

By speed post

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MA-19/25

To

Justice Arun Kumar Tyagi-JM/ Dr. Afroz Ahmad- EM
National Green Tribunal
Faridkot House, Copernicus Marg,
New Delhi-110001

25TH MARCH 2025

MA-19/25

Appeal against Order no-NGT (PB)/JUDICIAL/MA 122-2024/OA-258-2024/87 R & I

BANIBRATA MUKHERJEE-

Applicant

Versus

STATE OF WEST BENGAL & Others-

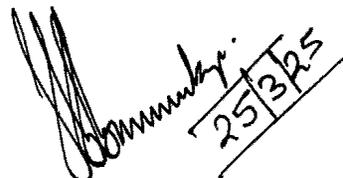
Respondents

Your Lordships,

APPLICANT'S HUMBLE SUBMISSIONS/FACTS:

1. Enclosing herewith a copy of "PARCHA" as **Annexure-1**, issued by the office of the Ld. ADM, DL & LRO, evidencing that **25 decimals (approximately 1,012.08 sq. meters / 10890 sq. ft.)** is my pond under **Plot no-13844** with my grandfather's name and my great grandfather's name mentioned in the same in vernacular Bengali. This record dated 27th July 2021, has been produced as evidence in **W.P.A (P) 230 of 2022 before the Hon'ble Calcutta High Court.**
2. Enclosing a copy of letter **E&H/RTI/21/2022-2023** dated **26th August 2022** by the **Executive Engineer (Civil), Environment & Heritage Department, KMC, as Annexure-2** which acknowledges that approximately **50 sq. meters (538 sq. ft.)** of my waterbody located at 321, Diamond Harbour Road (KMC Ward No. 119) was filled up, as per NRSA aerial imagery. This document was also submitted in **W.P.A (P) 230 of 2022 before the Hon'ble Calcutta High Court.**
3. A **sworn affidavit** submitted to Your Lordships on **6th January 2025** by the **Ld. ADM, DL & LRO (Annexure-3 herein)**, also mentioned as page - 5 in his affidavit therein) states my water body's area as 875.6399 sq. meters, with only 5 sq. meters (53 sq. ft.) filled up.
4. Another **sworn affidavit** submitted to Your Lordships on **6th January 2025** (same day) by the **Ld. Executive Engineer (Civil), Environment & Heritage Department, of KMC (Annexure-4 herein)**, also mentioned as page - 5 in his affidavit therein) states as per NRSA Aerial map the area of my waterbody is **850 square meters** out of **which small portion in the southern** side has been filled up. He has included a drawing of my pond (**enclosed as Annexure-5 herein**) in his affidavit that under 321, Diamond Harbour Road, (Premises no.-139, Diamond Harbour Road), mentioning pond area of **850 square meters** and shown that filled up area has **been restored.**
5. These sworn affidavits given by the Ld. Govt. Officers on the same day are having contradicting measurements—**875.64 sq. m vs. 850 sq. m**—and raise questions regarding the accurate area of my water body as well as their intentions to mislead your Lordships and your proceedings. **Hence which affidavit gives correct area of my pond?**

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6. Both Ld. Officials in their sworn affidavits have mentioned a sanctioned building plan (**B.P-2012130483 dated 08/12/2012**), (mentioned as Page - 14, Annexure-R-2 of their affidavits therein) for a two-storey building on the southern side (Same is attached as **Annexure-5A herein**). They have mentioned that the same building plan has been submitted by the owner of the building to the Executive Engineer. This building belongs to **Sri Kajal Sarkar**. It is to be mentioned that under registered sale deed being number-I-8263 dated 15.11.2006 and declaration deed no-I-443 dated 7th Feb 2007, I had sold an area of **78 feet long x 20 feet wide = 1560 sq. ft.** of land as was gifted to me by my ancestors, from the south side of my pond to Mr. Kajal Sarkar, who mutated his property as **premises no-139/1, Diamond Harbour Road**. The drawing/plan of the above referred registered deeds is enclosed as **Annexure-6 herein giving the measurements**.
7. But during inspection of the area by Officers of **Ld. ADM, DL & LRO in the month of Aug 2024**, it was physically found that **Sri Kajal Sarkar has actually built his house with an area of 78 feet long x 24 feet 6 inches wide = 1911 square feet. This clearly shows that instead of building his house within 1560 sq. ft., he has actually constructed upon 1911 square feet, thereby encroaching(1911 - 1560) = 351 sq. ft. (32.62 sq. m) into my pond.**
8. Here both of the **Ld. Officers of Government of West Bengal never tried to measure the peripheral boundary wall or the property** under KMC Premises no-139/1, Diamond Harbour Road, **belonging to Sri Kajal Sarkar**, as per the sanctioned building plan no- **B.P-2012130483 dated 08/12/12** and have misled this Hon'ble Court either by deliberate omission or negligence. If they were unaware or purposely suppressed everything, then both of them must be questioned as to why they did not measure the actual constructed area and compare the same with building sanction plan number-**B.P-2012130483 dated 08/12/12?**
9. In spite of knowing this above mentioned fact since Aug 2024, when Officers of Ld. ADM, DL & LRO measured my pond and adjacent area and my letter to dated 10th of September 2024 (Enclosed as **Annexure-7 herein**), the **Learned ADM, DL & LRO** stating the above, he deliberately suppressed this fact in his sworn affidavit to your Lordships. I had written a mail dated 5th Nov-2024 to the DM- South 24 Parganas, ADM DL & LRO, Municipal Commissioner of KMC with respect to the above problem with copies to West Bengal Pollution Control Board and your Lordships also, but apart from Officers of West Bengal Pollution Control Board, nobody stood by me and Senior Scientist of West Bengal Pollution Control Board wrote a letter dated 27th November 2024 being number-2228-PG/LD/03/2024(enclosed as **Annexure-7A**) to The Municipal Commissioner of KMC, but to no avail and Mr. Arup Sarkar- **Executive Engineer (Civil), Environment & Heritage Department**, of KMC, kept silent and **never** enquired into the matter or even after enquiry deliberately kept quiet and misled Your Lordships/Hon'ble Court in his sworn affidavit for reasons best known to him.

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10. In order to put a rest to all controversies regarding the accurate area of my pond situated within 321, Diamond Harbour Road, (Premises no.-139, Diamond Harbour Road,) KMC ward no-119, PO & PS- Behala, Kolkata-700034, my pond and surrounding area was inspected and accurately measured by **Sri Sandip Hazra- B. Tech Civil Engg. M. Tech Structural Engg., Licensed Building Surveyor of Kolkata Municipal Corporation** by laser machine and tape on **16th February 2025** and prepared the **Google satellite imagery** map from Google earth and also prepared an AUTOCAD drawing giving all dimensions on **5th of March 2025**. The **satellite imagery map** duly signed and stamped by him is enclosed as **Annexure-8** and the **AUTOCAD drawing duly stamped and signed by him is enclosed as Annexure-9**.

11. In this AUTOCAD drawing under Annexure-9 and satellite imagery map under Annexure-8, it is observed that the correct area of my pond is **9392 square feet or 872.86 square meters or equivalent to 21.56 decimals. Hence the area matches with the sworn affidavit area of pond area mentioned by Learned ADM, DL & LRO is more accurate & within less than half of a percent compared to the measured area on 16th Feb 2025**. From the imagery and AUTOCAD drawing, the area statements:

- My Pond area: 872.86 sq. m
- My Pond area encroached by Mr. Kajal Sarkar (Area-A): 351 sq. ft. (red-hatched area)
- My Vacant land (Area-B): 588 sq. ft.
- My premises area encroached by Behala Diamond Club (Area-C): 650 sq. ft.

