

Before the National Green Tribunal, Eastern Zone Bench, Kolkata  
Original Application No. 91 of 2022 / EZ

In the matter of:

Asif Iqbal

...Applicant

Versus

The State of West Bengal & Ors

...Respondents

**Report of District Magistrate, Murshidabad,  
i.e. respondent no.4**

I, Rajarshi Mitra, son of Sri Manotosh Mitra, aged about 38 years, by faith-Hindu, by Nationality-Indian, by occupation-Service, presently working for gain as the District Magistrate and Collector, Murshidabad, PIN-742101, states as follows:-

1. That I am the District Magistrate and Collector, Murshidabad, presently working for gain in Collectorate, Murshidabad, I have gone through the Original Application, made myself acquainted with the facts and circumstances of the present proceedings, I am filing this report in-terms of Solemn Order of this Hon'ble Tribunal.

15 NOV 2022



2. Abiding the instructions imposed in the paragraph no. 7 of the solemn order dated 07.09.2022 passed by the Hon'ble Tribunal, my humble submission is as follows:-

a. That on the self same subject matter, a Writ Petition, being WPA (P) 300 of 2022 in the matter of Babusona Debnath -VS-The State of West Bengal and Others, has been filed before the Hon'ble High Court, Calcutta, wherein Berhampore Municipality was made a party as respondent no.5 was being represented by their Learned Advocate.

b. That the Hon'ble Chief Justice Prakash Shrivastava and the Hon'ble Justice Rajarshi Bharadwaj by order dated 19.07.2022 passed in WPA (P) 300 of 2022 directed the authorities to ensure that no illegal filling up of the pond or no illegal raising of the construction thereupon is done till the next date of hearing and further directed the Learned Counsel for the State as also for the respondent municipality to file report in the form of affidavit within four weeks.

The photocopy of the said order dated 19.07.2022 is annexed herewith and marked as Annexure 'R/1'.

c. That in compliance with the order dated 19.07.2022 passed by the Hon'ble Chief Justice Prakash Shrivastava and Honble Justice Rajarshi



Bharadwaj passed in WPA (P) 300 of 2022 all construction activity on the water body in question located at Plot No: 1700 of Mouza: Khagra, Police Station: Berhampore has already been stopped.

d. That I have received the copy of the Order dated 26.07.2022 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, as available in the web site of the Hon'ble NGT, EZB and copy of the Original Application being Original Application No. - 91 of 2022 / EZ from Sri Rajib Ray, Learned Advocate on 26.07.2022 through e-mail.



e. That it is found from the said Original Application and Order dated 26.07.2022 that the Berhampore Municipality has been arrayed as Respondent as well as a member of the Committee constituted by the Hon'ble Tribunal. The Berhampore Municipality is also aware about the order dated 19.07.2022 passed by the Hon'ble Chief Justice Prakash Shrivastava and the Hon'ble Justice Rajarshi Bharadwaj passed in WPA (P) 300 of 2022.

f. That in compliance with order passed by this Hon'ble Tribunal, the machineries of this office keeping strict vigilance over the water body in question restraining all construction activities. The paperwork

and documentary activities regarding the issuance of order of restraining the construction work in connection with instant Original Application was under due process which was communicated on 25.08.2022.

g. I respectfully submit that there is no wilful or deliberate contumacious violation or disobedience of the order dated 26.07.2022 by the deponent herein and I have never touched the majesty of this Hon'ble Tribunal. I humbly submit that I have and always had highest regards to the majesty and dignity of this Hon'ble Tribunal and I have always acted in due compliance with orders passed by this Hon'ble Tribunal to the best of my ability and authority. However, if, by any unintentional act, error or omission, I have ever touched, the majesty of this Hon'ble Court, in any manner, I tender my unqualified and unconditional apology for the same.



3. However, as per the direction, the District Magistrate Murshidabad is providing the status of action taken on the stay order passed by the Hon'ble Tribunal.
4. That the Hon'ble Tribunal by order dated 26.07.2022 was pleased to constitute a Committee, comprising of the following Members:-

- (i) Senior Scientist of Central Pollution Control Board, (CPCB), Regional Office, Kolkata,
- (ii) Senior Scientist of West Bengal Pollution Control Board, (WBPCB), Kolkata,
- (iii) District Magistrate, Murshidabad/ or his representative(s) not below the rank of Additional District Magistrate, and
- (iv) Executive Officer, Berhampore Municipality.

5. That the Hon'ble Tribunal by order dated 26.07.2022 was pleased to direct that Committee shall visit the site and, thereafter, submit its report within four weeks and the Committee while submitting its report will look into the following aspects:-

- (i) Assess the original area of the lake in question from the revenue records and the area encroached as on date.
- (ii) Conduct the water analysis of the lake in question in different areas of the lake. The water analysis would include pH, BOD, COD, Faecal Coliform, Total Coliform.



- (iii) Committee will also identify areas from where sewage / garbage is being dumped into the lake as alleged.
- (iv) The Committee will also suggest remedial measures for restoring the lake; back to its original and pristine form.
- (v) The Committee is also directed to take action in accordance with law if violation is observed and also assess Environmental Compensation on damage caused to the water body.



6. That it is submitted that after receiving the above-mentioned Order dated 26.07.2022, this office on 10.08.2022 had received a letter dated 01.08.2022 from the Central Pollution Control Board regarding nomination of the name of Mr. Sandeep Roy, Sc. D regarding Joint Inspection Visit in compliance with the Solemn Order dated 26.07.2022.

The photocopy of the said letter dated 01.08.2022 is annexed herewith and marked as Annexure-'R/2'.

7. That by letter being Memo No: 439/HC/RM/En, dated 25.08.2022 addressing the Superintendent of Police, Murshidabad Police District and the Chairman, Berhampore Municipality directed that all construction activity on the water body in question located at Plot No: 1700 of Mouza: Khagra, Police Station: Berhampore shall be immediately stopped till

further direction of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

8. That the deponent, by issuing a letter being Memo No: 440/HC/RM/En, dated 26.08.2022 requested the Member Secretary, West Bengal Pollution Control Board for deputing Senior Scientist of West Bengal Pollution Control Board (WBPCB) for causing enquiry as per direction of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

The photocopy of the said Memo No: 440/HC/RM/En dated 26.08.2022 is annexed herewith and marked as Annexure 'R/3'.

9. Thereafter the deponent by issuing a letter being vide Memo No:460/HC/RM dated 02.09.2022 requested the Regional Director, Central Pollution Control Board and the Member Secretary, West Bengal Pollution Control Board, to direct Mr. Sandeep Roy, Sc. D nominated to represent CPCB and Shri Sudip Barua, Assistant Environmental Engineer nominated to represent the West Bengal Pollution Control Board to contact with the office of the Respondent No. 4, i.e. the District Magistrate, Murshidabad immediately regarding visit to the site in question in compliance with the Solemn Order dated 26.07.2022 passed by the Hon'ble Tribunal.

