

Before the Hon'ble National Green Tribunal, Eastern Zone Bench,
Kolkata



Case No.- O.A No. 102/2023

In the matter of:

Ramroop Rana

...Petitioner

VERSUS

The State of Bihar

...Respondent

COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 2

I, Vikram Kumar , son of Chandrika Mandal , aged about years,
by faith- Hindu, by occupation Service holder, working for gain at
Flood Control Division, Bounsi, Banka, do hereby solemnly affirm
and say as follows :-

1. That I am competent authority to swear this affidavit of the instant case and am well acquainted with the facts and circumstances of the case. I am competent and duly authorized to verify and affirm this affidavit for and on behalf of the Respondent no. 2 herein.
2. That in compliance of the order dated 05.03.2024 passed by the Hon'ble Tribunal, the deponent i.e. District Magistrate, Banka has taken several appropriate steps inter alia.
3. That in compliance of the order passed by the Hon'ble Tribunal on 05.03.2024 present supplementary Counter Affidavit is being filed refuting the charges leveled by the applicant through his letter dated 01.02.2024.

4. That Earlier the deponent has already filed counter affidavit duly sworn by the Executive Engineer, Flood Control, Bounsi Banka by which he has informed the Hon'ble Tribunal that after conducting due spot verification made by the Executive Engineer, Flood Control Division, Bounsi and Anchal Adhikari Banka as well as after examining several Jamabandi raiyats who were the adjoining raiyats of the land in question and after receiving the inquiring report dated 27.01.2023, the deponent has informed the member secretary B.S.P.C.B. Bihar about the physical feature of the land in question. Accordingly as per action taken report it appears that the nearby Jamabandi holder raiyats were restrained by the District Sub-Registrar Banka for registration of sale and purchase of the land of adjoining part of the edge of the river till the disposal of the present case. The executive Engineer Rural works Division-01 Banka has also issued show cause notices with regard to construction of road on the edge of the said orhni river. The Anchal Adhikari Banka was also directed to remove Encroachment immediately on the edge of the said river and its adjoining area. Further the Executive Engineer flood Control Division Bounsi was directed to ensure that no encroachment would be made/found in future on the adjoining area of the river.



5. That accordingly, land encroachment case was filed by the Anchal Adhikari Banka against the alleged encroachers for removal of encroachment vide Land Encroachment Case No. 8/2023-24. After issuance of notice and after hearing the parties the Anchal Adhikari Banka has removed the encroachment made on the adjoining area of the said river with the help of administration and the Anchal Adhikari on 18.12.2023 has also informed the concerned S.H.O. Banka to monitor the same so that further encroachment may not be made on the said area.

6. That the said fact has duly been incorporated in the said counter affidavit which was filed in compliance of the order passed by the Hon'ble Tribunal dated 18.11.2022

7. That till date there is no encroachment on the said adjoining area of the river.

8. That again on 01.04.2024 the Addl. Collector Banka has constituted joint inquiry team in pursuance of the order dated 05.03.2024 consisting of Executive Engineer, Flood Control Division Bounsi, (Banka), Sub-Divisional Officer, Flood Control Sub-Division no.1 Bounsi Anchal Adhikari Banka and junior Engineer Flood Control Sub-Division 01 Bounsi Banka and were directed to make spot verification and submit report.



As such the joint inquiry team after proper spot verification on 02.04.2024 has found that the encroachment made on the said area and adjoining area has already been removed on 18.12.2023 by the Anchal Adhikari Banka with the help of Administration. They have also taken the geotag photographs and made videography of the area.

In course of investigation they have also found that the no encroachment has been found on the unconstructed road after 18.12.2023 and it is still encroachment free till date which is evident from the geotag photo and video.

It is needful to mention here that efforts were also made to know about the current position from the applicant who has made a complain on 01.02.2024 but the applicant was not found on his given address. It was also learnt that no such person in the name of the appellant was found and it has become clear that the allegation as alleged by the appellant on 01.02.2024 was found false and baseless since the applicant in a forged name has file a false case and is trying to waste the valuable time of respondents which is not just and proper.