I wish to draw the attention of Your Lordships/Hon'ble Court that 100% of garbage dumping happens from Area-B and Area-C on a regular basis. Plastic/polythene bags and all kinds of rubbish are thrown into my pond.

I cultivate fish to pay for KMC taxes for the last 25 years and over the years my fish are dying gradually due to water pollution. I spend thousands of rupees every 3 to 4 months to clean my pond of the debris which is thrown regularly. It is becoming very strenuous for me to keep up with cleaning my pond.

The /method used by Behala Diamond Club of gradual encroachment is unique; they erect Puja pandals without my permission or the permission of local Behala Police Station. Then they beat down/ram and level out the garbage from the south side of my pond and encroach into my pond by compacting the debris and fill up my pond from southern and south - eastern embankment. I am tired of fighting the club for last 20 years, who are financially and politically very powerful and try to grab any vacant land. The total area available within Area-B and Area-C is 588 sq. ft. + 650 sq. ft. = 1238 square feet and belongs to me, which is about 49 feet long and about 25 feet wide and evidenced in Satellite imagery and drawings under Annexure-8 and Annexure-9.

ENCLOSED- ANNEXURES-1, 2, 3, 4, 5, 5A, 6, 7, 7A, 8 and 9

(Hard copies of Annexure-3, 4, 5, 5A are already with you in case records submitted by Respondents on 6th January 2025.)

+ 8 RECENT PHOTOGRAPHS WITH DESCRIPTIONS-TIME AND DATE-AS INSTRUCTED TO ME BY HON'BLE BENCH ON 10TH FEBRUARY 2025

3

[Handwritten signature]
25/3/25

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PRAYER-PRAYER PAGE - 4 of 4

A. To order State Administration/ Kolkata Municipal Corporation to demolish **351 square feet of encroached pond area done by Sri Kajal Sarkar while constructing his house** within premises no-139/1, Diamond Harbour Road and impose adequate fine/penalty upon him for the purposeful encroachment upon my pond as clearly shown in satellite imagery -Annexure-8 and drawing of Annexure-9 and order penal action against Mr. Kajal Sarkar as per provision of laws of environment protection and West Bengal Inland Fisheries Act.

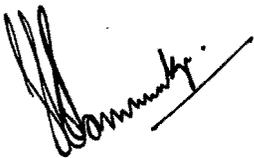
B. To allow me to excavate **about 1012 sq. ft. area** with measurements of **22 feet wide x 46 feet** long with a **depth of 6 feet**, out of the present area of **1238 sq. ft.** comprised within Area -B and Area-C as shown in AUTOCAD Drawing, leaving just adequate space as pond embankment for me to erect the boundary wall and its foundation on the excavated periphery of my pond area and remove the permanent cancer/cause of any pollution upon my pond and prevent future encroachment once and for all and I will be able to save my water body forever.

C. Instruct the State/District Administration and Police Administration to provide me and my family with adequate Police protection from local miscreants and or affiliates/ members of Behala Diamond Club during excavation work and construction of boundary wall or instruct the State/District Administration to carry out the excavation of about ~~1000~~ sq. ft. in my presence and I will reimburse the cost of excavation to State/District Administration and carry out construction of the boundary wall at my cost under police protection.

CONCLUSION- Once 351 sq. ft. of encroached area is demolished and 1012 sq. ft. area is excavated as prayed for then my pond area will increase by 1363 sq. ft. or 3.13 decimals more and my pond will have an area of **24.69 decimals** (1000 square meters) which is **98.75% of its original size of 25 decimals as is mentioned in the PARCHA document issued by Government of West Bengal.**

I humbly pray to Your Lordships that the above prayers are granted and I will ever remain grateful for saving my pond/ waterbody.

I will be **personally present** on **1st of April 2025** and explain to The Hon'ble Court with another set of these documents which is the next date given to me by Your Lordships on 10th February 2025.



Banibrata Mukherjee
321, Diamond Harbour Road,
PO & PS- Behala, Kolkata- 700034
Phone number-9433134856 and 9007029095,
Email id- mukherjeebanibrata1965@gmail.com

Chamber address- 21B, Iswar Ganguly Street, Kalighat, Kolkata-700026

Email to : NGT.

email copy to: ADM, DL & LRO, DM- 24 Parganas-S, KMC- Municipal Commissioners
WBPCB & Sri Shibopati Chakrabarty - del Adv. for respondents

পশ্চিমবঙ্গ সরকার

সমষ্টি ভূমি ও ভূমি সংস্কার আধিকারিকের করণ

-দাগের তথ্য-



[১৬৩০১০২]

দাগ নং- দক্ষিণ ২৪ পরগণা

ব্লক- কলকাতা

থানা- বেহালা

জাজা- বেহালা

জে.এল.নং- ১০২

জমির পরিমাণ(এ)- ০.২৫৫০

দাগ নং- ১৩৮৪৪

শ্রেণী- পুকুর

সাবেক দাগ নং-

জমিয়াল নং	শ্রেণী	অংশ	অংশ পরিমাণ(এ)	রায়ভের/লেসীর বিবরণ	মন্তব্য
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পুকুর

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শিব দাস মুজোপাধ্যায়

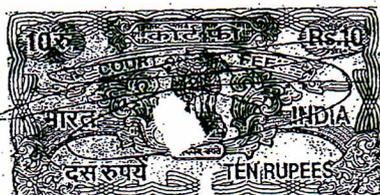
পিতা-হরিদাস মুজোপাধ্যায়

সাং-৩২১ ডাঃ হারবার রোড



১.০০০০

০.২৫



Revenue Officer
B.L. & L.R.O., Kolkata
South 24 Parganas

Fees Received :: Application Fee : Rs. ১০.০০, Authentication Fee : Rs. ১০.০০, Total fee : Rs. ২০.০০ , Copy No.: ৩৮৪৪



Office of the Director General
Environment & Heritage Department
The Kolkata Municipal Corporation

Memo No.: E&H/RTI/ 21 /2022-2023

Date: 26.08.2022

From,
SPIO
Executive Engineer (Civil)
Environment & Heritage Department
Kolkata Municipal Corporation
3rd Floor, 48, Market Street, Kolkata-700087

To,
Sumita Mondal
321/A, Diamond Harbour Road
Kolkata-700034

Re: Reply under RTI Act 2005

The information sought for by you under RTI Act, 2005 in connection with a "Premises no.321, D.H. Road in ward 119" in your letter dated 06.08.2022, I am stating the followings:

- 1) As per Departmental Tank List area of the waterbody in premises no. 321, D H Road in ward no. 119 Borough XIII is 2866.00 Sqm.
- 2) As per area of NRSA (aerial) Map approximately 50 Sqm. area of the waterbody was filled up at the time of inspection.

Yours faithfully


SPIO & Executive Engineer (Civil)
Environment & Heritage Department
Kolkata Municipal Corporation

a. Engineer (Civil)
E. & H. Department
K.M.C

5

(Page No - 5 of the Sworn Affidavit already submitted to you by Ld. ADM DL & LRO to your Lordships on 6th Jan 2025)

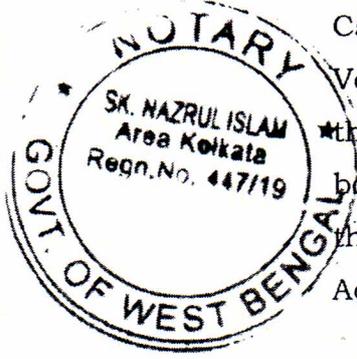
filled up in comparison with NRSA (Aerial) map. As per the NRSA Aerial map the area of the water body is 875.6399 sq. mt. out of which approximately 5 sq. mt. in southern portion has been filled up.

