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BEFORE THE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 74/2024/EZ

Ram Gayan & Ors.

Versus

The State of West Bengal & Ors.

COUNTER AFFIDAVIT FILED BY THE CHIEF TECHNICAL OFFICER, EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY, ENVIRONMENT DEPARTMENT, GOVERNMENT OF WEST BENGAL IN COMPLIANCE WITH ORDER DATED 03.07.2024 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA

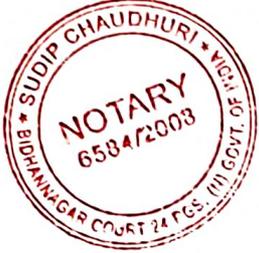
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Submitted

*Sibojati Chakraborti*  
Advocate  
State of West Bengal

09 AUG 2024



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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 74/2024/EZ



Ram Gayan & Ors.

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COUNTER AFFIDAVIT FILED BY THE CHIEF TECHNICAL OFFICER, EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY, ENVIRONMENT DEPARTMENT, GOVERNMENT OF WEST BENGAL IN COMPLIANCE WITH ORDER DATED 03.07.2024 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA

I, Mrs. Tripti Sah, IFS, daughter of Mahesh Lal Sah, aged about 44 years, by faith Hindu, by occupation Government Service, working as Senior Environment Officer, Department of Environment, Government of West Bengal, having office at Pranisampad Bhawan, 5<sup>th</sup> Floor, LB-2, Sector-III, Salt Lake, Kolkata-700106, do hereby solemnly affirm and submit as follows:

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- 3 -

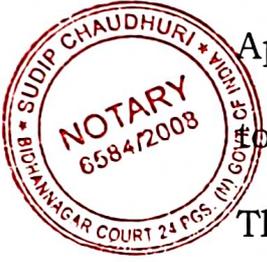
1. That I am also holding the post of Chief Technical Officer, East Kolkata Wetlands Management Authority (hereinafter referred to as "EKWMA"), Department of Environment, Government of West Bengal. I have made myself acquainted with the facts and circumstance of the instant Original Application and have gone through the documents pertaining to the subject matter of the instant Original Application.

Therefore, I am competent to file the instant Counter Affidavit before this Hon'ble Tribunal.

2. That this Affidavit is being affirmed pursuant to the solemn Order dated 03.07.2024 passed by this Hon'ble Tribunal.
3. It is respectfully submitted before this Hon'ble Tribunal that on 18.01.2024 a complaint was received by the EKWMA from a few complainants including Shri Ram Gayan of Uchhepota against an illegal filling of a water body on the subject land by the violators namely Ananta Mandol and Sannyasi Mandol.

A copy of the said complaint is annexed herewith and marked as "Annexure **R/1**".

4. It is respectfully submitted before this Hon'ble Tribunal that the subject land spreads over RS Dag no. 437, 438, 439, 440,



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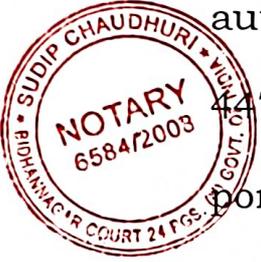
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447 of Mouza Bhagabanpur, JL no. 8 under PS Narendrapur, Dist. South 24 Parganas, which is within East Kolkata Wetlands (EKW).

5. On the basis of the said complaint, field inspection was conducted by the staffs of EKWMA along with the police authority of PS Narendrapur on 01.03.2024 on RS Dag no. 447, a water body was filled up by debris and on the filled-up portion of the water body an unauthorized building construction was undergoing. A copy of field inspection report is placed at Annexure **R/2**.

6. Another, field inspection was conducted on 07.03.2024 at R.S. Dag No. 440 and found an ongoing unauthorized three-storey building construction is ongoing. A copy of field inspection report is placed at Annexure **R/3**.

7. Following this, the EKWMA issued a show cause cum hearing notice vide no. 204-CTO/EN/200(8)/2022-2023 dt. 09.04.2024 against Shri Joyram Mandal for the unauthorized building construction by filling up water body on RS Dag no. 447 and provided him with an opportunity of

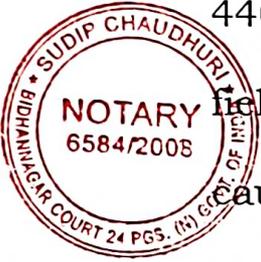


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hearing on 30.04.2024 under Section 11 of the East Kolkata Wetlands (Conservation and Management) Act, 2006.

A copy of the said notice no. 204-CTO/EN/200(8)/2022-2023 dt. 09.04.2024 is annexed herewith and marked as "Annexure **R/4**".

8. For the unauthorized building construction on RS Dag no. 440, since no name of the violator cropped up during the field inspection on 07.03.2024 the EKWMA issued show cause cum hearing notice vide no. 203-CTO/EN/200(8)/2022-2023 dt. 09.04.2024 through the local police station and provided an opportunity of hearing on 30.04.2024 to the unknown violator(s) under Section 11 of the East Kolkata Wetlands (Conservation and Management) Act, 2006.



