e. R.S. plot no. 267 and 268 of Mouza Nimokpoktan, J.L. No. 1 is recorded as "Beel".
4. One G+4 building (CZ/9B) and other building (CZ/14A and CZ/14B) have been constructed recently over the filled up portion of the water body of RS plot no. 268.
5. There are few complete and incomplete new constructions found on the RS plot no. 268.
6. No land of RS plot no. 267 and 268 were converted from the district administration of South 24 Parganas.
7. The subject land is not under the purview of the East Kolkata Wetlands Management Authority.
8. The complete Mouza Nimokpoktan, J.L. No. 1 has been integrated into the jurisdiction of Ward no. 57 of Kolkata Municipal Corporation as per the Kolkata Municipal Corporation Act, 1980.

At the end of the inspection, the Committee decided that the Kolkata Municipal Corporation (KMC) will provide the following information by **28.02.2022** to the State Wetlands Authority, Pranisampad Bhavan, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata – 700 106 (email. ctoekwma@gmail.com):

- i. Assessee Number, building sanction plan permitted by the KMC, mutation certificate, completion certificate if any for the above mentioned two buildings in particular and for other buildings which have got permission for construction on the RS Dag No. 267 and 268 of Mouza Nimokpoktan, J.L. No. 1 in general starting from Canal South Road to existing water body..

- ii. Report of Project Management Unit (PMU), KMC regarding the 'Ukil Bheri'.
- iii. Land used pattern as per KMC land records for RS Dag No. 267 and 268 of Mouza Nimokpoktan, J.L. No. 1.

The Committee will meet in the first week of March, 2022.



(K. Balamurugan)

Chief Environment Officer, Environment Department &
Member, State Wetlands Authority



O.A. No. 25 of 2016/EZ
(Sunit Kumar Mallick Chowdhury Vs. The State of West Bengal & Others)

ATTENDANCE SHEET
Field Visit Conducted as per the Order of the Hon'ble National Green
Tribunal dated 03.01.2022

Date: 17.02.2022

Time: 11.30 am

| Name with Designation | Organization | Contact No. & E-mail ID | Signature |
|---------------------------------------|----------------------------------|---|-------------------------|
| Dr. Shahida P Quazi Sd/- | IRO, Kolkata MORF CC, | sp. qv ma 21 @ gov.in 8974597248 | Dr. Shahida Basu |
| NITESH DHALI, ADM & DLERO. | Collectorate South 24 Pgs. | 9836819555 dlro.24pgs@ gmail.com. | |
| Siddhanta Guha Dy. DLERO. | Collectorate South 24 Pgs. | 96818083 | |
| Debarshi Sankar Chief Engineer. | WBPCB | 9434031888 | |
| Susmita EKKA Sd/-, CPLB Kolkata | CPLB | 7021995986 | SEKKA 17/2/22 |
| Dipankar Pal Ex. Engg (M)I KMC | KMC | 9433417657 dpl 1809 pg mail.com | Dipankar Pal 17/2/22 |



Sripurna Paul
DLERO,
Alipore Sadar
8582887117
sdlroalp@
gmail.com
17/2/22

OA No 25/2016/EZ
Sabyasachi Mallick Chowdhury
Vs
State of West Bengal & Ors.

Minutes of the meeting of Joint Committee constituted by the Order dated 03.01.2022 of the Hon'ble National Green Tribunal in OA No. 25 of 2016/EZ; Sabyasachi Mallick Chowdhury Vs. State of West Bengal & Ors. held on 15.03.2022.

The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata through its Order dated 03.01.2022 constituted a Joint Committee with respect to the illegal filling up of a water body namely "Ukil Bheri" at RS Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanangram under PS Pragati Maidan, Kolkata Municipal Corporation (KMC) Ward No. 57. The first meeting of the Joint Committee was held on 25.01.2022 and the second meeting was held on 15.03.2022.

The following participants were present in the meeting:

1. Smt. Neelam Meena, IAS, Secretary, Environment Department, Government of West Bengal and Director, Institute of Environmental Studies and Wetland Management.
2. Shri Kaliyamurthi Balamurugan, IFS, Chief Environment Officer and Member, West Bengal State Wetlands Authority.
3. Dr Shahida Parvin Quazi, Scientist E, Integrated Regional Office, Kolkata, MoEF&CC.
4. Dr Susmita Ekka, Scientist D, Central Pollution Control Board.
5. Shri Arumoy Mukherjee, Assistant Commissioner of Police(1), East Division, Kolkata Police.
6. Shri Debashis Sarkar, Chief Engineer, West Bengal Pollution Control Board
7. Shri Ujjwal Kumar Sarkar, Deputy Chief Engineer, Building, Kolkata Municipal Corporation.
8. Shri Nitesh Dhali, Additional District Magistrate & District Land and Land Reforms Officer, Dist South 24 Parganas.

Shri Kaliyamurthi Balamurugan, Chief Environment Officer chaired the meeting and welcomed all participants to the meeting. The following documents have been submitted by Kolkata Municipal Corporation regarding RS Dag no. 267 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanangram, under the Police Station Pragati Maidan, Ward No. 57 of KMC for Premises nos. 9B, 14A and 14B, Canal South Road, Metropolitan Cooperative Housing Society Ltd.

- a. Deed of Conveyance
- b. Survey observation report
- c. Assessment Book
- d. Building Sanction Detail Register.

But, in the submitted documents by the KMC there is no mention about the land fill up at RS Dag no. 268. But, the report submitted by the ADM&LR, Dist South 24 Parganas is showing that 2 Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, PS Pragati Maidan, KMC Ward no. 57.

During the meeting ADM & LR, Dist South 24 Parganas said that as per the Kolkata Municipal Corporation Act, 1980 Ward No. 57 went under the jurisdiction of Kolkata Municipal Corporation in 1980. He also said that as per RS records the land classification was recorded as "Beel" for both RS Dag nos. 267 and 268.

Shri Ujjwal Kumar Sarkar, Deputy Chief Engineer of KMC said that the KMC is in the process of revocation of the plan sanctioned for building nos. 9B, 14A and 14B. According to the map submitted with the report of the ADM&LR, these three buildings have come up on RS Dag no. 268, which is within the water body. From the documents submitted by the KMC it is not clear whether the KMC has sanctioned any building plan in RS Dag no. 268. If yes, clarification is needed on the date of land conversion along with the relevant documents. The Deputy Chief Engineer, KMC could not produce any document regarding land classification of RS Dag no. 267.

Finally, the Joint Committee unanimously took the following decisions:

1. Kolkata Municipal Corporation (KMC) to issue a Stop Work Notice at RS Dag nos. 267 and 268.
2. KMC to submit the following documents in the next meeting to be held on 22.03.2022:
 - i. The period from when RS Dag nos. 267 & 268 of Mouza Nimokpoktan, JL no. 1, KMC Ward No. 57, PS Pragati Maidan came under the jurisdiction of the KMC.
 - ii. As per the survey report of the ADM&LR, South 24 Parganas the subject RS Dag nos. 267 & 268 of Mouza Nimokpoktan, JL no. 1, KMC Ward No. 57 under PS Pragati Maidan are recorded in the RS Records as "Beel". If the land classification (land use pattern) has been changed from "Beel" to anything else, KMC should provide with the relevant documents.
 - iii. Please provide with the land classification details against which the KMC has issued building sanction plans at the subject RS Dag numbers.
3. KMC was also requested to submit the documents that were sought for in the Minutes dated 17.02.2022 of the site visit by the Joint Committee.

The Deputy Chief Engineer, KMC informed that since the required documents are not in his possession, he requested the Committee to call the following officials of the KMC in the next meeting.

1. Chief Valuer & Surveyor, KMC
2. Deputy Chief Engineer, PMU, Environment & Heritage Department, KMC
3. Chief Manager, Revenue, South Division, KMC
4. Block Land & Land Reforms Officer, Kolkata
5. Deputy Chief Engineer, Building, KMC
6. The Officer-in-Charge, Khasmahal, District South 24 Parganas.

The Joint Committee decided that the Deputy Chief Engineer, KMC will coordinate with their officials and bring them to the next meeting scheduled on 22.03.2022 along with the relevant documents. Accordingly, a letter may also be issued to these KMC officials.

The meeting ended with thanks to and from the chair.



