



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 104/2023/EZ

In The Matter of:

Subhas Dutta

... Applicant

Versus

State of West Bengal & Ors.

... Respondents

COMPLIANCE AFFIDAVIT OF THE RESPONDENT NO. 9, THE COMMISSIONER OF POLICE, HOWRAH POLICE COMMISSIONERATE IN TERMS OF THE ORDER OF THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH KOLKATA

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Filed by

Sibajyoti Chakrabarti
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ADVOCATE

FOR THE STATE OF WEST BENGAL

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04 JAN 2024

Before the National Green Tribunal, Eastern Zone Bench, Kolkata

Original Application 104/2023/EZ



Subhas Dutta

...Applicant.

-Vs-

The State of West Bengal and Ors.

..Respondents.

**COMPLIANCE AFFIDAVIT OF THE RESPONDENT NO. 9, THE COMMISSIONER OF
POLICE, HOWRAH POLICE COMMISSIONERATE IN TERMS OF THE ORDER OF
THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH KOLKATA**

I, Shri, Praveen Kumar Tripathi son of Shri Sitaram Tripathi, aged about 49 years, by faith: Hindu, by occupation- Government Service, now posted as Commissioner of Police, Howrah, District: Howrah Pin No. 711101 do hereby solemnly verify and say as follows:-

1. I am the Commissioner of Police, Howrah within the State of West Bengal competent to affirm this affidavit and I have made myself acquainted with the facts and circumstances of this case on behalf of the respondent no. 9.

2. That I have received the server copy of the order dated 10.10.2023 passed in O.A. No. 104/2023/EZ by Hon'ble National Green Tribunal from Shri Sibojyoti Chakraborty, Ld. Counsel for the State.

3. That in the said order, Hon'ble Tribunal in context of the contention of the said Original Application directed the Commissioner of Police, Howrah to file his affidavit showing action taken with respect to the various letters issued by the respondent no. 4 i.e. Estate Manager, Kolkata Port Turst, presently Shyama Prasad Mukherjee Port, Kolkata.

4. That this Affidavit is being affirmed in pursuant to the solemn order passed by the Hon'ble Tribunal on 10.10.2023.

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5. That from the present Original Application, it has been revealed that in 2007, the Chief Scientist and Head, Technical Cell, West Bengal Pollution Control Board, vide its Memo No. 1715-4A-2/2007 dated 03.09.2007 passed a shifting order and directed nine numbers of hotels/eateries namely i) M/S. Abhishek Hotel ii) M/S. Dutta Cabin iii) M/S. Sai Ganga Hindu Hotel iv) M/S. Sonkar Hindu Hotel v) M/S. Jay-Bijay Hindu Hotel vi) M/S. Hotel of Sri Dilip Sonkar vii) M/S. Hotel of Sri Kailash Sonkar viii) M/S. Durga Mukesh Hindu Hotel ix) M/S. Islamia Hotel operating at the bank of river Ganga at Chandmari Ghat, Howrah, to shift their activity from their present premises to any other location within six months.

6. That after passing the order by the West Bengal Pollution Control Board, vide its Memo No. 1715-4A-2/2007 dated 03.09.2007 the following letters were received from the respondent no. 4, Shyama Prasad Mukherjee Port authority seeking police assistance for removal of illegal encroachments. The letters were duly forwarded to the concerned Officer-in-Charge of Golabari Police Station for taking action.

