



BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 61/2024/EZ

Hitesh Sharma

Versus

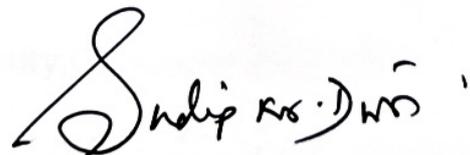
Sabyasachi Mullick Chowdhury & Ors.

COUNTER AFFIDAVIT FILED BY THE CHIEF TECHNICAL OFFICER,
EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY,
ENVIRONMENT DEPARTMENT, GOVERNMENT OF WEST BENGAL
IN COMPLIANCE WITH ORDER DATED 05.07.2024 PASSED BY
THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE
BENCH, KOLKATA

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Submitted

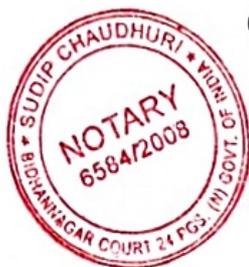

Advocate

SL. NO. 409 120.24

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 61/2024/EZ



Hitesh Sharma

Versus

BEFORE THE NOTARY PUBLIC Sabyasachi Mullick Chowdhury &Ors.
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS

COUNTER AFFIDAVIT FILED BY THE CHIEF TECHNICAL OFFICER,
 EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY,
 ENVIRONMENT DEPARTMENT, GOVERNMENT OF WEST BENGAL IN
 COMPLIANCE WITH ORDER DATED 05.07.2024 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, Environment Department,
 Government of West Bengal and Chief Technical Officer, East
 Kolkata Wetlands Management Authority, Government of West
 Bengal, having office at Pranisampad Bhawan, 5th Floor, LB-2,

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Sector-III, Salt Lake, Kolkata-700106, do hereby solemnly affirm and submit as follows:

1. That I am the Chief Technical Officer, East Kolkata Wetlands Management Authority, Government of West Bengal is the Respondent No. 4 & 5 of the Original Application. 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 Affidavit-in-Opposition before this Hon'ble Tribunal.
2. That this Affidavit is being affirmed pursuant to the solemn Order dated 05.07.2024 passed by this Hon'ble Tribunal.
3. It is respectfully submitted before this Hon'ble Tribunal that 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.* 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 Environment, West



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Bengal, District Magistrate and SP, South 24 Parganas with respect to the illegal filling up of a water body namely "Ukil Bheri".

4. The said Joint Committee visited the site on 17.02.2022 and documented its Final Report after providing opportunity of hearing to Respondent No. 1 Shri Sabyasachi Mallick Chowdhury and Respondent no. 16 Secretary, Metropolitan Cooperative Society. The Joint Committee submitted the said Final Report before this Hon'ble Tribunal by affirmation dt. 01.11.2022 in the matter of OA 25/2016/EZ. A copy of the said Final Report of the Joint Committee is annexed herewith and marked as "Annexure **R/1**".

5. In the said Report the Joint Committee recommended the following:

- Plot no. 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 water body i.e. Ukil Bheri. Hence, they need to be demolished.
- The KMC shall take steps to immediately restore the water body at plot no. CZ 9B, CZ-14A, CZ-14B, CZ-15A, CZ-20A, CZ-21A and CZ-26 A/B/C in compliance with the



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Order of the Hon'ble National Green Tribunal dt. 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.
6. It is respectfully submitted before this Hon'ble Tribunal that the subject water body is outside of the area of East Kolkata Wetlands as per the East Kolkata Wetlands (Conservation and Management) Act, 2006 and it is under the jurisdiction of Kolkata Municipal Corporation (KMC). According to the Notification vide no. 1748-Fish/C-I/9R-03/2017 dt. 20.07.2017 under the West Bengal Inland Fisheries Act, 1984 (West Bengal ActXXV of 1984) the Municipal Commissioner of the KMC is the competent



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authority to take action against any illegal activity within any water body being filled up within the jurisdiction of the KMC. A copy of the said Notification no. 1748-Fish/C-I/9R-03/2017 dt. 20.07.2017 is annexed herewith and marked as "Annexure R/2".