(Kaliyamurthi Balamurugan)
Chief Environment Officer
& Member, West Bengal State Wetlands Authority

No 097/EN/3C-15/2016

Date: 17.03.2022

Copy forwarded to:

1. Ms Leena Nandan,
The Secretary, Ministry of Environment Forest & Climate Change, Government of India
& The Chairperson, National Wetlands Committee
2. Smt. Manju Pandey
Joint Secretary, Ministry of Environment Forest & Climate Change
3. Dr. Prashant Gargava
Member Secretary, Central Pollution Control Board
4. Shri Rajasekhar Ratti
Scientist D, Ministry of Environment Forest & Climate Change
5. Smt. Roshni Sen,
Member Secretary, West Bengal Pollution Control Board
6. Smt. Neelam Meena,
Director, Institute of Environmental Studies and Wetland Management
7. Shri Binod Kumar,
The Commissioner, Kolkata Municipal Corporation — with a request to send the KMC officials along
with the relevant documents as mentioned in the Minutes to the next meeting to be held on 22.03.2022
at 12:30pm at the Conference Hall No. 1 of Kolkata Municipal Corporation, 5 SN Banerjee Road,
Kolkata-700013.
8. Dr. P. Ulaganathan
District Magistrate, Dist South 24 Parganas
9. Shri Gaurav Lal
The Deputy Commissioner of Police, East Division, Kolkata Police
10. Smt Susmita Ekka
Scientist D, Central Pollution Control Board
11. Shri Nitesh Dhali
Additional District Magistrate, Land Reforms, Dist South 24 Parganas
12. Shri Siddhartha Guin
Deputy DL&LRO, Dist South 24 Parganas
13. Shri Debasish Chakraborty
DG, Environment & Heritage Department
Kolkata Municipal Corporation



(Kaliyamurthi Balamurugan)
Chief Environment Officer, & Member, West Bengal State Wetlands Authority

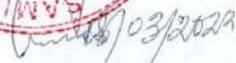
Sabvasachi Mallick Chowdhury Vs State of West Bengal & Ors

ATTENDANCE SHEET

Meeting of the Joint Committee formed as per the Order of the Hon'ble NGT dated 03.01.2022

Date: 15.03.2022

Time: 12:00 noon

| Name With Designation (IN CAPITAL LETTERS) | Organization | Contact no. & E-mail Id | Signature |
|---|--------------------------|---|---|
| Debashin Sarkar | WBPCB | 9436031287. debassarkar67@gmail.com |  |
| VIJWAL KUMAR SARKAR DY. CE (C)/BLAG. | K.M.C | 9831014687 dyce-blag@kmc.gov.in |  |
| NITESH DHALI ADM & DLRLD SOUTH 24 PGS | SOUTH 24 PGS DISTRICT | 9836819555 dlrco.24pgs@gmail.com |  |
| Siddhartha Guin Dy. DLRLD South 24 Pgs | South 24 Pgs. | 9681808343 dlrco.24pgs@gmail.com |  |
| DWAIPAYAN GHOSH RD & TA (HQ) O/O ADM (LR), S24 PGS | LR Dept. Govt. of WB | 9836621490 dwaipayam.ghosh09@gmail.com |  |
| | | | |

| Name With Designation (IN CAPITAL LETTERS) | Organization | Contact no. & E-mail Id | Signature |
|---|--|---|---|
| RUPESH SAPUI | KOLIKATA POLICE Add o/c Pragati maidan P. S | 9836486777 rupeshsapi@ yahoo.com. | <i>Rupesh Sapui</i> |
| ARUMOY MUKHERJEE | KOLKATA POLICE ASST. COMMISSIONER OF POLICE (1) EAST DIVISION | 9830888064 Arumoy.kp@ gmail.com. | <i>Arumoy Mukherjee</i> 15/03/22 |
| DR. SHAHIDA PARVIN QUAAZ | IRO, KOLIKATA, MOEFACE | 8974599218 sp.quezi@ gov. in | <i>D. Shahida Parvin</i> 15/3/22 |
| SUSMITA EKKA | CPCB, RD, KOLIKATA | 7021995986 susmita_ekka @rediffmail.com | <i>SEKKA</i> 15/3/22 |
| | | | |
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MUNICIPAL COMMISSIONER'S OFFICE
File No. 143
Date of Receipt 21/2/19

MAYOR'S OFFICE
Sl. No. P/114/M
Date 20-1-19

Annexure VII

File No. 143
Date of Receipt 21/2/19

983
4116

D.G.(PMU)

Re.: Illegal pond filling and construction of boundary wall on embankment of Ukil Bheri in Ward No. 57 under Br.-VII

RECEIVED
Project Manager
The Kolkata Municipal Corporation
P(2229)
Date 05.2.19

➤ Complaint received from Mr. Sunit Kr. Mullick Chowdhury regarding illegal filling on 22.06.2016.

Action taken:

Notice against illegal filling U/S 53 of WBTC(P&D) Act 1979 and FIR lodged with Officer-in-Charge, Pragati Maidan P.S. Kolkata-700105 vide Memo No. PMU/31/2016-17 dated 26.07.2016 & PMU/91/2016-17 dated 26.07.2016 respectively.

➤ Second FIR lodged vide Memo No. PMU/113/2016-17 dated 06.08.2016 with Officer-in-Charge, Pragati Maidan P.S. Kolkata-700105 by this department.

➤ On receiving the complaint on 17.03.18, notice against illegal filling was issued for second time vide Memo No. PMU/57/2017-18 dated 17.03.18. Thereafter, FIR lodged with Officer-in-Charge, Pragati Maidan P.S. Kolkata-700105 vide Memo No. PMU/45/2018-19 dated 04.05.18 for the third time.

➤ Fourth time, FIR was lodged on 24.01.19 with Officer-in-Charge, Pragati Maidan P.S. Kolkata-700105 as per order of Spl. Municipal Commissioner (G&D).

Now, the matter is under sub-judice.

Submitted please.

D.G.(PMU)

Special Municipal Commissioner (G. D. & S)
The Kolkata Municipal Corporation

24.01.19
E.E.(C)/PMU

Notary Seal: SAMIR BHATTACHARYA, NOTARY, CALCUTTA, Regd. No. 40157, Govt. of India

Dy.C.E.(C)/PMU

Honorable Mayor

M.P. (P) PMU
D.G.(PMU)

The defunct report is attached herewith.

Sub. M.

M/C
Make FIR and EP to inform regard to embankment of P.S.

FIR HAD HAKIM
21/1/19
THE KOLKATA MUNICIPAL CORPORATION

Municipal Commissioner
The Kolkata Municipal Corporation

D.G. (PMU)
K.M.R.
Dy. C.E. (PMU)
P.S. (P) PMU

ENCROACHMENT



P. BHATTACHARYA
 Notary
 Govt. of India
 NOTARY, CALCUTTA

AREA OF WATERBODY 82154.352 S.G.M

UCHU PACHIL DIYA GHERA BISHAL ELAKA

UCHU PACHIL DIYA GHERA BISHAL ELAKA

POND

DRAINER GHAT



Project Management Unit
The Kolkata Municipal Corporation
48, Market Street, Kolkata - 700 087

Memo No. PMU/337/18-19

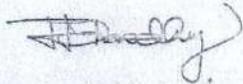
Dated : 15.02.19

To,
The Officer-in-Charge,
Pragati Maidan Police Station
Kolkata-700 105.

Sub: FIR against filling up of water body and boundary wall on
embankment of Ukil Bheri in ward no 57 under Br.-VII.

With reference to the complaint lodged by sri Sumit Kumar Mullick Chowdhury of 64/11 G, Suren Sarker Road, Kolkata-700010 on 04.01.19 before Honourable Mayor, Municipal Commissioner, Special Municipal Commissioner (G&D) and DG/PMU of the Kolkata municipal corporation, this is to inform you that an illegal filling up of water body at the abovementioned premises is going on in violation of section 53 of W.B. T & C (P&D) Act 1979 & 22 of West Bengal Inland Fisheries Act 1993 (Amended).

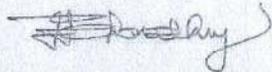
Therefore you are requested to take immediate action considering this as an FIR and provide us a Case Reference for further necessary action in this matter.



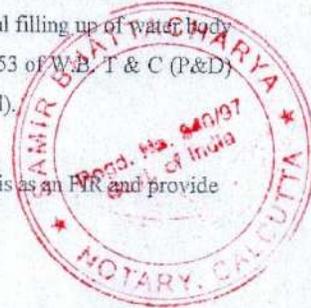
Executive Engineer (C)/PMU

Copy to:

1. MMIC (Environment), KMC – for kind information
2. Addl. C.P.-IV, Kolkata Police Directorate, Lalbazar – for kind information & necessary action please.
3. Dy. Director, Fisheries, 9th, Esplanade East, Kolkata – 700 069 – for information and necessary action please.
4. Executive Engineer (C)/Br.-VII – for information and necessary action please



Executive Engineer (C)/PMU



of

*EE/THC
P. Samant
30/01/19*

Project Management Unit
The Kolkata Municipal Corporation
45, Bowbazar Street, Kolkata - 700067

REMINDER

Memo No.: PMU/Sec/2018-19

Dated: 24.01.2019

To,
The Officer-in-Charge,
Pragatimaidan Police Station,
Kolkata - 700 105

Sub: Reminder letter of FIR against illegal filling up of water body at "Ukil Bheri" in Ward No.57 Under Borough VII

In reference to the complaint lodged before DG/PMU of KMC, this Department lodged FIR vide memo No. PMU/91/2016-17, PMU/113/2016-17, & PMU/45/2018-19, dated 26.07.2016, 06.08.2016, & 04.05.2018 respectively to your good office. And this is to inform you that an illegal filling up of water body and construction of boundary wall at "Ukil Bheri" is going on till date in violation of Section 53 of W.B. T & C (P&D) Act 1979 & 22 of West Bengal Inland Fisheries Act 1993 (Amended).

Therefore, you are requested to take immediate action considering this as an FIR and provide us a Case Reference for further necessary action in this matter.



Hoody
24.01.19
EXECUTIVE ENGINEER
E.K.C.

Copy to:

1. MMIC (Environment), KMC - for kind information,
2. Addl. CP IV, Kolkata Police Directorate, Lalbazar - with a request to direct the local Police Station to take immediate measures as filling work is still going on,
3. Dy. Director, Fisheries Department, 9A, Esplanade East, Kolkata - 700 069 - for information and necessary action please,
4. Executive Engineer (C)/Borough VII- for information and necessary action please.

