

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

**M.A No. of 2024**

**IN**

**O.A NO. 155/ 2022/EZ**

**(I.A No. 239/2022/ EZ & I.A No. 240/2022/EZ**

In the matter of:

Talab Bachao Abhiyan (TBA)

...Applicant

Versus

Govt. of Bihar & Ors.

...Respondents

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DATED:24.04.2024  
PLACE: NEW DELHI

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...Respondents

**MEMO OF PARTIES**

1. TALAB BACHAO ABHIYAN (TBA),  
Through its Convenor Narayan Jee Choudhary  
C/o Maithili Sahitya Praishad, Professor Colony,  
Dighi West, Near Primary School  
Darbhanga-846004

...Applicant

**Counsel Details:**

**Name:** KAMLESH KUMAR MISHRA

**Mobile No.:** 9582388509

**Email Id:** [Kamlesh.legalaid@gmail.com](mailto:Kamlesh.legalaid@gmail.com)

Versus

1. Government of Bihar, Through its Chief Secretary,  
Main Secretariate,  
4, Deshratna Marg,  
Patna Bihar-800001  
[cs-bihar@nic.in](mailto:cs-bihar@nic.in);

...Respondent No. 1

2. District Magistrate, Darbhanga District,  
Collectorate, Darbhanga,  
Bihar-846001  
Email: [dm-darbhanga.bih@nic.in](mailto:dm-darbhanga.bih@nic.in);

...Respondent No. 2

3. Environment, Forest and Climate Change Department  
Govt. of Bihar, Patna,  
Through its Principal Secretary  
J4G8+GWG, Van Vibhag Rd, Nehru Nagar,  
Patliputra Colony,  
Patna-800013  
[efd-bih@nic.in](mailto:efd-bih@nic.in)

...Respondent No. 3

4. Urban Development and Housing Department,  
Government of Bihar, Patna,  
Through its Principal Secretary,  
1st Floor, Vikas Bhawan, New Secretariat,  
Patna-800015  
[urbansec-bih@nic.in](mailto:urbansec-bih@nic.in)

...Respondent No. 4

5. Darbhanga Municipal Corporation,  
Through its Municipal Commissioner,

Darbhanga Municipal Corporation Office,  
Mirzapur, Lal Bagh, Darbhanga,  
Bihar-846004  
Email: [darbhanga.ulb@gmail.com](mailto:darbhanga.ulb@gmail.com);

...Respondent No. 5

6. Ministry of Jal Shakti,  
Through its secretary, 2, Safi Marg,  
Sansad Marg Area, New Delhi-110001.  
[secy-mowr@nic.in](mailto:secy-mowr@nic.in);

...Respondent No. 6

7. Ministry of Environment, Forest and Climate Change,  
Through its secretary  
Indira Paryavaran Bhawan,  
Jor Bagh Road, New Delhi-110003  
[secy-moef@nic.in](mailto:secy-moef@nic.in)

...Respondent No. 7

8. Bihar State Pollution Control Board  
Through its Member secretary,

Parivesh Bhawan, Patna Mall Rod,  
Patliputra Industrial Area,  
Digha, Patna, Bihar-800010 Email:  
[msbspcb-bih@gov.in](mailto:msbspcb-bih@gov.in)

...Respondent No. 8

9. State Environment Impact Assessment Authority, Bihar,  
Through Member Secretary,  
2nd Floor, Beltron, Baldev Bhawan Rd,  
Shastri Nagar,

Patna, Bihar-80023  
[seiaa.ms.br@gmail.com](mailto:seiaa.ms.br@gmail.com);

...Respondent No. 9

10. Ministry of Railways,  
Through its Chairman and Chief Executive Officer,  
Railway, Board, 256-A,  
Raisina Road, Central Secretariat,  
New Delhi-110001  
[crb@rb.railnet.gov.in](mailto:crb@rb.railnet.gov.in);

...Respondent No. 10

11. Divisional Railway Manager,  
Samastipur Division,  
East Central Railway,  
Railway Colony, Samastipur,  
Bihar-848101  
[drm@spj.railnet.gov.in](mailto:drm@spj.railnet.gov.in);

...Respondent No. 11

12. Bihar State Wetland Authority,  
Through its Member Secretary,  
Shaheed Peer Ali Khan Marg, Aranya Bhawan,  
Patna, Bihar, PIN-800014.  
[ccf.cc.bih@gmail.com](mailto:ccf.cc.bih@gmail.com)

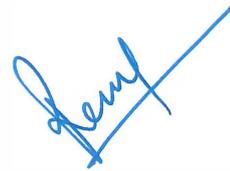
...Respondent No. 12

13. Directorate of Fisheries,  
Animal & Fisheries Resources Department,  
Government of Bihar, 2nd Floor,

vikas Bhawan, Bailey Road,  
Patna-800015  
[directorfisheries-bih@nic.in](mailto:directorfisheries-bih@nic.in);

...Respondent No. 13

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DATED: 24.04.2024  
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Talab Bachao Abhiyan (TBA)

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Versus

Govt. of Bihar & Ors.

...Respondents

**APPLICATION UNDER SECTIONS 26 R/W SECTION 28 OF THE  
NATIONAL GREEN TRIBUNAL ACT, 2010 FOR NON-COMPLIANCE  
OF THE FINAL ORDER/ JUDGMENT DATED 23.03.2023 PASSED  
IN ORIGINAL APPLICATION NO. 155/2022/EZ ALONG WITH I.A  
NO. 239/ 2022/EZ & I.A. NO. 240/2022/EZ IN THE MATTER OF  
TALAB BACHAO ABHIYAN (TBA) VERSUS GOVERNMENT OF  
BIHAR & ORS. AND FOR OTHER DIRECTIONS.**

1. The present Application is filed under sections 26 & 28 of the National Green Tribunal Act, 2010 for non-compliance with the final order/ judgment dated 23.03.2023 passed in original application No.

155/2022/EZ along with I.A No. 239/ 2022/EZ & I.A. No. 240/2022/EZ in the matter of Talab Bachao Abhiyan (TBA) versus Government of Bihar & Ors. And for other directions.

