

SL. No. 12/24

1-

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

Original Application No.80/2024/EZ

Subhas Dutta

..... Applicant(s)

-Versus-

State of West Bengal & Ors.

.....Respondent(s)

AFFIDAVIT OF URBAN DEVELOPMENT & MUNICIPAL AFFAIRS
DEPARTMENT, GOVERNMENT OF WEST BENGAL IN COMPLAINEE WITH
THE DIRECTION OF HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN
ZONE BENCH, KOLKATA DATED 10.04.2024

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Paushali Banerjee

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Advocate

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DEPARTMENT, GOVERNMENT OF WEST BENGAL IN
COMPLAINEE WITH THE DIRECTION OF HON'BLE NATIONAL
GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA DATED
10.04.2024**

I, Shri Joly Chaudhuri, son of Biswanath Chaudhuri, aged about 54 years, by occupation service, working as Additional Secretary to the Government of West Bengal, Urban Development & Municipal Affairs Department & Additional Director, SUDA, having office at 'Nagarayan', DF -8, Sector – 1, Saltlake, Kolkata – 700064, do hereby solemnly affirm and state as under:-

1. That I am the Additional Secretary to the Government of West Bengal, Urban Development & Municipal Affairs Department & Additional Director, SUDA. I am well acquainted with the facts and circumstances of the case and I have been duly authorized to affirm this affidavit on

behalf of the Urban Development and Municipal Affairs Department, Government of West Bengal.

2. That I say that the Hon'ble, National Green Tribunal, has been pleased to pass an order dated 10.04.24 directing *inter alia* the Urban Development and Municipal Affairs Department to file its affidavit in the aforementioned matter.
3. That I state that in compliance with the Hon'ble National Green Tribunal order dated 10.4.24, a report was sought from the Darjeeling Municipality vide the UD & MA Department's letter no. 82 / UDMA-15011(15)/4/2024-LS-MA SEC-Dept. of UDMA dated 10.05.2024 by Urban Development and Municipal Affairs Department, Government of West Bengal. A copy of the said letter dated 10.05.2024 is enclosed herewith and marked as **Annexure A**.
4. That I state that Darjeeling Municipality vide Memo No. 184/G.D. dated 28.05.2024 has submitted a report which states *inter-alia* as follows:

(I) A reinforced cement concrete structure with provisions of public convenience at an altitude of 2574 meters is found to have been erected by Gorkhaland Territorial Administration.

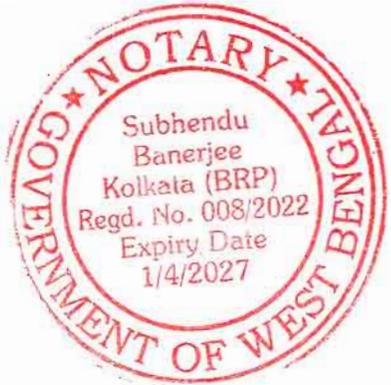
(II) One single storied structure with galvanised corrugated iron sheet roofing adjoining to open ground exists within the Senchel Wildlife Scantuary.

A copy of the said report dated 28.05.2024 is enclosed herewith and marked as **Annexure B**.

5. That I further say that the areas in question do not fall under Darjeeling Municipality, therefore, this matter do not come under the purview of Urban Development and Municipal Affairs Department.

6. That the statements made in Paragraphs 1 to 5 are based on information derived from the record which are usually kept and maintained by the answering

respondents in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.



Joly Chaudhuri

Deponent

**Joly Chaudhuri, WBCS (Exe.)
Additional Secretary
Urban Development & Municipal Affairs Department
Government of West Bengal**

VERIFICATION

I, the deponent above named do hereby verify that the contents of the above affidavit are true which are derived from the relevant office records. No part of it is false and nothing material has been concealed there from.

Verified at Kolkata on this __ day of July 2024

Pankaj M.

The deponent is identified by me.

Joly Chaudhuri

DEPONENT

**Joly Chaudhuri, WBCS (Exe.)
Additional Secretary
Urban Development & Municipal Affairs Department
Government of West Bengal**

Pankaj Banerjee

Advocate

Solemnly Affirmed and
Declared before me U/S
139 CPC

Banerjee
Notary
Govt. of West Bengal

10.07.2024

**SUBHENDU BANERJEE
Notary, Govt. of W.B.
Regd. No.-008/2022
Advocate High Court, Calcutta**

10 JUL 2024

Government of West Bengal
Department of Urban Development & Municipal Affairs
"NAGARAYAN"
DF-8, Sector-I, Salt Lake City, Kolkata 700 064

No. 82 / UDMA-15011(15)/4/2024-LS-MA SEC-Dept. of UDMA Date: 10.05.2024

From: Smt. Nandini Ghosh, IAS,
Senior Special Secretary to the Government of West Bengal.

To : The Executive Officer, Darjeeling Municipality.