- i) No. Lnd 5439/10/15/3097- dt. 19.01.2015
- ii) No. Lnd 5439/WB Pollution Control Board /16/892-dt. 02.06.2016
- iii) No. Lnd 3164/9/17/56-dt. 05.03.2017
- iv) No. Lnd 5439/WB Pollution Control Board /17/1988-dt. 04.07.2017
- v) No. Lnd 5439/WB Pollution Control Board /18/2080-dt. 14.09.2018
- vi) No. Lnd 5439/WB Pollution Control Board /18/2802-dt. 14.12.2018
- vii) No. Lnd 5439/WB Pollution Control Board /19/2124-dt. 16.09.2019
- viii) No. Lnd 5439/WB Pollution Control Board /21/124-dt. 14.01.2021
- ix) No. Lnd 5439/WB Pollution Control Board /22/2899-dt. 23.09.2022
- x) No. Lnd 5439/WB Pollution Control Board /23/2330-dt. 07.09.2023

7. That in compliance to the order of Hon'ble National Green Tribunal, direction was issued to the Officer-in-charge, Golabari Police Station by the answering respondent vide Memo No. 1575/23/Legal Cell/ M.R. - 196 dated 31.10.2023 and Org. No. 1595/23/Legal Cell/ M.R. - 196 dated 02.11.2023 for taking necessary action. (Annexure - A & B)

8. That Officer-in-charge, Golabari Police Station, submitted his report vide D.R. No. 5308/23 dated 07.12.2023 stating that 12 (twelve) number of hotels are situated at and around Chandmari Ghat opposite to Howrah Railway Station which are being run for more than 50 years. More than 150 persons are employed in those hotels. More than 50,000 (fifty thousand) commuters used to take food from those hotels every day. (Annexure - C)

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9. That the effluents and wastes produced by the hotels / eateries are discharged through the pipe lines connected to the nearby underground drainage and finally dumped in river Ganga. In this regard a proper sewerage system and waste management system is required by the competent authority.

10. It has been revealed that since 2015, the respondent no. 4 used to submit one letter every year seeking necessary police assistance for removal of unauthorized hotels situated at Chandmari Ghat opposite to Howrah Railway Station. But no further communication or joint inspection did for executing the order of Hon'ble National Green Tribunal peacefully as informed by the Officer-in-charge, Golabari Police Station. No such inspection or assessment was conducted by the respondent no. 4 involving all stakeholders. There is every chance of cropping up of serious Law and Order issues and breach of peace if the eviction takes place without proper assessment and adequate police deployment at the time of eviction. As there are nine numbers of hotels to be evicted/shifted and livelihood of many people will be affected. Detail planning and huge number of police force will be required for execution of the order.

11. That on 23.11.2023, the Officer-in-charge, Golabari Police Station, Howrah issued a letter to the Asst. Estate Manager & Authorised Officer, Under Public Premises, Shyama Prasad Mukherjee Port, 1st floor, 6, Fairly Place, Vairie Warehouse, Kolkata - 700001 requesting for fixing a date for joint inspection and assessment for eviction of hotels / eateries at Chandmari Ghat, opposite to Howrah Railway Station involving all concerned departments. (Annexure - D)

12. That on 18.12.2023, the Officer-in-charge, Golabari Police Station received a letter from one S.K. Chowdhury, Assistant Estate Manager-Raid, Shyama Prasad Mukherjee Port, Kolkata vide No. Lnd 3163/C/IV/23/3175 regarding holding joint inspection on 22.12.2023 at 12.00 hrs. (Annexure - E)

13. That accordingly, on 22.12.2023, a joint inspection and co-ordination meeting in connection with eviction of hotels at Chandmari Ghat, opposite to Howrah Railway Station was held in presence of all stake holders. During inspection it has been decided that next meeting will be held after the Gangasagar Mela and thereafter date of eviction will be fixed up. The minute of the inspection is annexed herewith marked as Annexure - F.

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14. The answering respondent is also taking appropriate steps and undertakes to comply with all orders passed by This Hon'ble Tribunal in this regard.

15. The statements made in paragraph 1 to 14 are based on information derived from the record which are usually kept and maintained by the answering respondent in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office

Sibojyoti Chakrabarti
Advocate
09.01.2024
For the state of West Bengal

Praveen Kumar Tripathi
Deponent
Commissioner of Police
Howrah Police Commissionerate



BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS

VERIFICATION

SL. NO. 151/2024

I, Shri, Praveen Kumar Tripathi the deponent do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

S/ Verified at Kolkata on^{4th} day of January, 2024.