(iii) Accordingly notice under section 53 of the West Bengal Town and Country (Planning & Development) Act, 1979 was issued vide E & H/27/2021-22 dated 03.09.2021 and an F.I.R was lodged in Behala Police Station vide E&H/FIR/42/2021-22 dated 08.10.2021.

(iv) Then as per Solemn Order passed by Hon'ble High Court, Calcutta in WPA (P) 230/2022 Smt Sumitra Mondal & Ors Versus Kolkata Municipal Corporation & Ors dated 28.11.2023 this department again issued notice for restoration of the water body at 139, Diamond Harbour Road, under section 53 of the West Bengal Town and Country (Planning & Development) Act, 1979

(v) As the Owners namely Banibrata Mukherjee and Parthobrata Mukherjee did not restore the water body another F.I.R has been lodged by the E & H, Department, KMC vide E & H, FIR/66/2023-24 dated 21.03.2024 against its owners.

Photocopy of the Action Taken Report submitted by the Environment & Heritage department, Kolkata Municipal Corporation along with written complaints vide E&H/FIR/42/2021-22 dated 08.10.2021 and E & H, FIR/66/2023-24 dated 21.03.2024 and Notices issued by the E & H, Department under section 53 of the West Bengal Town and Country (Planning & Development) Act, 1979 are collectively annexed herewith and marked with the letter 'R-1'.



Annexure - 4

(Page 5 of the sworn affidavit
already submitted to your
wordships by Executive Engineer
Environment and Heritage - KMC
on 6th Jan 2025)

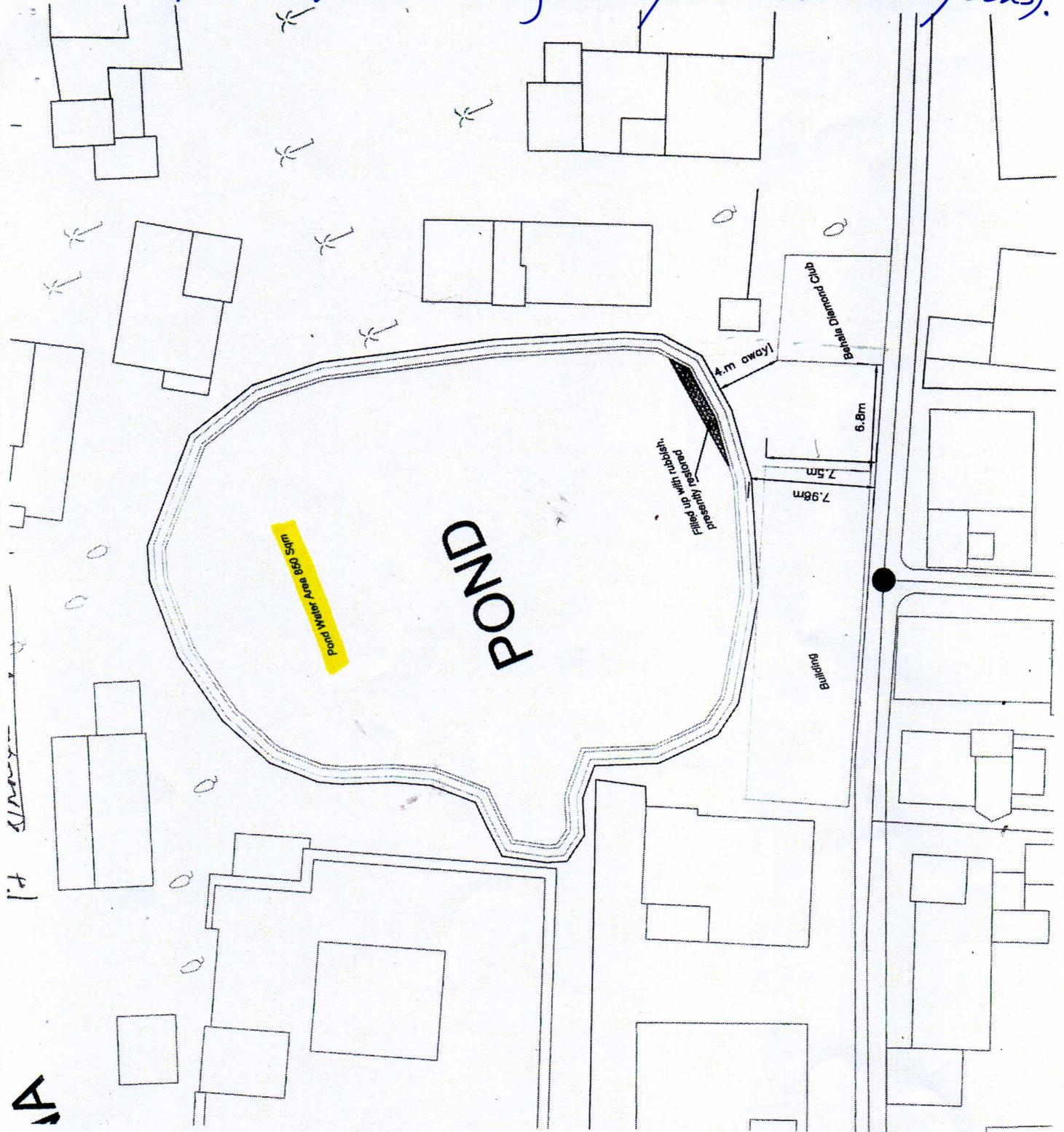


Department, Building department of Borough-13, Kolkata Municipal Corporation, Municipal Commissioner, KMC and representative of the West Bengal Pollution Control Board.

- (ii) After receiving the complaint of illegal filling of the above mentioned waterbody this department inspected the site on 03.08.2021 and it was found that a portion of the water body filled up in comparison with NRSA (Aerial) map. As per the NRSA Aerial map the area of the water body is 850 Sqm out of which small portion in southern side has been filled up.
- (iii) Accordingly notice Under section 53 of the West Bengal Town and Country (Planning & Development) Act, 1979 was issued vide E & H/27/2021-22 dated 03.09.2021 and an F.I.R was lodged in Behala Police Station vide E&H/FIR/42/2021-22 dated 08.10.2021.
- (iv) Then as per Solemn Order passed by Hon'ble High Court, Calcutta in WPA (P) 230/2022 Smt Sumitra Mondal & Ors Versus Kolkata Municipal Corporation & Ors dated 28.11.2023 this department again issued notice for restoration of the water body at 139, Diamond Harbour Road, under section 53 of the of the West Bengal Town and Country (Planning & Development) Act, 1979
- (v) As the Owners namely Banibrata Mukherjee and Parthobrata Mukherjee did not restore the waterbody another F.I.R has been

Annexure - 5

(this map is a part of the Sworn Affidavit already submitted to your Lordships by Executive Engineer - Civil/Environment & Heritage Department of KMC stating 850sqm on 6th January 2025).



4.1

4.1

- 1A- URGENT

Annexure - R-2

Re: Inspection report of Building Department carried out with other officials regarding illegal filling of water body at 321, Diamond Harbour Road (Near Behala Diamond Club), Ward-119, Br-XIII on 09/07/2024.