RECEIVED

EXECUTIVE ENGINEER

Pr...
A-51-88888
Contents not Verifd
Pragati Maidan P.S.
Kolkata-700 105



To
 The Chief Environment Officer
 Environment Department
 Government of West Bengal
 Prani Sampad Bhavan
 5th Floor, LB -2
 Sector -3, Saltlake - 700106

Ref: Draft interim report of the joint committee in O.A. No 25/2016

Sir,

This is to submit that K.M.C authorities had submitted four complains at Pragati Maidan P.S from the year 2016 to 2019 and against which a case was already started vide PGM P.S Case No-105 dated.15/03/2016 U/s 22 of the West Bengal Inland Fisheries Act, U/s 53 of the West Bengal Town and country planning Act and Section 18 of the East Kolkata wetlands Act. The subsequent complaints were tagged into the said above noted case. Periodic enquires and watch was kept at the complaint location.

However K.M.C could not ascertain how much area has been encroached within the said water body.

RECEIVED

29 APR 2022

Signature with Date.....
 Contents not.....



OA No 25/2016/EZ
Sabyasachi Mallick Chowdhury
Vs
State of West Bengal & Ors.

Minutes of the meeting of Joint Committee constituted by the Order dated 03.01.2022 of the Hon'ble National Green Tribunal in OA No. 25 of 2016/EZ; Sabyasachi Mallick Chowdhury Vs. State of West Bengal & Ors. held on 22.03.2022 at Conference Hall No. 1 of , Kolkata Municipal Corporation, 5 SN Banerjee Road, Kolkata-700013.

The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata through its Order dated 03.01.2022 constituted a Joint Committee with respect to the illegal filling up of a water body namely "Ukil Bheri" at RS Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanangram under PS Pragati Maidan, Kolkata Municipal Corporation (KMC) Ward No. 57. The first meeting of the Joint Committee was held on 25.01.2022, the second meeting was held on 15.03.2022 and the third meeting was held on 22.03.2022.

The names of the participants present in the third meeting are attached herewith in Annexure 1.

Shri K Balamurugan, Chief Environment Officer chaired the meeting and welcomed all the participants and explained the background and purpose of the meeting.

He requested officers of KMC to provide the Joint Committee, necessary documents including procedure followed by KMC for permitting construction of buildings in the Ukil Bheri area in RS Dag nos. 267 and 268 of Mouza Nimokpoktan, JL no. 1, Pagladanga, Dihi Panchanangram under PS Pragati Maidan, Kolkata Municipal Corporation (KMC) Ward No. 57 which are classified as 'Bee' under BL&LRO records.

Shri Bhaskar Bhattacharya, Chief Manager, Revenue South, Kolkata Municipal Corporation (KMC) described the procedure maintained by the Assessment Department of KMC for processing applications for assessment / mutation / building plan sanction in ward no. 1 to 100 of KMC as per the Kolkata Municipal Corporation Act, 1980. He noted to the committee that for proving land character, mutation and premises number of an unassessed property, KMC only verifies the sale deed and other documents submitted by the applicant, and if necessary causes a field inspection. During the process, if KMC is satisfied that the applied plot is water body, KMC does not provide sanction for construction on the applied plot. The Chief Manager declared that on the entire process, the KMC does not require to check any records of the applied plot from the end of the Block Land & Land Reforms Office (BL&LRO). He said that in the case of the Metropolitan Cooperative Society in particular, KMC made the assessment on the basis of sale deed and thereafter sanction plan was issued as per the provisions of the Kolkata Municipal Corporation Act, 1980.

Shri Partha Sarathi Samanta, Deputy Chief Engineer(C) / E2H, KMC said that in the year 2016 a complaint was received from Shri Sunit Kumar Mallick Chowdhury regarding filing up of the water body namely "Ukil Bheri" in KMC Ward No. 57. Based on the complaint, they caused a field inspection and identified that an illegal pond filling and construction of boundary wall on the embankment of "Ukil Bheri". A high resolution satellite map of waterbodies prepared by National Remote Sensing Agency (NRSA) in 2004 for KMC was used to identify the violation. KMC lodged 4 FIRs with PS Pragati Maidan. A copy of FIR was shown before the Committee.

During discussion, it has come up that as per the survey report submitted by the Additional District Magistrate & District Land and Land Reforms Officer, South 24 Parganas the three premises no. 9B,

14A and 14B is on the part of R.S Plot no. 268 of Mouza Nimokpoktan whereas the deed of Metropolitan Cooperative Society, shows that the said three premises are on RS Dag no. 267 of Mouza Nimokpoktan.

Shri Debasish Sarkar, Chief Engineer, WBPCB requested KMC to ascertain the plot number on which those premises nos. 9B, 14A and 14B are in place.

Shri K Balamurugan directed KMC to issue a Stop Work Notice in view of the Order of Hon'ble NGT and to call Metropolitan Cooperative Society for a hearing, and to take necessary action for restoration of waterbody.

Dr Shahida Quazi, Scientist E, Integrated Regional Office, Kolkata, MoEF&CC said that the KMC has to submit a written documentation regarding as to the procedure adopted by KMC regarding justification of assessment mutation and building sanction issued to Metropolitan Cooperative Housing Society in order to incorporate the same in the Committee Report to be placed before the Hon'ble NGT.

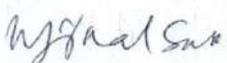
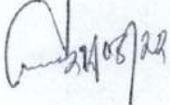
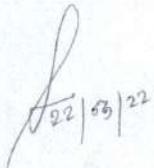
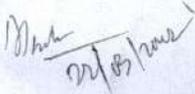
Finally, the Committee unanimously took the following decisions:

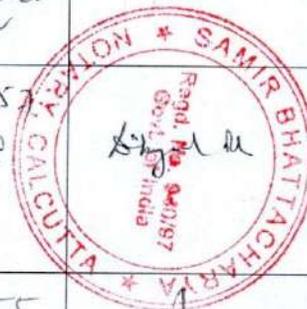
- i. The KMC will issue a Stop Work Notice at the subject land.
- ii. Before 25.03.2022 the KMC will give the report and the draft copy of the report will be circulated by 27.03.2022, and after getting inputs from the members the Committee will finalize the Report by 31.03.2022.

The meeting ended with thanks to and from the chair.

(Kaliyamurthi Balamurugan)
Chief Environment Officer
& Member, West Bengal State Wetlands Authority



| Name With Designation (IN CAPITAL LETTERS) | Organization | Contact no. & E-mail Id | Signature |
|---|----------------------------------|--|---|
| K-BALAMURUNAN. | CEO, Env. Dep. | environmentwb@gmail.com |  |
| Bhaskar Bhattacharya Ch. Manager (Rev-South) KMC. | K.M.C. | 9831291317 chiefmanagerrev@gmail.com. |  |
| UJJWAL KAR SARKAR DY. (C&D)/N KMC. | KMC | 9831014687 dyce-bks-n@kmcgov.in |  |
| DIBYENDU PAL Ex. Engg (BUILDING) KMC | KMC | 9433417657 eebldg02@gmail.com |  |
| NITESH DHALI AEM, LR, SOUTH 24 PGS | SOUTH 24 PARGANAS DISTRICT | 9836819555 dlro.s24pgs@gmail.com |  |
| Siddhanta Guhra. DY. DL&LR South 24 PGS. | South 24 Pgs. | 9681808343 dlro.s24pgs@gmail.com |  |
| Debashis Sankar Chief Engineer | WBSPCB | debasankar69@gmail.com |  |



Susmita EKKA

CPCB 7021995986

SEKKA
22/3/22

Dr. Shekha P
Ghazi

JRO,
MoEF&CC
Kolkata

8974599-
218

S. Shekha
Pasuni
22/3/22

Poojita Sarathi Somanade

Dy. CECC/EZH
KMC

983267462

P. Somanade
22/03/22

Nitish Gh. Basak

AEC/Ch. VLS Dept.
KMC

9836400416

Ch. Basak

Smita Saha

AEC/Env. & Heritage

7595986495

24/03/2022
24/3/22

Tatnagata Mukherjee

BL&LRD, Kolkata

7059650247

T. Mukherjee

Dwaipayan Ghosh

RO&TA, B/OADM(CR)
S24 Pas

9836621490

D. Ghosh

Udit Chatterjee

OPC, Khosmelu, Kolkata

9051133800

U. Chatterjee



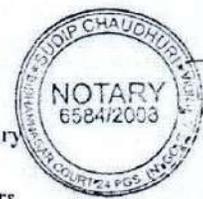
Annexure - IX

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Annexure VIII

REPORT

OA No. 25/2016/EZ
Sabyasachi Mallick Chowdhury
Vs.
State of West Bengal & Others



As per decision of the Joint Committee in connection with the above mentioned court's order it was decided that KMC will issue stop work notice for the premises within RS Dag Nos. 267 & 268 of Mouza Nimokpoktan, JL No. 1, KMC Ward 57.

A meeting was held on 22/03/2022 at Conference Room No.II of CMO Building KMC in connection with judgement of the Hon'ble NGT dated 03/01/2022 relating to the land situated at R.S. Dage Nos. 267 & 268 of Mouza - Nimakpoktan, J.L. No. 1, KMC Ward No. 57 under P.S. Pragati Maidan and Premises No. A/P - CZ-9B/B (Plot No. CZ-9B), A/P - CZ-14A/B (Plot No. CZ-14A), A/P - CZ-14B/B (Plot No. CZ - 14B) at Metropolitan Co-operative Housing Society Ltd.