2. That vide final order/ Judgment dated 23.03.2023 this Hon'ble Tribunal directed to remove the illegal encroachments from three ponds namely, Dighi, Harai, and Ganga Sagar, in Darbhanga District of Bihar, and it shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation with certain other directions. The relevant portion of the order is as under;

"...Considering the conditions of the three ponds and the recommendations made by the Committee, we dispose of this Original Application with the following directions-

A We constitute a Committee under the Chairmanship of Additional Chief Secretary, Department of Environment, Government of Bihar. The other Members of the Committee shall be, the Principal Secretary, Urban Development Housing

Department, Government of Bihar, Municipal Commissioner, Darbhanga Municipal Corporation, Member Secretary, Bihar State Pollution Control Board, Divisional Railway Manager, Samastipur Division, and the District Magistrate, Darbhanga.

B. The above Committee shall address itself to the observations and the recommendations made in the Inspection Report of the Committee constituted by the Tribunal and take expeditious remedial measures.

C. The Committee shall also take steps to remove the encroachments expeditiously.

D. The three ponds, namely, Dighi, Harai and Gangs Bagar, In Darbhanga District of Bihar, shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation

E. The Committee shall also ensure that drains leading into the three Ponds/Water Bodies are completely diverted from the said water bodies. Effective sewage management shall be put in place to ensure that no municipal waste is allowed to flow into the three ponds.

F. The Committee shall hold its first meeting within fifteen days hereof and thereafter hold meetings regularly in every four months for appraisal of the remedial actions, proposed and taken from time to time.

G. The Bihar State Pollution Control Board shall take water samples six monthly from the three ponds and if the water samples are found to be higher than the prescribed standard parameters, appropriate directions shall be issued to the concerned authorities for taking effective remedial actions forthwith

H. All illegal constructions leading into to three ponds and encroachments shall be removed within three months and those constructions which are governed by interim order of the Hon'ble High Court, Patna, shall be subject to any final order which may be passed by the Hon'ble High Court.

21. I.As., if any, also stand disposed of accordingly.

22. There shall be no order as to costs."

True copy of the final order/Judgment dated 23.03.2023 passed in original application No. 155/2022/EZ along with I.A No. 239/2022/EZ & I.A. No. 240/2022/EZ in the matter of Talab Bachao Abhiyan (TBA) versus Government of Bihar & Ors. is annexed herewith as **ANNEXURE A-1**

3. Almost a decade ago, when Narayanji Choudhary first decided to work to save ponds, by creating awareness in his home region of north Bihar, he didn't think that one day, it will be his passion. At that time, as he witnessed handpumps going dry and ponds disappearing, Choudhary was pained but also driven to study the causes. He spoke to local experts and residents who informed him that illegal encroachment by the powerful land mafia in the region

was significantly contributing to the disappearance of ponds. In Darbhanga city, the headquarters of Darbhanga district and the cultural capital of Mithilanchal region, where Choudhary currently lives, he started his campaign to save ponds, the Talab Bachao Abhiyan (TBA).

4. This Application is necessitated to be filed as even after the above mentioned order has been passed the dumping of filthy water, garbage and sewage in Harahi, Digghi and Gangasagar Ponds through the drains of Darbhanga Municipal Corporation (herein after known as DMC) and Railway station as well as regarding the sale and purchase of areas marked as 'controlled areas' by DMC to interlink these three ponds and illegal construction taking place on these areas.

5. That the applicant made several representations to the respondents for compliance of order dated 23.03.2023 highlighting the suggestions for the removal of encroachment from the three ponds i.e Harahi, Digghi, and Ganga Sagar and for their beautification.

Relevant portion of the same is as under;

Suggestions for beautification of these ponds:

"...13.1 Demarcation of physical area of the ponds:  
Demarcation of physical area of the ponds is the first step

for the beautification. The physical structure and area of the ponds include water area, area of angnai/courtyard inlet, outlet, roads around them, catchment area for fresh water etc.

### 13.2 If previous plan of 1960 needs revision:

If planning for beautification of the 3 ponds prepared by Darbhanga Municipal Board (now Corporation) in 1960 needs revision, then an expert committee should be formed with participation of national reputed environmentalist, river or pond or water experts, social scientists and engineers for developing new plan for the beautification. The following components can be included in the 1960 plan of beautification:

13.2.1 Sewage treatment plant With consultation of experts, sewage treatment plant can be installed for treatment of polluted water of town sewage

13.2.2 Harvesting of river water to fill the 3 ponds:

River water from Hawaii Adda can be channelized to Dalahi-digghi pond, and from Dalahi Digghi to Sukhi Digghi to pond near University Thana to Harahi pond. River water will flow from Harahi to Digghi and Gangasagar because these ponds are inter-connected. These ponds were filled by river water previously also.

### 13.2.3 Eco-Park & Eco-Friendly Design:

The design for the beautification of the ponds must be sensitive to the climate change, pond's aquatic ecosystem with provision of a eco-park

An initiative was made in 2014 in this regard and a meeting took place between the then DM of Darbhanga, Mr. Kumar Ravi and Professor Rajiv Sinha of IIT, who was then heading the department of earth science at IIT Kanpur Professor Sinha, after due consideration of the unique nature of the ponds of Darbhanga and its soil, gave a few names who can be of immense help in this regard. The name of experts suggested by Professor Sinha are:

L. Dr. Rajiv Sinha Professor and Head, Department of Earth Sciences, IIT Kanpur, Kanpur 208016 Email: rsinha@litk .ac.in, Phone+9935558218

IL Dr. R.P. Mathur, Former Professor, Department of Civil Engineering, IIT Roorkee Mail id rpm2k1@yahoo.com, Ph.9935168422

iii. Dr. A P Sharma, Director Central Inland Fisheries Research Institute, Barrackpur Email ID apsharma1@hmail.com Phone +9051787111

iv. Dr Pramod Kumar Pande, Former Professor and Head, Civil Engineering Department, Email ID pandeptra@gmail.com Phone +9410143632 Prof. Rajiv Sinha is still available and can be contacted on the above address

### 13.3 Stop Structural Intervention:

No structural intervention should be done in the 3 ponds as long as a complete plan for the of the ponds' beautification is not prepared and finalized. If a complete plan is finalized, then we should make structural intervention in a phase wise manner or as per our resources

### 13.4 Fish Sanctuary:

More than 50 varieties of local fishes are on the verge of extinction. The 3 ponds should be developed as a fish sanctuary for protection of local fishes, which are more than 100 varieties.