DG (E&H)DG (B)

After receiving the copy of letter of Dy. Chief Engineer (Civil)/ E & H Department dated- 05/07/2024 duly forwarded by DG(B) (enclosed herewith), representatives of Building Department of Borough-XIII & XIV [EE(C), AE(C), SAEC] were present at the time of joint inspection at the captioned premises on 09/07/2024.

The other officials present at the time of joint inspection were-

- 1) Municipal Commissioner of K.M.C
- 2) Representative of Environment & Heritage Department of K.M.C
- 3) Representative of West Bengal Pollution Control Board.

During inspection a reconnaissance was done of the entire location and as decided a location plan of the area (not to scale) is drawn showing the salient features around the pond. There exist a two storied residential building at the eastern side and another two storied residential building at the southern side of the pond.

On the southern side of the pond in a small portion of a vacant land by the side of the road there is Behala Diamond Club, which is in a ramshackled condition having four iron posts at its four corners and few rusted tins. It may be noted that Building Department has already initiated proceedings U/S 400(1) of K.M.C Act 1980 against this Behala Diamond Club.

As decided at the time of inspection Building Department enquired about the legality of the above mentioned two buildings which were constructed by the side of the pond.

The owner of the southern side building has submitted the copy of a sanctioned building plan of a two storied building having B.P-2012130483, dt-08/12/12. But the owner of the eastern side building did not submit any relevant documents of the building, though building Department has issued letter to the owner to submit relevant documents, but the letter was returned back. At the time of joint inspection the owner/ occupier of this premises verbally informed that this building was constructed almost more than 20yrs back.

Now the report is placed for the perusal of higher authority.

Enclosure:

- 1) Intimation letter of Dy. CE/E&H Department for joint site inspection.
- 2) Location Plan showing relative position of structures/ objects around the pond.
- 3) Copy of sanctioned plan submitted by the owner of the southern side premises and Copy of the letter issued to the eastern side building which is returned back.

U. Sarmah
19/07/24.
Assistant Engineer(C)/B
Br- XIII & XIV

19/07/24
Executive Engineer(C)/B
Br- XIII & XIV

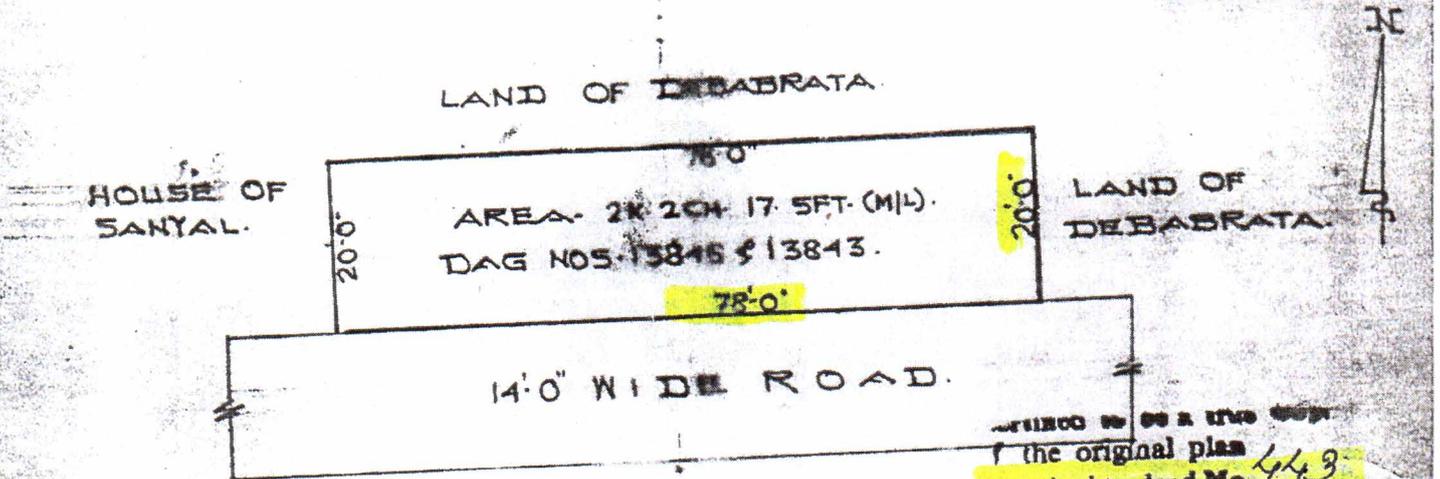
(This is page 14 of the Survey Affidavits of both sd. Officers which was submitted to your lordships on 6th Jan 25 stating building plan number of Kajal Sarkar)

Annexure - 6

SITE PLAN OF LAND AT MOUZA-BEHALA, I.L. NO-2, SHEET NO-8, R.S. NO-83, R.S. KHATIAN NOS-4492, 4491, R.S. DAG NO-13845, 13843, TOLZI NO-346, AT PREMISES NO-139, D.H. ROAD, KOLKATA-700034, P.S. BEHALA, UNDER K.M.C. WARD NO-119, DIST-24RGS(S).

AREA OF LAND: 2K-2CH 17 SFT (M/L) SHOWN IN RED BORDER.

SCALE: 1:200



...the original plan attached to deed No. 449 of the year 2007 of A. D. B. Behala

RJ

...the original plan attached to deed No. 449 of the year 2007 of A. D. B. Behala

19-2-07

20-2-07

Sd/- Banibrata Mukherjee.

SIG. OF

DRAWN BY: N. C. DAS

Compared by D. Mukherjee.
JIBRAJ MUKHERJEE
MAN MANA SHOD. BOSTU

HAND DELIVERY WITH COURT FEE

RECEIVED
CONTAINS NOT VERIFIED
of
A.D.M., D.L. & L.R.O
South 24 Parganas

10/09/24

Dated-10th September 2024

TO
Additional District Magistrate & District Land & Land Reforms Officer
New Treasury Building 8th Floor,
Alipore, South 24 Parganas,
Kolkata 700027

Sub- My written submission pursuant to my Oral submissions at the meeting held in your Chamber on 20th August 2024, pertaining to case/ solemn order dated 16.05.24 of Hon'ble N.G.T. Principal Bench in O.A.258 of 2024/PB (Banibrata Mukherjee vs State of West Bengal)- KMC Premises no-139, Diamond Harbour Road-Pond

Respected Sir,

At the onset, I sincerely wish to thank you for letting me attend the meeting and allowing me to express my views along with representatives of other Government bodies in your Chamber on 20th Aug 2024.

I did not receive the hearing notice since your letter was addressed to 139, Diamond Harbour Road. 139, Diamond Harbour Road is our KMC premises number for KMC tax and our actual holding number or postal address is - 321, Diamond Harbour Road, PO & PS- Behala, Kolkata-700034 and local Behala Post Office knows our address as 321, Diamond Harbour Road.

I wish to submit that one unauthorized Behala Diamond club has been gradually filling up my pond under Dag no-13844 for last the last 15/20 years and had forcefully erected one tin shed structure at the south east corner of my pond in the year 2007.