Accordingly, KMC has issued intimation letter to stop further construction work at Premises No. CZ/9B/B, Canal South Road and CZ/14A/B, Canal South Road.

Previously, KMC has accorded sanction vide Building Permit No.2016070100 dated 05/10/2016 for a G+IV storied residential building at Premises No. 9B/B, Canal South Road and G+III storied residential building for Premises No. 14A/B, Canal South Road sanction plan vide Building Permit No.2016070075 dated 01/09/2016 for considering the Deed of Conveyance, Assessment Book Copy & Survey Observation Report of KMC and NOC from Kolkata Improvement Trust.

However, it has been noticed that there are several buildings which have been constructed within the periphery of Dag Nos. 267 & 268 which has been demarcated by District Lane and Land Reformer Officer, 24 Pargana (South) dated 16/02/2022 vide no. MISC 885/2022).

Accordingly, intimation letter to stop further construction has been issued to the following premises and revocation of sanctioned plan u/sec. 397 of the KMC Act, 1980 is under process.

1. A/P - CZ - 23, Canal South Road [B.P. No. 2016070078 dated 05/09/2016]
2. A/P - 34/B, Canal South Road [B.P. No. 2017070103 dated 13/10/2017]
3. CZ - 20A/B, Canal South Road [B.P. No. 2018070230 dated 08/01/2019]
4. A/P - 25/A, Canal South Road [B.P. No. 2020070036 dated 15/09/2020]
5. A/P - 38/A, Canal South Road [B.P. No. 2021070026 dated 30/10/2021]
6. CZ/15A/B, Canal South Road [B.P. No. 2021070099 dated 02/11/2021]
7. A/P - CZ - 18, Canal South Road [B.P. No. 2017070104 dated 13/10/2017].



In this connection report of Chief Manager (Revenue/South) of KMC as endorsed by Spl. Mpl. Commissioner (R/S/P) and report of Dy. Ch. Engineer (Civil), Environment & Heritage Department of KMC are attached herewith.

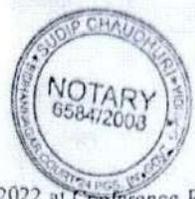
[Signature]
25/3/22
S.A.E (C)/Bldg.

[Signature]
25/03/22
A.E (C)/Bldg.

[Signature]
25/03/22
Exe. Engineer /Br - VII
Ex. Engr. (C/B)
Bldg. Br. VII
K.M.C.

[Signature]
25.3.2022
Dy. Ch. Engineer (Civil)/Bldg./North
Dy. C.E.(C)/Bldg./North
Building Department

Dy Chief Engineer (Building) (N)
Special Municipal Commissioner (Revenue)



The Kolkata Municipal Corporation
 O/o Chief Manager (Revenue)

This has reference to meeting held on 22-03-2022 at Conference Room No. II of CMO Building, KMC in connection with judgement of the Hon'ble NGT dated 03-01-2022 relating to the land situated at R.S. Dag Nos. 267 & 268 of Mouza-Nimakpoktan, J.L. No. 1, KMC Ward No. 057 under P.S. Pragati Maidan and Premises No. A/P - CZ-9B/B (Plot No. CZ-9B), A/P - CZ-14A/B (Plot No. CZ-14A), A/P - CZ-14B/B (Plot No. CZ - 14B) at Metropolitan Co-operative Housing Society Ltd.

In terms of discussion, following may be perused -

Assessment and mutation of unassessed properties are done following Municipal Commissioner's Circular No. 48 of 2014-15 dated 05-08-2014 [Flag - A] which reads as follows:-

| SL | ISSUE POINT | ACTIONS TO BE TAKEN |
|----|--|--|
| | MUTATION & ASSESSMENT OF UNASSESSED PROPERTIES (LAND) | <p><i>"Documents required - in addition to A-42 Form & other supporting papers/documents specially Affidavit-cum-Bond</i></p> <p>1) For City Proper (Ward No. 001 - 100): a) Clearance from Chief Valuer & Surveyor, KMC (within 7 working days from receiving the file). b) Clearance/Certificate from Authorities of KMDA/KIT/Khashmahal, as may be applicable.</p> <p>2) For Unit Offices [Ward No. 101 - 141]: a) Clearance from Chief Valuer & Surveyor, KMC (within 7 working days from receiving the file). b) Clearance/Certificate from BL&LRO concerned.</p> <p>3) For all the above cases of (1) & (2), the acquisition list supplied by L.A. Collector & Spl LAO, 24 Pgs(S) requires to be checked in a mandatory fashion.</p> <p>4) For point nos. (1) & (2) above, properties having plot area upto 05 Kathas, no such clearance of Government Department/Agencies will be required, excepting clearance from Chief Valuer& Surveyor, KMC.</p> <p>5) However, submission of Affidavit-cum-Bond by the applicants will be mandatory in all such cases of unassessed properties.</p> <p>6) Files covering point no. 4 above will be dealt with and approved by Assessor-Collectors concerned. Files containing above 5 Kathas of land will be processed for approval upto the level of Joint Mpl. Commissioner (Revenue). Files containing above 20 Kathas of land will be processed for approval of Mpl. Commissioner.</p> <p>7) Assessment and mutation of properties/buildings, (effective quarter of assessment will be the quarter following the date of the first electricity bill)..."</p> |

Dy. Ch Engineer (North) KMC, West
 KOLKATA MUNICIPAL CORPORATION
 CONTENTS NOT VERIFIED
 24 MAR 2022
RECEIVED
 Regd. No. 540/17
 SAMIR BHATTACHARYA
 VILLOTTA

In this case, plots under question were created by Metropolitan Co-operative Housing Society Ltd and the Society itself is responsible for division of their property into several plots and allotment of the same to respective allottees by way of executing registered instrument in favour of allottee, issuance of share certificate as 'Member of the Society' etc.

954

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The plots under reference were originally unassessed property and were assessed and mutated at different points of time.

Mutations of unassessed properties are generally done following Municipal Commissioner's Circular No. 48 of 2014-15 dated 05-08-2014.

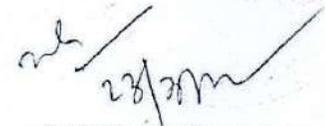
In case of plots under Metropolitan Co-operative Housing Society Ltd, mutation against individual plot owners are done based upon registered Deed, Membership Certificate and NOC from the Co-operative Society. However, original Deed in favour of Metropolitan Co-operative Housing Society Ltd and further allotment Deeds do not refer to Dag No. in question i.e. 268.

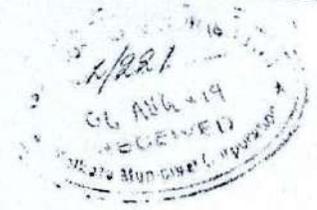
However, in the particular instance, the relevant files are not readily available even after thorough search.

Since we do not have any statutory map of KMC area concerning premises boundary with other details, mutations are given based on registered Deed assigning Premises No./Assessee No. against the property in question and recording the name of person from whom property tax shall be realised.


Chief Manager (Revenue-South)

Chief Manager / Revenue-13
The Kolkata Municipal Corporation


Special Municipal Commissioner (R/S/P)
Kolkata Municipal Corporation



The Kolkata Municipal Corporation
Office of the Municipal Commissioner
CMO Buildings
5 S.N. Banerjee Road, Kolkata- 700 013

Mpl. Commissioner's Circular No. 48 of 2014-15 dated 05-08-2014

Sub: Guideline to be followed by the Assessment-Collection Deptt. to deal with various issues relating to mutation and assessment of different properties/lands or buildings

Pursuant to the Resolution of Municipal Corporation Meeting dated 24-07-2014 vide Agenda No. 51st, Item No. 6 on the recommendation of Mayor-in-Council vide Item No. M-84.20 dated 09-06-2014, following guideline has been framed to be followed by the Assessment-Collection Deptt., to overcome the hindrances and difficulties, faced by Assessment-Collection Deptt. relating to various issues concerning mutation and assessment:

| SL | ISSUE POINT | ACTIONS TO BE TAKEN |
|----|---|---|
| 1. | <u>ACQUISITION POINT -</u> | <p>a) For mutation apportionment cases and for cases of simple mutation (1-Visit) of assessed properties, no such Affidavit as stated in the Issue Point will be required. For all other cases, such Affidavit will be mandatory.</p> <p>b) To make the matter smooth and easy, assesseees/applicants may be allowed to submit Notarial Affidavit also.</p> <p>c) But in all cases the AC Deptt. will verify the Acquisition List, so supplied by LA Collector and/or Special LAO.</p> <p>d) Since, the office order of Chief Manager (Revenue) was issued on 24-04-2014, that date will be treated as the cut off date.</p> |
| 2. | <u>CASES RELATING TO WATER BODIES -</u> | <p>a) For all cases of apportionment, separation, amalgamation relating to Water Body (either physically found or found in KMC records), files need to be sent to PMU Deptt.</p> <p>b) If the report of PMU Department states that there is no physical existence of tank/water body in the premises concerned; not found in the tank list maintained by the PMU Department and also not found in the NRSA Map, then A-C Department will process the cases of separation of properties having water bodies (either physically found or found in KMC records), and will place the matter for final approval.</p> <p>We may process mutation-apportionment cases of the owners/units of buildings/premises already in existence, though recorded in our records as tank/water body keeping such owners as 'person liable to pay tax' and not giving absolute mutation. But if sanctioned building plan is found, in that event, regular mutation in favour of such owners can be given. However, in both the cases nature of use of the premises will remain unaltered.</p> |