A Photo copy of the spot verification report dated 02.04.2024 is annexed herewith and marked as Annexure-A to this supplementary Counter Affidavit.



9. That after going through the said report dated 02.04.2024 submitted by the joint inquiry team it has become clear that no such encroachment was found on the river and its adjoining area. The allegation as alleged by the appellant on 01.02.2024 was also not found correct and even the applicant was not found in his name on his given address which shows that the appellant has filed this case in the forged name and his allegation was also found not correct who is wasting valuable time of the respondent as such proper legal action is required to be taken against him.

10. That under the facts and circumstances stated above this application is liable to be dismissed in limine.

11. That the statements made in paragraphs are true to my knowledge and annexure are true copy of its original and rest are my humble submissions before this Hon'ble Tribunal.

Prepared in my office

& Identified by me

Surendra Kumar
Advocate WB-535A/1998
7B, Middleton Street,
3rd Floor, Kolkata- 700071

Vikram Kumar
Deponent
12 APR 2024

AV-2 (Surendra Kumar) 13.04.24

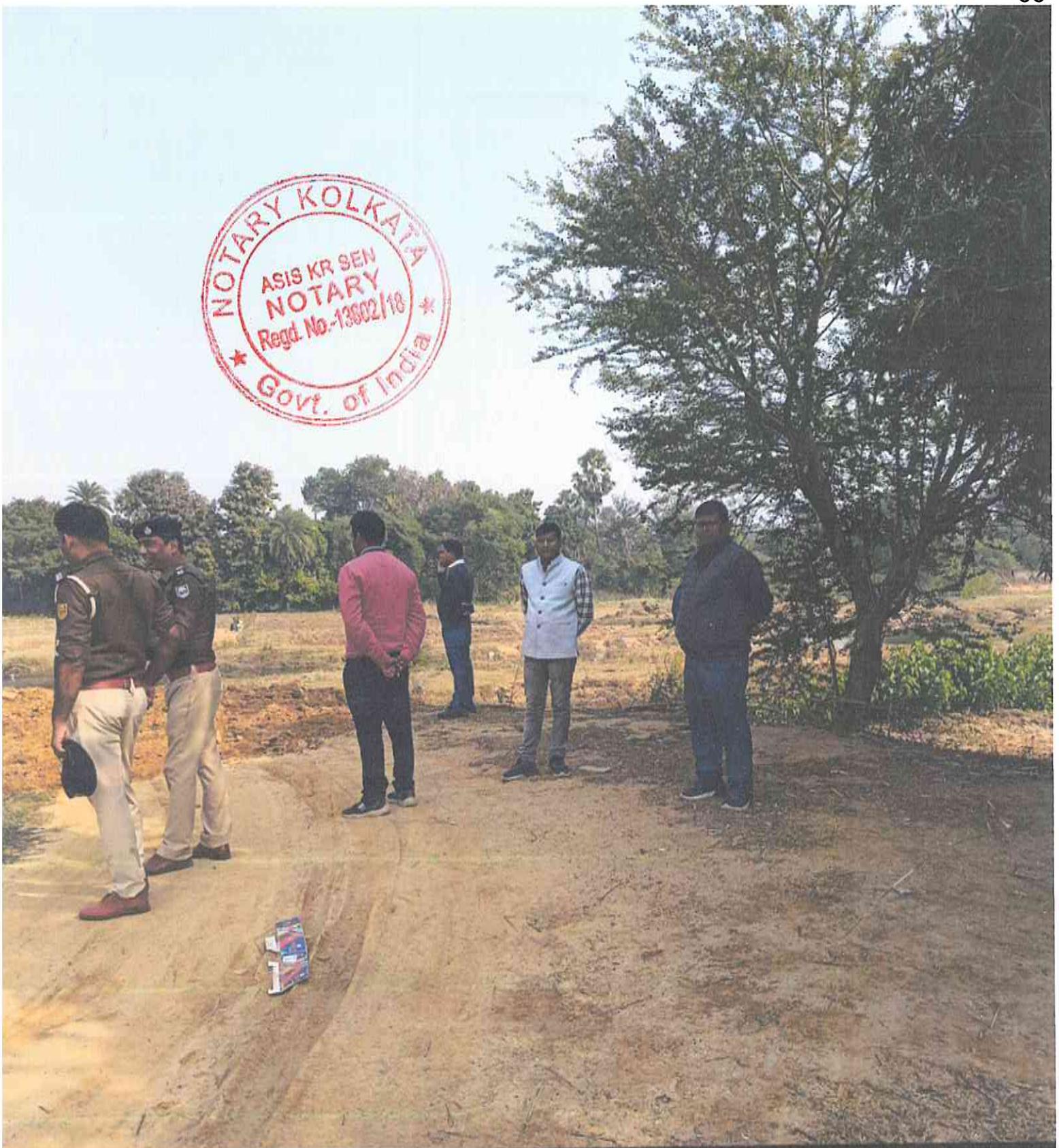
Solemnly affirm and declare
before me on Identification