After erecting the structure in 2007, they started filling up adjacent area from the south and south eastern portion of my pond and over the years, they have almost filled up about **25 feet x 40 feet = 1000 sq. ft. from my pond area.**

Subsequently, I had sold an area of 1547 sq. ft. from within DAG numbers- 13845 and 13843 to Kajal Sarkar for south side of my pond in 2006. The area measurement which was sold to Mr. Kajal Sarkar in 2006 was specifically 77.5 feet x 20 feet. However Mr. Kajal Sarkar, (the owner of premises no-139/1, Diamond Harbour Road) **while constructing his house encroached my pond by 4.5 feet x 78 feet = 351 sq. ft. Instead of constructing his 2 storeyed house within 20 feet width, he constructed his house having a width of 24.5 feet.**

[Handwritten Signature]
10/9/24

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Hence this matter may be investigated /looked into. You may initiate enquiry as to how Mr. Kajal Sarkar got permission from KMC to construct his house upon 24.5 feet x 77.5 feet when he is actually the owner of 20 feet x 77.5 feet and take corrective action towards demolition of additional encroached area.

Furthermore, your department pointed out that another house with address of Madhab Halder Road, situated on the north eastern corner of my pond has encroached by about 0.62 decimal or about 270 sq. ft.

Due to this encroachment upon my pond by Behala Diamond club combined with regular garbage disposal, the fish are dying. I cultivate fish in my pond to keep it clean but due to rampant garbage thrown into my pond the fish die due to water pollution. Moreover due to filling up from the south and south eastern side of my pond the water level rises on the western and northern sides of my pond and my residential house and adjoining areas get inundated on a regular basis. I am tired of cleaning up my pond which entails huge expenditure.

On a daily basis all kinds of non-biodegradable waste is being dumped into my pond from this south and south eastern side which creates a nuisance/air pollution and water pollution. This will eliminate the cancer once and for all and make the surrounding better. Mrs. Kakali Bag the Ward Councillor of KMC ward no-119 and also the health department has asked me verbally to dig out the total area but none of them has given anything in writing.

Therefore as I had submitted to you orally on 20th Aug 2024, I request you to allow me to dig out atleast about 1000 sq. ft. area or about 6000 cubic feet volume (considering average depth of 6 feet) of soil which has been gradually filled up on the south eastern side and south side of my pond by Behala Diamond club and help me to restore my pond to somewhat its original size.

Hence Sir, I beg your permission to allow me dig out atleast 1000 sq. ft. area or more or less 6000 cubic feet volume of soil (considering an average depth of 6 feet) including the broken down structure erected by erstwhile Behala Diamond Club, from the south eastern/south portion of my pond and subsequently erect a 6/7 feet high boundary wall along the periphery of this area, to permanently avert garbage dumping and encroachment on my pond and make the area clean devoid of pollution.

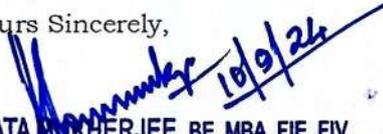

10/9/24

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I will remain grateful if you give me this permission with a copy to local Behala Police Station so that I get proper police protection/security while the process of digging/ excavation of filled up area of pond is carried out and subsequent construction of boundary wall along the south and south eastern periphery of my pond.

PS- Shibdas Mukherjee is my Late Grandfather who expired in 1966.

Yours Sincerely,


**BANIBRATA MUKHERJEE, BE, MBA, FIE, FIV.
CHARTERED ENGINEER-REGD. NO. F-115969-7
FELLOW INSTITUTE OF VALUERS
ENGINEER COMMISSIONER & VALUER
ALIPORE JUDGES' COURT**

Banibrata Mukherjee
321, Diamond Harbour Road
PO & PS Behala, Kolkata- 700034
Dated-10th September 2024

Email copy to N.G.T. Principal Bench and West Bengal Pollution Control Board.



LIFE
Lifestyle For
Environment

Annexure - 7A

WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Govt. of West Bengal)

PG Cell and ANA&T Cell, Mani Square, 8th floor

Block / Space-8IT on Western Side,

164 / 1, Maniktala Main Road, Kolkata-700054.

Ph- 033-2202 3130, Website: www.wbpcb.gov.in

Memo No

PG/LD/03/2024

Date: /11/2024

To

The Municipal Commissioner
Kolkata Municipal Corporation,
5, S.N. Banerjee Road,
Kolkata 700 013.

Sub: Complaint regarding filling of a pond for construction activity which has been done by encroachment of complainant's pond (as stated) located at 139/1, Diamond Harbour Road, Kolkata Municipal Corporation, Ward No. 119, PO -Behala SO, PS -Behala, Dist- Kolkata Pin -700034.

Sir,

Enclosed please find herewith a complaint received by the State Board from Mr. Banibrata Mukherjee against Behala Diamond Club and Mr. Kajal Sarkar regarding filling of a pond for construction activity which has been done by encroachment of complainant's pond (as stated) located at 139/1, Diamond Harbour Road, Kolkata Municipal Corporation, Ward No. 119, PO -Behala SO, PS -Behala, Dist- Kolkata Pin -700034.

Therefore, I am directed to request your good office to look into the issue that needs to be duly addressed from your end as per the relevant Act & Rules (The West Bengal Town and Country (Planning and Development) Act, 1979, West Bengal Inland Fisheries Act, 1984, The West Bengal Land Reforms Act, 1955 etc.) Accordingly, please send the **Action Taken Report (ATR)** to the undersigned at an early date if the complaint is found to be true and correct.

Please treat the matter on urgent basis (NGT matter, O.A. No. 258 of 2024/PB dt.16.05.2024).

Yours faithfully,

Sd/-

Senior Scientist and In-charge,
Public Grievance Cell

Encl: As stated.

Memo No 2228 - PG/LD/03/2024

Date: 27 /11/2024

Copy forwarded for information to:-

1. Mr. Banibrata Mukherjee, <Email- mukherjeebanibrata1965@gmail.com>, 321, Diamond Harbour Road, Municipality - Kolkata Municipal Corp., PO- Behala SO, PS: Behala, Dist: Kolkata, Pin: 700034.
2. The Chief Environment Officer, Environment Department, Govt. of West Bengal, <Email- environmentwb@gmail.com>.
3. The Regional Directorate, Kolkata, Central Pollution Control Board, <Email- rdkolkata.cpcb@gov.in>.
4. The Sr. Environmental Engineer & In- Charge, Alipore Regional Office, Minority Bhawan, 5th Floor, 12, Biplabi Kanailal Bhattacharya Sarani, Alipore, Kolkata-700027.