13.5 Friendly environment for migratory birds: Migratory birds used to come in these ponds in winter season up to

1090-95. Now the migratory birds do not come to these ponds due to pollution of water, cutting of the trees and encroachments of ponds land. Visiting of migratory birds in these ponds were beauty and attraction of the town up to 1995.

#### 14. Pond's water & fishes should be tested

Water of the 3 ponds is considered as most polluted and poisonous. Up to 1990, more than 50 varieties of fishes were survived in these ponds. Now very selected fishes are survived, which are cultivated for commercial purposes. Whether these fishes are suitable for human health, is a matter of urgent concern and investigation."

6. That there are several issues to be redressed in the present petition and the same may be classified as under: -

- i) First, clear encroachments from the Dighi Pond, followed by addressing encroachments in the other two ponds.
- ii) Safeguard the park areas designated under the jurisdiction of the Darbhanga Nagar Nigam, located on the north and south sides of the Dighi Pond.
- iii) Despite the order from the National Green Tribunal (NGT), illegal occupation of land around Ganga Sagar

and Dighi Ponds, including the park area on the north side of Dighi, persists.

7. That on 21.01.2023 the petitioner organisation made a request to the circle officer (CO) Darbhanga Sadar, with respect to the data to be used by the 'CONCERN COMMITTEE' for the beautification of the three ponds.

True Copy of the letter dated 21.01.2023 addressed to The Circle Officer (CO) Darbhanga is annexed herewith as **ANNEXURE A-2**

8. That on 01.04.2023 the petitioner organisation made a representation to the district magistrate with respect to the Restoration, Beautification, and Conservation of Harahi, Digdhi, and Gangasagar Ponds, and following requests were made.

- Develop a comprehensive timeline for the rejuvenation and beautification of these three ponds. The plan should be phased according to the availability of resources. It is recommended that national-level renowned environmentalists, specializing in the ecology of water bodies, be involved in creating and guiding this holistic plan. It is noted that a meeting was held in Darbhanga during the tenure of Shri Kumar Ravi, the District Magistrate of Darbhanga, with Dr. Rajeev Sinha from the Department of Economics, IIT Kanpur. Following this meeting, a list of experts

was compiled for the project, and their contact information can be revisited.

- Due to the prevailing practice of releasing toxins into cultural and traditional ponds and rivers, leading to the depletion of fish species, it is estimated that more than 50-60 varieties of fish have become endangered, with several on the verge of extinction. Therefore, urgent measures need to be taken to address this issue in these three ponds.

True copy of the representation dated 01.04.2023 addressed to the District Magistrate is annexed herewith as **ANNEXURE A-3**

9. That on 18.04.2023 Memorandum for the rejuvenation, conservation, and beautification of Harahi, Digdhi, and Ganga Sagar in light of the orders of the Hon'ble National Green Tribunal (Case No. 155/2022/EZ) wherein through this memorandum, attention was drawn to the following points, as also suggestions were made for the transparency in the working of beautification through a UID No. generation as Suggested by this Hon'ble Court in various states.

The relevant portion is as under;

1.	Name of Pond	
2.	A brief history/ Who got it Constructed	

3.	Approximate Age	
4.	Water Area	
5.	Catchment Area	
6.	Remaining Embankment Area	
7.	Description of Nearby Road	
8.	Inlet and Outlet Area, and Other Details	
9.	Description of Garden and Flora	
10.	Map which discloses information of the above 1-9 points	

- a. First and foremost, a survey of the various structures of these ponds should be conducted.
- b. Following the survey, encroachments should be removed in a phased manner.
- c. A comprehensive plan should be devised for their beautification.
- d. Alternative arrangements should be made to prevent the inflow of polluted water into the pond.
- e. Special efforts should be made to clear encroachments from areas connecting the pond and park locations.

True copy of the letter/ Memorandum dated 18.04.2023 addressed to the District Magistrate Darbhanga is annexed herewith as

**ANNEXURE A-4**

10. That on 20.04.2023 another representation was made to the Principal Secretary of the Urban Development & Housing Department with respect to the objection to the proposal Scheme of the beautification of the three ponds for the following reasons;

1. The concern engineer, who prepared plan, does not have proper information and knowledge of physical structure of the 3 ponds. For your kind information, physical structure of these ponds includes Water Area, Anganai (courtyard), inlet, outlet. Bhinda catchment area of fresh water during the rainy season. How can a plan be developed without information of details of physical structures of the ponds in question?

2 These ponds are about 800 to 1000 years old. So, it needs disilting Volume of silt deposited in the bed of ponds has been measured properly?

3. These three ponds are inter-linked. So, the ponds should be considered as a single body There should not be separate plan for beautification of the each pond because it will damage its aesthetic value.

4. The plan does not have any concern about the eco-system of the ponds

True Copy of the representation dated 20.04.2023 to the principal Secretary of Urban Development & Housing Department is annexed herewith as **ANNEXURE A-5**

11. Report by the Concern Committee for Harahi, Digghi & Ganga Sagar for Protection conservation and beautification of three Historical and cultural Ponds of Darbhanga was made suggestions for beautification were made.