West Bengal State Wetlands Authority (WBSWA), Environment Department, Government of West Bengal has repeatedly requested the KMC to undertake the demolition work of the unauthorized constructions on the aforementioned plots under its jurisdiction by successive communications vide no. 2166/EN/3C-15/2016 dt 04.11.2022, EN/2341/3C-60/2022 dt 07.12.2022, ENV-15013/2/2024-SRLO(ENV)-Dept. of ENV dt. 12.03.2024 and the latest communication being no. ENV-15013/2/2024-SRLO(ENV)-Dept. of ENV dt. 18.07.2024. Copies of the communications dt. 12.03.2024 and 18.07.2024 are annexed herewith and marked as "Annexure R/3(Colly)".

8. The petitioner of OA 25/2016/EZ and Respondent no. 1 of this instant Original Application Shri Sabyasachi Mallick Chowdhury preferred WPA No. 21710 of 2022 before the Hon'ble Calcutta High Court with a prayer to implement the

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proceedings of the said Final Report of the Joint Committee formed by the Hon'ble National Green Tribunal. The Respondent also filed CPAN No. 1632 of 2023 before the Hon'ble High Court. The said Writ Petition and the said CPAN are still pending before the Hon'ble Calcutta High Court and awaiting the decision of the Hon'ble Court.



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

Tripti Sahi
DEPONENT


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

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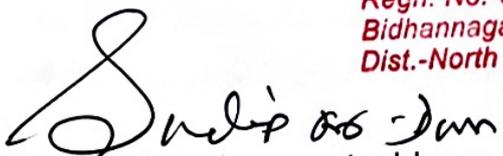
VERIFICATION

I, 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 9 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 12th day of August, 2024.


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


 DEPONENT

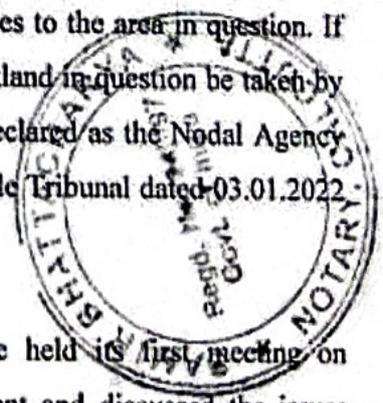

 Identified and corrected by me
 Advocate
 East Kolkata Wetlands Management Authority

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Final Report of the Joint Committee Constituted by Hon'ble National Green Tribunal, Eastern Bench, vide 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).

The Hon'ble National Green Tribunal (NGT), Eastern Zone 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 8 (eight) member Joint Committee comprising National Wetlands Authority, State Wetlands Authority (SWA), Central Pollution Control Board (CPCB), Ministry of Environment, Forest and Climate Change, State Pollution Control Board, Director Environment, West Bengal, District Magistrate, South 24 Parganas and Superintendent of Police, South 24 Parganas with respect to the illegal filling up of water body, "Ukil Bheri". The Hon'ble NGT vide its Order has stated that demarcation of boundary of the said water body and the site of construction is not clear. Prima facie, the area where the construction is made appears to be part of said water body or its buffer zone, attracting prohibition under the Wetlands (Conservation and Management) Rules, 2017. 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 SWA were declared as the Nodal Agency for coordination and compliance. Copy of the Order of the Hon'ble Tribunal dated 03.01.2022 is annexed herewith and marked as **Annexure -I**.



In compliance with the aforesaid Order, the Joint Committee held its first meeting on 25.01.2022 at Conference Room of the Environment Department and discussed the issues raised in the Order. During the meeting it was decided the Kolkata Municipal Corporation (KMC) and the Additional District Magistrate & District Land and Land Reforms Officer ADM&DL&LRO), South 24 Parganas, would jointly conduct survey to ascertain on which Dag number the said water body "Ukil Bheri" falls and also the status of Dag numbers 267 and 268 of Mouza Nimokpoktan, under P.S. Pragati Maidan, Ward No. 57, KMC. The minutes of the meeting dated 25.01.2022 is annexed herewith and marked as **Annexure-II**.