[Signature]
Senior Scientist and In-charge,
Public Grievance Cell



LAND AREA STATEMENT TABLE:-

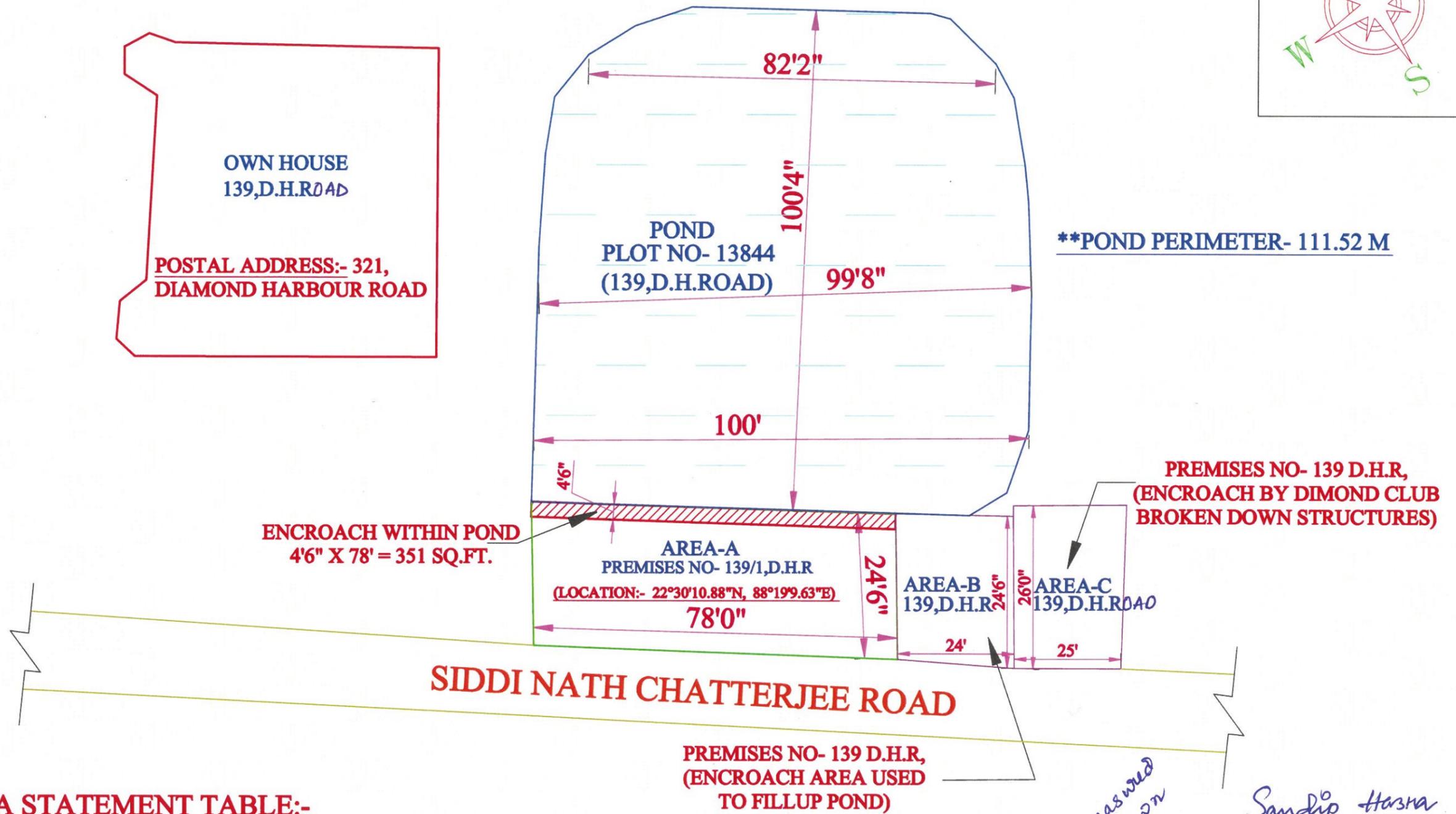
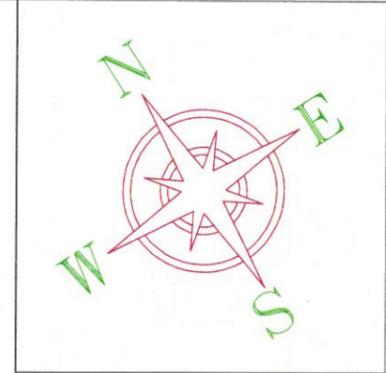
TOTAL AREA OF POND = (93'11" X 100') = 9392 SQ.FT OR 872.86 SQM OR 21.56 DEC. (APPROX)
TOTAL AREA OF PREMISES NO 139/1 = (78' X 24'6") = 1911 SQ.FT OR 177.60 SQM (APPROX)
TOTAL AREA OF AREA-B = [24' X 24'6"] = 588 SQ.FT OR 154.64 SQM (APPROX)
TOTAL AREA OF AREA-C = [25' X 26'] = 650 SQ.FT OR 52.04 SQM (APPROX)
ENCROACH WITHIN POND BY PREMISES NO 139/1 = 4'6" X 78' = 351 SQ.FT. (APPROX)

***NOTE:- PREMISES NO 139, D.H ROAD AND POSTAL ADDRESS-321, D.H ROAD ARE SAME.**

Actual Measurements Superimposed on Google earth satellite imagery on 05/03/2025 Sandip Hazra

Sandip Hazra
Er. SANDIP HAZRA
 B.TECH IN CIVIL ENG.
 M.TECH IN STRUCTURAL ENG.
 L.B.S (CLASS-II) LIC NO: 1810
 E.S.E (CLASS-II) LIC NO: 740
 KOLKATA MUNICIPAL CORPORATION
 PH: 9609958510 / 7980584082
 Email: hazraconsultancy@gmail.com

DRAWN BY
Er. SANDIP HAZRA (B.TECH, M.TECH)
 L.B.S (CLASS-II) LIC NO: 1810
 KOLKATA MUNICIPAL CORPORATION



LAND AREA STATEMENT TABLE:-

- TOTAL AREA OF POND = (93'11" X 100') = 9392 SQ.FT OR 872.86 SQM OR 21.56 DEC. (APPROX)
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***NOTE:- PREMISES NO 139, D.H ROAD AND POSTAL ADDRESS-321, D.H ROAD ARE SAME.**

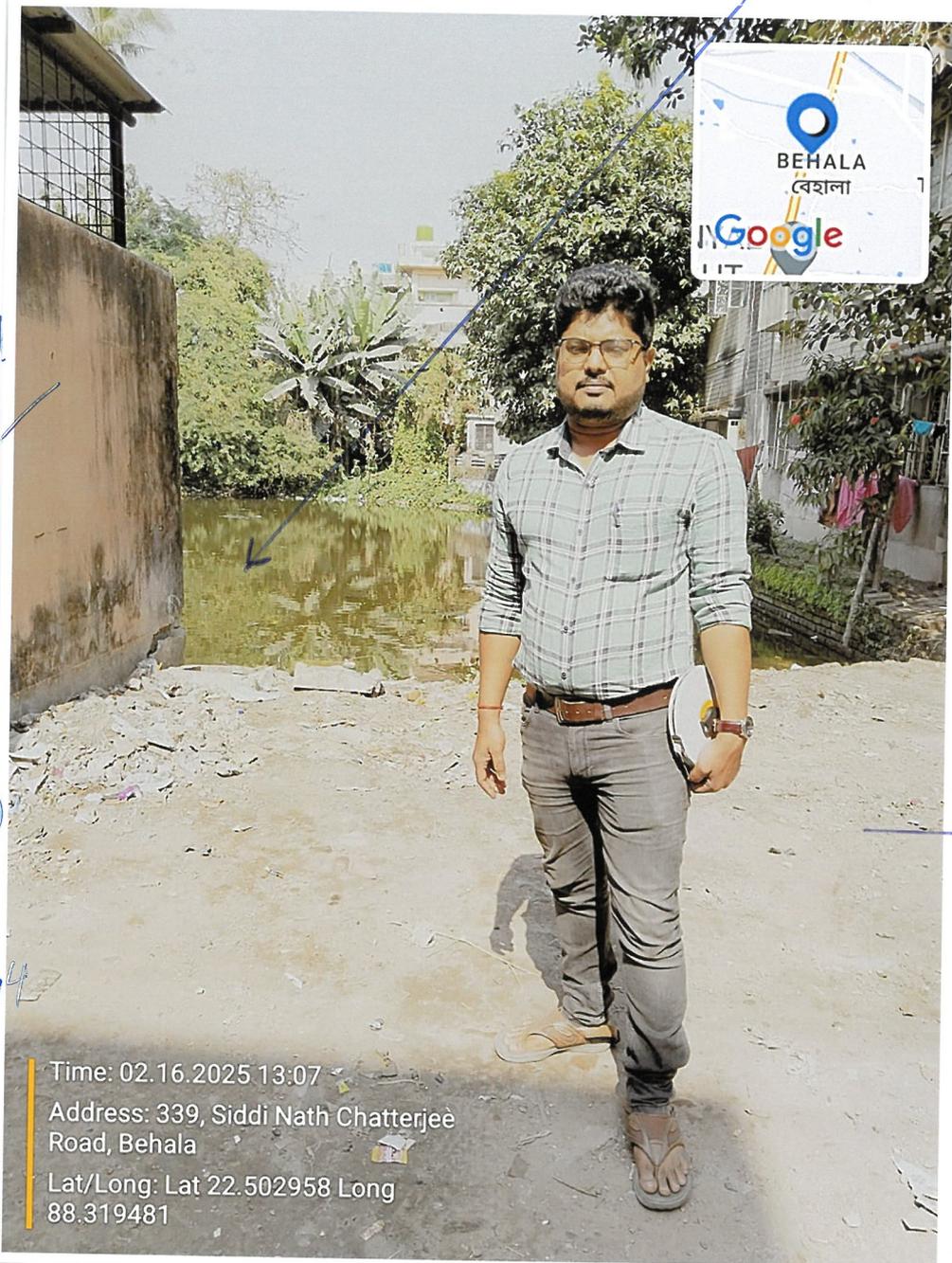
Inspected and measured on 16/02/25 and drawn on 05/03/25 Sandip Hazra

