

SL No. 23

230

Filed by
Alakesh Dasgupta
Advocate

Before the National Green Tribunal,
Eastern Zone Bench, Finance Centre,
3rd Floor, New Town, Kolkata
Original Application No. 133/ 2023/ EZ.



In the matter of :

Serajul Islam & Anr.

... Applicants

-Versus-

The State of West Bengal &
Ors.

... Respondents

Supplementary Affidavit-cum-Exception of the
Respondent No.17 to the Committee Report filed by the
West Bengal Pollution Control Board.

I, **Budishal Soren**, son of Ramjatan Soren, aged about 40 years, by faith - Santhal, by occupation - Cultivation, residing at Village - Chandannagar, Post Office - Horioko, Police Station - Nalhati, District - Birbhum, Pin - 731243, do hereby solemnly affirm and state as follows :-

1. That I am the Respondent No. 17 of the instant original application which has been filed before this Hon'ble Tribunal and I am conversant with the facts and circumstances of the present case and I am competent to swear this Affidavit.

Budishal Soren

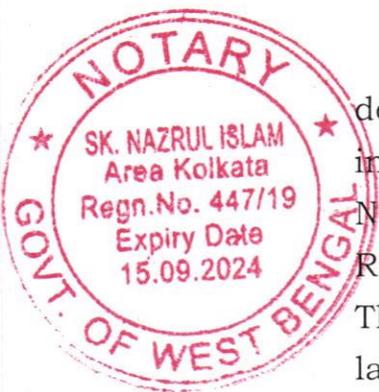
16 MAY 2024

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2. That a copy of the committee report verified by one Subrata Ghosh, the Officer-on-Special Duty (OSD), West Bengal Pollution Control Board filed on behalf of the West Bengal Pollution Control Board was served upon my Advocate-on-Record. I have gone through the same and have understood the contents and purport thereof.

At the very outset this deponent denies and disputes each and every statements and/or averments which are contrary to the records.



It is submitted that in course of inspection this deponent was not called upon to attend at the time of joint inspection which was allegedly conducted on 17th November, 2023 to enable the deponent being one of the Respondents to identify the lands which belongs to him. This deponent is the owner in respect of 27 Decimals of land, at Dag No. 714, he is also having 1 Acre and 1 Decimal of land and in Dag No. 715 and 3 Decimals in Dag No. 716, total lands measuring about 1 Acre 3 Decimals at Mouja Madna, J.L. No. 11, Khatian No. 346, P.S. and A.D.S.R. - Nalhati, Sub-Division - Rampurhat, District - Birbhum, the said lands are classified as "Dhani Awal in the settlement records. The aforesaid lands which are being owned and occupied by this respondent is free from any quarry activities which would be evident upon inspection after proper identification of the aforesaid lands which belongs to this deponent. To ascertain the actual measurement and to verify the extent of lands, which are involved in quarry activities this deponent appointed one registered Surveyor, to Survey and prepare a site plan to

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Sudip Kumar

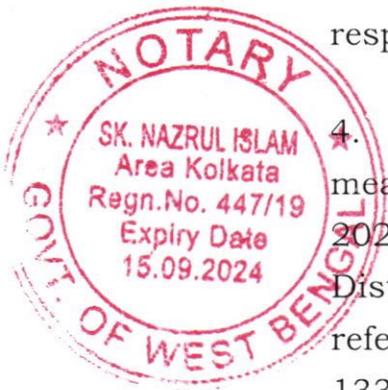
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that effect the surveyor have relayed and took measurement of the land which belongs to the deponent and prepared a site plan. That from the site plan /sketch map drawn by the said registered Surveyor who have caused relay and prepared a site plan in consonance with the settlement map it is apparent that the aforesaid plots of land which belongs to this deponent are free from any quarry activities.

The copies of the site plan is annexed hereto and marked as Annexure "R-2".