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B.S.P
Sudip Chaudhary
Anil Bhattacharya
J. Jeyaraj

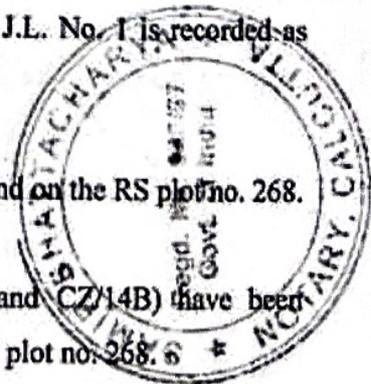
The Additional District Magistrate & District Land and Land Reforms Officer, South 24 Parganas conducted a field enquiry on R.S. Plot no. 267 and 268 in Mouza Nimokpoktan, J.L. No. 1 from 07/02/2022 to 11/02/2022 and submitted the report on 16.02.2022. The survey report of ADM & DL&LRO dated 16.02.2022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



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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

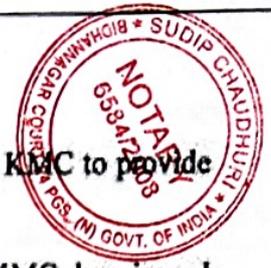
The Deputy Chief Engineer, KMC also informed the Joint Committee that KMC is in the process of revocation of the plan sanctioned for building nos. 9B, 14A and 14B in pursuance of the Order of Hon'ble NGT.



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. 1, 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. 1, KMC Ward No. 57 under PS Pragati Maidan are recorded in the RS Records as 'Beel'. If the land classification

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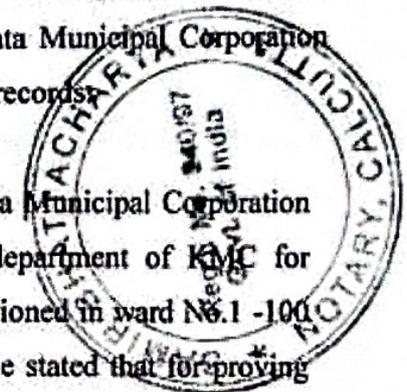


(land use pattern) has been changed from 'Beel' to anything else, KMC to provide with the relevant documents.

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.

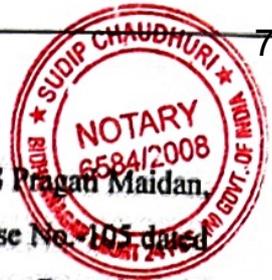
The third meeting of the Joint Committee was held on 22.03.2022 at Conference Hall II of CMO Building of the Kolkata Municipal Corporation. The Chief Environment Officer chaired the meeting and requested officers of KMC to provide the Joint Committee necessary documents including procedure followed by 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

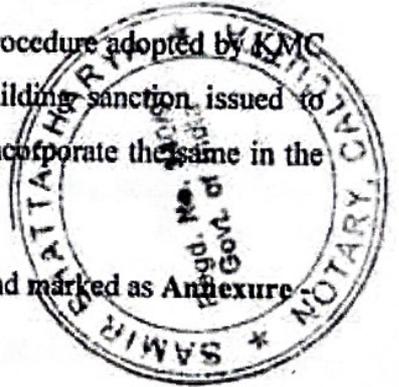
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the waterbody. In this regard four (4) complaints were lodged by KMC with PS Pragati Maidan, from 2016 - 2019, against which a case was already started vide PGM P.S. Case No. 105 dated 15.03.2016, u/s 22 of the West Bengal Inland Fisheries Act, u/s 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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S.S.P. *(Signature)* *(Signature)* *(Signature)* *(Signature)*

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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-35/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, EKVMA 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.

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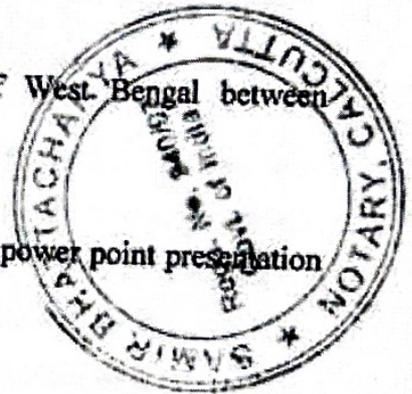


The petitioner submitted the documents on 23.05.2022 to the office of EKWMA and the Secretary, Metropolitan Co-operative Housing Society submitted the documents on 25.05.2022 in the office of EKWMA.