The photocopy of the said Memo No: 460/HC/RM dated 02.09.2022 is annexed herewith and marked as Annexure- 'R/4'.



10. That Mr. Sandeep Roy, Sc. D of Central Pollution Control Board and Shir Sudip Barua, Assistant Environmental Engineer West Bengal alongwith Additional District Magistrate (General), Murshidabad, accompanied by the Sub-Divisional Officer (Sadar) and Block Land and Land Reforms Officer, Sadar, Berhampore, Representative of Executive Officer of the Berhampore Municipality i.e. Sub- Assistant Engineer, Berhampore Municipality accompanied by Councilor of the Ward No - 10 of Berhampore Municipality alongwith photographer of the office of the deponent on 07.09.2022 visited the site in question and made enquiry as disputed in Original Application No. 91/2022/EZ as per the direction and in compliance with the Solemn Order dated 26.07.2022.

11. That regarding the present land status of plot no. 1700, the Block Land and Land Reforms Officer, Sadar, Berhampore, vide Memo No: 897/En/BLLRO(S) Berhampore / 2022, dated 09.09.2022 submitted field Inspection report observing that in the plot number 1700 in around 0.0650 acre area the new permanent construction which started, has been stopped and no further construction has been made after 26/07/2022.

The photocopy of the said Memo No: 897/En/BLLRO(S) Berhampore/ 2022, dated 09.09.2022 is annexed herewith and marked as Annexure-'R/5'.



12. That the S.A.E Berhampore Municipality by Report dated 09.09.2022 it is observed that no further construction has undertaken or going on after the order passed by the Hon'ble High Court, Calcutta.

The photocopy of the said Report dated 09.09.2022 is annexed herewith and marked as Annexure-'R/6'.

13. In respect of the complaint of the petitioner dated 07.10.2022 alleging that, some shops have raised shutter at that area and in this connection District Magistrate, Murshidabad had issued a letter addressed to Superintendent of Police, Murshidabad Police District vide Memo No - 528/HC/RM dated 10.10.2022 with the request to furnish a report in reference to allegation on urgent basis with specific emphasis on whether any new construction is going on or not.

The photocopy of the letter issued by District Magistrate, Murshidabad to Superintendent of Police, Murshidabad Police District vide Memo No - 528/HC/RM dated 10.10.2022 marked as Annexure-R/7'.

14. However, in respect of the complaint of the petitioner dated 07.10.2022 alleging that, some shops have raised shutter at that area, a team comprising officials from Berhampore Municipality, Police and Sub- Divisional Officer, Sadar. Berhampore visited the site on 16.10.2022, and after enquiry, arranged for removal of the shutter from the site.



The Photograph of regarding removal of shutter is annexed herewith marked as Annexure R/8.

15. The Sub-Divisional Magistrate, Berhampore Sadar vide his Order No- 2727(9)/ Con /SDO(S) dated 17.10.2022 has promulgated a prohibitory Order U/S 144 of the Cr.P.C for a period from 17.10.2022 upto 15.12.2022, along with instruction upon the Chairman of the Berhampore Municipality to take necessary action as per provision of section 220 of the West Bengal Municipal Act 1993 regarding unauthorized construction.



The said Order prohibits assembly of five or more persons and also prohibits any kind of activities relating to further construction and / or attempt to construct and / or raise any types of encumbrance at the water body and / or further filling up and / or attempt to fill up the said water body.

That the Sub-Divisional Magistrate, Berhampore Sadar vide his Order No- 2727(9)/ Con /SDO(S) dated 17.10.2022 also directed the Inspector-in-Charge, Berhampore Police Station to arrange for announcement of this Order at and around the said earmarked area and also affix a copy thereof at all conspicuous and prominent places nearby. That by the said Order, the Inspector-in-Charge, Berhampore Police Station was also directed to ensure strict compliance of the of

the said Order, so that no further activities relating to construction and / or any kind of encumbrance and / or attempt to raise construction and / or any kind of encumbrance and / or attempt to fill up the water body by any person and / or authority occurs.

The Order passed by the Sub-Divisional Magistrate, Berhampore Sadar vide Order No- 2727(9)/ Con /SDO(S) dated 17.10.2022 passed U/S 144 of the Cr.P.C is annexed herewith marked as Annexure - R/9.

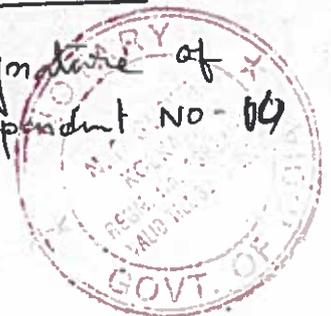
The letter bearing memo no. 2728/G/SDO (S) dated 17-10-2022 issued by the Sub Divisional Officer, Berhampore, Sadar is annexed herewith marked as Annexure R/10.

16. My humble submission before your Honour that if your pleased to pass an order of demolition of such illegal construction, then the District Magistrate Murshidabad shall execute the Order.

*Arpita Chowdhury*  
Advocate  
on  
Record

*Kyanshi Kurki*

Signature of  
Respondent No- 04



Before the National Green Tribunal, Eastern Zone Bench, Kolkata  
Original Application No. 91 of 2022 / EZ

In the matter of:

Asif Iqbal

...Applicant

Versus

The State of West Bengal & Ors

...Respondents



#### Verification

I, Rajarshi Mitra, son of Sri Manotosh Mitra, aged about 38 years, by faith-Hindu, by Nationality-Indian, by occupation-Service, presently working for gain as the District Magistrate and Collector, Murshidabad, PIN-742101, being the District Magistrate and Collector, Murshidabad, presently working for gain in Collectorate, Murshidabad, do hereby verify that the statement made in paragraph no. 1, 2 (c), 2 (f), 8, 10 and 13 are true to my knowledge and the statement made in paragraph nos. 2(a), 2(b), 2 (d), 2 (e), 4 to 7, 9, 11, 12, 14 and 15 are true to the information being derived from record and the statements made in paragraph nos. 2(g), 3 and 16 are my respectful submission before this Hon'ble Tribunal. I sign this Verification this the 14<sup>th</sup> day of November, 2022 at Kolkata.