True Copy of the report of Concern Committee is annexed herewith as **ANNEXURE A-6**

12. That on 09.11.2023 the Petitioner organization made a representation to the chief Secretary Patna, Additional Secretary Department of Environment Govt. of Bihar, Additional Secretary Department of Art & Culture, Govt. of Bihar, Principal Secretary Bihar Wetland Development Authority, Member Secretary, BSPCB, Patna, the DM/Collector Darbhanga, the Town Commissioner Darbhanga for violation of the order passed by this Hon'ble court in O.A No. 155/2022/EZ with respect to the protection of three ponds namely Harahi, Digghi & Ganga Sagar. True Copy of the representation dated 09.11.2023 is annexed herewith as **ANNEXURE A-7**

13. That on 17.11.2023 a notice of contempt was made on behalf of the petitioner organization highlighting the non-compliance of the order dated 23.03.2023 passed in the O.A No. 155/2022/EZ, the relevant portion of the notice is as under;

17<sup>th</sup> November, 2023

REGD POST/E-MAIL/MOST URGENT

NOTICE OF CONTEMPT

To,  
SHRI. SUDHIR KUMAR  
Department of Environment  
Government of Bihar  
Rajbansi Nagar,  
Patna, Bihar 800015

AND

To,  
Sri Santosh Kumar Mall, I.A.S.  
Principal Secretary  
Urban Development and Housing Department,  
Government of Bihar, Patna,  
1st Floor, Vikas Bhawan, New Secretariat,  
Patna-800015  
[urbansec-bih@nic.in](mailto:urbansec-bih@nic.in);

AND

To

SRI NAGENDRA KUMAR SINGH  
Dr. Devendra Kumar Shukla  
Darbhanga Municipal Corporation Office,  
Mirzapur, Lal Bagh, Darbhanga,  
Bihar-846004

AND

To,  
SRI S. CHANDRASEKAR, IFS  
Member Secretary  
Bihar State Pollution Control Board,  
Parivesh Bhawan, Patna Mall Rod,  
Patliputra Industrial Area,  
Digha, Patna, Bihar-800010

AND

To,  
R.K. Jain  
Divisional Railway Manager,  
Samastipur Division,  
East Central Railway,  
Railway Colony, Samastipur,  
Bihar-848101

AND,

To,  
SHRI CHANDRASHEKHAR SINGH  
District Magistrate, Darbhanga District,  
Collectorate, Darbhanga,  
Bihar-846001

Subject: Notice of Contempt and request for compliance of  
the order passed by National Green Tribunal, Eastern Zone

Bench, Bench, Kolkata, dated 23.03.2023 passed in O.A No. 155/2022/EZ in the matter titled as Talab Bachao Abhiyan-TBA Versus Govt. Of Bihar & Ors.

Reference:

1. Final Order and Judgement dated 23.03.2023 passed by National Green Tribunal, Eastern Zone Bench, Bench, Kolkata in Original Application No. 155/2022/EZ in the matter titled as Talab Bachao Abhiyan-TBA Versus Govt. Of Bihar & Ors.

Most Respected Madam/Sir,

I am writing to you on behalf of my client, Mr. Narayan Jee Choudary C/o Maithilli Sahitya Parishad, Professor Colony, Dighi West, Near Primary School, Darbhanga-846004 who is the Convenor of Talab Bachao Abhiyan (TBA).

This notice is being sent to you as it is apparent that the Order dated 23.03.2023 passed by the Hon'ble NGT, Kolkata Bench in the matter titled as Talab Bachao Abhiyan-TBA

Versus Govt. Of Bihar & Ors. (OA No. 155/2022/EZ) has not been complied with by you the Noticees till date. The relevant portion of the orders compliance of which is being sought for is as under;

**The relevant portion of the order dated 23.03.2023;**

*"Considering the conditions of the three ponds and the recommendations made by the Committee, we dispose of this Original Application with the following directions:-*

*A. We constitute a Committee under the Chairmanship of Additional Chief Secretary, Department of Environment, Government of Bihar. The other Members of the Committee shall be; the Principal Secretary, Urban Development Housing Department, Government of Bihar, Municipal Commissioner, Darbhanga Municipal Corporation, Member Secretary, Bihar State Pollution Control Board, Divisional Railway Manager, Samastipur Division, and the District Magistrate, Darbhanga.*

*B. The above Committee shall address itself to the observations and the recommendations made in the Inspection Report of the Committee constituted by the Tribunal and take expeditious remedial measures.*

*C. The Committee shall also take steps to remove the encroachments expeditiously.*

*D. The three ponds, namely, Dighi, Harai and Ganga Sagar, in Darbhanga District of Bihar, shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation.*

*E. The Committee shall also ensure that drains leading into the three Ponds/Water Bodies are completely diverted from the said water bodies. Effective sewage management shall be put in place to ensure that no municipal waste is allowed to flow into the three ponds.*

*F. The Committee shall hold its first meeting within fifteen days hereof and thereafter hold meetings regularly in every four months for appraisal of the remedial actions, proposed and taken from time to time.*

*G. The Bihar State Pollution Control Board shall take water samples six monthly from the three ponds and if the water samples are found to be higher than the prescribed standard parameters, appropriate directions shall be issued to the concerned authorities for taking effective remedial actions forthwith.*

*H. All illegal constructions leading into to three ponds and encroachments shall be removed within three months and those constructions which are governed by interim order of the Hon'ble High Court, Patna, shall be subject to any final order which may be passed by the Hon'ble High Court.*

...”

That however from the latest inspection of the site by my client it appears that no action whatsoever has been taken by the Committee formed by the Hon’ble National Green Tribunal and by the Bihar State Pollution Control Board towards the compliance of the order passed by the Tribunal.

That for your convenience the status of compliance with the aforementioned orders in terms of the inspection and observation of my client is as under;

Sl. No	Directions of Tribunal vide order dated 23.03.2023 in O.A No. 155/2022/EZ	Status of Compliance of the order	Remarks
1.	<i>We constitute a Committee under the Chairmanship of Additional Chief Secretary, Department of Environment, Government of Bihar. The other Members of the Committee shall be; the Principal Secretary, Urban Development Housing Department, Government of Bihar, Municipal Commissioner, Darbhanga Municipal</i>	Based on the Knowledge of my client the Committee has been formed by the Tribunal, However, the function of the committee isn't available in the public Domain	The members of the committee represents a distinct area of expertise and authority. The combined knowledge and experience of these members allow the committee to approach its tasks comprehensively however the function of this committee as well as the action taken by the

	<p><i>Corporation, Member Secretary, Bihar State Pollution Control Board, Divisional Railway Manager, Samastipur Division, and the District Magistrate, Darbhanga</i></p>		<p>committee are not visible to the public.</p>
2.	<p><i>The above Committee shall address itself to the observations and the recommendations made in the Inspection Report of the Committee constituted by the Tribunal and take expeditious remedial measures.</i></p>	<p>The function of the committee is not accessible to the public</p>	
3.	<p><i>The Committee shall also take steps to remove the encroachments expeditiously.</i></p>	<p>No steps have been taken to remove the encroachments.</p>	<p>It has now been a span of over 8 months since the Hon'ble Tribunal passed an order dated 23rd of March 2023, directing the removal of encroachments. Despite the considerable passage of time, it is</p>

disheartening to note that the committee responsible for executing this order has yet to initiate any actions in furtherance of this directive. This prolonged inaction raises concerns regarding the efficacy and timeliness of the committee's response to the Tribunal's order, and it may necessitate a closer examination of the reasons behind the delay. Such delays in implementing crucial orders can have far-reaching implications, potentially affecting not only the intended goals of the Tribunal but also the broader interests of the community and the rule of law itself.

