

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**  
ORIGINAL APPLICATION NO. 98/2023/EZ

In The matter of:

Santosh Kumar Yadav

... Applicant

Versus

State of West Bengal & Ors.

... Respondents

**REJOINER AFFIDAVIT**

INDEX

Sl No.	PARTICULARS	ANNEXURE	PAGE
1.	Rejoinder Affidavit		1 - 4
2.	Coloured Photographs showing the present condition of the Urinal & Ors and collectively annexed herewith	'R-1'	5 - 6

Filed by

**SANTOSH KUMAR YADAV**

Email: [hisantosh1980@gmail.com](mailto:hisantosh1980@gmail.com)

Mobile: +91 98837 02985 / 90380 89258

01 NOV 2023



Serial No. M.10/2023 3

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**  
ORIGINAL APPLICATION NO.98/2023/EZ

In The matter of:

Santosh Kumar Yadav

... Applicant

Versus

State of West Bengal & Ors.

... Respondents



**REJOINDER AFFIDAVIT**

I, Santosh Kumar Yadav, Son of Late Satram Yadav, aged about 46 years, by faith – Hindu, by occupation – Social Worker, residing at 2/6 D, Nitya Ghosh Street, Police Station – Watgunge, Kolkata – 700 023 in KMC Ward No.75, do hereby solemnly affirm and say as follows:

1. In the matter of the nuisance situated beside the entrance gate of Premises Number 2/6 D, Nitya Ghosh Street, Kolkata - 700 023, being the applicant, hereby present the rejoinder affidavit for the urgent removal of the said nuisance by the concerned departments of the Kolkata Municipal Corporation (KMC).

2. I being the applicant in the instant case and as such I am well acquainted with the facts and circumstances of the case, and this rejoinder affidavit is being filed by me in response to the affidavit filed by two different departments of the Kolkata Municipal Corporation dated 04.10.2023, as directed by this Hon'ble Tribunal on 05.09.2023.

I strongly oppose the submissions made by the Respondent number 05, the Kolkata Municipal Corporation, in their affidavits dated 04 Oct 2023 by its two different departments.

~ 1 ~

01 NOV 2023

4. The **Executive Engineer (Civil), Borough IX**, Kolkata Municipal Corporation having his office situated at **11, Belvedere Road**, Kolkata – 700 027, through his inspection report dated 03.10.2023, incorrectly stated that *“there are 2 (two) numbers of urinals, which are very old and have no record in the department. However the SWM Department of the Kolkata Municipal Corporation, Borough-IX, is maintaining these 2 (two) toilets on regular basis to avoid unhygienic condition of surroundings”*

Which is essential to clarify that the KMC themselves had initially erected and constructed the urinal, garbage dumping station and a bathing place. The said urinal, garbage dumping station and a bathing place have been a consistent source of nuisance for the local residents due to continuous filth spread on the street by the same. There is not two but only one open urinal, along with garbage dumping station and a bath place. These forceful constructions should be removed in the interest of public at large.

5. The **Executive Engineer (Civil)/SWM Department**, KMC, having his office situated at 48, Market Street, Kolkata – 700 087 through their inspection dated 17.08.2023, reported that *“there is no authorized KMC Vat but one urinal and bath place situated and the same is though not related to SWM, but for the interest of general public as well as hygienic SWM, KMC staff are cleaning the urinal regularly”*. This assertion is disappointing as it does not align with the reality on the ground.

6. Furthermore, the officials of the Water Department, KMC, have reopened the bathing place on 27/09/2023 to further harass the locals, residents, my family, and me. This bathing place had remained unused since 2018 or earlier, as it was unnecessary for the residents. However, the officials have now decided to revive it, which appears to be a deliberate attempt to cause inconvenience and nuisance to the locals, especially in light of my role as a petitioner in a Public Interest Litigation (W.P. No. 1428 of 2018) against illegal high-rise building construction in KMC Ward No. 75. Photo (Photo No.8 on page no. 6) of the incident dated 27/09/2023 is annexed hereto and marked with letter 'R-1'.



