



Government of West Bengal
Department of Environment
East Kolkata Wetlands Management Authority
Pranisampad Bhaban, 5th Floor, LB - 2, Sector - III, Salt Lake, Kolkata – 700106
Ph.: 91-33-2335 3003, Fax: 91-33-2335 6403

No: 098-CTO/EN/200(7)/2022-2023

Date: 30.03.2023

Reasoned Order

It has come to the notice of East Kolkata Wetlands Management Authority (EKWMA) that construction of a bridge has been initiated over Bidyadhari 2 No. Khal, at bargheri area opposite bantala 2 no. bheri, RS Dag No. 1622/1796 & 1622/1797, Mouza: Dhapa, PS Anandapur, Kolkata Municipal Corporation Ward No.108 by blocking normal sewage flow of the canal. The aforementioned works are illegal and violate the provision(s) of section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 (2)(vi) Wetlands (Conservation & Management) Rules, 2017.

A complaint was lodged by EKWMA with the Anandapur Police Station on 09.12.2022. One case was initiated on the basis of the complaint by Anandapur Police Station vide Anandapur PS Case No.214 dated 14.12.2022 u/s 18 of the EKW (C&M) Act, 2006. It has been learnt that one Dukhiram Mondal@Dukhe is involved in the said construction. The Block Land & Land Reforms Officer, Kolkata, South 24 Parganas has reported that the recorded owner of both Plot No.1622/1796 (classified as KHAL) and the Plot No.1622/1797 (classified as BANDH) is Smt. Bandana Singh.

Adhering to the provisions of section 11 of the East Kolkata Wetlands (Conservation & Management) Act, 2006, the Chief Technical Officer, EKWMA vide letter dated 026/CTO/EN/108(7)/2020-2021(link-1) dated 27.01.2023 directed Smt. Bandana Singh, W/o Birendra Nath and Sri Dukhiram Mondal@Dukhe to attend the hearing on 09.02.2023 with relevant documents.

HEARING:

On 09.02.2023 Sri Dukhiram Mondal@Dukhe attended the hearing but no one appeared on behalf of Smt. Bandana Singh .

As per the East Kolkata Wetlands (Conservation and Management) Act, 2006 the land on which construction of bridge has been initiated at Bidyadhari 2 No. Khal, at bargheri area opposite bantala 2 no. bheri, RS Dag No. 1622/1796 & 1622/1797, Mouza: Dhapa, PS Anandapur, Kolkata Municipal Corporation Ward No.108 is classified as "Substantially water body oriented area".

During hearing Sri Dukhiram Mondal@Dukhe stated that he does not know anything about such construction in the said land.

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.

Section 11(1) of the EKW (C&M) Act of 2006 states that if the authority is, either suo moto or on receipt of any information, satisfied that the character or mode of use of a land is being changed or has been changed in contravention of any provision of this Act, it may, by order in writing, require the person responsible for the change to restore the land at his own expense, to the original character or mode of use within such period as may be specified in the order and, in case of default by such person, undertake the restoration by itself and recover the cost thereof as arrears of land-revenue.

Provided that before passing the order the Authority shall give the person a reasonable opportunity of being heard.

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 is 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.

CONCLUSION-

Taking into considering the above points, the Chief Technical Officer, EKWMA is of the opinion that the construction of a bridge has been initiated over Bidyadhari 2 No. Khal, at bargheri area opposite bantala 2 no. bheri, RS Dag No. 1622/1796 & 1622/1797, Mouza: Dhapa, PS Anandapur, Kolkata Municipal Corporation Ward No.108. The aforementioned works are illegal and violate the provision(s) of section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Rule 4 (2) (vi) Wetlands (Conservation & Management) Rules, 2017. Hence, the violators i.e. Smt. Bandana Singh and Sri Dukhiram Mondal@Dukhe are directed to demolish the bridge within 30 days from issuance of the Reasoned Order and the subject land be restored to its previous status, or else action shall be taken in accordance with law.

This issues with the approval of Member Secretary, EKWMA.



Chief Technical Officer

East Kolkata Wetlands Management Authority

No: 098/CTO/EN/200(7)/2022-2023

Date: 30.03.2023

Copy forwarded for your information and necessary action :

1. Smt. Bandana Singh, W/o. Brendra Nath, Rampur, Hasnabad, Dist. North 24-Parganas, PIN-743439.
2. Dukhiram Mondal @ Dukhe
3. Commissioner, Kolkata Municipal Corporation.
4. Deputy Commissioner, East Division, Kolkata Police
5. The Officer-in-Charge, P.S. Anandapur, Kolkata Police, requested to serving the notice to the above said persons and post this notice at a prominent place at the site mentioned above.
6. The OSD to Hon'ble Minister -in-Charge, Environment Department, Government of West Bengal.
7. Sr. P.S. to Principal Secretary, Environment Department, Government of West Bengal.

Sincerely,



(Kaliyamurthi Balamurugan)