4. *The three ponds, namely, Dighi, Harai and Ganga*

with the direction pertaining to the

This direction underscores the

<p><i>Sagar, in Darbhanga District of Bihar, shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation.</i></p>	<p>restoration of the three ponds, namely Dighi, Harai, and Ganga Sagar, situated in Darbhanga District, Bihar. No steps so far has been taken by the concerned authorities for the restoration of above said three ponds.</p>	<p>importance of returning these ponds to their natural, pristine state and reinforcing their embankments through the planting of grass, natural shrubs, and trees, thus creating an eco-friendly landscape accessible for public recreational use. However, the non-function of the authorities/ committee led to the non-restoration of these ponds.</p>
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<p>5. <i>The Committee shall also ensure that drains leading into the three Ponds/Water Bodies are completely diverted from the said water bodies. Effective sewage management shall be put in place to ensure that no</i></p>	<p>No effective sewage management has taken place and these ponds are still subject to the drain waste.</p>	<p>Despite the Tribunal's directive to reroute the drainage systems away from these three ponds, there has been a notable lack of effective sewage management. Regrettably, this situation has persisted, and the ponds continue</p>
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	<i>municipal waste is allowed to flow into the three ponds.</i>		to be exposed to the inflow of sewage waste. The non-compliance with the Tribunal's orders has led to an ongoing environmental concern, where the ponds remain vulnerable to pollution from sewage drainage systems.
6.	<i>The Committee shall hold its first meeting within fifteen days hereof and thereafter hold meetings regularly in every four months for appraisal of the remedial actions, proposed and taken from time to time.</i>	As this direction is with respect to the meetings of the committee my client is not having any knowledge of the same.	As this direction is with respect to the meetings of the committee my client is not having any knowledge of the same.
7.	<i>The Bihar State Pollution Control Board shall take water samples six monthly from the three ponds and if the water samples are found to be higher than the prescribed standard parameters, appropriate</i>	In the knowledge of my client, no sample has been taken from the three ponds mentioned above.	In the knowledge of my client, no sample has been taken from the three ponds mentioned above.

	<i>directions shall be issued to the concerned authorities for taking effective remedial actions forthwith.</i>		
8.	<i>All illegal constructions leading into to three ponds and encroachments shall be removed within three months and those constructions which are governed by interim order of the Hon'ble High Court, Patna, shall be subject to any final order which may be passed by the Hon'ble High Court.</i>	Illegal Construction and Encroachment have not removed since the Hon'ble Tribunal passed the order dated 23.03.2023	Photographs attached with the present notice would show the non-compliance of the order passed by the Tribunal.

That my client made several representations to you the noticee for compliance of order dated 23.03.2023 highlighting the suggestions for the removal of encroachment from the three ponds i.e Harahi, Digghi, and Ganga Sagar and for their beautification. Relevant portion of the same is as under;

Suggestions for beautification of these ponds:

“...13.1 Demarcation of physical area of the ponds: Demarcation of physical area of the ponds is the first step for the beautification. The physical structure and area of the ponds include water area, area of angnai/courtyard inlet, outlet, roads around them, catchment area for fresh water etc.

13.2 If previous plan of 1960 needs revision:

If planning for beautification of the 3 ponds prepared by Darbhanga Municipal Board (now Corporation) in 1960 needs revision, then an expert committee should be formed with participation of national reputed environmentalist, river or pond or water experts, social scientists and engineers for developing new plan for the beautification. The following components can be included in the 1960 plan of beautification:

13.2.1 Sewage treatment plant With consultation of experts, sewage treatment pinta can be installed for treatment of polluted water of town sewage

13.2.2 Harvesting of river water to fill the 3 ponds:

River water from Hawaii Adda can be channelized to Dalahi-digghi pond, and from Dalahi Digghi to Sukhi Digghi to pond near University Thana to Harahi pond. River water will flow from Harahi to Digghi and Gangasagar because these ponds are inter-connected. These ponds were filled by river water previously also.

### 13.2.3 Eco-Park & Eco-Friendly Design:

The design for the beautification of the ponds must be sensitive to the climate change, pond's aquatic ecosystem with provision of a eco-park

An initiative was made in 2014 in this regard and a meeting took place between the then DM of Darbhanga, Mr. Kumar Ravi and Professor Rajiv Sinha of IIT, who was then heading the department of earth science at IIT Kanpur Professor Sinha, after due consideration of the unique nature of the ponds of Darbhanga and its soil, gave a few names who can be of immense help in this regard. The name of experts suggested by Professor Sinha are:

L. Dr. Rajiv Sinha Professor and Head, Department of Earth Sciences, IIT Kanpur, Kanpur 208016 Email: rsinha@litk .ac.in, Phone+9935558218

IL Dr. R.P. Mathur, Former Professor, Department of Civil Engineering, IIT Roorkee Mail id rpm2k1@yahoo.com, Ph.9935168422

iii. Dr. A P Sharma, Director Central Inland Fisheries Research Institute, Barrackpur Email ID apsharma1@hmail.com Phone +9051787111

iv. Dr Pramod Kumar Pande, Former Professor and Head, Civil Engineering Department, Email ID pandeptra@gmail.com Phone +9410143632

Prof. Rajiv Sinha is still available and can be contacted on the above address

### 13.3 Stop Structural Intervention:

No structural intervention should be done in the 3 ponds as long as a complete plan for the of the ponds' beautification is not prepared and finalized. If a complete

plan is finalized, then we should make structural intervention in a phase wise manner or as per our resources

#### 13.4 Fish Sanctuary:

More than 50 varieties of local fishes are on the verge of extinction. The 3 ponds should be developed as a fish sanctuary for protection of local fishes, which are more than 100 varieties.