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| SL | ISSUE POINT | ACTIONS TO BE TAKEN |
|----|--|---|
| 3. | <u>PROCESSING OF FILES REGARDING SEPARATION / AMALGAMATION</u> | It is clarified that at the time of processing such cases, AC Deptt. will consult acquisition list, so supplied by LA Collector & Special LAO, South 24 Pgs. mandatorily. |
| 4. | <u>MUTATION & ASSESSMENT OF UNASSESSED PROPERTIES (LAND)</u> | <p>Documents required - in addition to A-42 Form & other supporting papers/ documents specially Affidavit-cum-Bond</p> <p>1) For City Proper (Ward No. 001 - 100):</p> <p>a) Clearance from Chief Valuer & Surveyor, KMC (within 7 working days from receiving the file).</p> <p>b) Clearance/Certificate from Authorities of KMDA/KIT/ Khashmahal, as may be applicable.</p> <p>2) For Unit Offices (Ward No. 101 - 141):</p> <p>a) Clearance from Chief Valuer & Surveyor, KMC (within 7 working days from receiving the file).</p> <p>b) Clearance/Certificate from BL&LRO concerned.</p> <p>3) For all the above cases of (1) & (2) the acquisition list supplied by L A Collector & Spl LAO, 24 Pgs (S) requires to be checked in a mandatory fashion.</p> <p>4) For point nos. (1) & (2) above, properties having plot area upto 05 Kathas, no such clearance of Government Department/Agencies will be required, excepting clearance from Chief Valuer & Surveyor, KMC.</p> <p>5) However, submission of Affidavit-cum-Bond by the applicants will be mandatory in all such cases of unassessed properties.</p> <p>6) Files covering point no. 4 above will be dealt with and approved by Assessor-Collectors concerned.</p> <p>Files containing above 5 Kathas of land will be processed for approval upto the level of Joint Mpl. Commissioner (Revenue). Files containing above 20 Kathas of land will be processed for approval of Mpl. Commissioner</p> <p>7) Assessment and mutation of properties/buildings, hitherto remaining unassessed, and erected without getting any sanction from KMC and occupants/inhabitants, having electric/telephone connection/ration cards/voter I/cards issued to them, have started dwelling either as purchaser or tenant/lessee/licencee etc to be made as 'person liable to pay tax' on the basis of Affidavit-cum-Bond, sketch map drawn by LBS and signed by owners/occupants/inhabitants with submission of necessary proof in the manner of electric/telephone connection/ration cards/voter I/cards etc (effective quarter of assessment will be the quarter following the date of the first electricity bill)</p> <p>N.B. It is further clarified that for all such cases of unassessed properties/lands, site plan duly signed by the applicant as well as LBS (Scale 1: 200) will be mandatory for the space applying for mutation duly butted and bounded.</p> |



| SL | ISSUE POINT | ACTIONS TO BE TAKEN |
|----|--|--|
| 5. | DELETION OF THE WORD FACTORY/WORKSHOP/GODOWN FROM OUR BOOKS OF RECORDS - (In partial modification of Municipal Commissioner's Circular No. 62 of 2013-14 dated 05-10-2013) | Applicants, praying for conversion of character from factory/workshop/godown to land/bastu and deletion of the word factory/workshop/godown, for all wards, having an area upto 500 sq.mt. shall not be insisted to furnish documents viz clearance from ULC, because ULC is not applicable for plots of land upto 500 sq.m. Similarly, clearance from Directorate of Factories or Labour Directorate will also not be required. However, a sketch map duly signed by the applicant and the LBS and an Affidavit-cum-Indemnity Bond will have to be submitted. For conversion of Factory/Workshop/Godown to land/Bastu/residential (for Wards 001 to 100) having an area more than 500 sq.mt. clearance from ULC and clearance from Directorate of Factories or Labour Directorate will only be required without IRD -clearance. Processing of the cases for such conversion for Wards 101 to 141 may be done subject to clearance/NOC from IRD/Government of West Bengal along with clearance from ULC and clearance from Directorate of Factories or Labour Directorate. |

This guideline will take immediate effect prospectively and requires to be followed by all concerned ~~manually~~.



(Khaili Muzed)
Municipal Commissioner

- Copy forwarded to:
- 1) Jt. Mpl. Commissioner (Revenue)
 - 2) DMF & A
 - 3) DC (Building)
 - 4) Chief Manager (Revenue)
 - 5) ~~Asst. Collector (South)~~
 - 6) Manager System (A.C)
 - 7) P.As to Hon'ble Mayor/Hon'ble Dy. Mayor/All MMICs/Mpl. Commissioner/Jt. Mpl. Commissioner (General)/Ld. CMLO

Municipal Commissioner

O.A. No. 25 of 2016/EZ
(Sunit Kumar Mallick Chowdhury Vs. The State of West Bengal & Others)

ATTENDANCE SHEET
Field Visit Conducted as per the Order of the Hon'ble National Green
Tribunal dated 03.01.2022

Date: 17.02.2022

Time: 11.30 am

| Name with Designation | Organization | Contact No. & E-mail ID | Signature |
|------------------------------|-------------------------------------|--|-------------|
| R DM EB(C) | EKMA BPM | 9831518635 | [Signature] |
| Alak Halder CAO, IESWM | IESWM | 9530977476 | [Signature] |
| SUNIRMAL KAR | IESWM | | [Signature] |
| Imp. S.K. Bera OIC PGM B. | OIC PGM B. | 9073393700 | [Signature] |
| Sanjib Boddar Secretary | metropolitan | 9830088827 Sanjibboddar2017@broad.com | [Signature] |
| Swaipayan Ghosh | ROSTA OIC ADM DUSKO 524892 | 9836624490 | [Signature] |



Aniruddha Paul Scientific Officer, EKWMA 9038707344 [Signature]

Barnali Dey Technical officer (Law) 9038226217 [Signature]

Tarun Nath Das. Technical Assistant, EKWMA 9903480550 [Signature]

- B

INSPECTION REPORT

Name and address of the units inspected : M/s Ukhil Bheri
Mouza Nimokpokan near Chingrighata, S 24 Pgs

Inspection Reference : Order of The National Green Tribunal, Eastern Zone Bench,
Kolkata O.A. No. 25/2016/EZ

Date and time of Inspection : 18/03/16 ; 3:15 to 4:00 PM

Name of Police Station : Pragati Maidan

Name of Inspecting Officer : Sri P K Mondal, AEE, Salt Lake RO
Smt. P. Maitra, AEE, Salt Lake RO

Name of the Person met with : Nearby residents
Sri Paritosh Dutta Roy, Board Member of Metropolitan
Cooperative Housing Society was contacted over phone



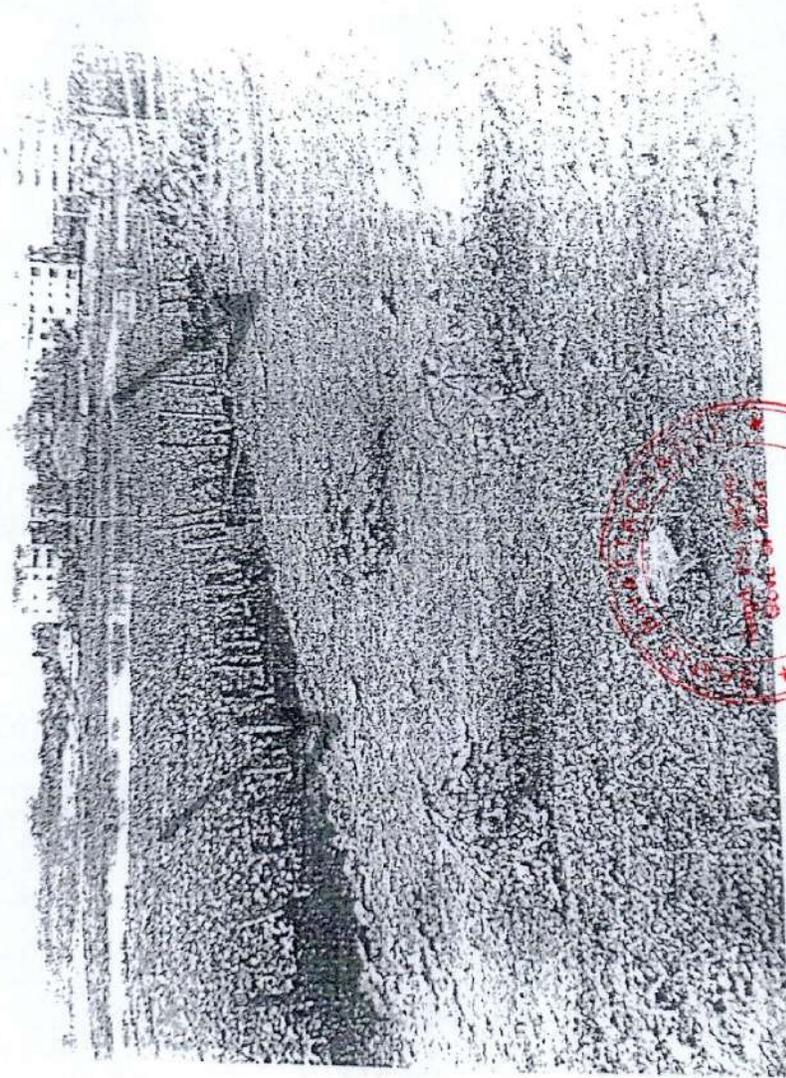
Observation:
The alleged Ukhil bheri (also known as Moni Babu's bheri) was observed to be partially filled up by construction debris on the eastern side. The major portion of the water body is covered with water hyacinth. The said bheri is surrounded by Metropolitan Cooperative Housing Society on eastern side, Chingrighata on northern side, Pagladanga on western side and nearby area of E M Bypass on southern side. Bamboo fences and a temporary hut were also observed on the filled up area. Nearby residents confirmed that the bheri has been partially filled up with construction debris during the recent times. However, they remained silent about the persons filling up the bheri. The filled up area of the bheri lies on the side of Metropolitan Cooperative Housing Society. During inspection, the office of the Metropolitan Cooperative Housing Society was visited. Sri Paritosh Dutta Roy, Board Member of the said Society was contacted over telephone. He confirmed that the visited bheri was Ukhil bheri and he is ignorant of any filling up of the Bheri. During the visit, 02 nos. of photograph were taken and they are annexed with the report.