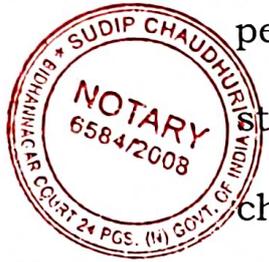
A copy of the said notice no. 203-CTO/EN/200(8)/2022-2023 dt. 09.04.2024 is annexed herewith and marked as "Annexure **R/5**".

9. That none attended the hearing on 30.04.2024, and a written submission was submitted by the Advocate of Shri Joyram Mandal through which Shri Joyram Mandal claimed that a

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building plan had been sanctioned by the local Gram Panchayat in the year 2012. As per Rule 22 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, a Gram Panchayat shall not give permission to any erection and construction by filling up any tank, pond or other water body. The Gram Panchayat shall withhold permission for erection or construction of building / structure until the applicant produces an order, allowing change of classification of the land by the Collector or any other competent authority. Moreover, according to Section 22 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 notwithstanding anything contained in any law for the time being in force, the EKW Act shall have the power to override. Thereafter, considering the written submission of Shri Joyram Mandal as well as provisions of law, EKWMA passed a Reasoned Order to Shri Joyram Mandal vide no. 389-CTO/EN/200(8)/2023-2024(Link-1) dt. 27.06.2024 directing to demolish the unauthorized building construction on RS Dag no. 447 and restore the subject land to its previous status.



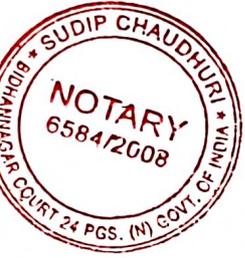
09 AUG 2024

A copy of the said Reasoned Order no. 389-CTO/EN/200(8)/2023-2024(Link-1) dt. 27.06.2024 is annexed herewith and marked as "Annexure **R/6**".

10. It is respectfully submitted before this Hon'ble Tribunal that since no one attended the hearing for the unauthorized building construction on RS Dag no. 440, the EKWMA through the Demolition and Restoration Order vide no. 388-CTO/EN/200(8)/2023-2024(Link-1) dt. 27.06.2024 requested the District Magistrate, South 24 Parganas to undertake demolition of the said authorized building and restoration of the subject land to its previous status within 60 days.

A copy of the said Demolition and Restoration Order no. 388-CTO/EN/200(8)/2023-2024(Link-1) dt. 27.06.2024 is annexed herewith and marked as "Annexure **R/7**".

11. It is respectfully submitted before this Hon'ble Tribunal that the EKWMA has started the process of taking steps for the rest of RS Dag nos. 437, 438 and 439 of Mouza Bhagabanpur, JL no. 8 as well.

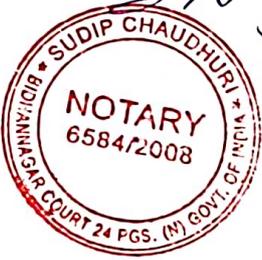


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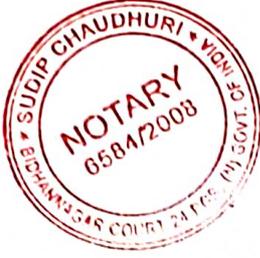
12. That the reply is true to my knowledge and belief, which I derive from the office records.

Identified by me  
Sibajyoti Chakrabarti  
Advocate  
State of W.B



Tripti Saha  
DEPONENT

09 AUG 2024



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

VERIFICATION

— 9 —

I, Mrs. Tripti Sah, Chief Technical Officer, East Kolkata Wetlands Management Authority, Department of Environment, Government of West Bengal do hereby verify that the statements made in paragraph no. 1 and 2 of this affidavit are true to the best of my knowledge and belief and the statements in paragraph nos. 3 to 11 of this affidavit is the information derived from the records of the office of East Kolkata Wetlands Management Authority which I believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.

Verified at Kolkata this  day of August, 2024.

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

  
DEPONENT

  
Identified and corrected by me  
Advocate  
East Kolkata Wetlands Management Authority

09 AUG 2024

(5)

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Subject: - Forceful filling of pond and illegal construction despite East Kolkata Wetlands being a wetland reserve.

Sir,

We request to inform you that we belong to Village and PO- Uchheypota, PS-Narendrapur, District- South 24 Parganas, and we the undersigned are residents of Mouza-Bhagbanpur, J.L. no.008, Block-Sonarapur, PS-Narendrapur District- South 24 Parganas, RS Dag No. 437,438,439,440,447. Presently it is a pond. The owner/promoter of the pond has been filling the pond with soil using dumpers for quite some time and construction work is going on this pond like buildings, boundary walls, etc. Despite objections from the local village people, the promoters/construction workers are not listening. Despite the East Kolkata Wetland being a protected area, the work is going on without any government permission. Several social and religious events such as idol immersions, etc. was carried out in this pond.

It is our humble request to you to take appropriate steps and measures so that the pond could be retrieved.