13.5 Friendly environment for migratory birds: Migratory birds used to come in these ponds in winter season up to 1090-95. Now the migratory birds do not come to these ponds due to pollution of water, cutting of the trees and encroachments of ponds land. Visiting of migratory birds in these ponds were beauty and attraction of the town up to 1995.

#### 14. Pond's water & fishes should be tested

Water of the 3 ponds is considered as most polluted and poisonous. Up to 1990, more than 50 varieties of fishes were survived in these ponds. Now very selected fishes are survived, which are cultivated for commercial purposes. Whether these fishes are suitable for human health, is a matter of urgent concern and investigation."

That my client would further draw your attention towards the orders passed by the Hon'ble Supreme court from time to time for the preservation/ protection of common land, ponds, forests etc. relevant portion of the orders are as under;

***In M.I. Builders (P) Ltd. vs. Radhey Shyam Sahu  
1999(6) SCC 464***

*The Hon'ble Supreme Court ordered restoration of a park after demolition of a shopping complex constructed at the cost of over Rs.100 crore for protection of common land in the interest of common people*

The Hon'ble Supreme court in **Appeal (civil) 4787 of 2001**. Observed as under:

*"It is important to note that material resources of the community like forests, tanks, ponds, hillocks, mountains etc. are nature's bounty They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enable people to enjoy a quality life which is essence of the guaranteed right under Article 21 of the Constitution. The Government, including revenue authorities, ie respondents 11 to 13, having noticed that a pond is falling*

*in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of public at large. Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites."*

14. The Hon'ble SC Order in **Civil Appeal No.1132/2011 @ SLP(C) No.3109/2011**. Date of Hearing 28/01/2011

"16. The present is a case of land recorded as a village pond. This Court in Hinch Lal Tiwan vs. Kamala Devi, AIR 2001 SC 3215 (followed by the Madras High Court in L Krishnan vs. State of Tamil Nadu, 2005(4) 8CTC 1 Madras) held that land recorded as a pond must not be allowed to be allotted to anybody for construction of a house or any allied purpose. The Court ordered the respondents to vacate the land they had illegally occupied, after taking away the material of the house. We pass a similar order in this case"

In **Writ Petition (Civil) No. 230/2001**. The Hon'ble Supreme Court observed as under;

"The present Writ Petition under Article 32 of the Constitutions of India relates to conservation of wetlands which in our opinion would include ponds, tanks, canals, creeks, water

channels, reservoirs, rivers, streams and lakes. Although, the writ petition as framed related to protection of wetlands in the country for preservation of the environment and maintaining the ecology, we have suo motu expanded its scope as mentioned below. There is acute shortage of water in our country and one of the main reasons for that is that most of the water conservation bodies in our country such as ponds, tanks, small lakes etc. have been filled up in recent times by some greedy persons and such persons have constructed buildings, shops etc. on the same”

That you the notice deliberately and willfully had not complied with the direction of the Hon’ble Tribunal As also with the orders of the Hon’ble Apex court wherein the court, on various occasions, explicitly directed the preservation and safeguarding of ponds, wetlands, lakes, forests, and similar natural resources.

That the photographs enclosed with this notice provide visual evidence of a critical issue: the detrimental impact of water pollution on Ganga Sagar Lake. The images illustrate the distressing consequence of fish mortality, directly attributed to the disposal of Chura Mill ashes. Additionally, the pictures reveal unauthorized construction activities occurring at Harahi Pond, raising concerns about the adverse effects on the ecosystem. Furthermore, illegal construction, specifically the

erection of a Bamboo wall, is observed at Digghi Pond, emphasizing the urgency of addressing these environmental pollution.

Thus, I am constrained to issue the present notice of contempt for immediate compliance of the orders passed by the Hon'ble Tribunal.

Therefore, I request you to take action and ensure compliance with the Orders passed by the National Green Tribunal, Eastern Zone Bench, Bench, Kolkata, failing which My Client would be left with no other option apart from taking further legal action against you the noticee.

Take notice accordingly.

Thanking you,

True copy of the Contempt Notice dated 17.11.2023 made to the respondents along with the reply to the legal notice dated 05.01.2024 is annexed herewith as **ANNEXURE A-8**

14. Hence the present Application.

**PRAYER**

It is therefore, prayed that this Hon'ble court may be pleased to:

- I. Pass an order directing the respondents to comply with the final Order/Judgement dated 23.03.2023 passed by National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No. 155/2022/EZ in the matter titled as Talab Bachao Abhiyan-TBA Versus Govt. of Bihar & Ors.
- II. Direct the respondent/ contemnor to pay a penalty for non-compliance with orders dated 23.03.2023 passed by this Hon'ble Court in the matter of Talab Bachao Abhiyan-TBA Versus Govt. of Bihar & Ors. as mandated under section 26 of the National Green Tribunal Act, 2010.
- III. Pass an order/ direction to the respondents to file the detailed action taken report in compliance of the order dated 23.03.2023 passed by this Hon'ble Court in the matter of Talab Bachao Abhiyan-TBA Versus Govt. of Bihar & Ors.
- IV. Pass such other and further Order(s) as this Hon'ble Court may deem fit and proper on the facts and circumstances of the case.

FILED BY:



KAMLESH KUMAR MISHRA AND RENU  
ADVOCATE FOR THE APPLICANT(S)  
FOR CORPUS JURIS INDIA  
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Delhi High Court, Delhi 110003  
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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
O.A NO. 155/ 2022**

**In the matter of:**

Talab Bachao Abhiyan (TBA)

...Applicant

Versus

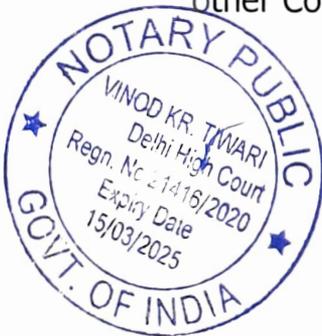
Govt. of Bihar & Ors.