18/3/16
P. K. Mondal
AEE, S.L.R.O.

5

P. Maitra
18/3/16
P. Maitra
AEE, S.L.R.O.

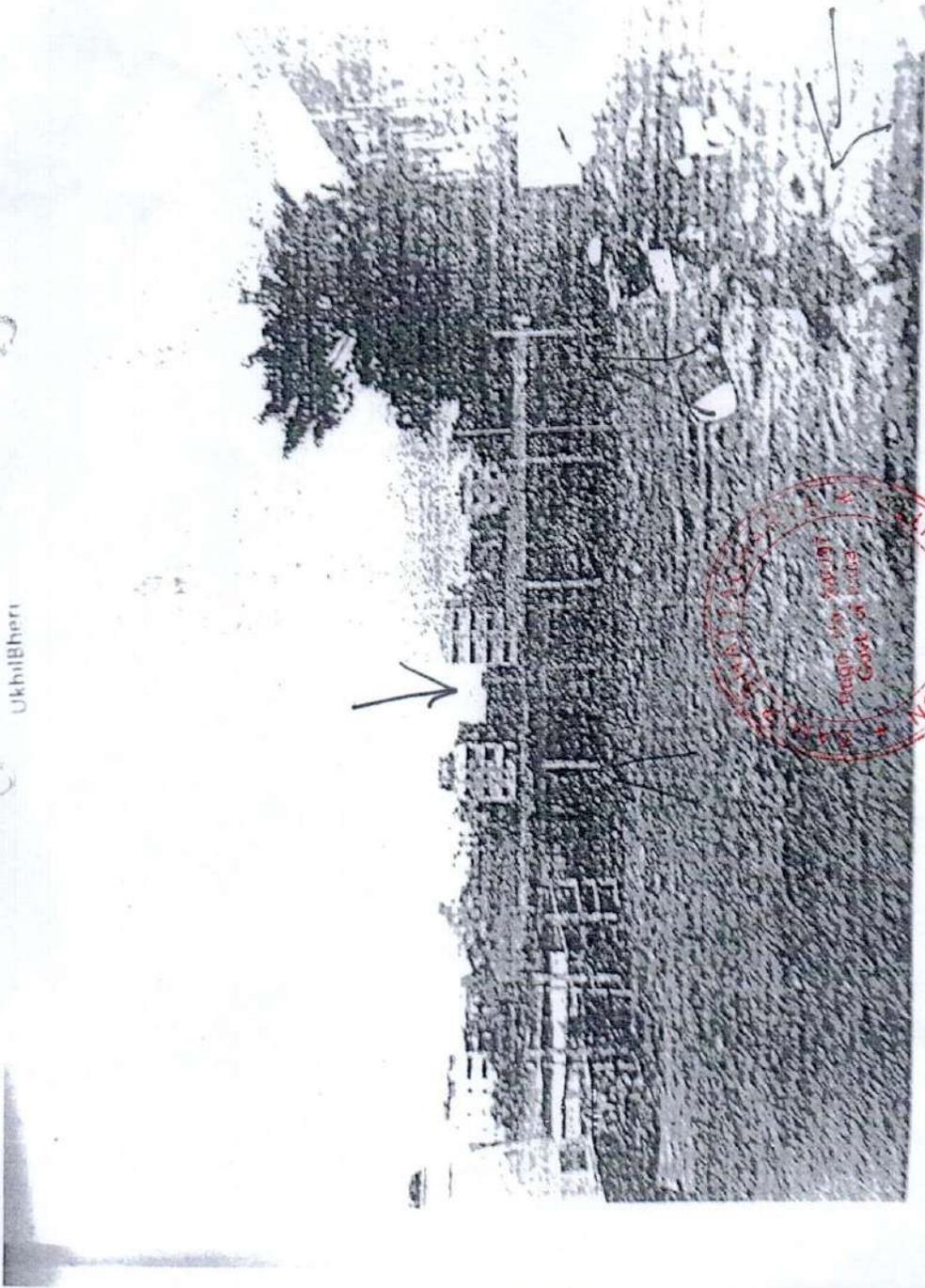
Ukhallibheri



Picture 1 : Area of the bheri towards the Metropolitan Cooperative Housing Society and remaining part of water body of the bheri covered with water



UkhilBhatti



NOTARY PUBLIC
 Ukhil Bhatti
 Notary Public
 Ukhil Bhatti

Ukhil Bhatti is the owner of the land and the building is being used for car parking at 5:00

OA No 25/2016/EZ
Sabyasachi Mallick Chowdhury
 Vs
State of West Bengal & Ors.

Minutes of the meeting of Joint Committee constituted by the Order dated 03.01.2022 of the Hon'ble National Green Tribunal in OA No. 25 of 2016/EZ (Sabyasachi Mallick Chowdhury Vs. State of West Bengal & Ors.) held on 27.07.2022 at Conference Hall of Environment Department, Government of West Bengal.

The Hon'ble National Green Tribunal (NGT), Eastern Zone Bench vide its Order dated 03.01.2022 in O.A. 25 of 2016/EZ in the matter of (Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors.) has constituted an eight (8) member Joint Committee comprising National Wetland Authority, State Wetlands Authority (SWA), Central Pollution Control Board (CPCB), Ministry of Environment, Forest and Climate Change, State PCB, Director of Environment, West Bengal, District Magistrate and SP, South 24 Parganas to enquire and report illegal filling up of water body "Ukil Bheri" at Mouza-Nimokpoktan, JL no. 1 under P.S. Pragati Maidan, Ward no. 57 of Kolkata Municipal Corporation (KMC). The Hon'ble NGT in its said Order has stated that proper demarcation of boundaries of the said water body is not clear and prima facie the area where the construction has been made appears to be part of the said water body or its buffer zone, attracting prohibition under the Wetlands (Conservation and Management) Rules, 2017. Hence, the Tribunal directed the Committee constituted " to ascertain the factual position about the status and extent of the wetland and whether prohibition against construction applies to the area in question. If prohibition is applicable, remedial action for protection of the wetland in question be taken by the concerned statutory authority ". The CPCB and the SWA were declared as the Nodal Agency for coordination and compliance.

The list of names of the participants present in the final meeting is attached herewith in **Annexure 1**. Shri K Balamurugan, Chief Environment Officer chaired the meeting and welcomed all the participants to the meeting. A power point presentation was shown in the meeting on the final findings of the Ukil Bheri.

- In the presentation, the actual physical location of Ukil Bheri was shown.(**Annexure 2**).
- The petitioner submitted a certified copy of Sale Deed of Plot No. CZ-9A Being No. 04577/1985 along with a Master Plan of Metropolitan Cooperative Housing Society. The master plan clearly shows that the water line of Ukil Bheri, and the plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are adjacent to the water-line. These plot numbers are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society. (**Annexure 3**)
- The Google imagery of 2013 also shows plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan

Cooperative Housing Society and no encroachment on the eastern side of Ukil Bheri was found.(Annexure 4).

- The Google Imagery of 2022 (Annexure 5), shows the existence of plot Nos. CZ-9B, CZ-14A, CZ-14B, CZ-15A, CZ-20A, CZ-21A and CZ 26 A/B/C has been found:-
- From Deeds of plots of Metropolitan Cooperative Housing Society provided by the Inspector General, Registration, West Bengal, the following facts regarding filling up of Ukil Bheri is evident :

- i. Plot no. CZ 9B was purchased by Supriti Saha from the Metropolitan Co-operative Housing Society by Deed No 04577 of 2015. The schedule of the Registered Deed shows that Plot No CZ-9A is on the Eastern side of the Plot no. CZ-9B. (Annexure 6).

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot No. CZ-9A is the last plot to the west of the Society. Hence, plot no. CZ 9B has been created by filling up water body after 2013.

- ii. Plot No. CZ-14A was purchased by Sri Debasis Das from Metropolitan Co-operative Housing Society by Deed No. 01451 of 2015. The Schedule of Registered Deed shows that plot no. CZ 14 is the eastern side of plot no. CZ 14A, and CZ 14B is on the west of plot no. CZ 14A. It is clearly mentioned in the Deed that plot no. CZ 14B is under water. (Annexure 7).

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot No. CZ 14 is the last plot to the west of the Society. Hence, plot no. CZ 14A has been created by filling up water body after 2013.