Name and Address of Present Promoter or Pond Owner:

1. Ananta Mandol, (Father, deceased Nirapad Mandol).
2. Sannyasi Mandol (Father, deceased Mohan Mandol).

Address of 1 & 2: Village & Post- Uchheypota, PS- Narendrapur, District South 24 Parganas; Pin-700150.

Date: 18/01/2024

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TO,

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1. THE REGISTER NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH,

HFXC+VR5, KADAMPUKUR VILLAGE, NEW TOWN, GHUNI, WEST BENGAL, KOLKATA- 700156.

2. DISTRICT MAGISTRATE & COLLECTORE, SOUTH 24 PGS, ALIPUR, KOLKATA-700027.

3. SECRETARY, DEPARTMENT OF FISHERIES BENFISH TOWER (7&8 FLOOR) 31 GN BLOCK SECTOR-V, SALT LAKE, KOL-700091.

4. CHIEF TECHNICAL OFFICER, EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY, DEPARTMENT OF ENVIRONMENT, GOVT. OF WEST BENGAL, PRANISAMPAD BHABAN, 5 TH FLOOR, LB-2, SECTOR-III, SALT LAKE, KOLKATA-7000106.

5. THE WEST BENGAL POLLUTION CONTROL BOARD, THROUGH THE MEMBER SECRETARY, DEPARTMENT OF ENVIRONMENT, GOV. OF WEST BENGAL, PARIBESH BHAWAN, 10A, BLOCK-LA, SECTOR-III, BIDHANANGAR, KOLKATA-700106.

6. THE BLOCK LAND AND LAND REVENUE OFFICER, SONARPUR DEVELOPMENT BLOCK, SOUTH 24 PGS, KOLKATA-700150

*To, Judicial*

*29.1.24*

*To, Anindan*

*To, please put up as PG.*

**09 AUG 2024**

NOT, P. K. KOLKATA

Receipt No. NW/BB/1661/22

Date 29/01/2024

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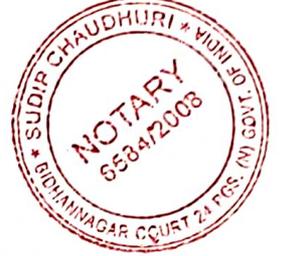
**EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY**  
ENVIRONMENT DEPARTMENT, GOVT. OF WEST BENGAL  
PranisampadBhavan, 5<sup>th</sup> Floor, LB-2, Sector-III, Salt Lake, Kolkata- 700106

No. 014/FLD/EKWMA/2024

Date: 22.03.2024

Ref: Complaint was received from Ram Gayen and others, Vill. Uchhepota regarding water body filling and illegal construction on 18.01.2024

**FIELD INSPECTION REPORT**



**Inspection Date:** 01.03.2024

**Location:** RS Dag No.447, Mouza Bhagabanpur, JL No.8 under P.S.Narendrapur (previously under P.S. Sonarpur), Dist. South 24 Parganas.(Reference coordinates of the site:22°30'22.47"N, 88°25'24.72"E)

**Persons Present during field inspection:**

- 1) Shri Shyamal Das, Technical Assistant, EKWMA
- 2) Shri Sanjay Mandal, Technical Assistant, EKWMA
- 3) SantanuByadh, SI of P.S. Narendrapur and his team

**Land Classification:** RS Dag No. RoR EKW(C&M) Act, 2006  
447 Pukur "Urban/Rural settlement area (full)"

**Observation:**

During the field inspection, it has been noticed that a water body situated at part of RS Dag no. 447 of Mouza Bhagabanpur, JL no. 8, P.S. Narendrapur, Dist. South 24 Parganas. Part of the said water body has been filled up by debris. A building construction is undergoing on the said filled up portion of the water body.

The whole Mouza Bhagabanpur falls within East Kolkata Wetlands area.

**Name of alleged person** (collected at the time of inspection):

Mr. Joyram Mandal, S/o. Late Tarak Nath Mandal, Vill. & P.O. Uchhepota, P.S. Narendrapur, Dist. South 24 Parganas.

