



Government of West Bengal

Department of Environment

East Kolkata Wetlands Management Authority

Pranisampad Bhaban, 5th Floor, LB - 2, Sector - III, Salt Lake, Kolkata – 700106

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No: 040/CTO/EN/488/2022-2023

Date: 13.02.2023

Reasoned Order

In compliance with the Order of the Hon'ble High Court at Calcutta dated 22.08.2022 in the matter of W.P. A. (P) No.385 of 2022 (Nirmal Basu Vs. The State of West Bengal & Others), the Chief Technical Officer, East Kolkata Wetlands Management Authority (EKWMA) provided the applicant-petitioner, Mr. Nirmal Basu with an opportunity of hearing on 27.09.2022. The hearing was called with respect to the consideration of the representation made by the applicant-petitioner dated 01.08.2022 addressed to the Secretary, East Kolkata Wetlands Management Authority and Chief Technical Officer, East Kolkata Wetlands Management Authority alleging that fishing activity has stopped in Choto Paresher Bheri covering 250 bighas of wetland and illegally converted to agricultural land /paddy field situated at Mouza- Dhapa Manpur, JL No.1 under P.S. Bidhannagar (South), District- North 24 Parganas within the East Kolkata Wetlands .

CASE HISTORY:

- i) The Hon'ble Division Bench of the Calcutta High Court, on 22.08.2022 disposed of the matter passing direction upon the EKWMA to decide the representation of the petitioner dated 01.08.2022 expeditiously.
- ii) On 21.09.2022 vide Memo No. 395/CTO/EN/488/2022-23 letter was issued to the applicant-petitioner, Mr. Nirmal Basu by the Chief Technical Officer, EKWMA, to attend the hearing on 27.09.2022 at 1.00 p.m. with relevant documents.

HEARING:

Md. Sahinurzaman attended the hearing on 27.09.2022 before the CTO, EKWMA on behalf of the applicant-petitioner.

The Advocate submitted his written submission before the CTO, EKWMA on 27.09.2022 stating *inter alia* that the character of land in Choto Paresher Bheri has changed from waterbody to agricultural land and requested the Authority to investigate into the matter.

The CTO, EKWMA briefed the Advocate about the present status of land as per the Schedule of East Kolkata Wetlands (Conservation and Management) Act, 2006 stating that the entire Bon Gheri is classified as "Substantially water body oriented area".

According to Section 9 of the EKW (C&M) Act of 2006 notwithstanding anything contained in any law for the time being in force, every person holding any land in the East Kolkata Wetlands shall maintain and preserve such land in a manner that its area is not diminished, or character is not changed except with the previous sanction of the Authority

From 04.12.2010 East Kolkata Wetlands (EKW) being a Ramsar site came under the purview of the Wetlands (Conservation and Management) Rules, 2010 under the Environment (Protection) Act, 1986 notified by the Government of India. As per Rule 4(1)(vi) of the said Rules of 2010, any construction of a permanent nature was prohibited within the East Kolkata Wetlands.

In the year 2017, the Wetlands (Conservation and Management) Rules, 2010 were superseded by the Wetlands (Conservation and Management) Rules, 2017. Rule 4(2)(vi) of the Wetlands Rules of 2017 retained the same prohibition as mentioned in Rule 4(1)(vi) of the Wetlands Rules of 2010.

On 19.10.2022 one Field Inspection was conducted by the staffs of EKWMA on the Choto Paresher Bheri, situated at RS Dag No.1602 and R.S. Dag No.2255 at Mouza- Dhapa Manpur, JL No.1 under P.S. Bidhannagar (South), District- North 24 Parganas. The field Inspection Report states that the RS Dag No.1602 and 2255 is fenced with concrete pillars and barbed wire, on which paddy cultivation is going on. Earlier on this land there was a waterbody namely ' Choto Paresher Bheri' As

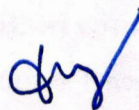
per the ROR the character of the present land is BEEL and it belongs to the District Collector, North 24 Parganas. The google imagery of 2015 also shows that the said area was waterbody.

A letter was issued to the Collector, North 24 Parganas vide letter No.466/CTO/EN/488/2022-2023 dated 01.12.2022 by the CTO, EKWMA requesting to clarify how the character/mode of use of land from waterbody to agricultural land took place in the said Dag No. without permission from the EKWMA.

As no reply was received from the Collector, North 24 Parganas, another reminder letter vide No.014/CTO/EN/488/2022-23 dated 18.01.2023 was sent to the Collector, North 24 Parganas and response is awaited.

All the steps have been approved by the Member Secretary, East Kolkata Wetlands Management Authority.

All concerned may be informed accordingly.



Chief Technical Officer

East Kolkata Wetlands Management Authority

No: 0408/CTO/EN/488/2022-2023

Date: 13.02.2023

Copy forwarded to:

1. OSD to Hon'ble Minister-in-Charge, Environment Department
&
Chairperson, East Kolkata Wetlands Management Authority, Government of West Bengal
2. Sr. P.S. to Principal Secretary, Environment Department, Government of West Bengal
3. District Magistrate, North 24 Parganas
4. Commissioner, Bidhannagar Municipal Corporation
5. Commissionerate of Police, Bidhannagar Police Commissionerate
6. Inspector-in-Charge, South Bidhannagar Police Station
7. Sri Nirmal Basu, 133B/6, A.P.C.Road, Beadon Street, Kolkata-700006.
8. Md. Sahinurzaman, Advocate.



Chief Technical Officer

East Kolkata Wetlands Management Authority