- iii. Plot no. CZ 14B was purchased by Smt. Ratna Chatterjee from Metropolitan Co-operative Housing Society by Deed No 190106470 of 2015. As per the Schedule of the Deed, plot no. CZ 14B is to the west of plot no. CZ 14A, which is referred to above.(Annexure 8).

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot no. CZ 14 was the last plot to the west of the Society. Hence, plot no. CZ 14B has been created by filling up the water body after 2013.

- iv. Plot no. CZ 15 was purchased by Mr. Radheshyam Agarwal from Mr. Narayan Das sharma by Deed No 00713 of 2012. As per the Schedule of the Deed, plot no. CZ 15 is to the west of plot no. CZ 16, wherein there is a vacant land (plot number of which in not mentioned in the Deed) to the west of plot no. 15. (Annexure 9)

As per the Master Plan of Metropolitan Co-operative Housing Society of 1985 and the Google Map of 2013, plot no. CZ 15 is the last plot to the west of the Society. Hence, plot no. CZ 15A has been created by filling up water body after 2013.

Findings of the Joint Committee based on documents available are as follows:

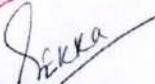
- i. From the available deeds and records it is clear that as per the master plan of Metropolitan Cooperative Housing Society, 1985 and Google Imagery of 2013, plot nos. CZ 8, CZ 9A, CZ 14, CZ 15, CZ 20, CZ 21 and CZ 26 are the last plots of the eastern side of Ukil Bheri and western side of Metropolitan Cooperative Housing Society.
- ii. As per the Google Imagery of 2022, it is clear that plot no. CZ 9B, CZ 14A, CZ 14B, CZ 15A, CZ 20A, CZ 21A and CZ 26A/B/C are newly created plots by filling up of Ukil Bheri after 2013.
- iii. The Inspection Report of West Bengal Pollution Control Board dated 18.03.2016 inspection report with photographs, confirms that the eastern side of Ukil Bheri has been partly filled up by construction debris on the eastern side. (Annexure 10).
- iv. The report of ADM& DLLRO South 24 Parganas dated 16.02.2021, at Point No.2 states that " the construction work of two buildings, were found to be under process in the eastern portion RS plot No.268. The G+4 building (CZ/9B) appears to be completely full of residents. The other buildings (CZ14A/14B) in the opposite side has been risen upto 4th floor. Its construction work has not been completed. The two buildings have been constructed over the filled-up portion of the waterbody of RS plot No.268 ".(Annexure 11).
- v. The alleged Dag No.268 at Mouza-Nimokpoktan, JL no. 1 under P.S. Pragati Maidan, Ward no. 57 of Kolkata Municipal Corporation (KMC) is nowhere mentioned in the deeds of Metropolitan Cooperative Housing Society available with this office, however the report and map of ADM & DL&LRO at Point No.9 confirms " at present, most of the land in the eastern side of R.S. plot No.268 and almost all of R.S. Plot 267 is occupied by members of Metropolitan Co-operative Housing Society ".

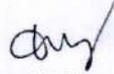
- vi. Kolkata Municipal Corporation has submitted copies of complaints on 26.07.2016, 06.08.2016, 04.05.2018, 25.01.2019 with P.S. Pragati Maidan against filling up of Ukil Bheri. The KMC issued notice dated 17.08.2018 u/s. 401 of the Kolkata Municipal Corporation Act, 1980 against Supriti Saha to stop illegal constructions at plot no. CZ 9B. The map submitted by KMC shows that filling has been done in the eastern side of UKIL BHERI.(Annexure 12).

Finally, the Committee unanimously took the following decisions:

- Plot Nos. CZ 9B, CZ 14A, CZ 14B, CZ 15A, CZ 20A, CZ 21A and CZ 26A/B/C have been created after 2013 by filling up of waterbody i.e. Ukil Bheri. Hence, they need to be demolished.
- The KMC shall take steps to immediately restore the water body at plot nos. CZ 9B, CZ 14A, CZ 14B, CZ 15A, CZ 20A, CZ 21A and CZ 26A/B/C in compliance with the Order of the Hon'ble National Green Tribunal dated 03.01.2022.
- After restoration of the water body, the KMC shall take management control of the same in accordance with The West Bengal Inland Fisheries Act, 1984.
- The KMC will demarcate Ukil Bheri boundary with concrete pillars and do the geo-tagging with the help of ADM&LR, Dist South 24 Parganas.
- The KMC will submit a compliance report after restoration of the above mentioned plots before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata within a period of 6 months.

The meeting ended with thanks to and from the chair.


(Dr. Susmita Ekka)
Scientist D, Eastern Regional Directorate
Central Pollution Control Board


(Kaliyamurthi Balamurugan)
Chief Environment Officer
& Member, West Bengal State Wetlands
Authority

Attendance Sheet of the hearing in the matter of O.A.No 25 of 2016/EZ (Sabvasachi Mallik Chowdhury-Vs- State of West Bengal & Ors.) held on 27.07.2022 at 2 pm at Conference Hall, Environment Department.

| Name | Organisation | Contact No. | Email Id |
|------------------------------|-------------------------------|-------------|-----------------------------|
| NITESH DHALI | ADM & DLERS, SOUTH 24 PGS. | 9836819555 | adm.24pgs@gmail.com |
| SUSMITA EKKA | CPCR, KOLKATA | 7021995986 | susmita-ekka@rediffmail.com |
| Dr. Shakti De P. Guari | IEO, Kolkata Nobeda | 8994 599218 | sp.guari@ gov.in |
| Pamela Mukherjee (Paleri) | SDO, Environment Dept. | 9123859123 | DP |
| K-Balamurugan. | CEO, Env't. Dep. | 9479486964 | KB |

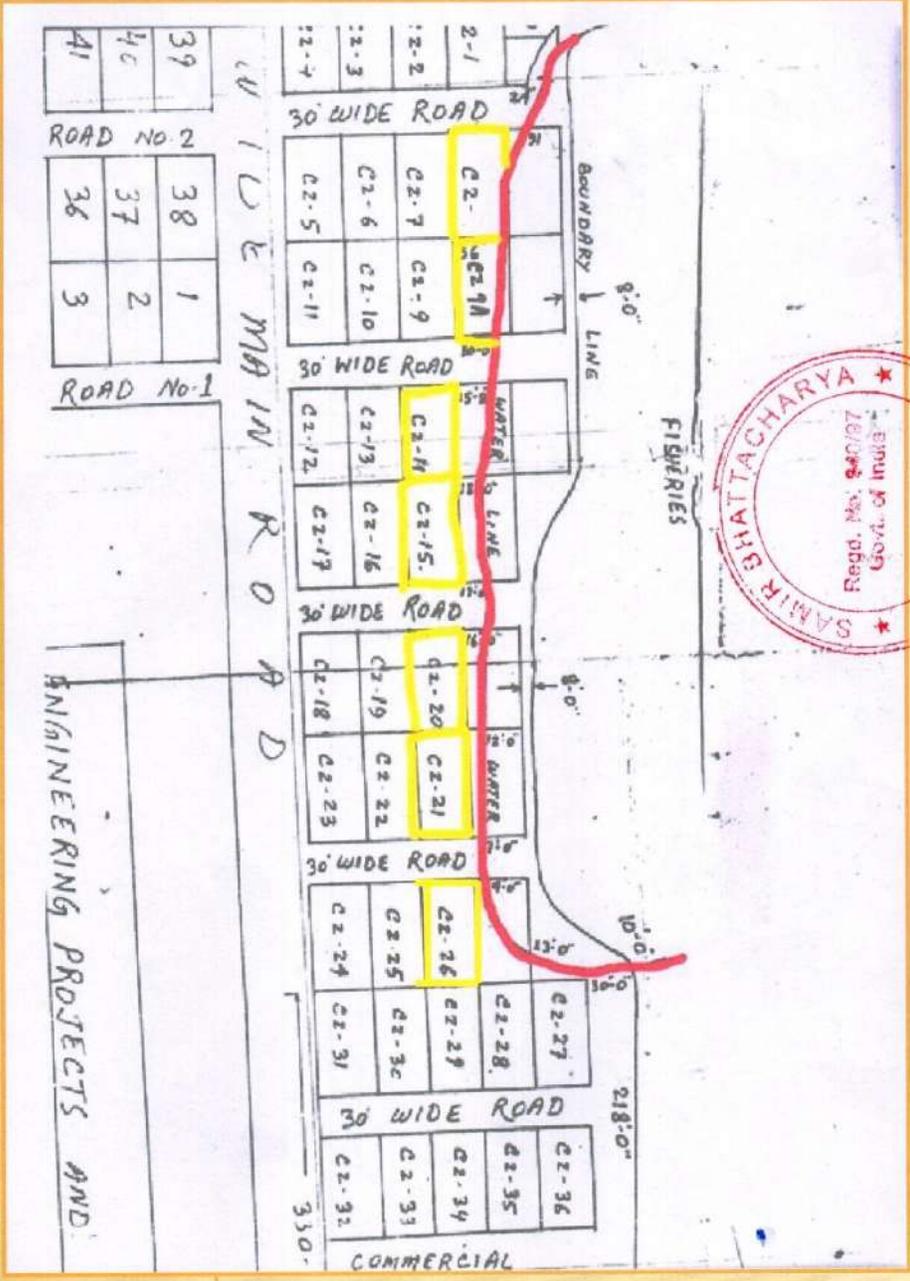


Attendance Sheet of the hearing in the matter of O.A.No 25 of 2016/EZ (Sabvasachi Mallick Chowdhury-Vs- State of West Bengal & Ors.) held on 27.07.2022 at 2 pm at Conference Hall, Environment Department.