Rajarshi Mitra  
Verifier

Prepared in my office

Advocate

Place: KOLKATA

Date: 15/11/2022

Arpita Choudhury  
Enrolment

No. W.B./649/2002

Sl. No. 92/22 13

Before the National Green Tribunal, Eastern Zone Bench, Kolkata  
Original Application No. 91 of 2022 / EZ

In the matter of:

Asif Iqbal

...Applicant

Versus

The State of West Bengal & Ors

...Respondents

I, Rajarshi Mitra, son of Sri Manotosh Mitra, aged about 38 years, by faith-Hindu, by Nationality-Indian, by occupation-Service, presently working for gain as the District Magistrate and Collector, Murshidabad, PIN-742101, states as follows:-

1. That I am the District Magistrate and Collector, Murshidabad, presently working for gain in Collectorate, Murshidabad, I have gone through the Original Application, made myself acquainted with the facts and circumstances of the present proceedings, I am filing this report in-terms of Solemn Order of this Hon'ble Tribunal.

2. That the statement made in paragraph no. 1, 2 (c), 2 (f), 8, 10 and 13 are true to my knowledge and the statement made in paragraph nos. 2(a), 2(b), 2 (d), 2 (e), 4 to 7, 9, 11, 12, 14 and 15 are true to the information being derived from record and the statements made in paragraph nos. 2(g), 3 and 16 are my respectful submission before this Hon'ble Tribunal.

Prepared in my office

*Arpita Chowdhury*  
Advocate  
WB/649/2002

*Rajarshi Mitra*  
Deponent is known to me,

Identified by me;  
*Arpita Chowdhury*  
Advocate  
WB/649/2002



NARENDRA PRASAD GUPTA  
NOTARY  
GOVERNMENT OF INDIA  
REGN. NO. -13223/2018  
&  
ADVOCATE, HIGH COURT CALCUTTA  
8, Old Post Office Street (Ground Floor)  
Opp. F. Gate (High Court)  
Mob. No. 9876674

L.T.I.(s)/Signatures(s) of the  
Executant/s attested by me on Identification

*Narendra Prasad Gupta*  
NARENDRA PRASAD GUPTA, NOTARY  
Advocate, HIGH COURT, KOLKATA

15 NOV 2022

# ANNEXURE - R/1

4  
ss/jka 19.07.2022

WPA(P) 300 of 2022

**Babusona Debnath**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Atarup Banerjee  
Mr. Abdus Salam  
Ms. Poulami Roy

... .. for the petitioner

Mr. Jahar Lal De  
Mr. Shamim-ul-Bari

... .. for the State

Mr. Arindam Das  
Ms. Rumeli Sarkar

... .. for the respondent nos.5 & 6

Submission of learned counsel for the petitioner is that J. L. No.97, plot no.1700 of Mouza-Khagra is classified as Pukur and it is being illegally filled up by certain persons and a market is proposed to be constructed thereupon by the respondent no.5, Berhampore Municipality. Referring to the mouza map as also land record, he has submitted that the land in question is a water body, which has not been converted, therefore the recorded owners or respondent municipality has no right to fill it or raise any construction thereupon.

Learned counsel appearing for the State has supported the submission and has referred to the show cause notice dated 27.06.2022 issued to the recorded owners who are responsible for changing the nature of the pond.

Learned counsel appearing for the respondent no.5, Berhampore municipality on instruction from Mr. Shanti Kumar Raychowdury, Executive Officer, Berhampore



Municipality has submitted that there is no change in the nature of the Pukur in plot no.1700 and no illegal construction has been raised thereupon.

This Court has made it clear to the learned counsel for the respondent no.5, Berhampore Municipality that if the above statement is found to be incorrect then the proper action against the concerned officer will be taken.

Having regard to the above, we direct the authorities to ensure that no illegal filling up of the pond or no illegal raising of the construction thereupon is done till the next date of hearing.

Learned counsel for the State as also for the respondent municipality are directed to file report in the form of affidavit within four weeks. Thereafter, exception, if any be filed within one week.

Meanwhile, it will be open to the learned counsel for the petitioner to implead the alleged private violators and serve them.

List on 19<sup>th</sup> September, 2022.

**(Prakash Shrivastava, C.J.)**

**(Rajarshi Bharadwaj, J.)**



# ANNEXURE - R/2

File No. CM-13014/35/2022-LAV:-RD-KOLKATA-RD (Kolkata) 654 16

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

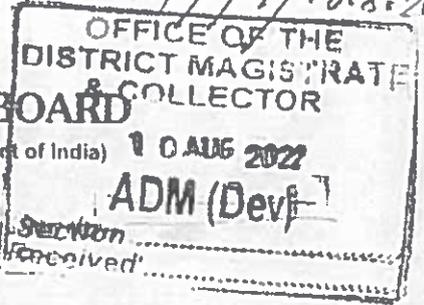
(पर्यावरण वन, एम जलवायु परिवर्तन मंत्रालय, भारत सरकार)

## CENTRAL POLLUTION CONTROL BOARD

(Ministry of Environment, Forests & Climate Change, Government of India)

Eastern Regional Directorate

502, Southend Conclave, 1582, Rajdanga Main Road, Kolkata



356/22

To  
The Member Secretary,  
West Bengal Pollution Control Board  
10A, LA Block, Sector III  
Bidhannagar, Kolkata  
West Bengal 700106

gpc H/c Com  
W.  
Nair  
01.08.2022  
WTS

Sub: Nomination from CPCB in the matter OA No. 91/2022/EZ (Asif Ithal v. State of West Bengal & Ors.) vide Hon'ble NGT order dated 26.07.2022

Sir

This has reference to the Hon'ble NGT order dated 26.07.2022 in the matter of OA No 91/2022/EZ (Asif Ithal v. State of West Bengal & Ors.) wherein the following has been directed:

".....we deem it appropriate to constitute a Committee, comprising of the following Members: (i) Senior Scientist of Central Pollution Control Board, (CPCB), Regional Office, Kolkata, (ii) Senior Scientist of West Bengal Pollution Control Board, (WBPCB), Kolkata, (iii) District Magistrate, Murshidabad or his representative(s) not below the rank of Additional District Magistrate, and (iv) Executive Officer, Berhampore Municipality."

In this regard, Mr. Sandeep Roy, Sc. D (Mobile No. 9903816939 & Email: sd526@rediffmail.com & rdkolkata.cpcb@gov.in) has been nominated to represent CPCB in this committee.

All communication, therefore, regarding the inspection and others on this subject, Mr. Sandeep Roy may please be informed with a copy to this office.

