

**Government of West Bengal**  
**Department of Environment**  
**East Kolkata Wetlands Management Authority**  
Pranisampad Bhavan, 5<sup>th</sup> Floor, LB-2, Sector-III, Salt Lake, Kolkata – 700 106

Reasoned Order

No. **043** /EN/3C-60/2017(Pt-1)

Date: **08** .02.2022

**WPO 541 of 2017**  
**People United for Better Living in Calcutta**  
**Vs**  
**The Union of India & Ors**

Reasoned Order in compliance with the Order of the Hon'ble High Court at Calcutta dated 24.12.2021

**Background of the case:**

On 19.05.2021 East Kolkata Wetlands Management Authority (EKWMA) was apprised of filing Case no. 69/21 dated 03.03.2021 by Bidhannagar South Police Station. In reply to the said communication the EKWMA informed the police that Dag nos. 1527, 1528, 1552, 1553, 1563, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1643, 1649, 1650, 1651, 1652, 1752, 1755, 1760, 1797, 1798 of Mouza Dhapa Manpur, JL no. 1 fall within the East Kolkata Wetlands. EKWMA also informed that *Choto Bongheri Bheri*, *Boro Bongheri Bheri* and *Rabi Ghosher Bheri* in Mouza Dhapa Manpur, JL no. 1, PS South Bidhannagar, Dist North 24 Parganas are within the East Kolkata Wetlands.

EKWMA on 30.06.2021 forwarded two complaints — i) from the People United for Better Living in Calcutta (PUBLIC) dated 22.06.2021 and (ii) from the Society for Creative Opportunities and Participatory Ecosystems (SCOPE), Kolkata dated 09.06.2021 — to South Bidhannagar PS. Chief Technical Officer, EKWMA sent another communication dated 16.07.2021 to the Commissioner of Police, Bidhannagar Police Commissionerate with intimation that the aforesaid three water bodies were filled up and a two storey permanent building was constructed thereon by violating the East Kolkata Wetlands (Conservation and Management) Act, 2006 and the Wetlands (Conservation and Management) Rules, 2017 notified by the Government of India.

On 26.08.2021 EKWMA wanted to know the name of the accused person and status of Case no. 69/21 dated 03.03.2021 filed by the police from South Bidhannagar PS. In reply dated 31.08.2021, the police informed the name of Kajeul Sardar, S/o. Oajed Sardar of Village Nittymananda Kathi, PS Swarupnagar, Dist. North 24 Parganas and also informed that a two storied building existed at the subject land since last 3 to 4 years.

Pertinently, in the matter of WPO No 541 of 2017 the Commissioner of Police, Bidhannagar Police Commissionerate stated that Inspector-in-Charge of Bidhannagar South PS visited the spot and enquired about it. From the police

enquiry it came to the light that a single storey building was constructed four years back. But, within one and a half years the building was turned into a two storey building.

EKWMA requested the Commissioner of Police, Bidhannagar Police Commissionerate and the Chairman cum Managing Director, West Bengal State Electricity Distribution Company Limited to comply with the Order dated 29.11.2021 passed by the High Court at Calcutta.

EKWMA served stop work notice on 17.09.2021 which was received by a representative of Kajeul Sardar namely Rajib Lal Dhar. The Additional Chief Secretary, Environment Department and Member Secretary, East Kolkata Wetlands Management Authority through a communication dated 17.12.2021 requested the District Magistrate, North 24 Parganas to lock and seal the building at Bon Gheri Bheri at Mouza Dhapa Manpur, JL no. 1, PS South Bidhannagar. In reply, the SDO, Bidhannagar on 19.12.2021 communicated that locking and sealing of the subject property was done.

In compliance with the Order dated 24.12.2021 of the Hon'ble High Court at Calcutta an opportunity of hearing was provided to Kajeul Sardar under Section 11 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 on 24.02.2022. But, owing to non-delivery of the hearing notice the accused person was not present at the hearing. So, he was again provided with another opportunity of hearing on 31.01.2022.

**Hearing:**

Kajeul Sardar was called for the hearing on 31.01.2022 where he was present with his lawyer Shri Arindam Sen. They submitted a written submission which is as follows:

During the hearing he has admitted that he made the construction without securing permission of the East Kolkata Wetlands Management Authority for providing accommodation to his labourers. In the written statement he has stated that he made some addition and alteration, and some repairing in the subject construction. However, he has also admitted to demolish the constructed structure within the stipulated timeline of the order as and when issued.

Considering the above facts, Kajeul Sardar is hereby directed to dismantle the constructed building within 15 days from the date of issue of this letter, failing which East Kolkata Wetlands Management Authority will take necessary steps under Section 11 of the East Kolkata Wetlands (Conservation and Management) Act, 2006.

All concerned may be informed accordingly.



Chief Technical Officer,

East Kolkata Wetlands Management Authority

Chief Technical Officer

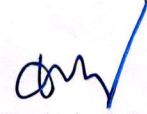
East Kolkata Wetlands Management Authority  
Deptt. of Environment, Govt. of West Bengal

No. 043 -/EN/3C-60/2017(Pt-1)

Date: 08 .02.2022

Copy to:

1. Hon'ble Minister-in-Charge, Environment Department,  
&  
Chairman, East Kolkata Wetlands Management Authority  
Government of West Bengal
2. Additional Chief Secretary, Environment Department, Government of West Bengal
3. The Commissioner, Bidhannagar Municipal Corporation
4. District Magistrate, Dist. North 24 Parganas
5. The Commissioner, Bidhannagar Police Commissionerate
6. Block Development Officer, Rajarhat
7. The Inspector-in-Charge, P.S. South Bidhannagar
8. Kajeul Sardar
9. Guard File



Chief Technical Officer,

East Kolkata Wetlands Management Authority

Chief Technical Officer  
East Kolkata Wetlands Management Authority  
Deptt. of Environment, Govt. of West Bengal