Prepared by me

Sibojyoti Chakrabarti
Advocate
09.01.2024.
The State of West Bengal

Praveen Kumar Tripathi
Deponent
Commissioner of Police
Howrah Police Commissionerate

S/
S. CHAUDHURI
* NOTARY *
GOVT. OF INDIA
Regn. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs

04 JAN 2024

Office of the
Commissioner of Police
Howrah

Memo No./ 575 /23/ Legal Cell / M.R. - 196

Dated: 3/10.2023

To,
Shri Sudip Singh,
Officer -in-Charge,
Golabari Police Station,
Howrah.

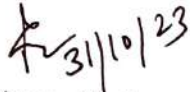
Sub: Order dated 10.10.2023 passed by Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata in c/w O.A No. 104/2023/EZ in the matter of Subhas Dutta -Vs.- State of West Bengal & Ors.

Enclosed please find a copy of order dated 10.10.2023 passed by Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata in c/w O.A No. 104/2023/EZ in the matter of Subhas Dutta -Vs.- State of West Bengal & Ors., which speaks for itself.

Also find enclosed herewith copy of affidavit dated 05.10.2023 filed by the respondent no. 4, Shyama Prasad Mukherjee Port which reflects that several requisitions for police assistance for implementation of eviction order relating to removal of hotels/eateries on the SMPK Premises at Chandmari Ghat, opposite Howrah Railway Station.

You are directed to send detail report on the action taken by the police on the basis of the requisitions send by Shyama Prasad Mukherjee Port for providing police assistance in compliance of the order of Hon'ble National Green Tribunal, to the undersigned within 10 (Ten) days for filling affidavit before the Hon'ble National Green Tribunal.

Encl : As stated above.


Commissioner of Police
Howrah
Commissioner of Police
Howrah Police Commissionerate

To :- DCP Traffic / I.C. Golabari PS, H.P.C. (.)

From :- Commissioner of Police, Howrah (.)

Org. No. 1595/23/Legal Cell/ M.R. – 196

Dated. 02.11.2023

Ref :- Order dated 10.10.2023 passed by Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata in c/w O.A No. 104/2023/EZ in the matter of Subhas Dutta –Vs.- State of West Bengal & Ors.

In connection with above noted matter the respondent no. 4 i.e. Shyama Prasad Mukherjee Port has filed an affidavit on 05.10.2023 before the Hon'ble National Green Tribunal.

It has been revealed that the following letters were received from the Shyama Prasad Mukherjee Port authority seeking police assistance for removal of illegal encroachments. The letters were duly forwarded to you from this office for your report from this office.

Sl. No.	Reference of letter received	Reference Memo No. of C.P. office	Forwarded to
1	No. Lnd 5439/10/15/3097-dt. 19.01.2015	Memo No. 729-V dt. 05.02.2015	PA to DCP (Tr)
2	No. Lnd 5439/WB Pollution Control Board /16/892-dt. 02.06.2016	Memo No. 4596-V dt. 03.06.2016	O/C Golabari PS
3	No. Lnd 3164/9/17/56-dt. 05.03.2017	Memo No. 2929-V dt. 10.03.2017	O/C Golabari PS
4	No. Lnd 5439/WB Pollution Control Board /17/1988-dt. 04.07.2017	Memo No. 7771-V dt. 11.07.2017	O/C Golabari PS
5	No. Lnd 5439/WB Pollution Control Board /18/2080-dt. 14.09.2018	Memo No. 10738-V dt. 30.10.2018	O/C Golabari PS