Yours faithfully,

(M. K. Biswas)  
Regional Director

Copy for kind information to:

1. The District Magistrate, Murshidabad, Old Police Line Rd, Barrack Square, Gora Bazar, Berhampore, West Bengal 742101
2. The Executive Officer, Berhampore Municipality, RN Tagore Road, Gora Bazar, Berhampore, West Bengal 742101
3. Shri Sandeep Roy, Scientist D, Central Pollution Control Board, RD, Kolkata-700107



(M. K. Biswas)

FILE NO.CM-13014/35/2022-LAW-RD-KOLKATA-RD (Kolkata)/654  
**CENTRAL POLLUTION CONTROL BOARD**  
 (Ministry of Environment , Forests & Climate Change, Government of India)  
 Eastern Regional Directorate  
 502, Southend Conclave, 1582, Rajdanga Main Road, Kolkata

OFFICE OF THE DISTRICT  
 MAGISTRATE &  
 COLLECTOR  
 10 AUG 2022  
 ANM INEVI

To  
 The Member Secretary,  
 West Bengal Pollution Control Board  
 10A, LA Block, Sector - III,  
 Bidhannagar, Kolkata,  
 West Bengal - 700106.

Sub: Nomination from CPCB in the matter OA No.91/2022/EZ (Asif Ibal V. State of West Bengal & Ors.) vide Hon'ble NGT order dated 26.07.2022.

Sir,

This has reference to the Hon'ble NGT order dated 26.07.2022 in the matter of O.A. No.91/2022/EZ (Asif Ibal V. State of West Bengal & Ors.) wherein the following has been directed.

".....we deem it appropriate to constitute a Committee, comprising of the following Members (i) Senior Scientist of General Pollution Control Board, (CPCB), Regional Office, Kolkata, (ii) Senior Scientist of West Bengal Pollution Control Board, (WBPCB), Kolkata, (iii) District Magistrate, Murshidabad or his representative (s) not below the rank of Additional District Magistrate and (iv) Executive Officer, Berhampore Municipality.

In this regard Mr. Sandeep Roy, So. D (Mobile No.9903816939 & E-mail [sr526@rediffmail.com](mailto:sr526@rediffmail.com) & [redkolkata.cpcb@gov.in](mailto:redkolkata.cpcb@gov.in)) has been nominated to represent CPCB in this committee.

All communication, therefore, regarding the inspection and others on this subject, Mr. Sandeep Roy may please be informed with a copy to this office.

Yours faithfully,

(M.K. Biswas)  
 Regional Director

Copy for kind information to :

1. The District Magistrate, Murshidabad, Old Police Line Rd. Barrack Square, Gora Bazar, Berhampore, West Bengal - 742101.
2. The Executive Officer, Berhampore Municipality, RN Tagore Road, Gora Bazar, Berhampore, West Bengal - 742101.
3. Shri Sandeep Roy, Scientist D. Central Pollution Control Board, RD, Kolkata - 700107.



Sd/- Illegible  
 (M.K. Biswas)

OFFICE OF  
THE DISTRICT MAGISTRATE  
& COLLECTOR,  
MURSHIDABAD  
(HIGH COURT CELL)



17

**ANNEXURE R/3**  
New Administrative Building,  
Berhampore. Dist: Murshidabad.  
PIN: 742101. West Bengal  
E-mail: highcourtcell.ms@gmail.com

Memo No: 440/HC/RM

Dated: 26.08.2022

To,

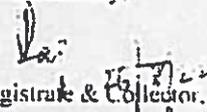
The Member Secretary,  
West Bengal Pollution Control Board,  
Paribesh Bhawan,  
Plot No.10 A. Block-I.A. Sector-III,  
Bidhannagar, Kolkata- 700106.

Subject : Prayer for deputing Senior Scientist of Central Pollution Control Board (CPCB) and Senior Scientist of West Bengal Pollution Control Board (WBPCB) for causing enquiry as per direction of Hon'ble National Green Tribunal.

Sir,

With utmost reverence, I want to draw your astute attention that in compliance with the Solemn Order dated 26.07.2022 of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in connection with Original Application No: 91/2022/EZ in the matter of Asif Iqbal -VS- The State of West Bengal and Others, you are requested to immediately depute Senior Scientist of Central Pollution Control Board and Senior Scientist of West Bengal Pollution Control Board for visiting the site for enquiring into the allegation raised by the petitioner. It is pertinent to mention here that Hon'ble NGT has mandated to submit the enquiry report with special emphasis on the point no. 12 of the Solemn Order dated 26.07.2022 in connection with Original Application No: 91/2022/EZ in the matter of Asif Iqbal -VS- The State of West Bengal and Others within 04 (four) weeks.

Yours faithfully,

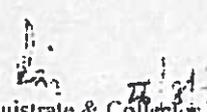
  
District Magistrate & Collector,  
Murshidabad

Date - 26.08.2022

Memo No. 440/1(2)/HC/RM

Copy forwarded for information to:

- 1) The Regional Director, Central Pollution Control Board, Eastern Regional Directorate, Kolkata.
- 2) Mr. Sandeep Roy, Sc. D, Central Pollution Control Board, Eastern Regional Directorate, Kolkata.

  
District Magistrate & Collector,  
Murshidabad



OFFICE OF  
THE DISTRICT MAGISTRATE  
& COLLECTOR,  
MURSHIDABAD  
(HIGH COURT CELL)



New Administrative Building,  
Berhampore, Dist: Murshidabad,  
PIN: 742101, West Bengal  
E-mail: highcourtcell.msdc@gmail.com

COURT MATTER URGENT

Dated: 02.09.2022

Memo No: 460/Hc/AM

1. The Regional Director,  
Central Pollution Control Board,  
Eastern Regional Directorate,  
502, Southend Conclave, 1582 Rajdanga Main Road,  
Kolkata-700107.  
Email:- [zokolkata.cpcb@nic.in](mailto:zokolkata.cpcb@nic.in)
2. The Member Secretary,  
West Bengal Pollution Control Board,  
10A, LA Block, Sector III,  
Salt Lake, Kolkata,  
West Bengal-700106.  
Email:- [ms.wbpcb-wb@bangla.gov.in](mailto:ms.wbpcb-wb@bangla.gov.in)



Subject: Compliance of direction of The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata as encoded in the Solemn Order passed dated 26.07.2022 in connection with Original Application No. 91/2022/EZ

Reference: Letter dated 01.08.2022 of the Regional Director, Central Pollution Control Board, Eastern Regional Directorate, and Memo No. 311/31/WPB-D(IV)2022, dated 31.08.2022 of the Member Secretary, West Bengal Pollution Control Board.