| <u>Name</u> | <u>Organisation</u> | <u>Contact No.</u> | <u>Email Id</u> |
|-----------------------|---------------------|--------------------|-----------------|
| MUKTI PRAKAS Bhowm. | KMC | 9609829503 | |
| Prityabrata mukherjee | K.M.C | 9593724490 | |
| Siddhanta Saha | N. N. T | 9894849450 | |
| Rupak Saha | Pragati Maidan | 9836486772 | |
| Debashis Jaisankar | WBRCAS | | |



As per the deed of Conveyance made this 2nd may 1985 between the Metropolitan Co-operative Housing Society and Prasad Chandra Mandal, last plots of Metropolitan Co-operative Housing Society situated at Eastern part of Ukil Sheri are **C2-26, 21, 20, 15, 14, 9A and 8**



Annexure - 3

As per the Google Satellite Imagery, 2013, last plots of Metropolitan Co-operative Housing Society situated at Easter part of Ukil Bheri within Dag no 268 are CZ 26, 21, 20, 15, 14, 9A and 8



Answer-4

Amendment - 5

As per the Google Satellite Imagery, 2022, New plots shown in the Eastern part of Ukil Bheri within Dag no 268 are CZ 26A, 26B, 26C, 21A, 20A, 15A, 14A, 14B and 9B



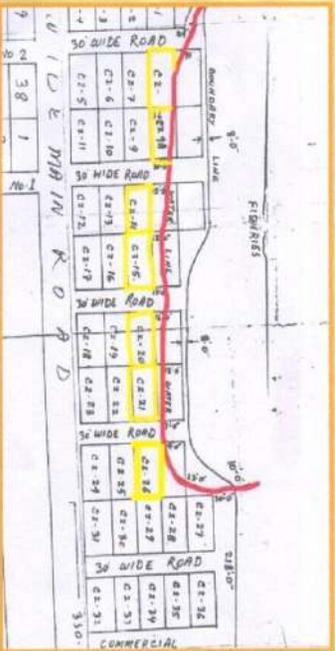
All new plots mentioned above were registered under Metropolitan Co-operative Housing Society after 2015 as per the data of Registry Office. They are shown in Dag no 267, whereas physically they are in Dag no 268.

Other Finding of Plot No. CZ 9B (Owner Supriti Saha)

Annexure - 6

It is found that Plot No. CZ-9B was purchased by the Supriti Saha from the Metropolitan Co-operative Housing Society by Deed No. 04577 of 2015. The schedule of this Registered Deed shows that Plot No CZ-9A is on the Eastern side of the Plot no. CZ-9B.

But as per Master Plan of the Metropolitan Co-operative Housing Society which made on 1985, the Plot No. CZ-9A was the last plot of the Society and after that the water body filled up. Hence, it is observed that Plot No. CZ-9B had been created by filling up of water body between 1985-2015.



SCHEDULE

ALL THAT piece and parcel of a plot of land being plot No. CZ/9B in Sector - B of the Metropolitan Co-operative Housing Society Limited, Canal South Road, Kolkata - 7000105, under Ward No. 57 of the Kolkata Municipal Corporation, ad-measuring more or less 4(Four) Co. ha 8(eight) chittaak, alongwith 150 sq.ft. Kuchha structure, in the District of 24-Parganas (now District South 24-Parganas), under Mouza Dhapa, Touzi No. 173, 1298/2833, J.L. No. 2, R.S. Dag No. 87 (Western Part), under C.S. Khatian No. 654 AMD Mouza Nimakpokten, Revisional Settlement Khardia Khatian Nos. 352 and 353, District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 248, 186, 187 and 267 under Police Station Jadavpur (Old Tollygunge) at present Police Station Tijjala under the District Collectorate at Alipore, District 24-Parganas(now District South 24-Parganas), butted and bounded in the manner following :

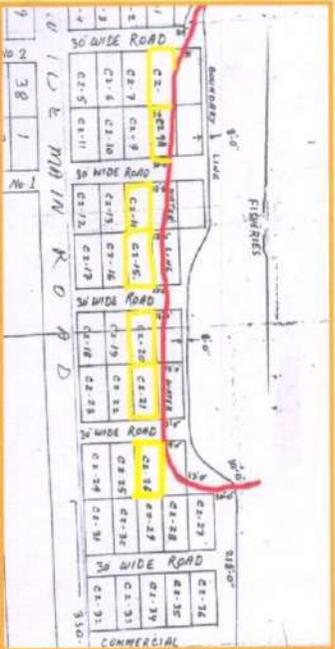
| | | |
|--------------|---|-------------------------------|
| On the North | : | By 9.1 M. wide common passage |
| On the South | : | By Plot No. CZ-8A |
| On the East | : | By Plot No. CZ-9A ← |
| On the West | : | By water body |

And more fully and particularly delineated and demarcated in the site plan annexed hereto of this Deed of Conveyance.

Other Finding of Plot No. CZ 14A (Owner Debasis Das)

Similarly, Plot No. CZ-14A was purchased by Sri Debasis Das from the Metropolitan Co-operative Housing Society by Deed No 01451 of 2015. The schedule of Deed shows that CZ-14 was the Eastern side of Plot No. CZ-14A and CZ-14B was the water body.

Hence, it is observed that Plot No. CZ-14A had been created by filling up of water body between 1985-2015.



13



Revisional Settlement Khanda Khatian Nos. 352 and 353, District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 248, 186, 187 and 267 under Police Station Jadavpur (Old Tollygange) at present Police Station Tijiata under the District Collectorate at Alipore, District 24-Parganas(now District South 24-Parganas) butted and bounded in the manner following :

- On the North :** By Plot No. CZ 15A
On the South : By 30' Wide Common Passage
On the East : By Plot No. CZ 14
On the West : By Plot No. CZ 14B (now under water)

And more fully and particularly delineated and demarcated in the site plan annexed hereto of this Deed of Conveyance.

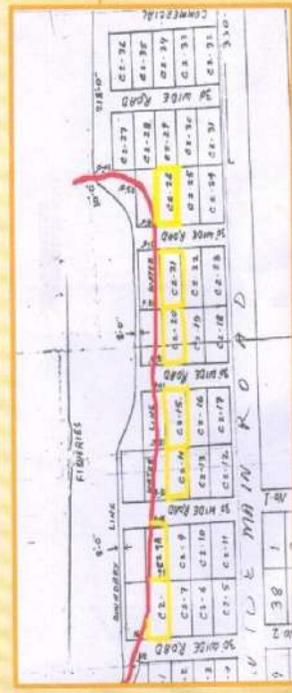
Answer-7

Annexure - 8

Other Finding of Plot No. CZ 14B

Plot No. CZ-14B was purchased by Smt Ratna Chatterjee from the Metropolitan Co-operative Housing Society by Deed No 190106470 of 2015. The schedule of Registered Deed shows that CZ-14A was the Eastern side of Plot No. CZ -14B which was previously stated as the water body (Deed no. 01451 of 2015).

But as per Master Plan of the Metropolitan Co-operative Housing Society which made on 1985, the Plot No. CZ-14 was the last land of the boundary of the Society. Hence, it is observed that Plot No. CZ-14B had been created by filling up of water body between 1985-2015.



SCHEDULE

ALL THAT piece and parcel of a plot of land being plot no. CZ/14B in Sector - B of the Metropolitan Co-operative Housing Society Limited, Canal South Road, Kolkata - 700105, under Ward No. 57 of the Kolkata Municipal Corporation, ad-measuring more or less 3(three) Cottahs alongwith 150 sq.ft. Kuchha Structure, in the District of 24-Parganas (now District South 24-Parganas), under Mouza Dhapa, Touzi No. 173, 1298/2833, J.L. No. 2, R.S. Dag No. 87 (Western Part), under C.S. Khatian No. 654 AND Mouza Nimakpoktan, Revisional Settlement Khanda Khatian Nos. 352 and 353, District Survey and Settlement Khatian Nos. 2 and 43 corresponding to the entire R.S. Dag Nos. 248, 186, 187 and 267 under Police Station Jadavpur (Old Tollygunge) at present Police Station Tijjala under the District Collectorate at Alipore, District 24-Parganas(now District South 24-Parganas) butted and bounded in the manner following :

On the North : By plot no. CZ/15A of the Society
 On the South : By 9.10 metrs. wide common passage
 on the East : By Plot no. CZ/14A of the Society
 on the West : By Fisheries

And more fully and particularly delineated and demarcated in the site plan annexed hereto of this Deed of Conveyance.



Other Finding of Plot No. CZ 15

One Registered Deed No 00713 of 2012 has been received which is the conveyance deed of Plot No. CZ-15 and in this schedule, vacant land is situated in the western side of plot no CZ-15.

Hence, it is observed that Plot No. CZ-15A had been created by filling up of water body between 1985-2015.



That the said Scheduled Property more particularly shown and delineated with the Colour "RED" and marked as "Plot No. CZ-15" in Sector No. "B" Metropolitan Housing Co-operative Society Limited. in the Plan annexed herewith, along with the Building Plan annexed herewith, which being part and parcel of this Deed.

The said Scheduled Property is butted and bounded as follows :

ON THE NORTH : 30 (Thirty) Feet Road

ON THE SOUTH : Plot No. CZ-14

ON THE EAST : Plot No. CZ-16

ON THE WEST : Vacant Land