...Respondents

**AFFIDAVIT**

I, Narayan Jee Choudhary Convener of TALAB BACHAO ABHIYAN -TBA C/o Maithili Sahitya Parishad, Professor Colony, Dighi West, Near Primary School Darbhanga -846004 Bihar Ph: +91 9955344811(Presently at New Delhi) is authorized representative of the Applicant organization herein, do hereby, solemnly affirm and declare as under

1. That I am the Applicant in the above captioned Application and I am well conversant with the facts and circumstances of this case and hence competent to swear this affidavit in such capacity.
2. That the accompanying application has been prepared at my instance and under my instructions.
3. That the contents of the same application paras to are true and correct to the best of my knowledge and belief and nothing material has been suppressed therefrom.
4. I further state that no petition/ application has been filed before any other Court or tribunal seeking similar relief by the Petitioner.



*[Handwritten Signature]*  
DEPONENT

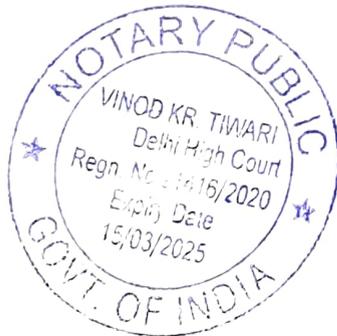
Verification

24 APR 2024

Verified at New Delhi on \_\_\_\_\_ th day of \_\_\_\_\_ 2024 that  
the contents of the Affidavit are true and correct to the best  
of my knowledge and nothing material has been concealed  
thereupon.

*[Handwritten Signature]*  
27/10/2022  
I identified the Deponent who has  
signed/thumb impression before me

*[Handwritten Signature]*  
*[Handwritten Signature]*  
DEPONENT



CERTIFIED THAT THE CONTENTS EXPLAINED TO THE  
DEPONENT EXECUTANT WHO IS SEEMED PERFECTLY TO  
UNDERSTAND AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI

*[Handwritten Signature]*  
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS  
SIGNED IN MY PRESENCE  
VINOD KUMAR TIWARI, Advocate, Reg. No. 21416/2020  
NOTARY PUBLIC (NEW DELHI)

*[Handwritten Signature]*

24 APR 2024

Item No.02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)  
ORIGINAL APPLICATION NO.155/2022/EZ  
(I.A. No. 239/2022/EZ & I.A. No. 240/2022/EZ)**

**IN THE MATTER OF:**

**TALAB BACHAO ABHIYAN (TBA),**

Through its Convenor Narayan Jee Choudhary  
C/o Maithili Sahitya Praishad, Professor Colony,  
Dighi West, Near Primary School  
Darbhanga-846004

.....Applicant(s)

Versus

- 1. Government of Bihar,**  
Through its Chief Secretary,  
Main Secretariate,  
4, Deshratna marg, Patna,  
Bihar-800001
- 2. District Magistrate, Darbhanga District,**  
Collectorate, Darbhanga,  
Bihar-846001
- 3. Environment, Forest and Climate Change Department,**  
Govt. of Bihar, Patna,  
Through its Principal Secretary  
J4G8+GWG, Van Vibhag Rd, Nehru Nagar,  
Patliputra Colony, Patna,  
Bihar-800013
- 4. Urban Development and Housing Department,**  
Government of Bihar, Patna,  
Through its Principal Secretary,  
1<sup>st</sup> Floor, Vikas Bhawan, New Secretariat,  
Patna-800015
- 5. Darbhanga Municipal Corporation,**  
Through its Municipal Commissioner,  
Darbhanga Municipal Corporation Office,  
Mirzapur, Lal Bagh, Darbhanga,  
Bihar-846004
- 6. Ministry of Jal Shakti,**  
Through its secretary,  
2, Rafi Marg, Sansad Marg Area,  
New Delhi-110001,
- 7. Ministry of Environment, Forest and Climate Change,**  
Through its Secretary,  
Indira Paryavaran Bhawan,  
Jor Bagh Road,  
New Delhi-110003,

**8. Bihar State Pollution Control Board,**

Parivesh Bhawan, Patna Mall Rod, Patliputra Industrial Area,  
Digha, Patna, Bihar-800010,

**9. State Environment Impact Assessment Authority, Bihar,**

Through Member Secretary,  
2<sup>nd</sup> Floor, Beltron,  
Baldev Bhawan Rd,  
Shastri Nagar,  
Patna, Bihar-80023

**10. Ministry of Railways,**

Through its Chairman and Chief Executive Officer, Railway,  
Board, 256-A, Raisina Road, Central Secretariat, New Delhi-110001,

**11. Divisional Railway Manager,**

Samastipur Division,  
East Central Railway,  
Railway Colony, Samastipur,  
Bihar-848101,

**12. Bihar State Wetland Authority,**

Through its Member Secretary,

**13. Directorate of Fisheries,**

Animal & Fisheries Resources Department,  
Government of Bihar,  
2<sup>nd</sup> Floor, vikas Bhawan, Bailey Road,  
Patna-800015,

.... Respondent(s)

Date of hearing: 23.03.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Kamlesh Kumar Mishra, Adv. (in Virtual Mode)

For Respondent(s): Mr. Surendra Kumar, Adv. for R-1 to 4,  
Mr. Ghanshyam Pandey, Adv. for R-5 (in Virtual Mode),  
Mr. Ashok Prasad, Adv. for R-6,10 & 11 (in Virtual Mode),  
Ms. Rashhmi Singhee, Adv. for R-7 (in Virtual Mode),  
Ms. Amrita Pandey, Adv. for R-8 & 12 (in Virtual Mode),  
Ms. Anamika Pandey, Adv. for R-9 (in Virtual Mode)

**ORDER**

1. We have heard the learned Counsel for the parties and perused the documents on record.
2. The present Original Application has been filed by the Applicant, alleging therein that three ponds known as 'Ganga Sagar, Dighi and

Harai' in Darbhanga District of Bihar are being encroached upon and illegal dumping of garbage and sewage is taking place. It is stated that these three ponds together cover a length of 1.8 kilometers from north to south direction and are present in the list of Bihar State Wetland Development Authority and, therefore, these ponds need to be protected in the Darbhanga District of the Mithila Region, Bihar.