Sir

This is to apprise your kind self that on 26.07.2022 The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata passed a Solemn Order i.e.w. Original Application No. 91/2022/EZ with the direction:-

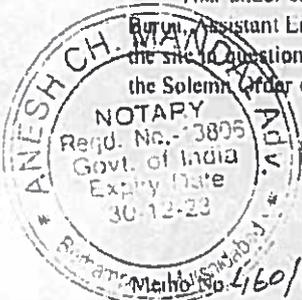
"... we deem it appropriate to constitute a Committee, comprising of the following Members-

- (i) Senior Scientist of Central Pollution Control Board, (CPCB), Regional Office, Kolkata,
- (ii) Senior Scientist of West Bengal Control Pollution Board, (WBPCB), Kolkata.
- (iii) District Magistrate, Murshidabad / or his representative(s) not below the rank of Additional District Magistrate, and
- (iv) Executive officer, Berhampore Municipality."

That the said committee was directed to visit the site and submit report before the Hon'ble National Green Tribunal, Eastern Zone Bench.

That with reference to the above captioned Letter dated 01.08.2022 of the Regional Director, Central Pollution Control Board, and Memo dated 31.08.2022 of the Member Secretary, West Bengal Pollution Control Board, this office was informed that Mr. Sandeep Roy, Sc. D has been nomination to represent CPCB and Shir Sudip Barua, Assistant Environmental Engineer, Malda Regional Office has been nomination to represent WBPCB regarding the aforesaid visit. But till date no communication has been received by this office from their end.

That under such circumstance the undersigned requests you to direct Mr. Sandeep Roy, Sc. D and Shir Sudip Barua, Assistant Environmental Engineer to contact with the office of the undersigned immediately regarding visit to the site in question as disputed in Original Application No. 91/2022/EZ as per the direction and in compliance with the Solemn Order dated 26.07.2022.



Memo No. 460/1(2)/HC/AM  
Copy forward to -

- 1) Mr. Sandeep Roy, Sc. D (Mobile No. 9903816939 & Email- [sr526@rediffmail.com](mailto:sr526@rediffmail.com) & [rdkolkata.cpcb@gov.in](mailto:rdkolkata.cpcb@gov.in)) has been nomination to represent CPCB, with request to contact with the office of the undersigned immediately regarding visit to the site in question as mentioned supra.
- 2) Shir Sudip Barua, Assistant Environmental Engineer, Malda Regional Office (M-9830034269, Email- [ace28.wbpcb-wb@bangla.gov.in](mailto:ace28.wbpcb-wb@bangla.gov.in)) of the West Bengal Pollution Control Board, with request to contact with the office of the undersigned immediately regarding visit to the site in question as mentioned supra.

Anesh Choudhary  
NOTARY PUBLIC  
GOVT. OF INDIA  
Regd. No. 13895  
BERHAMPORE, MURSHIDABAD

Yours faithfully

District Magistrate and Collector  
Murshidabad

Dated: 02.09.2022

OFFICE OF  
THE DISTRICT MAGISTRATE &  
COLLECTOR, MURSHIDABAD  
(HIGH COURT CELL)

New Administrative Building,  
Berhampore, Dist: Murshidabad,  
PIN: 742101, West Bengal  
E-mail: highcourtcell.ms@gmail.com

COURT MATTER URGENT

Memo No: 460/HC/RM

Dated : 02.09.2022

1. The Regional Director,  
Central Pollution Control Board,  
Eastern Regional Directorate,  
502, Southend Conclave. 1582 Rajdanga Main Road. Kolkata-700107  
Email- [zokolkata.cpcb@nic.in](mailto:zokolkata.cpcb@nic.in)
2. The Member Secretary,  
West Bengal Pollution Control Board,  
10A, LA Block, Sector – III,  
Salt Lake, Kolkata,  
West Bengal-700106.  
Email:-[ms.wbpcb-wb@bangla.gov.in](mailto:ms.wbpcb-wb@bangla.gov.in)



**Subject :** Compliance of direction of The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata as encoded in the Solemn Order passed dated 26.07.2022 in connection with Original Application No 91 2022/EZ.

**Reference :** Letter dated 01.08.2022 of the Regional Director, Central Pollution Control Board, Eastern Regional Directorate, and Memo No 11131,WPB-D(IV) 2022 dated 31.08.2022 of the Member Secretary, West Bengal Pollution Control Board.

Sir,

This to apprise your kind self that on 26 07.2022 The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata passed a Solemn Order i.c.w. Original Application No 91.2022/EZ with the direction:-

“we deem it appropriate to constitute a Committee, comprising of the following Members-

- (i) Senior Scientist at Central Pollution Control Board, (CPCB), Regional Office, Kolkata.
- (ii) Senior Scientist of West Bengal Control Pollution Board, (WBPCB), Kolkata.
- (iii) District Magistrate, Murshidabad or his representative(s) not below the rank of Additional District Magistrate, and
- (iv) Executive officer, Berhampore Municipality”.

That the said committee was directed to visit the site and submit report before the Hon'ble National Green Tribunal, Eastern Zone Bench.

That with reference to the above captioned Letter dated 01.08.2022 of the Regional Director, Central Pollution Control Board, and Memo dated 31.08.2022 of the Member Secretary, West Bengal Pollution Control Board, this office was informed that Mr Sandeep Roy, Sc D has been nomination to represent CPCB and Shir Sudip Barua Assistant Environmental Engineer. Malda Regional Office has been nomination to represent WBPCB regarding the aforesaid visit But till date no communication has been received by this office from their end.

That under such circumstance the undersigned requests you to direct Mr. Sandeep Roy, Sc. D and Shir Sudip Barua, Assistant Environmental Engineer to contact with the office of the undersigned immediately regarding visit to the site in question as disputed in Original Application No 91/2022/EZ as per the direction and in compliance with the Solemn Order dated 26.07.2022.

Yours faithfully,

Sd/- Illegible

District Magistrate and Collector  
Murshidabad

Dated : 02.09.2022

Memo No. 460/1(2)/HC/RM

Copy forward to :

- 1) Mr. Sandeep Roy, Sc. D (Mobile No. 9903816939 & Email- [sr526@rediffmail.com](mailto:sr526@rediffmail.com) & [rdkolkata.cpcb@gov.in](mailto:rdkolkata.cpcb@gov.in)) has been nomination to represent CPCB with request to contact with the office of the undersigned immediately regarding visit to the site in question as mentioned supra
- 2) Shri Sudip Barua, Assistant Environmental Engineer. Malda Regional Office (M-9830074264, Email [aee28.wbpcb-wb@bangla.gov.in](mailto:aee28.wbpcb-wb@bangla.gov.in)) of the West Bengal Pollution Control Board, with request to contact with the office of the undersigned regarding immediately regarding visit to the site in question as mentioned supra.

# ANNEXURE - R/5 19



Government of West Bengal  
Office of the Block Land & Land Reforms Officer,  
Sadar, Berhampore, Murshidabad.