Asis *Sen*

ASIS KUMAR SEN
City Civil Court, Kolkata
Notary
Reg. No -13802/18

12 APR 2024





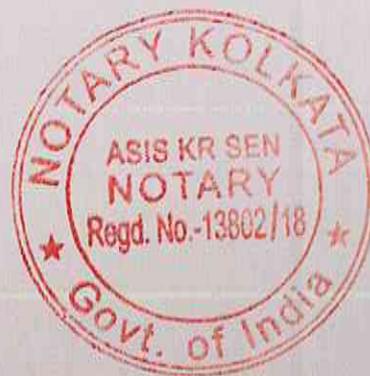
VWQ7+9H9, Banka, Bihar 813102, India

Latitude
24.886678333333332°

Longitude
86.91210000000001°

Local 11:56:39 AM
GMT 06:26:39 AM

Altitude 80 m
Monday, 18.12.2023



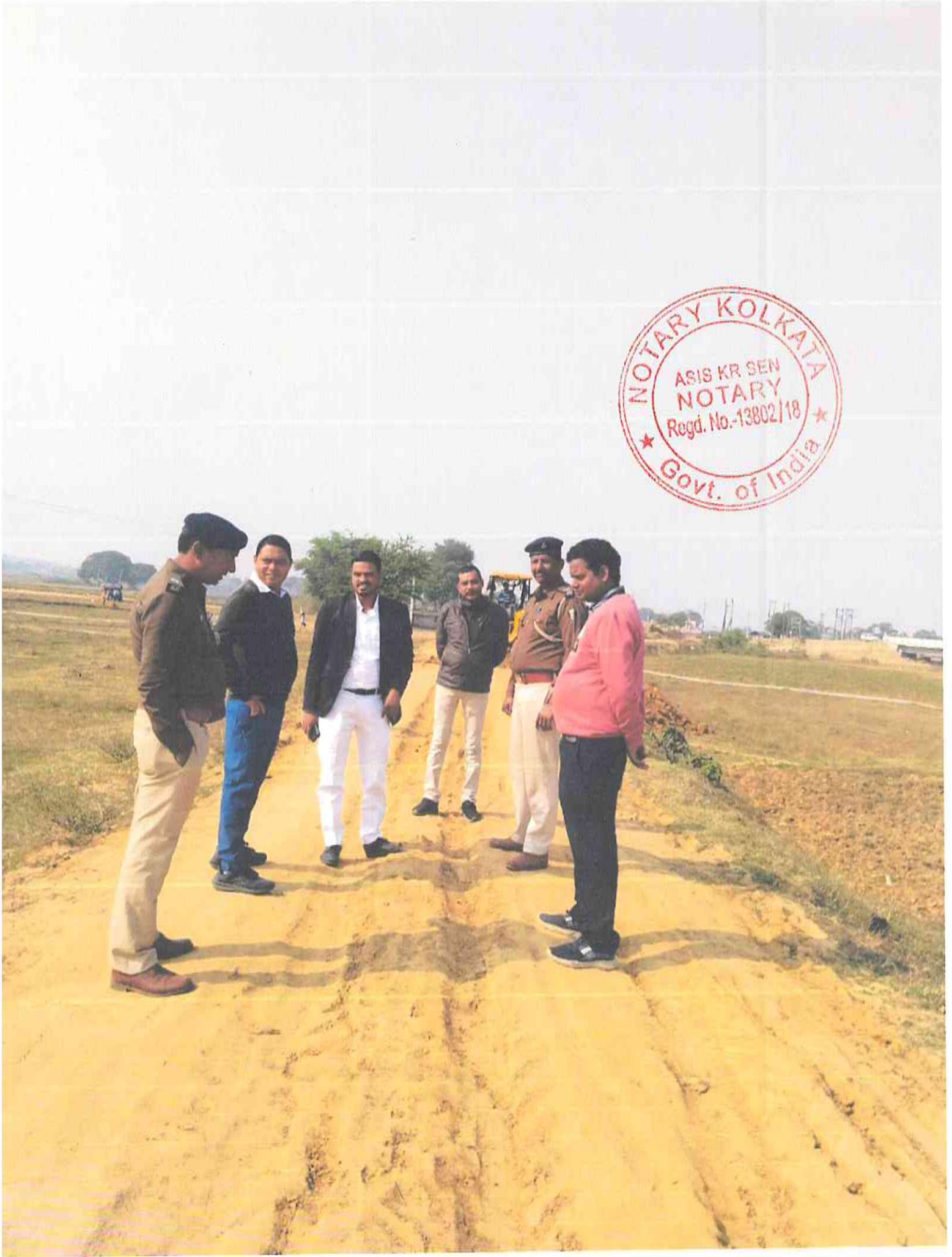
VWQ6+R6P, Bihar 813102, India

Latitude
24.888185°

Longitude
86.910495°

Local 03:32:00 PM
GMT 10:02:00 AM

Altitude 80 m
Monday, 18.12.2023





Banka, Bihar, India
VWQ6+R6P, Bihar 813102, India
Lat 24.888933°
Long 86.909062°
02/04/24 11:17 AM GMT +05:30

GPS Map Camera

Google

कार्यपालक अभियंता का कार्यालय
बाढ़ नियंत्रण प्रमंडल बौसी।

पत्रांक-.....192 / बौसी ,

दिनांक-.....02/04/2024

प्रेषक,

कार्यपालक अभियंता
बाढ़ नियंत्रण प्रमंडल
बौसी।

सेवा में

अपर समाहर्ता,
बांका।