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.



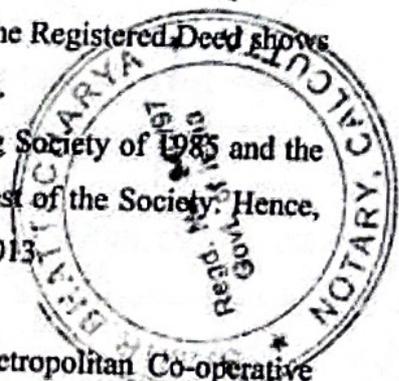
The final meeting of the Joint Committee was held on 27.07.2022, a power point presentation was shown which stated as follows:

- 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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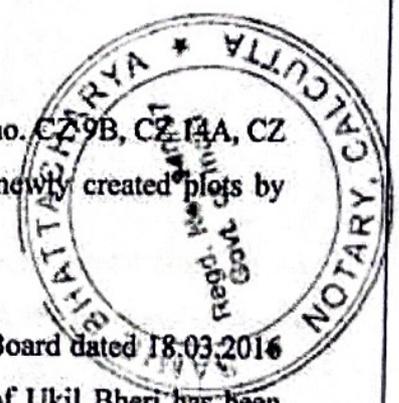


the west of plot no. CZ 16, wherein there is a vacant land (plot number of which is not mentioned in the Deed) to the west of plot no. 15.

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



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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.

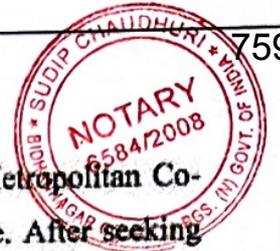
Further KMC submitted some photocopy of deeds related in plot nos. CZ-14A, CZ-14B, CZ- 15A, CZ-9B on 08.09.2022.

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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 (Sabyasachi Mullick Chowdhury -vs- National Wetlands Authority & Ors.) filed at High Court, Calcutta has been served upon the SWA by the petitioner .

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

Neelam Meena, IAS
Secretary
Environment Department
Government of West Bengal

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Sri Kaliyamurthi Balamurugan, CEO Environment Department & Member, State Wetland Authority

Chief Environment Officer
Environment Department
Government of West Bengal

Handwritten signature: Dr. Shahida Parvin Quazi

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
आरू 4B-19B, सेक्टर-III, मॉल्ट सैला सिटी, कोलकाता-700106
IB-19B, SECTOR-III, SALT LAKE CITY, KOLKATA - 700106

Handwritten signature: Susmita Ekka

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

सुष्मिता एकका / Susmita Ekka
वैज्ञानिक 'D' 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
Min. Env. Forest & Climate Change, Govt. of India
15B2, राजदंगी मिन रोड / Rajdanga Main Road
कोलकाता / Kolkata-700107

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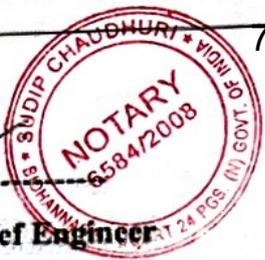
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Nitesh Dhali

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

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





Kolkata



Gazette

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TUESDAY, DECEMBER 26, 2017

[SAKA 1939

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Department of Fisheries, Aquaculture, Aquatic Resources & Fishing Harbours,
I.T. Building (7th & 8th Floor)
31, G.N. Block, Sector-V, Salt Lake City, Kolkata - 700 091

No. 1748-Fish/C-1/9R-03/2017

Dated, Kolkata, the 20th July, 2017.

NOTIFICATION

In exercise of the power conferred by clause (ii) of section 2 of the West Bengal Inland Fisheries Act, 1984 (West Bengal Act XXV of 1984) as subsequently amended (hereinafter referred to as the said Act), and in supersession of all previous notifications in this regard, the Governor is hereby pleased to authorise the following authorities to be the competent authority under the said Act:

- (i) Municipal Commissioner / Commissioner / Executive Officer of Municipal Corporation / Municipalities / Notified area authority within their respective jurisdiction.
- (ii) District Magistrate within their respective revenue districts except the municipal areas mentioned above.

By order of the Governor,

SUNIL KR. GUPTA

Principal Secretary to the Govt. of West Bengal.