3. This deponent states and submits that the Dag No. 715 consists of a vast stretch of land measuring about 302 Decimal. That from the report it is not clear as to, who are the persons responsible for carrying of quarry activities, as such the allegations levelled against this deponent being the respondent no. 17 is unfounded and untenable in law.

4. This deponent states and submits that in the meantime, this deponent received a notice dated 22nd April, 2024 issued by the Sub-Divisional Officer, Rampurhat, District : Birbhum wherein it was informed that "In reference to above order passed dated 16.02.2024 in OA No. 133 / 2022/EZ by the Hon'ble National Green Tribunal, Eastern Zone Branch, Kolkata and in pursuance to the Memo No. 1736/1(7)/DL & LRO /B/2024 dated 19.04.2024 by the District Magistrate, Birbhum, a hearing has been scheduled to be held on 26.04.2024 at 11-30 a.m. in the office chamber of the Sub-Divisional Officer, Rampurhat, District : Birbhum". It was also informed that in the event



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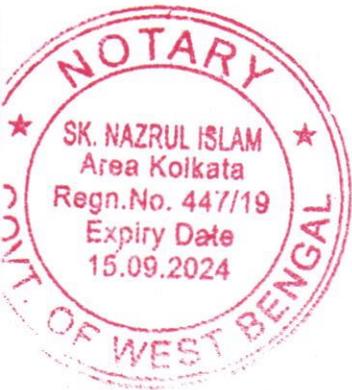
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Dabir

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none appears in terms of the said notice legal action will be taken against him.

The copy of the said notice is annexed herewith and marked as "R-3".

5. That this deponent states and submits that in pursuant to the said notice this deponent appeared before the Sub-Divisional Officer, Rampurhat, District : Birbhum. That the claimants / petitioners, Serajul Islam and another were not present at the time of hearing and most surprisingly the petitioners Serajul Islam and another were not informed about the hearing. It is submitted that as this deponent is no way involved in any quarry/ mining activities, that in terms of the advice/ instructions of the Sub-Divisional Officer have submitted an affidavit duly sworn in before the Sub-Divisional Officer, wherein this deponent have declared and stated on oath that this deponent is in no way associated with the alleged quarry / mining activities and the said lands are vacant lands.



The copy of the said affidavit is annexed herewith marked as "R-4".

6. This deponent states and submits that though this deponent is in no way responsible for carrying out quarry activities and has been unnecessarily impleaded in the instant proceedings, in view of the fact that the land which is being owned and occupied by the deponents and he refused to sell and part with the land which is being owned and occupied by the deponent to the applicant and his

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agents. In view of refusal to part with the possession of the aforesaid property to the applicant, the applicant impleaded this deponent with an intention to cause harassment.

7. It is submitted that the original application is filed by the applicant with a vested interest in as much as this deponent has been unnecessarily impleaded as party respondent and this deponent is in no way responsible for carrying out the quarry activities as alleged in the original application and the interim application filed before this Hon'ble Tribunal.

8. That the statements made in paragraphs Nos. 1 to 6 are true to my knowledge and those made in paragraphs No. 7 are my respectful submission before this Hon'ble Tribunal.

Budhisal Suman ✓

DEPONENT

Prepared in my office and
Identified by me

Alokesh Dabai ✓
Advocate

-WB-555/2000 ✓

Solemaly Affirmed and
Declared before me U/S 139
CPC, U/S 297 (C) CrPC

[Signature]
Notary

SK, Nazrul Islam
Notary, Govt. of W.B.
Regn. No. 447/19
City Civil Court, Calcutta