Shyamal Das  
Technical Assistant

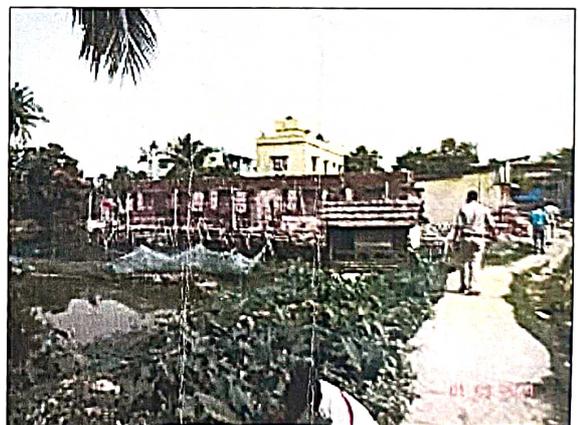
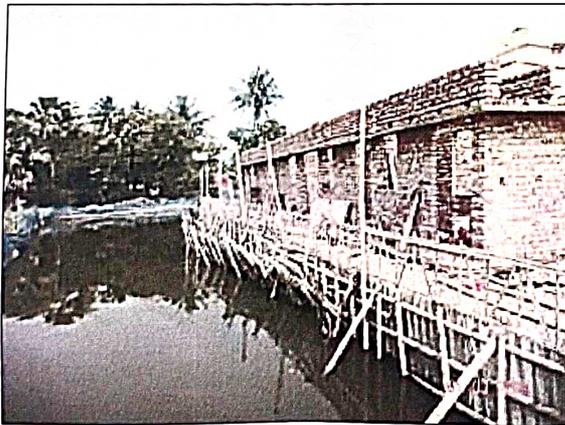
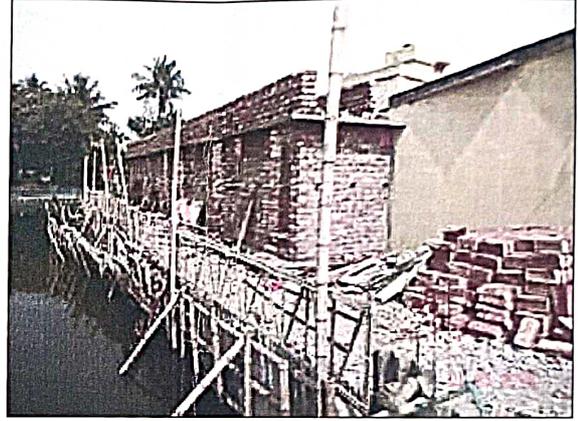
Sanjay Mandal  
Technical Assistant

Encl: Relevant photographs of the site

09 AUG 2024

Photographs of the site at part of RS Dag no.447 of Mouza-Bhagabanpur, JL no. 8, P.S. Narendrapur, Dist. South 24 Parganas  
(Reference coordinates of the site: 22°30'22.47"N, 88°25'24.72"E)  
(Reference field report no. 014/FLD/EKWMA/2024 dated 22.03.2024)

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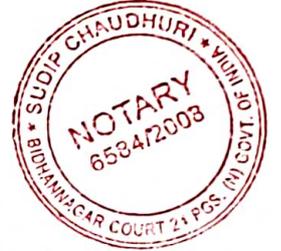
**EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY**  
ENVIRONMENT DEPARTMENT, GOVT. OF WEST BENGAL  
PranisampadBhavan, 5<sup>th</sup> Floor, LB-2, Sector-III, Salt Lake, Kolkata- 700106

No. 015/FLD/EKWMA/2024

Date: 22.03.2024

**Ref:** Complaint was received from Ram Gayen and others, Vill. Uchhepota regarding water body filling and illegal construction on 18.01.2024

**FIELD INSPECTION REPORT**

**Inspection Date:** 07.03.2024

**Location:** RS Dag No.440, Mouza Bhagabanpur, JL No.8 under P.S.Narendrapur (previously under P.S. Sonarpur), Dist. South 24 Parganas.(Reference coordinates of the site: 22°30'21.63"N, 88°25'29.19"E)

**Persons Present during field inspection:**

- 1) Shri Shyamal Das, Technical Assistant, EKWMA
- 2) Shri Sanjay Mandal, Technical Assistant, EKWMA
- 3) Shri Prosenjit Mukherjee, ASI of PS Narendrapur and his team

**Land Classification:** RS Dag No. RoR EKW(C&M) Act, 2006  
440 Pukur "Urban/Rural settlement area (full)"

**Observation:**

During the field inspection, it has come to the notice that an unauthorized three-storey building construction is going on at part of RS Dag no. 440 of Mouza Bhagabanpur, JL no. 8, P.S. Narendrapur, Dist. South 24 Parganas.

The whole Mouza Bhagabanpur falls within East Kolkata Wetlands area.

  
Shyamal Das  
Technical Assistant

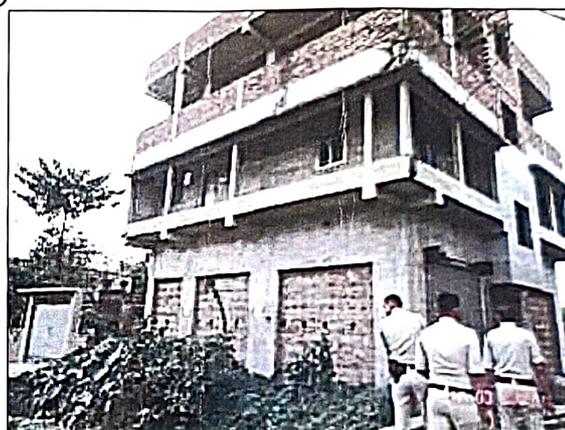
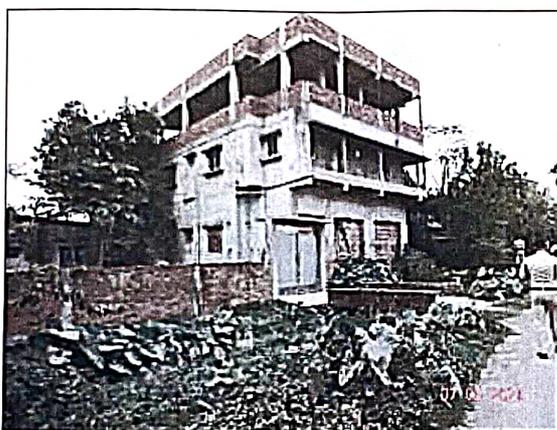
  