6	No. Lnd 5439/WB Pollution Control Board /18/2802-dt. 14.12.2018	Memo No. 12463-V dt. 18.12.2018	O/C Golabari PS
7	No. Lnd 5439/WB Pollution Control Board /19/2124-dt. 16.09.2019	Memo No. 9388-V dt. 18.09.2019	O/C Golabari PS
8	No. Lnd 5439/WB Pollution Control Board /21/124-dt. 14.01.2021	Memo No. 484-V dt. 15.01.2021	O/C Golabari PS
9	No. Lnd 5439/WB Pollution Control Board /22/2899-dt. 23.09.2022	Memo No. 11277-V dt. 28.09.2022	O/C Golabari PS
10	No. Lnd 5439/WB Pollution Control Board /23/2330-dt. 07.09.2023	Memo No. 11021-V dt. 18.09.2023	O/C Golabari PS

You are directed to furnish a report regarding action taken over the letters endorsed to you at earliest.

Most urgent.

A 02/11/23
Commissioner of Police
Howrah



MR-196
GA-104

9

Amme... C

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To,
The Commissioner of Police,
Howrah Police Commissionerate,
Howrah.

Through: OC Legal Cell.

Ref: - Your good office Memo No. 1595/23/Legal Cell/MR-196 Date: 02.11.2023 in c/w O.A No. 104/2003/EZ in the matter of Subhas Dutta -VS- State of west Bengal & others.

Sir,

With due respect I would like to report on the above mentioned matter. There are good number of hotels and eateries near Howrah Railway Station beside the river Hooghly which are the concern subject.

In this regard, Letters were received from the Asst. Estate Manager & Authorized Officer, Syama Prasad Mookerjee Port vide memo No. Lnd/1/22/4751 dated 22.12.2022, letter dated 28.01.2023 in proceeding No. 785 of 2006, letter dated 28.01.2023 in proceeding No. 784 of 2006, memo No. Lnd.3600/IV/23/2601 dated 10.10.2023 in my tenure. Some letters may also be received by this office earlier.

After receiving these letters, preliminary enquiry was conducted. During enquiry it revealed that more than 10(ten) number of hotels are situated at and around Chandmari Ghat opposite to Howrah Railway Station which are being run for at least 50 years and above. More than 150 persons are employed in those hotels. More than 50,000 (fifty thousand) railway passengers and common people use to take food from those hotels every day. During enquiry it revealed that at the time of eviction serious law & order problem can not be ruled out. A strong police arrangement is needed in this scenario.

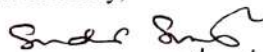
The effluents which are discharged through the pipe lines connecting the hotels find their way in to the nearby underground drainage lines which directly leads to the river Ganga.

Several letters were issued by the Estate Manager, Kolkata Port Trust / Syama Prasad Mookerjee Port to provide police assistance. Due to different festivals, political and other programmes, police were engaged in huge number of law and order duties. So force can not be provided to the Port Trust authority.

Myself sent a letter on 23.11.2023 to the The Asst. Estate Manager, & Authorised Officer, Under Public Premises, Shyama Prasad Mukherjee Port, 1st floor, 6, Fairlie Place, Vairie Warehouse, Kolkata 700001 requesting him to fix a date for joint inspection cum assessment involving the Howrah Municipal Corporation, Howrah Police Commissionerate, other concerned departments and his department . The letter was duly received at the office of the Syama Prasad Mookerjee Port on 23.11.2023. We are ready to provide police assistance after the joint inspection and assessment of the situation.

This is for your kind perusal.

Yours faithfully,



Officer-in-Charge 7/12/2023
Golabari Police Station
Howrah Police Commissionerate, Howrah.