16 MAY 2024

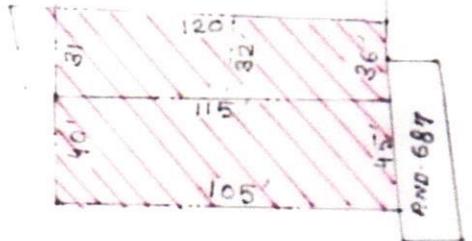
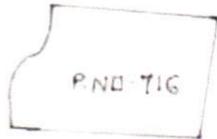
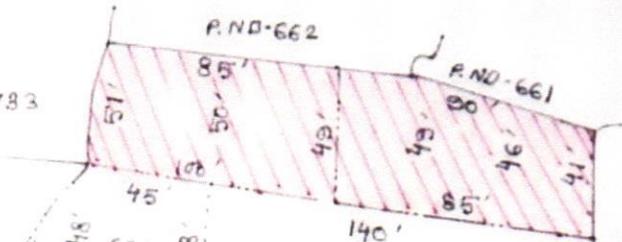
SCALE 16" = 1 MILE

SITE PLAN SKETCH MAP OF RS. NALHATI
MOUZA MADNA J.L. NO-11 UNDER BANIOR G.P.
KH. NO. PLOT NO 715
PROPOSED AREA 40 DECIMAL
PROPOSED AREA SHOWN IN  RED COLOUR.



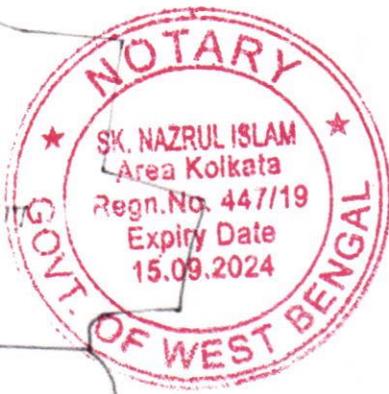
NOT TO SCALE

P.NO-783



P.NO-718

P.NO-717



P.NO-688

Signature of Seller:

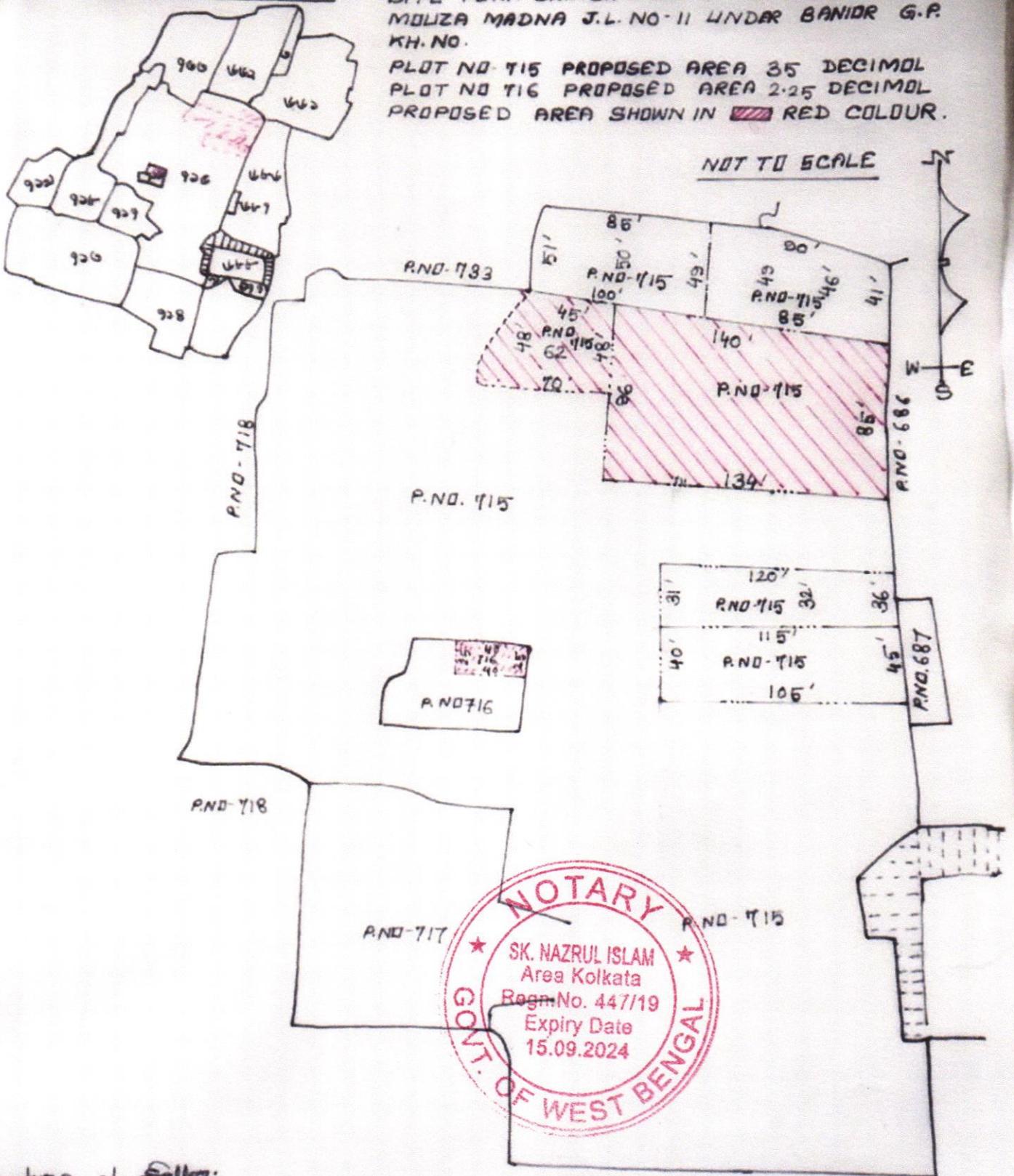
Signature of Purchaser:

 27-08-2022
SK. NAZRUL ISLAM SR
Surveyor (I.T.C) & Settlement Amr.
Nalhati Municipality
Govt. Regd. No. - P0202E 0310038/12
Nalhati (WARD No. - 155)
Hand Sketch map

SCALE 16" = 1 MILE

SITE PLAN SKETCH MAP OF P.S. NALHATI
MOLZA MADNA J.L. NO-11 UNDER BANIDR G.P.
KH. NO.

PLOT NO-715 PROPOSED AREA 35 DECIMAL
PLOT NO-716 PROPOSED AREA 2.25 DECIMAL
PROPOSED AREA SHOWN IN  RED COLOUR.

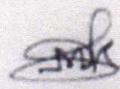


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NOTARY
 SK. NAZRUL ISLAM
 Area Kolkata
 Regn. No. 447/19
 Expiry Date
 15.09.2024
GOVT. OF WEST BENGAL

Signature of Seller:

Signature of Purchaser:

 27-08-2022

MATRUDDIN SA
 Surveyor (L.T.C) & Settlement
 Nalhati Municipality
 Govt. Regn. No. 2020E 0310036
 Hand Sketch map

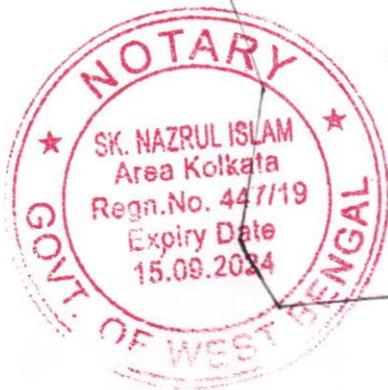
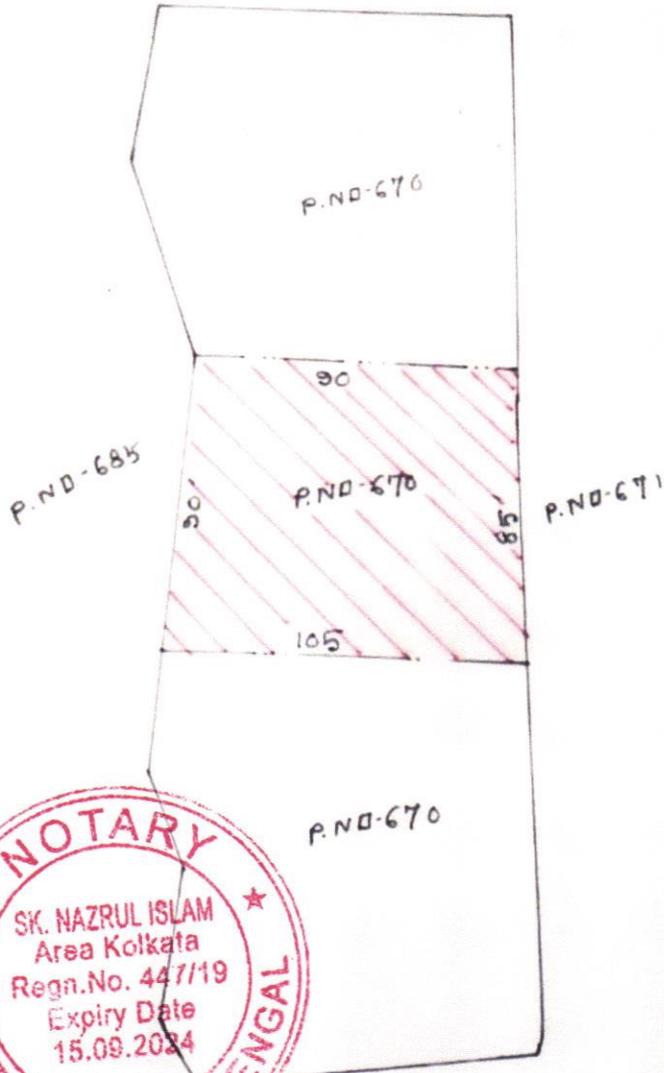
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SCALE 16" = 1 MILE

SITE PLAN SKETCH MAP OF P.S. NALHATI
MOUZA MADNA J.L. NO. 11 UNDER BANIOR G.P.
KH. NO. PLOT NO-670 PROPOSED
AREA 19.5 DECIMAL FOR
PROPOSED AREA SHOWN IN  RED COLOUR.



NOT TO SCALE



Signature of Seller:

Signature of Purchaser:

27-08-2022

MAJIDUL HAQUE
Surveyor (I.T.C) & Settlement Amr
Nalhati Municipality
Govt. Regd. No.- P0202E 031003B/11