Memo.No:- 897 / En/ BLLRO(S) Berhampore/2022,

Dated: - 09/09/2022

To  
The Additional District Magistrate,  
General, Murshidabad.

Sub:- Present land status report of plot number 1700 of Mouza- Khagra, J.L. No.97  
in connection with solemn order dated 07/09/2022 passed by Hon'ble Green Tribunal  
Eastern Zone, Kolkata i.c.w. original application being registered as Original Application  
91/2022/EZ.

Ref:- Memo No. 476/HC/RM/En Dated 09/09/2022 from your good office.

Sir,

In connection with the above mentioned subject this is to inform you that the undersigned visit the plot along with concerned Revenue Inspector on 09/09/2022.

On the field inspection following facts is found:-

- i) In the plot number 1700 in around 0.0650 acre area new permanent construction of shops has been made. The constructed area also spread in L.R. plot number 1824 (Mollagere Road).
- ii) Behind the constructed area household garbage has been dumped in plot number 1700. At the time of field enquiry no person associated with the construction work is found.
- iii) On local information it is known that there were old Hawker's shops which have been dismantled and in place of that old constructed shops area new shop building construction has been raised. A sketch map showing the encroached and constructed area in L.R. plot number 1700 of mouza- Khagra, J.L. No 97 is enclosed.
- iv) No further construction has been made after 26/07/2022 when earlier a field enquiry was made.

This is for your kind information and taking necessary action.

Enclosures:- As stated above

Yours faithfully

09/09/2022

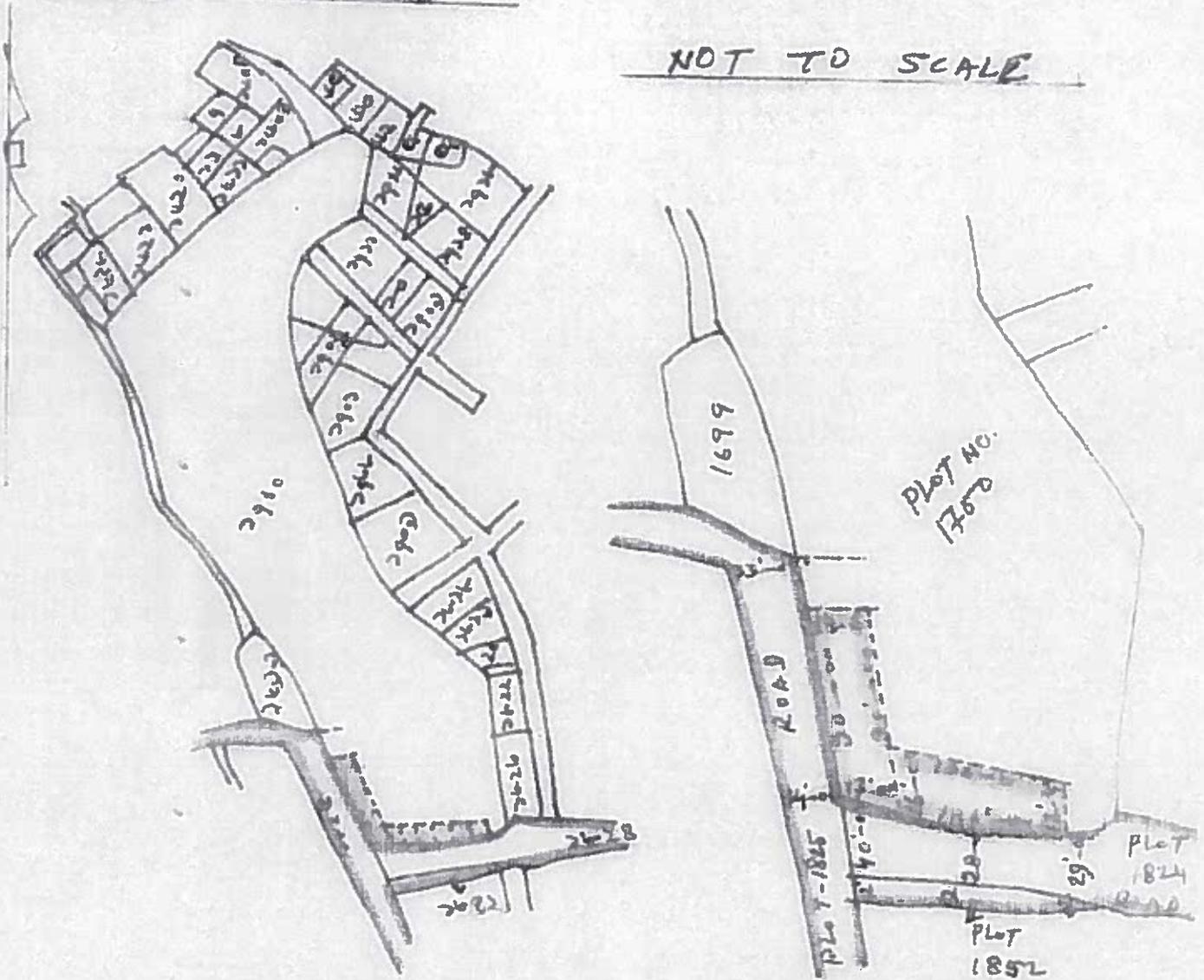
BLOCK LAND & LAND REFORMS OFFICER,  
SADAR, BERHAMPORE, MURSHIDABAD.  
B.L. & L.R.O  
BERHAMPORE, MSD.



SKETCH MAP SHOWING ON PRESENT R-S AND L-R PLOT NO. 1700 OF MOULA - KHAGRA - D.L. NO. 97. UNDER P-S BERHAMPORE TOWN DISTRICT MURSHIDABAD

SCALE 32" = 1 MILE

NOT TO SCALE



POND ENCLOSUREMENT AREA OR LAND 1.0650 ACRE → GREEN COLOUR MARKING

ROAD MEASURING LENGTH AND BREADTH → RED COLOUR MARKING

SKETCH MAP PREPARED BY DAS (AMIN)



*(Signature)*  
 Bernamvoh Municipal  
 Bernamvoh M. Bidar

20/07/2005  
 Bernamvoh Municipal

**REPORT**

In reference to the letter of The District Magistrate, Murshidabad vide Memo No. 464/HC/RM dated 05-09-2022 regarding compliance of Hon'ble N.G.T, Kolkata and in absence & by instruction of the Executive Officer, Berhampore Municipality, I Shri Nirmalendu Mondal, S.A.E., Berhampore Municipality along with Shri Avik Chowdhury, Councillor, Ward No. 10 attended the site visit (Mollaghere) on 07-09-2022 with -

- 1) The Addl. District Magistrate (G), Murshidabad.
- 2) Senior Scientist CPCB, Kolkata.
- 3) Senior Scientist WBPCB, Kolkata.
- 4) The Sub-Divisional Officer, Berhampore (Sadar), Murshidabad and
- 5) The BL&LRO, Berhampore, Murshidabad.

and observed that no further construction has undertaken or going on after the order passed by the Hon'ble High Court.