Officer-in-Charge

Golabari P.S

Howrah

DRNO-5308/23

Dt. 07/12/2023

Attached herewith:-

1. Copy of letter dated 23.11.2023 issued to Syama Prasad Mookerjee Port.

SMP**SYAMA PRASAD MOOKHERJEE PORT, KOLKATA**

Formerly Kolkata Port Trust

General Administration Department

Estate Division

6, Fairlie Place, 2nd Floor, Kolkata – 700001

No.Lnd.3163/C/IV/23/3175

18.12.23

The Officer-in-Charge
Golabari Police Station
Dr. Abani Dutta Road, Panchghara, Howrah
Pin - 711101

Sir,

Re: - Your letter dated 23.11.2023 reg. joint inspection and assessment for eviction of unauthorized hotels at Chandmarighat, opposite to Howrah Railway Station i.c.w Order passed by the Ld. Registrar, Pollution Control Appellate Authority (WB) dated 08.04.2008, r/w Order dated 16.07.2013 passed by The National Green Tribunal, Principal Bench, New Delhi in Appeal No. 54/2013(THC) (WP No. 10158 of 2008 of High Court, Calcutta).

In reference to your above letter dated 22.11.2023 (photocopy enclosed) I have been directed to request you to conduct the aforesaid joint inspection & assessment of the Chandmarighat area, Howrah, for eviction operation of unauthorized units, on 22.12.2023 at about 12 P.M.

The undersigned will be at the site with its team of SMPK officials on 22.12.2023 at about 12 P.M. for any other requirement the undersigned may be contracted for assistance.

Encl:- As stated

Yours faithfully

Sd/-

(S.K Chowdhury)

Assi. Estate Manager-Raid

For Estate Manager (I/C)

Mb: No: - 9433086156



The Asst. Estate Manager,
&
Authorised Officer,
Under Public Premises,
Shyama Prasad Mukherjee Port,
1st floor, 6, Fairlie Place,
Vairie Warehouse, Kolkata 700001.

6353 23/11/23

Ref:- Order Passed by the Ld Registrar, Pollution Control Appellate Authority (West Bengal) dated 08.04.2008, read with the Order dated 16.07.2013, Passed by the National Green Tribunal, Principal Bench, New Delhi in Appeal No. 54/2013 (THC)(WP No. 10158 of 2008 of High Court, Calcutta).

Sub:- Request for fixing a date for joint inspection and assessment for eviction of unauthorized hotels at Chandmari Ghat, opposite to Howrah Railway Station.

Sir,

I received your letter vide memo No. Lnd/1/22/4751 dated 22.12.2022, letter dated 28.01.2023 in proceeding No. 785 of 2006, letter dated 28.01.2023 in proceeding No. 784 of 2006, memo No. Lnd 3600/TV/23/2601 dated 10.10.2023. After receiving your letters preliminary enquiry has been conducted. During enquiry it was revealed that more than 10(ten) number of hotels are situated at and around Chandmari Ghat opposite to Howrah Railway Station which are being run for the last at least 50 years and above. Without proper assessment and arrangement, during the time of the eviction serious law & order problem can not be ruled out. In this scenario it is requested that a joint inspection cum assessment is very much needed in this matter. We are ready to provide police assistance after the joint inspection and assessment.

Hence, a date may kindly be fixed for the joint inspection and assessment involving the Howrah Municipal Corporation, Howrah Police Commissionerate, other concerned departments and your department

Handwritten notes and signatures:
- "Sachin" with initials
- "EE (How)"
- "SL" with date "29/11"
- "RO (42)"
- "AEM's checking for your kind signature" with date "12/12/23"
- "A.P. M. (1/2)"
- "Should be issued" with date "12/12/23"
- "Read on" with date "04.12.2023"
- A circled "W" with date "04/12/23" and "wry"

Yours faithfully,
[Signature]
Officer-In-Charge, 23/11/2023
Golabari Police Station,
Howrah Police Commissionerate.

Officer-in-Charge
Golabari P.S
Howrah

DR No- 5064/23
Dt. 23/11/2023



Minutes of the Joint Inspection and Co-ordination meeting in c/w eviction of hotels at Chandmari Ghat, opposite to Howrah Railway Station.