7. In spite of taking steps to address the situation, the Solid Waste Management (SWM) department and its officials are employing various tactics to further inconvenience the locals by superficially cleaning the toilet and presenting it as a solution. Their focus is not on removing the nuisance from the area but on establishing and securing the illegal toilet. Their current actions are contradictory to their past negligence towards the hygiene and health hazards posed by the toilet and the garbage dumped at the site. It appears that this is being done as a form of retaliation due to my involvement in a Public Interest Litigation (W.P. No. 1428) against illegal high-rise building constructions in Ward No. 75 of KMC.

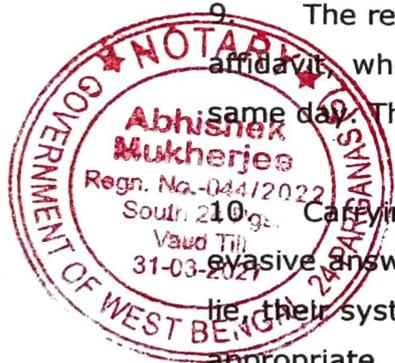
8. The photographs taken on 11/10/23, 23/10/23, and 30/10/23 clearly depict the persisting problem. The photo dated 30/10/23 at 12:59 shows the spread of urine along the street and the filth spread by the garbage being dumped at the site, indicating that KMC and its concerned departments are not at all interested in permanently and adequately addressing the issue. The department may claim to send representatives to clean the area, but the attached photos reveal the true state of affairs. Photographs (Photographs no.1-8 on pages 5-6) showing the date wise condition of the site are collectively annexed hereto and marked with letter 'R-1'

9. The report submitted by the KMC states one urinal and a bath place in one affidavit, whereas two open urinals are mentioned in another affidavit on the same day. This inconsistency should be duly verified.

10. Carrying out fake investigations, fabricating false reports, and providing evasive answers to RTI requests is a recurring practice of theirs. To conceal one lie, their system will generate hundreds of false reports, but they will never take appropriate action to resolve the issue. This problem is deliberately manufactured, born out of their calculated conspiracies. Therefore, expecting genuine justice and truth from them in this matter, I believe, would be futile and time-consuming.

11. None of the KMC departments, such as:

- a. **Executive Engineer (Civil), Borough IX,**
- b. **Executive Engineer (Civil)/SWM Department,**



c. **Water Supply Department,**

and others, will ever act in favor of the victims. These are the same things that have been reiterated time and again. Every department is in collusion, attempting to mislead the Hon'ble Tribunal to shield their failure to serve the society and taxpayers of this locality impartially. The KMC and its various departments have persistently harassed this locality from day one under the patronage of their superiors or ministry. Therefore, we earnestly hope that the Hon'ble Tribunal, recognizing our predicament, will expeditiously issue an order to remove the nuisance from the site.

12. In light of the above, I humbly request this Hon'ble Tribunal to issue the necessary orders to remove the entire nuisance, such as the bath place, open urinals and the garbage dumping station, ensuring the welfare of the residents and the interests of justice.

*Santosh Kumar Yadav*  
**Deponent**

Solemnly Affirmed & Declared  
before me on identification

*A. Mukherjee*  
A. Mukherjee, Notary  
Alipore Judges/Police Court, Cal-27  
Regn. No.-044/2022, Govt. of West Bengal

**Identified by me**

*Sudipta Manna*

**Advocate**

01 NOV 2023

**VERIFICATION:**

I, the deponent above- named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at Kolkata on 1<sup>st</sup> day of NOVEMBER , 2023