विषय : रामरूप राणा बनाम बिहार सरकार के संदर्भ में National Green Tribunal Eastern Branch, Kolkata के द्वारा दिनांक-05.03.2024 में पारित आदेश के अनुपालन में संयुक्त निरीक्षण प्रतिवेदन समर्पित करने के संबंध में।

प्रसंग : भवदीय ज्ञापांक-1096 / रा0 बांका, दिनांक-01.04.2024

महाशय,
उपर्युक्त विषयक प्रासंगिक पत्र के आलोक में दिनांक-02.04.2024 को अंचलाधिकारी, बांका के साथ ओढ़नी नदी के बाँये किनारे सड़क पुल के Upstream में कार्यस्थल का संयुक्त निरीक्षण किया गया है। संयुक्त निरीक्षण प्रतिवेदन तैयार कर समर्पित की जा रही है।

सूचनार्थ एवं आवश्यक कार्रवाई हेतु सादर समर्पित।
अनुलग्नक :- यथोक्त।

विश्वासभाजन

19/4
02/04/2024
कार्यपालक अभियंता
बाढ़ नियंत्रण प्रमंडल
बौसी।

**मननीय राष्ट्रीय हरित अधिकरण पूर्वी परिक्षेत्र बेंच कोलकाता में दायर O.A No. -102/2023/EZ
(Earlier O.A No. 727/2022/PB) Ramroop Rana V/S state of Bihar & Ors के मामले में
दिनांक 05/03/2024 को पारित आदेश के अनुपालन के क्रम में बाँसी, जिला – बाँका (बिहार)
में स्थित ओढ़नी नदी के अतिक्रमण से संबंधित प्रतिवेदन**