Nalhati/WARD No.-15 Sirral Bhabha
Hand Sketch map made by



Annexure - R₃

GOVERNMENT OF WEST BENGAL
OFFICE OF THE SUB-DIVISIONAL OFFICER

RAMPURHAT * BIRBHUM

E-mail ID : - sdmrph@gmail.com

(J.M SECTION)

NOTICE

[Ref:- O.A No. 133/2023/EZ of the Hon'ble NGT]

Memo No:- 214(5) /JM

Dated: 22/04/2024

To,

1. Bapi Sk, S/O Sainul Islam, at Vill. & PO. Ekdala, PS. Rampurhat, Dist. Birbhum.
2. Mustak SK, S/O Late Hakim SK, at Vill. Nalhati Mondalpara, PS. Nalhati, Dist. Birbhum.
3. Paskel Hasda, S/O Benjamin Hasda, at Vill. Chilimpur, PO. Banior, PS. Nalhati, Dist. Birbhum.
4. Joseph Hasda, S/O Matilal Hasda, at Lakhsamara, Po. Horioka, PS. Nalhati, Dist. Birbhum.
5. Budishal Soren, S/O Ramjatan Soren, at Chandannagar, PO. Horioka, PS. Nalhati, Dist. Birbhum.

In reference to the above order passed dated on 16.02.2024 in O.A No. 133/2023/EZ by the Hon'ble National Green Tribunal eastern Zone Branch, Kolkata and in pursuance to the memo no. 1736/1 (7)/ DL& LRO (B/2024 dated on 19.04.2024 by the District Magistrate, Birbhum, a hearing has been scheduled to be held on 26.04.2024 at 11:30 am. in the office chamber of the undersigned.

You are hereby directed to appear in the hearing on above mentioned date & time, otherwise legal action will be taken against you.

