



**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: 192-CTO/EN/492/2022-2023

Date: 21.06.2023

**Reasoned Order**

Smt. Arati Ghosh filed a Writ Petition No. 8360 of 2021 before the Hon'ble High Court at Calcutta alleging unauthorized construction has taken place in the land within East Kolkata Wetlands at RS Dag No. 502, under Khatian No. 225 in Mouza -Nonadanga, J.L. No. 10, District-South 24 Parganas without any permission from EKWMA by some person/developer who has no right/title in the land violating the provision(s) of section 9 of East Kolkata Wetlands (Conservation and Management) Act, 2006 and Wetlands (Conservation & Management) Rules, 2017. The Hon'ble High Court at Calcutta on 18.07.2022 has directed the CTO, EKWMA to consider and dispose of the matter after giving an opportunity of hearing to the petitioner. On 11.11.2022 the petitioner, Smt. Arati Ghosh alongwith her brother Sri Sujit Ghosh and Advocate Sanjay Bhattacharya appeared for hearing before CTO, EKWMA where she stated that unauthorized/ illegal construction was done by some person/developer who has no right/title in the land at Dag No. 502, under Khatian No. 225 in Mouza -Nonadanga, J.L. No. 10, District-South 24 Parganas which lies within the EKW area.

EKWMA conducted a Joint Field Inspection 07.02.2023 with the concerned authority, BL&LRO, Kolkata under South 24 Pgs, Anandapur police officials, KMC as well as the petitioner, however no one appeared on behalf of KMC on the said date. During inspection it was found that many buildings have been constructed in the said Dag No. BL&LRO, Kolkata under South 24 Pgs sent a field inspection report alongwith a sketch map of the said land, wherein it is mentioned that the subject plot is partly vacant dry land and partly consist of residential apartments and shops, plot is raiyati in nature. BL&LRO, Kolkata under South 24 Parganas was requested to send names of the recorded owners at the said plot alongwith communication address. BL&LRO, Kolkata under South 24 Pgs, send the name of the following persons Md. Khalil, Nuresa Khatoon, Abdul Salam, Sheik Aijuddin which was

found as per the ROR but could not provide the communication address. Hence, they could not be called for hearing.

As per the website of the IG Registration Office, four nos. of Deed were identified and CTO, EKWMA requested the IGR, Kolkata to provide the hard and soft copy of the said deeds. The IGR, Kolkata sent copy of four deeds at Dag No. 502, Mouza -Nonadanga, J.L. No. 10, District-South 24 Parganas where the names of the following persons have been found as purchasers, they are: 1. Sk. Arshad Ali, 2. Nasir Hussain, 3. Rizwana Khatoon. One letter was issued to the Commissioner, Kolkata Municipal Corporation by the CTO, EKWMA on 30.03.2023 to report if any sanction was given for construction of the buildings at the said land which falls within the KMC Ward No. 108 and if no sanction was given to the buildings what action has been taken by KMC against these buildings. Till date awaiting reply from KMC.

On 31.03.2023 Sk. Arshad Ali, Nasir Hussain, and Rizwana Khatoon were called for hearing before the CTO, EKWMA but letters were returned back from the post office. Again letter was issued to them requesting to attend hearing on 19.04.2023 before CTO, EKWMA but no one appeared except one Advocate Ansar Ali and Sk Almas Hossain representing Sk. Arshad Ali. In this hearing, the representative of Sk. Arshad Ali admitted that Sk. Arshad Ali purchased a small portion of land at the said Dag No. but they have not constructed any building there. They stated that they would submit their written statement in this office. But till date we have not received any written statement from him.

As per the schedule of East Kolkata Wetlands (Conservation & Management) Act, 2006, land at RS Dag No. 502, Mouza -Nonadanga, J.L. No. 10, District-South 24 Parganas, Kolkata Municipal Corporation Ward No.108 is classified as "Substantially water body oriented area (full)".

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 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-

Considering the above points, the Chief Technical Officer, EKWMA is of the opinion that many unauthorised construction/buildings has been made by the violators at RS Dag No. 502, Mouza -Nonadanga, J.L. No. 10, District-South 24 Parganas within Kolkata Municipal Corporation Ward No.108 flouting the provision(s) of section 9 of East Kolkata Wetlands (Conservation & Management) Act, 2006 and Section 4 of the Wetlands (Conservation & Management) Rules, 2017 since EKWMA has not given permission to any person for change of character or mode of use of land after 2006.

Hence, Sk. Arshad Ali, Nasir Hussain and Rizwana Khatoon are directed under section 11(1) of the EKW (C&M) Act, 2006 to demolish the illegal construction within 30 days of issuance of the Reasoned Order and to restore the subject land to its previous state or action shall be taken as per law.

In case the violators fail to comply with the directions within the stipulated period, KMC is directed under section 4(b) of the EKW (C&M) Act, 2006 take undertake demolition of the said illegal constructions and restore the cost from the violators. The field inspection report of BL&LRO Kolkata under South 24 Pgs is attached for ready reference. Further any query about the land regarding please contact the concerned BL&LRO.

This issues with the approval of Member Secretary, EKWMA.

  
Chief Technical Officer

East Kolkata Wetlands Management Authority

No: 1928 CTO/EN/492/2022-2023

Date: 21.06.2023

Copy forwarded for your information and necessary action :

1. Sk. Arshad Ali, S/o Sekh Asgar Ali, 3A/3, Brick Field Lane, P.O & P.S-Tiljala, Kolkata-700039.
2. Nasir Hussain, S/o Mohammed Izhar, Sun Flower Property, 47Y, Golam Jilani Khan Road, P.O.& P.S-Tiljala, Kolkata-700039.
3. Rizwana Khatoon, D/o Nasim Khan, 147/G, West Chowbaga, P.O- Chowbaga, P.S-Anandapur, Kolkata-700105.
4. Commissioner, Kolkata Municipal Corporation.
5. Deputy Commissioner, East Division, Kolkata Police
6. The Officer-in-Charge, P.S. Anandapur, Kolkata Police,
7. The OSD to Hon'ble Minister -in-Charge, Environment Department, Government of West Bengal.
8. Sr. P.S. to Principal Secretary, Environment Department, Government of West Bengal.
9. Smt. Arati Ghosh, 20, Raicharan Ghosh Lane, Kolkata-700039.

Sincerely,



(Kaliyamurthi Balamurugan)