

648/24
21-02-24

OA-102/2023/EZ
BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
KOLKATA
O.A NO. 727 OF 2022
IN THE MATTER OF



Ramroop Rana

.....Applicant

VERSUS

The State of Bihar &Ors.

.....Respondents

REPLY ON BEHALF THE RESPONDENT NOS.4 (ANUPAM GARG) AND 5 (PANCHANAN JHA) ALONG WITH RESPONSE TO THE JOINT COMMITTEE REPORTS

I, Anupam Garg, son of ShyamSundar Agarwal, residing at Karharia Road, Banka - 813102 do solemnly affirm and state as follows:-

That I am peace-loving and law-abiding citizen of India.

2. That I have been arrayed as Respondent No.4 and I have been duly authorised by the Respondent No.5 to affirm on his behalf. Both of our replies are same and hence the instant reply may kindly be considered as a joint reply from the Respondent Nos.4 and 5.

3. That the above referred application has been registered as an original Application on a letter petition filed by Sri Ramroop Rana, resident of Banka District, Bihar before the Hon'ble National Green Tribunal, New Delhi alleging the encroachment of the land mafias including the respondent, that is me, towards river Odhani in Banka by filling up with earth and changing the status thereof.



4. That the matter was being heard on 18.11.2022. Based on the allegation made by the petitioner the Hon'ble Tribunal of New Delhi was pleased to appoint a joint committee to visit the site, look into the grievances of the applicant, verify factual position and submit its report. The state PCB was made nodal agency for coordination and compliance.

5. That pursuant passing of the order a meeting of the joint committee was convened on 20.12.2022. In the said meeting it was decided that the site visit will be undertaken on 28.12.2022.

6. That on site visit, the joint committee observed that the river bank has been encroached for construction of the road for the area under reference, the extent of encroachment of the riverbank is being estimated and the stretch all along the embankment is being verified jointly by the water resources Department, Government of Bihar & Land and Revenue Department, Government of Bihar from the records available with them.

7. That the State Board vide letter No. 141, dated 24.01.2023, requested the District Magistrate, Banka, to submit a final report in the matter. Also, meeting of committee was convened on 06.03.2023 to ascertain the final report in the instant case.

8. That pursuant to the meeting dated 06.03.2023 the District Magistrate, Banka, has submitted a final report vide his letter No.895, dated 07.03.2023.

9. That the report of the District Magistrate contained the information with regard to the inspection and allegedly as mentioned in the report one



Abhishek Kumar, Advocate informed about the persons involved in the encroachment towards the river Odhani. I was astonished when I came across the fact that the content of para 6(iv) of the report contains my name with several others as responsible for the encroachment towards the river which I completely deny.

10. That I vehemently deny the content of para 6(iv) of the report as I am in no way connected with the encroachment towards the river and has nothing to do with the same. I am a peace loving and law-abiding citizen and earn my daily bread by farming. I am in no way connected with any kind of illegal work.

11. My name along with the others has been unnecessarily attached with the allegation of encroachment for the purpose of some oblique motive to gain undue advantage by causing harassment to us and/or for any personal grudge or for any vested interest. The report is based on hearsay and not on any actual finding of fact against us.

12. That it is pertinent to mention that the road in question has no value or purpose in our day-to-day life, since we do not at all stay in the said area and therefore there is no personal benefit for us that would have arise from the encroachment or non-encroachment of river.

13. Para 6(iv) of the report at Page 16 mentions that the villagers present at the time of the inspection informed that villagers of Vidayadih, Chauraeli and Hasiya-Bahera use the Dam and banks for commuting. Also, the Executive Engineer, rural works Department, Govt. of Bihar has carried habitations survey of Vidayadih, Chauraeli, Hasiya- Nehara and Nimaduh



village for providing a link road to Banka- Belhar main road and presently this instant role is playing that part. In light of the above-mentioned fact, it is necessary that the road in question should be constructed properly so that it becomes convenient for the villagers to pass through it and carry out their day-to-day chores without any kind of hindrance. I would rather say that in the garb of espousing the cause for saving the river bank, the complainant may have some person vendetta against one or more villagers and intends to cause harassment for them.

14. That it is also pertinent to mention that on 31.12.2022 a letter has been sent to the District Magistrate by the residents of village Churaelli, HasiaBahra and Nimadih and others villagers of ward No. 19 and 20 mentioning the difficulties faced by them due to the kaccha road herein mentioned. The said letter has been attested by 58 residents of the fourteen nearby villages which shows how crucial is the maintainability of the road.

15. The Villagers have to face constrains in using the single kaccha road which is the only means through which they can have access to other nearby places and even children of the nearby villages have to struggle to go to their schools which serves as a hindrance to all in carrying their day-to-day chores.

16. That the development of the passage or the 'kaccha' road in question is of utmost necessity for fourteen nearby villages which are in one way or other connected with the passage.

17. That the Learned Tribunal may direct the state administration to develop the area and the road / path in such a way so that the ecological /



environmental balance is not disturbed or hampered and also the villagers can have proper planned access through such area. The Tribunal may prescribe relevant checks and balances and conditions so that the river bank is not hampered in any way and also the access for the villagers are maintained.

18. That With regard to the contents of paragraph 7 of the Original Application, it is most humbly submitted that all the allegations made in the Original Application is completely baseless and false.

19. That in regard to Para 6(v) of the report, it is to be noted that the order as passed on 07.03.2023 to stop further registry of any land in the said area is illegal and should be set aside.

20. There is no support or evidence from the complainant to substantiate its claim and therefore the entire claim as made in the report is unsubstantiated and slanderous.

21. That the claims of the opposite party is based on whims and full of illegality which is against the law of the land because the path in question is absolutely not causing any harm or damage to the river as well as other parts of the nature.

22. That it is therefore prayed that Your Honour would graciously be pleased to -

- a. Discharge us from this matter;
- b. Direct the state administration to develop the area and the road / path in such a way so that the ecological /



environmental balance is not disturbed or hampered and also the villagers can have proper planned access through such area, connecting the villages. The Tribunal may prescribe relevant checks and balances and conditions so that the river and/or the river bank is not hampered in any way and also the access for the villagers are maintained;

- c. Dismiss the entire proceeding;
- d. Cost;

23. That the statements made hereinabove are true to my knowledge and belief.



Justified of the Signature
of Anupam Garg.

Beakash Singh
Adv - 21-2-2024



श्री/श्रीमती... Anupam Garg
जिनका पहचान Prakash Singh
..... Advocate Banka,
.....
क्षप्य पत्र में उक्त की धर्म एवं
निष्ठापूर्वक मेरे समक्ष स्वीकार किया।

Sankh Kuslu
21-02-24
SUNIL K. P. IHA
NOTARY PUBLIC
R.N. 814-J-19
Banka (Bihar)



भारत सरकार
GOVERNMENT OF INDIA



अनुपम गर्ग
Anupam Garg
जन्म तिथि/ DOB: 15/01/1981
पुरुष / MALE



2819 6763 5610

आधार-आम आदमी का अधिकार



भारतीय विशिष्ट पहचान प्राधिकरण
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

पता:

Address:

S/O: श्याम सुन्दर अग्रवाल,
ग्राम-करहरिया रोड बांका,
बांका, बांका,
बिहार - 813102

S/O: Shyam Sundar Agrawal, gram-
karhariya road banka, Banka, Banka,
Bihar - 813102

2819 6763 5610

Aadhaar-Aam Admi ka Adhikar

Anupam Garg