Sandip Hazra
Er. SANDIP HAZRA
B.TECH IN CIVIL ENG.
M.TECH IN STRUCTURAL ENG.
L.B.S (CLASS-II) LIC NO: 1810
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PH: 9609958510 / 7980584082
Email: hazraconsultancy@gmail.com

DRAWN BY
Er. SANDIP HAZRA (BTECH, MTECH)
L.B.S (CLASS-II) LIC NO: 1810
KOLKATA MUNICIPAL CORPORATION

Photograph - 1

My pond under
Dag NO-13844



24.5 feet long
Unauthorised
Eastern
Boundary
Wall of
Mr. Kajal
Sarkar
(Promises
139/2, Road)
D. H.
D. & P.S.
Behala,
KOL-700034
34.

Area B on
south is
major source
for dumping garbage
levelled
and
flattened
by Diamond
Shil
(Area - B)
588 sq ft

Sri Sandip Hazra - B.Tech. Civil & M.Tech. (Licensed Building Surveyor of Kolkata Municipal Corporation) standing in Area - B of my property which is the southern side of my pond. Photograph is dated 16th February 2024 when he measured the pond with his instruments and also other structures are and areas on the south and south-Eastern side of my pond.

[Signature]
25/3/2025

Photograph - 2



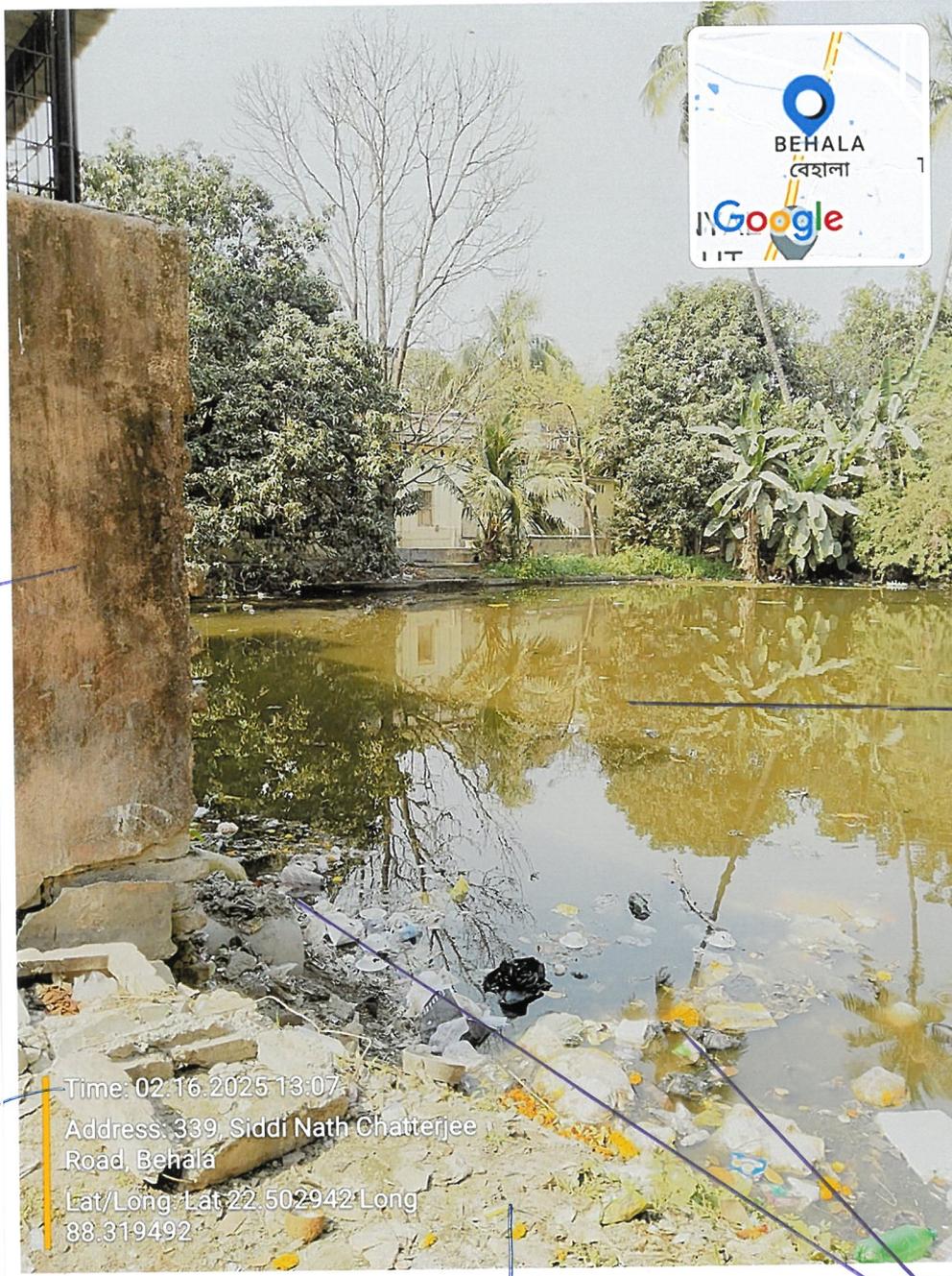
→ This area is more or less 650 sq ft (AREA - C) within my premises MD-139, D.H. Road^{or}

Photograph of Area - C, showing the encroachment and garbage with the broken structures of Behala Diamond Club, who have been harassing me for last 18 years. Photograph taken on 23rd February 2025.

Signature: 25/2/25

Date, time given in photograph.

Photograph - 3



Unauthorized
Boundary
wall of
premises
no - 139/1,
D.H. Road
of Mr.
Kajal
Sankar

→ My
pond Under
Dag/Plot
no - 13844
(Premises 139
D.H. Road)
Postal Address
321, D. H Road
PO & P.S.
Behala,
KOL-700034.