Sanjay Mandal  
Technical Assistant

Encl: Relevant photographs of the site

09. AUG 2024

Photographs of the site at part of RS Dag no.440 of Mouza-Bhagabanpur, JL no. 8, P.S. Narendrapur, Dist. South 24 Parganas  
(Reference coordinates of the site: 22°30'21.63"N, 88°25'29.19"E)  
(Reference field report no. 015/FLD/EKWMA/2024 dated 22.03.2024)

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Government of West Bengal  
Department of Environment  
East Kolkata Wetlands Management Authority  
Pranisampad Bhaban, 5<sup>th</sup> Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106  
Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com

No: 204 -CTO/EN/200(8)/2022-2023

Date: 09.04.2024

From: Chief Technical Officer,  
East Kolkata Wetlands Management Authority

To: 1. Mr. Joyram Mandal, S/o. Late Tarak Nath Mandal,  
Address: Vill. & P.O. Uchhepota, P.S. Narendrapur, Dist. South 24 Parganas.



**TO WHOM IT MAY CONCERN**

This is to inform you that the water body filled up and illegal construction of building over the said filled up portion at part of RS Dag No. 447, Mouza Bhagabanpur, JL no. 8, P.S. Narendrapur, Dist. South 24 Parganas is within the East Kolkata Wetlands area and are governed by the East Kolkata Wetlands (Conservation and Management) Act, 2006 [EKW(C&M) Act, 2006] and the Wetlands (Conservation and Management) Rules, 2017.

Any change of character or mode of use of land within the East Kolkata Wetlands is not permitted as per Section 9 of the EKW(C&M) Act, 2006 and it is a cognizable and non-bailable offence. Further as per Section 4 of the Wetlands (Conservation and Management) Rules, 2017 notified by the Ministry of Environment, Forest and Climate Change, Government of India any construction of a permanent nature within East Kolkata Wetlands (being a Ramsar Site) are prohibited. This activity is noted to have been done illegally by violating provision(s) of the above said laws.

In this regard, you are hereby Show Caused on why legal action should not be initiated against you for violating the provision(s) of the said laws. Further, as per Section 11 of the EKW(C&M) Act, 2006, you are given an opportunity of hearing which is scheduled on 30.04.2024 at 11:30 a.m./ p.m. at the Conference Hall of Environment Department, Government of West Bengal, 5th floor, Pranisampad Bhavan, LB-2, Sector-III, Salt Lake, Kolkata-700106.

You are requested to attend the hearing along with relevant document(s) if any to justify your action as per law mentioned above, failing which, this office will be forced to presume that you have committed the offence and action will be taken in accordance with the law.

It is noted that you or your authorised representative along with proof of identity may only take part in the hearing.

Yours faithfully,

  
Chief Technical Officer, EKWMA

09 AUG 2024



No: 204 /1(2)-CTO/EN/200(8)/2022-2023

Date: 09.04.2024

Copy forwarded with a request for serving this notice and **stop the illegal work immediately**. Accordingly, photographs of the site are attached herewith for your ready reference:

1. Inspector-in-charge, Narendrapur Police Station.
2. Superintendent of Police, Baruipur Police District.

  
Chief Technical Officer, EKWMA

No: 204 /2(2)-CTO/EN/200(8)/2022-2023

Date: 09.04.2024

Forwarded for necessary action against the **stop the illegal work immediately** and preserve the character of wetlands as per EKW (C&M) Act, 2006. Accordingly, photographs of the site are attached herewith for your ready reference:

1. Secretary, Panchayats & Rural Development Department.
2. Block Development Officer, Sonarpur Block.
3. Pradhan, Kheadaha-II Gram Panchayat.

  
Chief Technical Officer, EKWMA

No: 204 /3(2)-CTO/EN/200(8)/2022-2023

Date: 09.04.2024

Copy forwarded with a requested to attend the hearing:

1. Senior Law Officer, Environment Department, Govt. of West Bengal.
2. Environment Officer, Environment Department, Govt. of West Bengal.

  
Chief Technical Officer, EKWMA

No: 204 /4(2)-CTO/EN/200(8)/2022-2023

Date: 09.04.2024

Copy forwarded for your kind information:

1. PS to Minister-in-Charge, Environment Department, Govt. of West Bengal.
2. PS to Additional Chief Secretary, Environment Department, Govt. of West Bengal.

  
Chief Technical Officer, EKWMA

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Government of West Bengal  
Department of Environment  
East Kolkata Wetlands Management Authority  
Pranisampad Bhaban, 5<sup>th</sup> Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106  
Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: ctoekwma@gmail.com

No: 203 -CTO/EN/200(8)/2022-2023



Date: 09.04.2024

From: Chief Technical Officer,  
East Kolkata Wetlands Management Authority

To: Occupiers/ Violators/ Owners of unauthorised construction at RS Dag no. 440 of Mouza Bhagabanpur, JL no. 8, P.S. Narendrapur, Dist. South 24 Parganas.