- 24 -



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

Date: 12.03.2024

From: CEO, Environment Department &
Member, West Bengal State Wetlands Authority

To: The Municipal Commissioner
Kolkata Municipal Corporation
Email: mc@kmcgov.in

Sub: Request to comply with the decision of the Joint Committee meeting held on 15.02.2024

- Ref: 1. This office communication vide no. 2166/EN/3C-15/2016 dt. 04.11.2022
2. This office communication vide no. EN/2341/3C-60/2022 dt. 07.12.2022
3. Order dt. 05.12.2022 of the Hon'ble Calcutta High Court in WPA 21710 of 2022
4. Final Report submitted by the Joint Committee before the Hon'ble NGT
5. Minutes of the Joint Committee meeting held on 15.02.2024

Sir,

Apropos of the above referred trailing communications, this is to inform you that the Joint Committee formed by the Hon'ble National Green Tribunal through its Order dt. 03.01.2022 in OA 25/2016/EZ further conducted a meeting on 15.02.2024 to review the steps taken against the unauthorized construction in Ukil Bheri at Mouza Nimokpoktan, JL no. 1, PS Pragati Maidan, Ward no. 57 of Kolkata Municipal Corporation (KMC).

In the meeting it was decided that the KMC shall take necessary action to dismantle the unauthorized construction in the said water body and shall submit an action taken report thereon in accordance with the recommendation of the Final Report of the Joint Committee, which was submitted before the Hon'ble NGT.

Please find enclosed photocopies of the communication vide no. 2166/EN/3C-15/2016 dt. 04.11.2022, communication vide no. EN/2341/3C-60/2022 dt. 07.12.2022, Order dt. 05.12.2022 of the Hon'ble Calcutta High Court in WPA 21710 of 2022, Final Report submitted by the Joint Committee before the Hon'ble NGT and Minutes of the Joint Committee meeting held on 15.02.2024 for your kind ready reference.

-25-

2/2024

You are requested to send an action taken report on restoration of the UKIL BHERI to this Department within one week for filing the same before the Hon'ble Calcutta High Court.

Yours sincerely,


CEO, Env Dept &
Member, WBSWA



Encl: As stated above

Date: 12.03.2024

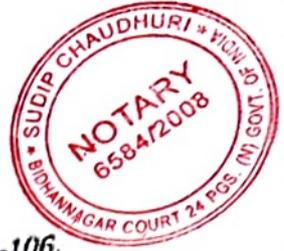
Copy to:

1. The Sr. PS to Additional Chief Secretary, Environment Department


CEO, Env Dept &
Member, WBSWA



-26-



Government of West Bengal
Department of Environment
Prani Sampad Bhawan, 5th Floor, J.B-2, Sect-III, Saltlake Kolkata-106.

Date: 18/07/2024

To:
The Municipal Commissioner
Kolkata Municipal Corporation

Sub: Request to comply with the decision of the Joint Committee meeting held on 15.02.2024

Ref: Your letter vide Memo No.L-31/Law/2024 dated 29/06/2024

Sir

Apropos the captioned subject matter, I am directed to request you to reply on what actions has been taken in respect of our earlier letters dated 12.03.2024 and 22.03.2024 (Copies enclosed).

In this connection, Additional Chief Secretary, Environment Department, Govt. of West Bengal has also sent a reminder letter dated 09.04.2024 provide the Action Taken Report on demolition of the unauthorised construction and restoration of the part of waterbody at UKIL BHERI to this Department at the earliest (Copy enclosed).

Awaiting your early response in this regard.

Yours Sincerely


Chief Environment Officer to the
Govt. of West Bengal

Copy forwarded for information to the P.S to the Additional Chief Secretary, Department of Environment, Govt. of West Bengal


Chief Environment Officer to the
Govt. of West Bengal

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 61/2024/EZ

HITESH SHARMA

....APPLICANT(S)

VERSUS

SABYASACHI MULLICK CHOWDHURY & ORS.

RESPONDENT(S)

COUNTER AFFIDAVIT FILED BY EAST KOLKATA WETLANDS
MANAGEMENT AUTHORITY

SUDIP KUMAR DUTTA
ADVOCATE