ओढ़नी नदी के बायें किनारे सड़क पुल के अपस्ट्रीम में संयुक्त स्थल निरीक्षण हेतु दिनांक – 02/04/2024 को निम्नांकित अभियंता / पदाधिकारी उपस्थित रहे हैं।

1. ई0 विक्रम कुमार, कार्यपालक अभियंता, बाढ़ नियंत्रण प्रमण्डल, बाँसी (बाँका)
2. ई0 ब्रजेश कुमार, अवर प्रमण्डल पदाधिकारी, बाढ़ नियंत्रण अवर प्रमण्डल सं0- 01, बाँसी
3. श्रीमति प्रियंका कुमारी, अंचलाधिकारी, बाँका
4. श्री प्रवीण रजक, कनीय अभियंता, बाढ़ नियंत्रण अवर प्रमण्डल सं0- 01, बाँसी

स्थल निरीक्षण के क्रम में निम्न तथ्य पाए गए—

1. माननीय राष्ट्रीय हरित अधिकरण, प्रधान बेंच, दिल्ली में दायर OA NO -727/2022, Ram Roop Rana v/s state of Bihar & Ors के मामले में दिनांक 18.11.2022 को पारित आदेश के अनुपालन में दिनांक 18.12.2023 को राजस्व वार्ड सं0-12, खाता सं0-420, खेसरा सं0- 139 (गैरमजरूआ आम भूमि किस्म- नदी) में पूर्व से बनी 601 मी0 लंबा एवं 4 मी0 चौड़ा कच्ची रास्ता को सुविधाजनक बनाने हेतु अज्ञात व्यक्तियों के द्वारा रास्ते के ऊपर डाले गये 01 फीट से 2 फीट मिट्टी को पुलिस पदाधिकारी एवं दण्डाधिकारी के उपस्थिति में हटाया जा चुका है। सुलुभ प्रसंग हेतु Geotag Photo एवं Video का CD संलग्न किया जा रहा है।
2. दिनांक 02.04.2024 को स्थल निरीक्षण करने के क्रम में कच्चे रास्ते को अतिक्रमण मुक्त कराने के उपरान्त यथास्थिति में आज भी बरकरार पाया गया है। सुलुभ प्रसंग हेतु Geotag Photo एवं video का CD संलग्न किया जा रहा है।
3. परिवारी रामरूप राणा, शिव मंदिर चौक, विजयनगर, बाँका से भी नदी भाग में अतिक्रमण से संबंधित उनका पक्ष जानने हेतु पुनः सम्पर्क करने का प्रयास किया गया, लेकिन उक्त पते पर श्री रामरूप राणा नाम के कोई व्यक्ति नहीं पाये गये हैं।
4. परिवारी के द्वारा उक्त अतिक्रमण नहीं हटाए जाने संबंधी आरोप झूठा एवं निराधार है।
5. परिवारी के द्वारा छदम नाम व पता का प्रयोग कर एवं झूठा परिवार दायर कर अभियंताओं एवं पदाधिकारियों का समय व्यर्थ में नष्ट करने का प्रयास किया जा रहा है।

477
02/04/24
(प्रवीण कुमार रजक)
कनीय अभियंता
बाढ़ नियंत्रण अवर प्रमण्डल सं0-1

01
02/04/24
(ब्रजेश कुमार)
अवर प्रमण्डल पदाधिकारी
बाढ़ नियंत्रण अवर प्रमण्डल सं0-1

197
02/04/24
(प्रियंका कुमारी)
अंचलाधिकारी बाँका

197
02/04/2024
(विक्रम कुमार)
कार्यपालक अभियंता
बाढ़ नियंत्रण प्रमण्डल बाँसी