**TO WHOM IT MAY CONCERN**

This is to inform you that the unauthorised three-storey building at part of RS Dag No. 440, Mouza Bhagabanpur, JL no. 8, P.S. Narendrapur, Dist. South 24 Parganas is within the East Kolkata Wetlands area and are governed by the East Kolkata Wetlands (Conservation and Management) Act, 2006 [EKW(C&M) Act, 2006] and the Wetlands (Conservation and Management) Rules, 2017.

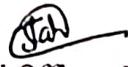
Any change of character or mode of use of land within the East Kolkata Wetlands is not permitted as per Section 9 of the EKW(C&M) Act, 2006 and it is a cognizable and non-bailable offence. Further as per Section 4 of the Wetlands (Conservation and Management) Rules, 2017 notified by the Ministry of Environment, Forest and Climate Change, Government of India any construction of a permanent nature within East Kolkata Wetlands (being a Ramsar Site) are prohibited. This activity is noted to have been done illegally by violating provision(s) of the above said laws.

In this regard, you are hereby Show Caused on why legal action should not be initiated against you for violating the provision(s) of the said laws. Further, as per Section 11 of the EKW(C&M) Act, 2006, you are given an opportunity of hearing which is scheduled on 30.04.2024 at 11:30 a.m./ p.m. at the Conference Hall of Environment Department, Government of West Bengal, 5th floor, Pranisampad Bhavan, LB-2, Sector-III, Salt Lake, Kolkata-700106.

You are requested to attend the hearing along with relevant document(s) if any to justify your action as per law mentioned above, failing which, this office will be forced to presume that you have committed the offence and action will be taken in accordance with the law.

It is noted that you or your authorised representative along with proof of identity may only take part in the hearing.

Yours faithfully,

  
Chief Technical Officer, EKWMA

09 AUG 2024

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No: 203 /1(2)-CTO/EN/200(8)/2022-2023

Date: 09.04.2024

Copy forwarded with a request for serving this notice and **stop the illegal work immediately**. Accordingly, photographs of the site are attached herewith for your ready reference:

1. Inspector-in-charge, Narendrapur Police Station.
2. Superintendent of Police, Baruipur Police District.

Chief Technical Officer, EKWMA

No: 203 /2(2)-CTO/EN/200(8)/2022-2023

Date: 09.04.2024

Forwarded for necessary action against the **stop the illegal work immediately** and preserve the character of wetlands as per EKW (C&M) Act, 2006. Accordingly, photographs of the site are attached herewith for your ready reference:

1. Secretary, Panchayats & Rural Development Department.
2. Block Development Officer, Sonarpur Block.
3. Pradhan, Kheadaha-II Gram Panchayat.

Chief Technical Officer, EKWMA

No: 203 /3(2)-CTO/EN/200(8)/2022-2023

Date: 09.04.2024

Copy forwarded with a requested to attend the hearing:

1. Senior Law Officer, Environment Department, Govt. of West Bengal.
2. Environment Officer, Environment Department, Govt. of West Bengal.

Chief Technical Officer, EKWMA

No: 203 /4(2)-CTO/EN/200(8)/2022-2023

Date: 09.04.2024

Copy forwarded for your kind information:

1. PS to Minister-in-Charge, Environment Department, Govt. of West Bengal.
2. PS to Additional Chief Secretary, Environment Department, Govt. of West Bengal.

Chief Technical Officer, EKWMA

09 AUG 2024

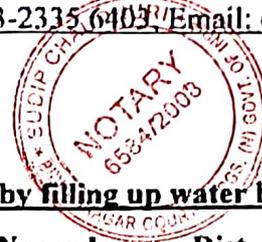
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**Government of West Bengal**  
**Department of Environment**  
**East Kolkata Wetlands Management Authority**  
 Pranisampad Bhaban, 5<sup>th</sup> Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106  
 Ph: 91-33-2335 3003. Fax: 91-33-2335 6403. Email: ctoekwma@gmail.com

No: 389 -CTO/EN/200(8)/2023-2024(Link-1)

Date: 27.06.2024



**Reasoned Order of illegal construction of building by filling up water body at part of R.S. Dag no. 447, Mouza-Bhagabanpur, J.L. No. 8, P.S. Narendrapur, Dist. South 24-Parganas.**

**Introduction:**

One complaint was received from Sri Ram Gayen and others on 18.01.2024 against illegal filling up of water body and illegal construction at RS Dag Nos. 437, 438, 439, 440, 447, Mouza: Bhagabanpur, JI. No. 8, P.S. Narendrapur, Dist. South 24-Parganas violating the provision(s) of section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and rule 4 of Wetlands (Conservation & Management) Rules, 2017.