*Santosh Kumar Yadav*

**Signature of the Applicant**

**Identified by me**

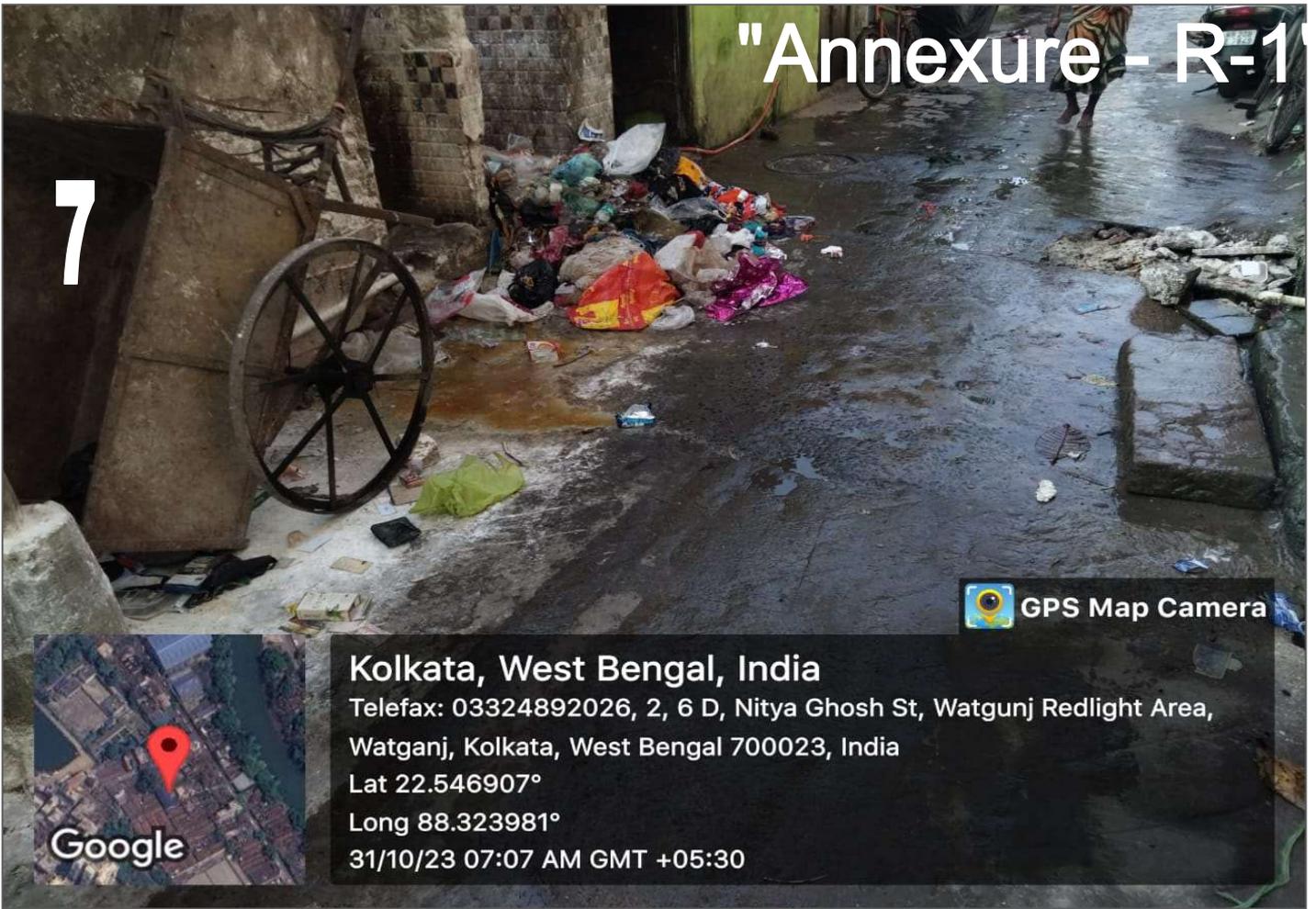
*Sudipta Manna*

**Advocate**



# "Annexure - R-1"

7



Google

8



BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL EASTERN  
ZONE BENCH, KOLKATA

**O.A. NO.98/2023/EZ**

In The Matter of:

Santosh Kumar Yadav

... APPLICANT

VERSUS

The State of West Bengal & Ors.

... RESPONDENT(S)