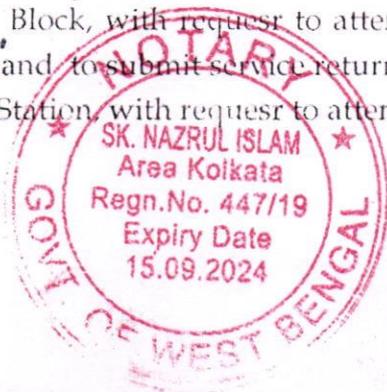
Sub-Divisional Officer
Rampurhat, Birbhum

Memo No:- 214 (5) /8/JM

Dated: 22/04/2024

Copy forwarded for information to:-

1. The District Magistrate, Birbhum.
2. The Superintendent of Police, Birbhum
3. The DL& LRO, Birbhum.
4. The SDPO, Rampurhat, with request to attend the hearing.
5. The SDI&LRO, Rampurhat, with request to attend the hearing.
6. The BDO, Nalhati-I, with request to attend the hearing.
7. The BL&LRO Nalhati-I Block, with request to attend the hearing and serve the notices upon the above persons and to submit service return.
8. The O.C Nalhati Police Station, with request to attend the hearing.



Sub-Divisional Officer
Rampurhat :: Birbhum

1377
23/04/23

Government Of West Bengal
Office of the Block Land & Land Reforms Officer
Nalhati-I, Birbhum.

Memo no/ 421 / BL&LRO, Nalhati-I, Birbhum/2024

Dated 23/04/24

To

The Officer-in-Charge

Nalhati Police Station

Nalhati, Birbhum.

Sub:- Request to stop illegal mining of plot no 715 area 3.02 acrs. of Mouza- Madna JI no. 11 near Lakshnaramar village.

Ref:- Memo no. 214(5)/JM dated 22/04/2024.

Sir,

With reference to the above noted subject, this to inform you that you are requested to stop illegal mining over plot no. 715 area 3.02 acrs. of Mouza- Madna JI no. 11 near Lakshnamaravillage.

This is for favour of your kind your kind information and takinf n/a.

[Handwritten Signature]
20/4/24

Block Land & Land Reforms officer
Nalhati-I, Birbhum.
B.L.&L.R.O.
Nalhati-I, Birbhum



- X . Annexure - R4



पश्चिम बंगाल पश्चिम बंगाल WEST BENGAL

33AA 732615

**BEFORE THE SUB-DIVISIONAL OFFICER, RAMPURHAT,****DISTRICT - BIRBHUM****AFFIDAVIT**

I, Budishal Soren, son of Ramjatan Soren, aged about 40 years, by faith - Santhal, by occupation - Cultivation, residing at Village - Chandannagar, Post Office - Horioko, Police Station - Nalhati, District : Birbhum, Pin - 731243, do hereby solemnly affirm and state as follows:-

Budishal Soren

1. That I have been impleaded as respondent No. 17 in the original application being OA No. 133/2023/EZ filed before the National Green Tribunal, Eastern Zone, Bench at Kolkata (Serajul Islam & Anr. -versus- The State of West Bengal & Ors.)
2. That in the said original application it was alleged that wide spread illegal mining activities, (Stone Quarring) is going on at several plots of lands at Mouza - Madna, Police Station - Nalhati, District : Birbhum. It was further alleged that the private respondents, including this deponent and other persons are involved in such quarry activities.
3. That this deponent appeared before the Hon'ble National Green Tribunal and have filed the affidavit-in-opposition, categorically stating that this deponent is the owner in respect of 1 acre 1 decimals of land pertaining to Dag No. 715 and 3 decimals of land at Dag No. 714 and 27 decimals at Dag No. 716 at Mouza - Madna which this deponent have acquired by 2 (two) Deed of Conveyances and was / is not involved in any mining activities as alleged and the same can be verified by spot verification. It was categorically stated that Dag No. 715 is a vast stretch of land measuring about 302 decimals.
4. That the Hon'ble Tribunal was pleased to constitute a committee and direct the said committee to visit the site and submit a report with regard to the allegations made in the original application. The Hon'ble Tribunal was further pleased to hold that there is evidence of illegal extraction beyond the

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plots cited in the original application and the District Administration may fix responsibility, to ascertain the quantum of rock extracted illegally and estimate the amount of revenue loss.