Time: 02/16/2025 13:07
Address: 339, Siddi Nath Chatterjee
Road, Behala
Lat/Long: Lat 22.502942 Long
88.319492

Date, Time
and coordinates
given in photograph.

southern
side. Garbage/plastics/thermacol seen
floating in my pond from the
south side (south Bank)

Photograph taken on 16th Feb 2025,
during measurements by Sri Sandip Hazra - L.B.S. of KMC

[Signature]
25/3/25

Photograph - 4

House of Mr. Kajal Sarkar within premises NO - 139/1, D. H. Road, Behala, Kol - 700034. The sanctioned plan number mentioned by the Executive Engineer (KMC) and Ld. ADM, DL & LRD is B.P-2012130483 dated 08/12/12, in their sworn affidavits. Question arises as to how the permission was given to Mr. Kajal Sarkar to construct upon a total area of 1911 sqft when his the owner of 1560 sqft of land?

[Signature]
25/3/25

Photograph - 5



2 storied house of Mr. Kajal Sarkar within premises no. 139/1, D.H. Road, Kol - 700034.

Covered car parking space of Kajal Sarkar

Date time & coordinates of photograph given

Time: 03.09.2025 11:24
 Address: 339, Siddi Nath Chatterjee Road, Behala
 Lat/Long: Lat 22.502958 Long 88.319493

24.5 feet long Eastern boundary wall of Mr. Kajal Sarkar within KMC premises no 139/1, D.H. Road, Kol - 700034.

My area within premises 139, D.H. Road
 (Area B)
 588 sq ft compacted area on the south of my pond and source from where

where garbage is dumped on a regular basis.

25/3/25

25/3/25

25/3/25

Photograph - 6

Eastern boundary wall of Mr. Kajal Sarkar's house within premises NO - 139/1, D.H. Road, Kol - 700034 on the south of my pond.

The northern boundary wall of Mr. Kajal Sarkar's house 78 feet long. (he has encroached 4 feet 6" x 78 feet) into my pond within premises NO - 139, D.H. Road (Postal Address - 321, D.H. Road) Behala, Kol - 700034

[Signature]
25/3/25



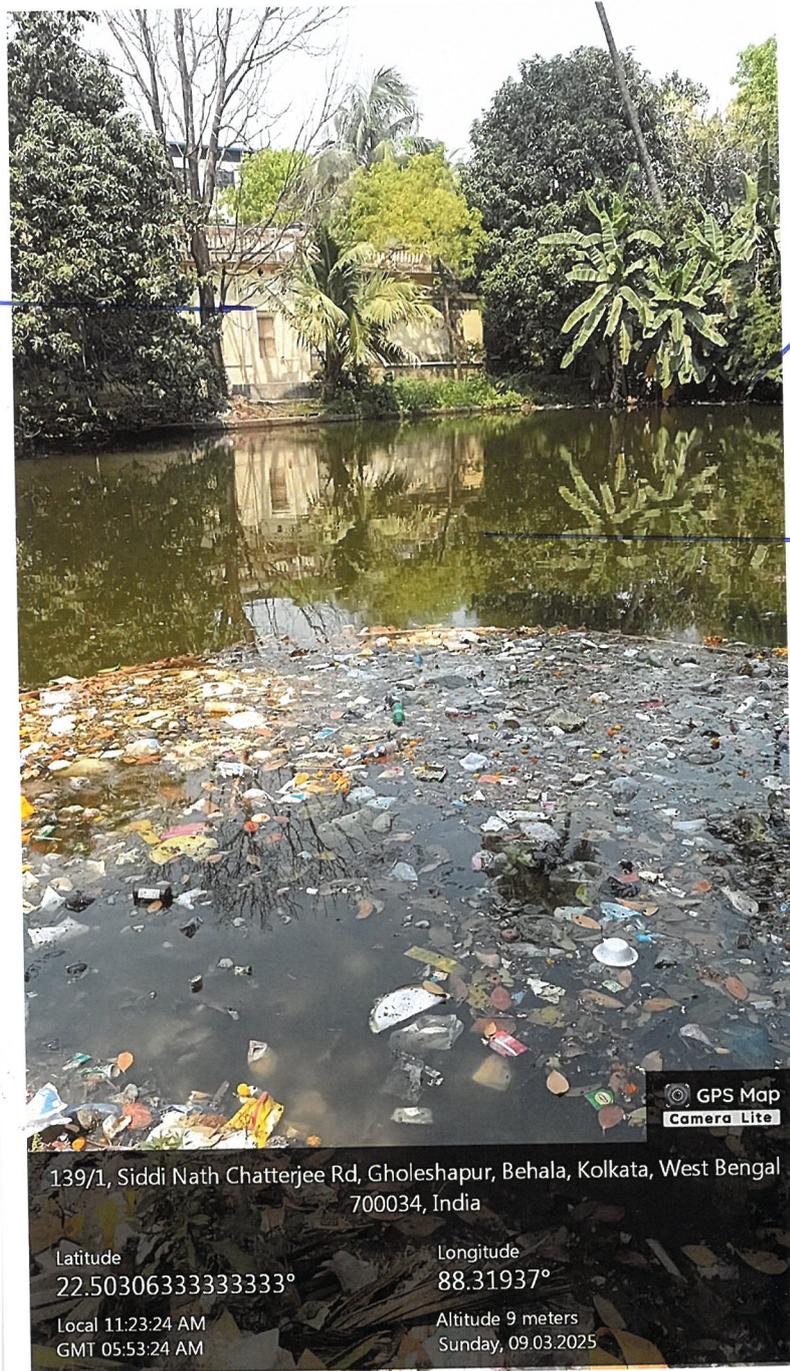
My pond situated on the north of Mr. Kajal Sarkar's house, (Dag NO - 13844) (Premises 139, D.H. Road) Holding NO - 321, D.H. Road, Kol - 700034. Garbage is floating in my pond.

The pile up of garbage has already started to be dumped into my pond from south and south eastern side of my pond.

Date, time and coordinates are seen in the photograph dated 9th March 2025.

[Signature]
25/3/25

Photograph - 7



My 90 year old home with 321, D.H. Road, (premises NO - 139, D.H. Road) PO & P.S. - Behala Kolkata - 700034

My home is on the West side of my pond

Monmukh
25/3/25

Northern side of my pond.

My pond with the Day No - 13844, situated within 321, D.H. Road (premises NO - 139, D.H. Road) PO & P.S. Behala, KMC ward NO - 119, Kol - 700034.

Monmukh
25/3/25

139/1, Siddi Nath Chatterjee Rd, Gholeshapur, Behala, Kolkata, West Bengal 700034, India

Latitude 22.50306333333333°

Longitude 88.31937°

Local 11:23:24 AM
GMT 05:53:24 AM

Altitude 9 meters
Sunday, 09.03.2025

Date, Time and Coordinates can be observed in the photograph. Garbage dumped from the south and south-Eastern side of my pond has already been seen floating on my pond. Photograph of 9th March 2025.

Monmukh
25/3/25

Photograph - 8



32, Siddi Nath Chatterjee Rd, Gholeshapur, Behala, Kolkata, West Bengal
700034, India

Latitude 22.50325333333337° Longitude 88.31929833333334°
Local 11:23:06 AM Altitude 9 meters
GMT 05:53:06 AM Sunday, 09.03.2025

GPS Map
Camera Lite

Another permanent source of cancer for gradual filling up of my pond. (Area - C) south-Eastern side of Pond

Tim/Asbestos sheets, wooden poles belonging erstwhile Behala Diamond Club can be seen in AREA-C and correlated with Annexure - 8 and Annexure - 9. This is the south-Eastern side of my pond which Behala Diamond Club is trying to encroach upon for last 15 years or so. Date and Time of photography with coordinates are visible.

Monmukh
25/3/25