REJOINER AFFIDAVIT BY  
SANTOSH KUMAR YADAV, THE  
APPLICANT APPEARING IN  
PERSON

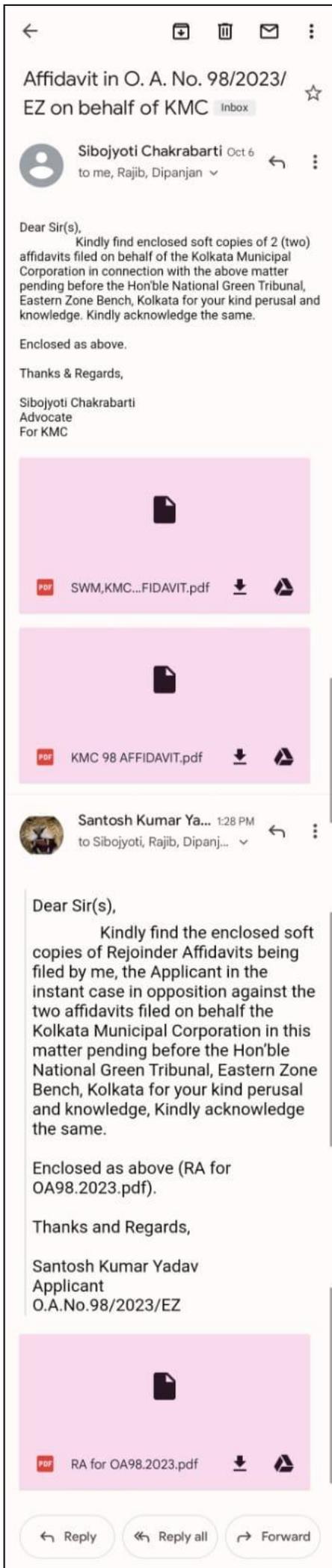
**SANTOSH KUMAR YADAV**

Applicant

Email: [hisantosh1980@gmail.com](mailto:hisantosh1980@gmail.com)

(M): 9883702985 / 9038089258

Twitter: @SKYadav\_IN



Subject: Email with Rejoinder Affidavit Attached

I would like to draw your attention to the image or box located on the left side of this page, which contains emails dated 06.10.2023 from KMC and 01/11/2023 from me.

I have enclosed the Rejoinder Affidavit with this email and dispatched it today, November 1, 2023, at 1:28 PM. The email was sent to multiple recipients using various email addresses, as follows:

1. sibo.chakrabarti@gmail.com
2. subho.advocate@gmail.com
3. Dipanjan Ghosh  
<dpnjnghsh0@gmail.com>
4. Rajib Ray  
<rajib.ray23@gmail.com>
5. cs-westbengal@nic.in
6. acsenwb@gmail.com
7. prin.secy.wbhealth@gmail.com
8. ms.wbpcb-wb@bangla.gov.in
9. mc@kmcgov.in
10. cp@kolkatapolice.gov.in

Additionally, I have blind carbon copied (BCC) many other relevant individuals on this email for their awareness.



Santosh Kumar Yadav &lt;hisantosh1980@gmail.com&gt;

---

**Affidavit in O. A. No. 98/2023/EZ on behalf of KMC**

---

**Santosh Kumar Yadav** <hisantosh1980@gmail.com>

Wed, Nov 1, 2023 at 1:28 PM

To: Sibojyoti Chakrabarti &lt;subho.advocate@gmail.com&gt;

Cc: Rajib Ray &lt;rajib.ray23@gmail.com&gt;, Dipanjan Ghosh &lt;dpnjnghsh0@gmail.com&gt;, sibo.chakrabarti@gmail.com, cs-westbengal@nic.in, acsenwb@gmail.com, prin.secy.wbhealth@gmail.com, ms.wbpcb-wb@bangla.gov.in, mc@kmcgov.in, cp@kolkatapolice.gov.in

Bcc: watgungeps@kolkatapolice.gov.in, "dowatgunge21@gmail.com" &lt;dowatgunge21@gmail.com&gt;, dcport@kolkatapolice.gov.in, Munna Kumar Yadav &lt;munna13yadav@gmail.com&gt;, Sada Sarvodaya &lt;sadasarvodaya@gmail.com&gt;, ffpjaac@gmail.com, Ashutosh Jha &lt;ashutoshrjha99@gmail.com&gt;, Vrindavan Das &lt;nikunjvindrindavandas@gmail.com&gt;, secy.ngsks@gmail.com

Dear Sir(s),

Kindly find the enclosed soft copies of Rejoinder Affidavits being filed by me, the Applicant in the instant case in opposition against the two affidavits filed on behalf the Kolkata Municipal Corporation in this matter pending before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata for your kind perusal and knowledge, Kindly acknowledge the same.

Enclosed as above (RA for OA98.2023.pdf).

Thanks and Regards,

Santosh Kumar Yadav  
Applicant  
O.A.No.98/2023/EZ

---

 **RA for OA98.2023.pdf**  
3648K