5. That in course of inspection this deponent was not called upon, to attend at the time of joint inspection, which was conducted on 17th November, 2023 to enable this deponent being one of the respondent in the original application to identify the lands which belongs to him. This deponent is the owner in respect of 27 decimals of land in Dag No. 714 and have 1 acre, 1 decimals in Dag No. 715 and 3 decimals in Dag No. 716 at Mouza - Madna, J.L. No. 11, Khatian No. 346, Police Station and ADSR - Nalhati, Sub-Division - Rampurhat, District : Birbhum. The said lands are classified as "Dhani Awal" in the settlement records. The said lands are situated beside the other agricultural lands and the said land not within the Mining / Stone area and the **same is still vacant and the same is situated far away from the present Mining activities**. The aforesaid lands which are being owned and occupied by this deponent is free from any quarry activities.
6. That this deponent is in no way responsible for carrying out quarry activities and the lands which belong to this deponent is in no way involved in quarry activities.
7. That the statements made in paragraphs 1 to 6 are true to my knowledge.

Buddhal Saem

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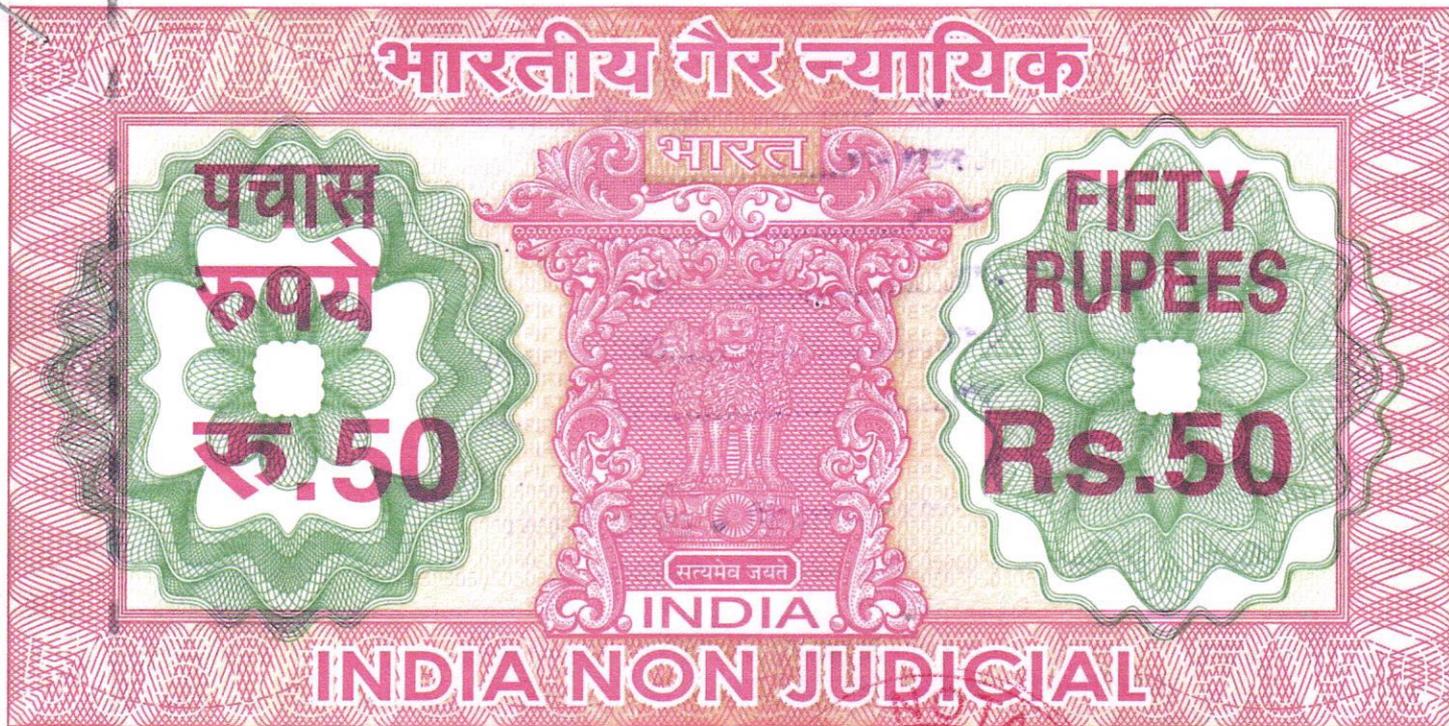
Budhisal Saem
DEPONENT