Accordingly, the officials of East Kolkata Wetlands Management Authority (EKWMA) along with officials of Narendrapur Police Station conducted an inspection on 01.03.2024. During field inspection, it has found that construction of an unauthorised building has been undergoing by filling up of waterbody at part of R.S. Dag no. 447, Mouza-Bhagabanpur, JI.No. 8, P.S. Narendrapur, Dist. South 24-Parganas and debris has also used for the purpose of filling up of the subject waterbody. At the time of inspection, upon preliminary enquiry, the name of Mr. Joyram Mandal came up, who are involved in the above-said illegal construction works. Co-ordinates of the above said illegal building is 22°30'22.47" N, 88°25'24.72" E. The R.S. Dag no. 447 is classified as Pukur as per Record of Rights (RoR).

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.

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In view of the above, the Chief Technical Officer, EKWMA issued a notice vide letter no. 204-CTO/EN/200(8)/2022-2023 dated 09.04.2024 and circulated through the local police authorities with a direction to appear for hearing on 30.04.2024 and also to show cause why legal action should not be initiated against them for violating the provision(s) of the said laws. The copy of notice was also forwarded to the Inspector-in-charge, Narendrapur Police Station, Superintendent of Police, Baruipur Police District to serve the notice and stop the illegal work immediately. Secretary, Panchayat and Rural Development Department, Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat were directed to stop the illegal work and take action against the illegal construction.



#### Hearing:

On 30.04.2024 no one attended the hearing session. However, a written submission was received from advocate of Mr. Joyram Mandal. A building plan with signature of the Pradhan, Kheadaha II Gram Panchayat in the year 2012 and Panchayat Tax Receipt in the year 2013 and 2024 are attached with the submission.

#### Existing Laws:

According to Section 9 of the EKW (C&M) Act of 2006 notwithstanding anything contained in any law for the time being in force, every person holding any land in the East Kolkata Wetlands shall maintain and preserve such land in a manner that its area is not diminished, or character is not changed except with the prior sanction of the Authority.

From 04.12.2010 East Kolkata Wetlands (EKW) being a Ramsar site came under the purview of the Wetlands (Conservation and Management) Rules, 2010 under the Environment (Protection) Act, 1986 notified by the Government of India.

In the year 2017, the Wetlands (Conservation and Management) Rules, 2010 were superseded by the Wetlands (Conservation and Management) Rules, 2017. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing industries and conversion for non-wetland uses including encroachment of any kind within East Kolkata Wetlands (being a Ramsar Site) are prohibited.

The Hon'ble Calcutta High Court vide Order dated 25.07.2023 in WPA (P) 358 of 2023 (Priyanjana Majumder & Anr. -Vs- The State of W.B. & Ors.) in para 8 of the order directed that, " the illegal construction should be directed to be removed by the persons, who have put up the

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same within a time frame. Upon his/their failure to do so, the construction shall be removed by the department themselves and the cost be recovered from the people who have put up such illegal construction. That apart, criminal cases shall also be registered against such of those persons, who have illegally put-up construction in such wetlands as well as blocking the water channels."

As per Rule 22 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, a Gram Panchayat shall not give permission to any erection and construction by filling up any tank, pond or other water body.

As per Rule 26 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, a Gram Panchayat shall withhold permission for erection or construction of building / structure until the applicant produces an order, allowing change of classification of the said land by the Collector or any other competent authority having jurisdiction under any law for the time being in force.

According to Section 22 of the EKW (C&M) Act of 2006, notwithstanding anything contained in any law for the time being in force, this Act shall have overridden power.

Conclusion:

Taking into considering all the aspects, the CTO, EKWMA is of the opinion that the violator namely Mr. Joyram Mandal illegally constructed the said unauthorised building by filling up of water body at part of R.S. Dag no. 447, Mouza- Bhagabanpur, J.L. No. 8, P.S. Narendrapur, Dist. South 24-Parganas which falls within the EKW area without any permission from EKWMA. The afore-mentioned work is illegal and violates the provision(s) of Section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 of Wetlands (Conservation & Management) Rules, 2017.

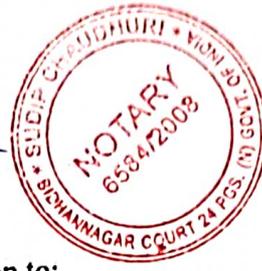
Hence, the violator namely Mr. Joyram Mandal is directed to demolish the structure of the building and restore the land to its original character or mode of use within 30 days of receiving the Reasoned Order or else action shall be taken in accordance with law.

This issues with the approval of Member Secretary, EKWMA.

  
Chief Technical Officer, EKWMA

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No: 389/1(s)-CTO/EN/200(8)/2023-2024(Link-1)

Date: 27.06.2024

Copy forwarded for your information and necessary action to:

1. Mr. Joyram Mandal, Vill. & P.O. Uchhepota, PS Narendrapur, Dist. South 24-Parganas, Kolkata -700150.
2. Secretary, Panchayat and Rural Development Department
3. District Magistrate, South 24 Parganas.
4. Block Development Officer, Sonarpur Block.
5. Superintendent of Police, Baruipur Police District.
6. Inspector-in-Charge, P.S. Narendrapur, Baruipur Police District – with a request to serve this Reasoned Order to Mr. Joyram Mandal
7. Pradhan, Kheadaha-II Gram Panchayat.
8. P.S. to Minister-In-Charge, Environment Department.
9. P.S. to Additional Chief Secretary, Environment Department.