Place of Meeting:- At Chandmari Ghat, opposite to Howrah Railway Station and the office chamber of Assistant Commissioner of Police (North-I) Howrah Police Commissionerate.

Date and time of meeting:- On 22.12.2023 from 12.00 hrs. to 13.30 hrs.

Following responsible persons attended the meeting.

1. Smt. Amrita Roy Barman, SDO Sadar Howrah. (9830571856)
2. Sri Sudipta Guha, HOD Conservancy, HMC (9830225323).
3. Sri. Refazul Haque Mollah, Jr Engineer, PWD Roads.(9073363106)
4. Sri. Sarbartha Sinha, DM office, NGT Section. (9804221409).
5. Sri V.K Prosad, Executive Engineer, Shyama Prasad Mukherjee Port. (8759786070)
6. Sri Biplob Paul, AEM, Shyama Prasad Mukherjee Port. (9831183503)
7. Sri Abhisekh Routh, Regulation Officer, Shyama Prasad Mukherjee Port. (8240485005).
8. Sri Sujit Chowdhury, AEM, Shyama Prasad Mukherjee Port (9433086156).
9. SK Masud Ali, Supervisor, CESC. (6291790714)
10. Sri. Abdul Gaffar, Assistant Commissioner of Police, (North-I) Howrah Police Commissionerate. (9147889266).
11. Sri Jayanta Bag, Assistant Commissioner of Police, (Traffic-II) Howrah Police Commissionerate. (9147889293).
12. Sri Subhasis Ghosh, TI, HRS TG Howrah Police Commissionerate. (9147889299).
13. Sri Sudip Singh, Officer In Charge, Golabari PS, Howrah Police Commissionerate.(9147889284).



Following hotels were marked for eviction. :-

1. M/S Joy Vijoy Hotel.
2. M/S Durga Mukesh Hindu Hotel.
3. M/S Ranjit Roy/ Ashok Roy/Pradip Roy/Sankar Chowdhary Hotel.
4. M/S Sai Ganga Hindu Hotel.
5. M/S Islamia Hotel.
6. M/S Abhisekh Hindu Hotel.
7. M/S Roy Bahadur Mukherjee Hotel.
8. M/S Dutta Cabin Hotel.
9. M/S Kailash Sharma Hotel.

Following agenda was taken at this meeting. :-

1. The port authority will make all arrangement for eviction and shifting of garbages etc.
2. All necessary announcement will be done by the port authority.
3. CESC authority will take necessary action for disconnection of electric connection prior to the eviction.
4. HMC authority will take necessary action for disconnection of water line connection at the time of eviction if any.
5. Howrah Police Commissioneate will make necessary police arrangement at the time of eviction.
6. Next meeting will be arranged after the Ganga Sagar Mela.

Sd/-

Officer In Charge,
Golabari Police Station,
Howrah Police commissionerate.

Copy to:-

1. Ld Commissioner of Police, Howrah Police Commissioneate.
2. Deputy Commissioner of Police (North) Howrah Police Commissioneate.
3. Assistant Commissioner of Police (North-I) Howrah Police Commissioneate.
4. OC Legal Cell, Howrah Police Commissioneate.

Sd/- Sd/-

Officer In Charge, 21/12/2023
Golabari Police Station,
Howrah Police commissionerate.

Officer-in-Charge
Golabari PS
Howrah

D No-5602(41)/23
Dt. 22/12/2023

BEFORE THE HONBLE NATIONAL
GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA



OA NO. 104 OF 2023

IN THE MATTER OF:-

SUBHAS DUTTA

....APPLICANT

VERSUS

THE STATE OF WEST BENGAL & Ors.

....RESPONDENTS

COMPLIANCE AFFIDAVIT OF THE
COMMISSIONER OF POLICE, HOWRAH
POLICE COMMISSIONERATE

SIBOJYOTI CHAKRABARTI,
ADVOCATE
FOR THE STAT OF WEST BENGAL
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700001.
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M- 9007035534
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