Sub: Original Application No.80/2024/EZ
[Subhas Datta. -Vs- State of West Bengal & Ors.]

Sir,

With reference the above subject matter, I am directed to forward herewith a copy of an order dated 10.04.2024 passed by Hon'ble NGT in O.A. No. 80/2024/EZ along with the copy of the original application in the instant matter for your kind information with a request to look into the matter and provide a detailed Time Bound Action Taken Report along with geo-tagged photographs and paragraph-wise Statement of Facts at the earliest.

This may be treated as urgent.

Encl: As stated

Yours faithfully,
NANDINI GHOSH, IAS
Senior Special Secretary
Department of Urban Development &
Municipal Affairs
Govt. of West Bengal
Senior Special Secretary to the
Government of West Bengal

No. 82 / 1 / UDMA-15011(15)/4/2024-LS-MA SEC-Dept. of UDMA Date: 10.05.2024
Copy forwarded for kind information and necessary action to:

1. The CEO, KMDA.
2. The Director, SUDA.
3. The District Magistrate. Darjeeling.
4. The APD, WBSPMG.
5. Sr. PS to Secretary, UD & MA Department.
6. Sr. PS to Senior Special Secretary, UD & MA Department.

Senior Special Secretary
to the Government of West Bengal

NANDINI GHOSH, IAS
Senior Special Secretary
Department of Urban Development &
Municipal Affairs
Govt. of West Bengal



**DARJEELING MUNICIPALITY
DARJEELING**

Memo No. 184 / G.D.

Dated: 28.05.24

To,
Smt Nandini Ghosh, IAS,
Senior Special Secretary,
to the Government of West Bengal.
Department of Urban Development & Municipal Affairs
NAGARYAN
DF-8, Sector-I, Salt Lake City, Kolkata 700 064

**Sub: Original Application No. 80/2024/EZ
[Subhas Datta. -Vs- State of West Bengal & Ors.]**

Ref No. 82/UDMA-15011(15)/4/2024-LS-MA SEC-Dept. Of UDMA dated: 10.05.2024.

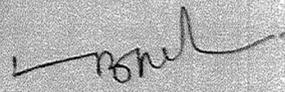
Madam,

Enclosed herewith the Action Taken Report in reference to application no. 80/2024/EZ heard before the National Green Tribunal, Eastern Zone Bench, Kolkata, dated: 10.04.2024.

This is to apprise you that the locale in question was visited on 24.05.2024 and following facts were observed during the visit:-

1. There exists one incomplete reinforced cement concrete structure at an altitude of 2574 metres along with the provision of public convenience. (Latitude : 26.995204, Longitude : 88.285375). The flooring adjoining the structure has been paved with the plain cement concrete. On enquiry it is learnt that the work for erection of structure was taken up by GTA.
It was also observed that in the same locale there exists a ground based mobile tower and roof based mobile tower with multiple signal receivers adjacent to the incomplete structure.
2. There exists one single storeyed structure with galvanized corrugated iron sheet roofing at an altitude of 2477 metres (Latitude : 26.995359, Longitude : 88.281058) within the Senchal Wildlife Sanctuary. Adjoining to the structure an open ground exists which is being used for parking purpose.
3. This is to apprise you that the Locale in question does not fall under jurisdiction of Darjeeling Municipality.

Enclosed: Four copies of photograph of structures.

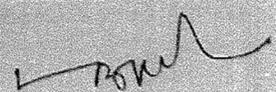

Executive Officer
Darjeeling Municipality
Darjeeling

Dated: 28.05.24

Memo No. 184 (2) / G.D.

Copy forwarded to:

1. District Magistrate, Darjeeling.
2. S.D.O., Darjeeling Sadar, Darjeeling.


Executive Officer

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GPS Map
Camera Lite

2746+V3H, Senchal, Darjeeling, Senchal Forest, West
Bengal 734102, India

Latitude
26.99520816°

Longitude
88.28538247°

Local 03:54:08 PM
GMT 10:24:08 AM

Altitude 2250 meters
Friday, 24.05.2024

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GPS Map
Camera Lite

X7VP+W3Q, Darjeeling, Senchal Forest, West Bengal
734123, India

Latitude
26.99463434°

Longitude
88.28528335°

Local 04:02:24 PM
GMT 10:32:24 AM

Altitude 2574 meters
Friday, 24.05.2024

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GPS Map
Camera Lite

X7WJ+5FR, Senchal Forest, West Bengal 734123, India

Latitude
26.99532021°

Longitude
88.28105582°

Local 04:11:25 PM
GMT 10:41:25 AM

Altitude 2477 meters
Friday, 24.05.2024



2746+V3H, Senchal, Darjeeling, Senchal Forest, West Bengal 734102, India

Latitude
26.99505922°

Longitude
88.28551517°

Local 04:20:06 PM
GMT 10:20:06 AM

Altitude 2250 meters
Friday, 24.05.2024