Councillor  
Ward No.-10  
Berhampore Municipality

9.9.22

S. A. E.  
Berhampore Municipality



OFFICE OF  
THE DISTRICT MAGISTRATE  
& COLLECTOR,  
MURSHIDABAD



New Administrative Building,  
Berhampore, Dist: Murshidabad,  
PIN: 742101, West Bengal

**Court Matter Urgent**

Dated 10.10.2022

Memo No: 528/HC/IRM

To: The Superintendent of Police,  
Murshidabad Police District,  
Dist.-Murshidabad

Subject: Original Application No: 91/2022/EZ, in the matter of Asif Iqbal -VS- The State of West Bengal and Others before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata

This is to apprise your kind self that on 10.10.2022 the Ld. State Advocate Mr. Rajib Ray had sent a mail containing that an allegation had been mentioned before the Hon'ble Green Tribunal EZ, Kolkata by the applicant and private respondents who are raiyats of the plot in question alleging that illegal construction is going on in violation of the Solemn Order passed by the Hon'ble Tribunal.

The Ld. State Advocate also reiterated in his mail that after hearing, the Hon'ble Green Tribunal EZ, Kolkata directed him to take instruction in this regard from the District Magistrate, Murshidabad. (Copy Enclosed)

Previously, vide Memo No: 439/HC/RM/En, dated 25.08.2022, this office had sent a letter to you for compliance of the Solemn Order dated 26.07.2022 of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in connection with Original Application No: 91/2022/EZ, in the matter of Asif Iqbal -VS- The State of West Bengal and Others, with direction that all construction activity on the water body-in-question located at plot No. 1700 of mouza - Khagra. PS - Berhampore shall be immediately stop till further direction of Hon'ble National Green Tribunal. (Copy Enclosed)

In this conspectus, you are requested to furnish a report, in reference to Memo No: 439/HC/RM/En, dated 25.08.2022 and observation dated 10.10.2022 of the Hon'ble National Green Tribunal, Eastern Zone Bench, (Kolkata) on urgent basis within 13.10.2022 with specific emphasis on whether any new construction is going on or not, in the light of the above Solemn Order dated 26.07.2022 and observation of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata dated 10.10.2022 for onward submission before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

This may be treated as most urgent.

Encl: As stated above.

*Day 10/10/22*  
District Magistrate & Collector,  
Murshidabad.

Contd.....2

Page - 1



Memo No. 528/1(3)/HC/RM

Date:- 10.10.2022

Copy forwarded for information and sending action taken report to:-

- 1] The Additional District Magistrate (Land Reforms) & District Land & Land Reforms Officer, P.O & P.S- Berhampore, Dist.-Murshidabad.
- 2] The Sub-Divisional Officer, Sadar Sub-Division, P.O & P.S- Berhampore, Dist.-Murshidabad.
- 3] The Block Land & Land Reforms Officer, Berhampore Sadar Block, Dist.-Murshidabad.

*[Signature]*  
 District Magistrate & Collector,  
 Murshidabad.

OFFICE OF THE  
 S.D.O. (S)  
 Received & verified  
 11.10.22  
 Berhampore, Murshidabad

Dist Land & Land Reforms Office  
 Murshidabad  
 RECEIVED  
 11 OCT 2022  
 BUT CONTENTS  
 NOT VERIFIED

*R*  
*11/10/22*  


  
 NOTARY  
 GOVT. OF INDIA  
 REGISTERED  
 No. 1000  
 KOLKATA



DATE - 17/10/2022

TIME - 7PM





DATE - 17/10/2022  
TIME - 7:05 PM





DATE - 17/10/2022  
TIME - 7:08PM





Government of West Bengal  
Office of the Sub Divisional Magistrate, Berhampore Sadar, Murshidabad  
New Administrative Building, P.O-Berhampore, District-Murshidabad, PIN-742101  
Phone-03482-251700, Email-sdoberhampore@gmail.com

Prohibitory Executive Order under Section 144 of the Code of Criminal Procedure, 1973

State-Vs- Public in General

Whereas, there is a plot of land located at Ward No-10 of Berhampore Municipality, P.S-Berhampore, Mouza-Khagra, J.L No-97, Plot No-1700, by classification-water body with an area about 6.5 bighas (equivalent to 130 kattahs)-locally known as the 'Mollaghara' (hereinafter referred to as the water body) and

Whereas, as per official records, the water body is a private land jointly owned by some private Raiyats namely 1) Ekramul Hossain, 2) Sanwar Hossain, 3) Arsad Hossain, 4) Ajim Hossain, 5) Mumtaz Begum, 6) Fida Hossain and 7) Ruksana Begum and

Whereas one person namely, Asif Iqbal has filed a case before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata (hereinafter referred to as the NGT) in the matter of Asif Iqbal-vs-The State of West Bengal and Others in connection with Original Application No-91/2022/EZ alleging that, the water body is being filled up with concrete pillars and rubbish by the said private Raiyats alongwith some other persons and,

Whereas, the NGT vide its Order passed on 26/07/2022 issued a direction upon the District Magistrate-Murshidabad to the effect that, there shall be a restraint on all construction activities on the water body in question and

Whereas, consequent upon that Order of the NGT, the District Magistrate-Murshidabad has issued a letter to the Superintendent of Police-Murshidabad Police District and the Chairman-Berhampore Municipality vide Memo No:-439/HC/RM/En Dated:-25/08/2022 with instruction to ensure that, all construction activities on the water body in question shall be Immediately stopped till further direction of the NGT and

*[Handwritten signature]*





Whereas there is an information and apprehension that, some persons might start and/or continue with raising and/or attempt to raise illegal construction work and/or filling up and/or attempt to fill up the water body with construction materials, rubbish, garbage etc. in violation of the Order passed by the NGT dated 26/07/2022 and such illegal activities and/or attempt to commit such illegal activities may cause breach of public peace and tranquility at that area which might cause disruption in normal public life and there is a need to prevent obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety or an riot or an affray and such apprehension gives sufficient reason to believe that, executive preventive measures are required to be taken and,