Identified by me :

Advocate

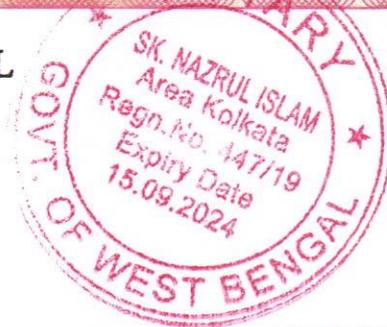


Budhisal Saem



পশ্চিমবঙ্গ পশ্চিম বঙ্গাল WEST BENGAL

AF 790440



BEFORE THE SUB-DIVISIONAL OFFICER, RAMPURHAT,

DISTRICT - BIRBHUM

AFFIDAVIT

I, Joseph Hansda, son of Late Motilal Hansda, aged about 37 years, by faith - Santhal, by occupation - Cultivation, residing at Village - Lakshnamara, Post Office - Horioko, Police Station - Nalhati, District : Birbhum, Pin - 731243, do hereby solemnly affirm and state as follows :-

1. That I have been impleaded as respondent No. 16 in the original application being OA No. 133/2023/EZ filed before the National Green Tribunal, Eastern Zone Bench at Kolkata (Serajul Islam & Anr. -versus- The State of West Bengal & Ors.)

Joseph Hansda

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2. That in the said original application it was alleged that wide spread illegal mining activities, (Stone Quarring) is going on at several plots of lands at Mouza - Madna, Police Station - Nalhati, District : Birbhum. It was further alleged that the private respondents, including this deponent and other persons are involved in such quarry activities.

3. That this deponent appeared before the Hon'ble National Green Tribunal and have filed the affidavit-in-opposition, categorically stating that this deponent is in no way connected in the matter of alleged quarry activities. This deponent was the lawful owner in respect of the certain land measuring about 131 decimals classified as 'Dhani Awal' in Dag Nos. 714, 715 and 716 at Mouza - Madna, Police Station and ADSR - Naihati, Sub-Division - Rampurhat, District : Birbhum which this deponent have transferred and parted with possession on execution of Deed of Conveyance in favour of the Purchaser namely Gaden Majhi and this deponent have no landed property in the aforesaid Dags / Plots which is the subject matter of the alleged quarry activities.

4. That I say that I am not involved and/or engaged in any quarry activities

5. That the statements made in paragraphs 1 to 4 are true to my knowledge.

Joseph Hansda

DEPONENT

Identified by me :

Advocate

Joseph Hansda

**Before the National Green Tribunal,
Eastern Zone Bench, Finance Centre,
3rd Floor, New Town, Kolkata.
Original Application No. 133/2023/EZ.**

In the matter of :-
Serajul Islam 86 Anr.

....Applicants

Versus

The State of West Bengal 86 ors.

....Respondents

**Supplementary Affidavit-cum-Exception
of Respondent No. 17, to the Report
filed by the West Bengal Pollution
Control Board.**



Somosreedebi Dutta
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High Court, Calcutta
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Enrol no. F/1218/1435/2022
Email:somosreedebidutta@gmail.com