Technical Officer, EKWMA

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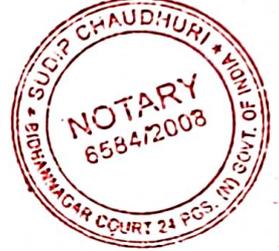
**Government of West Bengal**  
**Department of Environment**  
**East Kolkata Wetlands Management Authority**  
 Pranisampad Bhaban, 5<sup>th</sup> Floor, LB-2, Sector- III, Salt Lake, Kolkata- 700 106  
 Ph: 91-33-2335 3003, Fax: 91-33-2335 6403, Email: [ctoekwma@gmail.com](mailto:ctoekwma@gmail.com)

No: 288 -CTO/EN/200(8)/2023-2024(Link-1)

Date: 27.06.2024

From: Chief Technical Officer,  
 East Kolkata Wetlands Management Authority

To: The District Magistrate,  
 South 24-Parganas



**DEMOLITION AND RESTORATION ORDER**

**Sub: Demolition of an unauthorised three storey building at part of RS Dag No. 440,  
 Mouza: Bhagabanpur, J.L. No. 8 under PS Narendrapur, Dist. South 24-Parganas.**

Sir,

It had come to the notice of this office through a complaint letter received from Sri Ram Gayen and others on 18.01.2024 against illegal construction at RS Dag Nos. 437, 438, 439, 440, 447, Mouza: Bhagabanpur, J.L.No. 8, P.S. Narendrapur, Dist. South 24-Parganas. Mouza: Bhagabanpur, J.L. No. 8 is part of East Kolkata Wetlands area as per the East Kolkata Wetlands (Conservation & Management) Act, 2006 and Wetlands (Conservation & Management) Rules, 2017.

Accordingly, the officials of East Kolkata Wetlands Management Authority (EKWMA) along with officials of Narendrapur Police Station conducted an inspection on 01.03.2024. During field inspection, it has found that an unauthorised three storey building has been constructed at part of R.S. Dag no. 440, Mouza-Bhagabanpur, J.L.No. 8, P.S. Narendrapur, Dist. South 24-Parganas (Co-ordinates of the site: 22°30'21.63" N, 88°25'29.19" E). The R.S. Dag no. 440 is classified as Pukur as per Record of Rights (RoR). Photographs with co-ordinates of the above-said constructions are attached herewith for identification of the site.

Any change of character or mode of use of land within the East Kolkata Wetlands is not permitted as per Section 9 of the East Kolkata Wetlands (Conservation & Management) Act, 2006. As per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, any construction of a permanent nature, setting up of any industry or expansion of existing industries and conversion for non-wetland uses including encroachment of any kind within East Kolkata Wetlands (being a Ramsar Site) are prohibited. So this above-mentioned construction works is noted to have been done illegally by violating provision(s) of the above said Act and Rules.

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is

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being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue. Provided that before passing the order, the Authority shall give the person a reasonable opportunity of being heard.

In view of the above, one notice was issued and served through the officials of local police authority vide no. 203-CTO/EN/200(8)/2022-2023 dated 07.04.2024 with a direction to appear for hearing on 30.04.2024 and also to show cause why legal action should not be initiated against them for violating the provision(s) of the said laws. The copy of notice was also forwarded to the Inspector-in-charge, Narendrapur Police Station and Superintendent of Police, Baruipur Police District to stop the said illegal construction. Secretary, Panchayat and Rural Development Department, Block Development Officer, Sonarpur Block and Pradhan, Kheadaha-II Gram Panchayat were requested vide the same notice to stop the illegal construction work and take action in this regard. On 30.04.2024, no one was present at the time of the hearing.

In view of the above, I am directed to request you to undertake the demolition of the said illegal construction and restoration of the land to its original status within 60 days from the date of receiving the order and recover the cost from the violators as arrears of land-revenue. You are also requested to send a compliance report to this office for intimation.

Yours faithfully,

  
Chief Technical Officer, EKWMA

Encl: As stated above.

No: 288/1(7)-CTO/EN/200(8)/2023-2024(Link-1)

Date: 27.06.2024

Copy forwarded for your information and necessary action to:

1. Secretary, Panchayat and Rural Development Department.
2. Superintendent of Police, Baruipur Police District.
3. Inspector-in-charge, Narendrapur Police Station.
4. Block Development Officer, Sonarpur Block.
5. Pradhan, Kheadaha-II Gram Panchayat.
6. P.S. to Minister-In-Charge, Environment Department.
7. P.S. to Additional Chief Secretary, Environment Department.

  
Technical Officer, EKWMA

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BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 74/2024/EZ

RAM GAYAN & ORS.

....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

RESPONDENTS

COUNTER AFFIDAVIT FILED BY EAST KOLKATA WETLANDS  
MANAGEMENT AUTHORITY

SIBOJYOTI CHAKRABORTY  
ADVOCATE

09 AUG 2024