Whereas, in my considered opinion on the basis of apprehension as mentioned hereinabove that, there is sufficient ground for exercising the powers vested in me for proceeding under Sub-Section (1) of Section 144 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code) and issue prohibitory executive order so that no untoward incident relating to and/ or arising out of deterioration of law and order situation at the said area occurs and,

Whereas, I am satisfied under Sub-Section (2) of Section 144 of the Code to the effect that, this is a case of emergency and also circumstances do not admit of serving in due time of the notices individually upon the person/ (s) against whom this prohibitory executive order is directed,

Now, therefore, I Sri Prabhat Chatterjee, W.B.C.S. (Executive), Sub-Divisional Magistrate-Berhampore Sadar, District- Murshidabad under Section 20 (4) of the code, in exercise of the powers vested in me under Section 144 of the code do hereby prohibit assembly of 5 (five) or more persons and also prohibit any kind of activities relating to further construction and/or attempt to construct and/or raise any types of encumbrance at the water body and/or further filling up and/or attempt to fill up the water body scheduled hereinunder with immediate effect for a period of 59 (fifty nine) days, that is, upto 10:00 a.m. in the morning of 15<sup>th</sup> day of December, 2022.

This order shall not be applicable to the persons lawfully employed / engaged/ deployed/ entrusted with official duty by the police force/(s) and other official/(s) lawfully engaged in discharge of official duties at the earmarked area.

The Inspector-in-Charge-Berhampore Police Station is directed to arrange for announcement of this order at an around the said earmarked area and also affix a copy thereof at all conspicuous and

*Prd*





prominent places nearby. He is also directed to ensure strict compliance of this order so that, no further activities relating to construction and/or any kind of encumbrance and/or attempt to fill up the water construction and/or any kind of encumbrance and /or filling up and/or attempt to fill up the water body by any person and/or authority occurs.

Disobedience and/or violation of this Order would attract penal provision under Section 188 of the Indian Penal Code, 1860.

**The schedule of land covered under prohibitory order:-**

District-Murshidabad, Police Station-Berhampore

Mouza-Khagra, J.L No-97

Plot No-1700 (entire plot area of Mollaghera water body)

Given under my hand, signature and seal of my Office today on 17<sup>th</sup> day of October, 2022.

*Prabhat Chatterjee*  
17/10/2022

(PRABHAT CHATTERJEE)

Sub-Divisional Magistrate  
Berhampore Sadar, Murshidabad  
West Bengal

Dated:-17/10/2022

Memo No:-2727(9)/Con/SDO(S)

Copy of Order communicated for information to:-

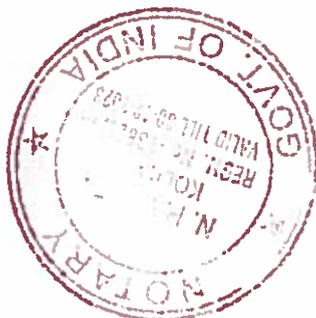
1. Superintendent of Police Murshidabad Police District
2. Chairperson, Board of Councilors, Berhampore Municipality, Murshidabad with request to take necessary action in this regard as per provision of Section 220 of the West Bengal Municipal Act, 1993
3. Block Development Officer, Berhampore, Murshidabad
4. Executive Officer, Berhampore Municipality, Murshidabad
5. Block Land & Land Reforms Officer, Berhampore, Murshidabad
6. Inspector-in-Charge, Berhampore Police Station, Murshidabad for compliance.
7. PA to the District Magistrate & Collector, Murshidabad for kind appraisal
8. Local public in general at and adjoining to Mollaghera area for compliance
9. Case records file of SDM, Berhampore Court

*Prabhat Chatterjee*  
17/10/2022

(PRABHAT CHATTERJEE)

Sub-Divisional Magistrate  
Berhampore Sadar, Murshidabad

Sub-Divisional Magistrate  
Berhampore, Murshidabad  
West Bengal





Government of West Bengal  
Office of the Sub Divisional Officer, Berhampore Sadar, Murshidabad  
New Administrative Building, P.O-Berhampore, District-Murshidabad, PIN-742101  
Phone-03482-251700, Email-sdoberhampore@gmail.com

Memo No:-2728/G/SDO(S)

Dated:-17/10/2022

To  
The District Magistrate & Collector  
Murshidabad

Sub: - Report on removal of shop shutters at Mollaghara water body area under Berhampore Municipality  
Ref: - Complaint of Asif Iqbal Dated:-07/10/2022

Sir,

In connection with the solemn Order passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata (NGT) dated-26/07/2022 in the matter of Asif Iqbal-vs-The State of West Bengal and Others in connection with Original Application No-91/2022/EZ containing, inter alia, direction upon the Respondent District Magistrate, Murshidabad to the effect that, there shall be a restraint on all construction activities on the water body in question and pursuant to the instruction to the SP-Murshidabad and Chairman-Berhampore Municipality vide Memo No:-439/HC/RM/En Dated:-25/08/2022 with instruction to ensure that, all construction activities on the water body in question shall be immediately stopped till further direction of the NGT, a field visit had been conducted on 07/09/2022 with officials of the Murshidabad district administration, West Bengal Pollution Control Board, IC-Berhampore, BL& LRO Berhampore and Berhampore Municipality at the site of the Mollaghara water body in question. (Ward No-10 of Berhampore Municipality, P.S-Berhampore, Mouza-Khagra, J.L No-97, Plot No-1700, by classification-water body with an area about 6.5 bighas (equivalent to 130 kattahs) at the site. After 09/09/2022, no further construction occurred at that site.

However, in respect of the complaint of the said Petitioner dated:-07/10/2022 alleging that, some shops have raised shutter at that area, a team comprising officials from Berhampore Municipality, police and SDO-Berhampore Sadar visited the site on 16/10/2022 and after enquiry, arranged for removal of the shutter from the site.

The photograph of the site after removal of shutter from those shops are attached herewith for your kind perusal.

Also, as preventive measures for ensuring that no further construction and/or attempt to construct and/or raise any types of encumbrance at the water body and/or further filling up and/or attempt to fill up the water body at Mollaghara occurs, the Sub Divisional Magistrate-Berhampore Sadar vide his Order No:-2727(9)/Con/SDO(S) Dated 17/10/2022 has promulgated a prohibitory order under Section 144 of the CrPC for a period from 17/10/2022 upto 15/12/2022, along with instruction upon the Chairman of Berhampore Municipality to take necessary action as per provision of Section 220 of the West Bengal Municipal Act 1993 regarding unauthorized construction (if any).

Encl: - photograph

*Rand* 17/10/2022

Sub Divisional Officer  
Berhampore Sadar, Murshidabad  
Sub-Divisional Officer  
Sadar Berhampore  
Murshidabad

Page 1 of 1