3. Photographs have been filed to show encroachment in the pond (at page 13 of the Original Application) and also showing dumping of solid waste including animal carcasses (at page 15 of the Original Application).
4. The allegation further is that through an open drain sewage is being drained into the Dighi Pond from the Darbhanga Railway Junction in respect of which a complaint was also made by Mr. Shiv Kumar Mishra, the Head of the Chandradhari Museum, through a letter No.22/2022 dated 12.02.2022 to the Darbhanga Railway Station. Photographs have been filed at page 17 to that effect. Photographs have also been filed at page 18 and 19 to show the sewage and other garbage being dumped in the Ganga Sagar Pond.
5. Considering the allegations made out in the Original Application, The Tribunal constituted a Committee comprising of the following Members:-
  - i. *District Magistrate, Darbhanga or his representative not below the rank of Additional District Magistrate (ADM);*
  - ii. *Municipal Commissioner, Darbhanga Municipal Corporation or a Senior representative, as may be appointed by him in this regard;*

- iii. *Senior Scientist, Bihar State Pollution Control Board;*
  - iv. *Divisional Railway Manager, Samastipur Division or a Senior Representative as may be appointed by him in this regard;*  
*and*
  - v. *Bihar State Wetland Authority through its Member Secretary or a Senior representative as may be nominated by him in this regard.*
6. The District Magistrate, Darbhanga was directed to be the Nodal Body for all logistic purposes. The Bihar State Pollution Control Board was directed to file the Report of the Committee on affidavit.
  7. In the meantime, the Tribunal directed that there shall be a stay on all construction activities by way of encroachment on the three ponds in question.
  8. The Ministry of Jal Shakti, Respondent No.6, has filed its counter-affidavit dated 05.01.2023, stating therein that the ponds in question are not included in the list of Surface Minor Irrigation (SMI) and Repair, Renovation and Restoration of Water Bodies (RRR of WB) Projects for State of Bihar under the Central Funding for implementation of Pradhan Mantri Krishi Sinchayee Yojana – Har Khet Ko Pani (PMKSY-HKPP) which is a Centrally Sponsored Scheme of the Ministry of Jal Shakti.
  9. The State Environment Impact Assessment Authority (SEIAA), Bihar, Respondent No.9, has filed its counter-affidavit dated 03.02.2023, stating therein that the controversy in the present case does not fall within the domain of SEIAA.
  10. A counter-affidavit dated 08.02.2023 has been filed on behalf of the Respondent No.3 & 12, Environment, Forests and Climate Change Department, Government of Bihar, and Bihar State Wetland

Authority respectively, stating therein that the plots in question, namely, Dighi, Harai and Ganga Sagar located in Darbhanga District of Bihar are not notified as Wetlands under the Wetland (Conservation and Management) Rules, 2017.

11. The Committee constituted by the Tribunal has submitted its report dated 10.02.2023. The Detailed Observations and Recommendations in the Report read as under:-

***“Inspection report of the Committee constituted by the Hon’ble National Green Tribunal (NGT), Eastern Zone Bench, Kolkata in O.A. No.155/2022/EZ for the three ponds located in Darbhanga City, Darbhanga.***

.....xxx.....xxx.....xxx.....xxx.....

*Detailed observations of the committee with respect to each of the pond is given below:-*

**1. Harai Pond:** Situated at GPS location 26.155885, 85.905420. Harai pond is having a total area of 30.70 acres. It receives waste water from 03 drains excluding one drain located at GPS location 26.157886, 85.906373 near Chandradhari Bhojnalaya which was found dry. The details of drains meeting with harai pond are as follows:-

- a) **Drain from Darbhanga Railway Station:** It receives waste water from Darbhanga Railway Station’s platform and circulatory area of railway station and also from ward no.12(P) & 16 of Darbhanga Municipal Corporation area. It joins Harai pond at GPS location: 26.157533, 85.906706. Solid waste were found dumped in and around the railway station drain. Sample of drain water was collected for analysis.
- b) **Drain near Akashwani Road/Bahuuddeshiya Bhawan:** This drain is joining Harai pond at GPS location 26.157533, 85.903927. it receives waste water from ward no.12 (P) & other wards of Darbhanga Municipal Corporation area. Sample of drain water was collected for analysis.
- c) **Drain near Law College:** This drain joins the pond at GPS location: 24.154253, 85.903780. it receives waste

water from ward no.12(P) & 19 (P) of Darbhanga Municipal Corporation area. Solid waste was found dumped near south-west of the pond. Sample of drain water was collected for analysis.

Near Sankat Mochan Hunuman Mandir no drain was observed, so it may be considered as representative sample of the pond. A sample was collected at GPS location 26.156599, 85.903904.

In addition to above a link Channel between Harai and Dighi was observed. It is located at 26.153589, 85.905243. The canal was found filled with solid waste obstructing the free flow of water between the two ponds.

The outlet of Harai pond is located at GPS 26.157935, 85.905134, leading to Kangwa Gumti and finally meeting with Kamla River, originating from Nepal, at a distance of about 12Km.

Encroachments were observed towards South and part of Eastern side of the pond. It was observed that pucca houses have been constructed by the encroachers and are being used for residential and/or commercial purposes.

**2. Dighi Pond:** Dighi pond is located at GPS 26.148890, 85.905585 near Darbhanga Railway Station at Darbhanga. Its area is about 53.69 acres. It receives waste water from ward no.10, 11, 17,18, 19,20,21,26 and part of the Darbhanga Railway Station. Its outlet passes through Donar and Chaprar Ghat and ultimately meets with the Kamla river.

This pond is drained through 5 drains and extended from South to North. The outlet of the pond is located at South-East corner. The link channel between Harai and Dighi pond was found filled with solid waste and soil etc. Solid waste was also observed in the link channel between Dighi and Ganga Sagar Ponds.

Catchment area of Dighi pond is ward no.10,11,17,18 (P), 19(P), 20, 21, 26 of the Darbhanga Municipal Corporation area and part of the Darbhanga Railway Station. The detail of the drains meeting Dighi pond are mentioned below:-

- a) **Drain at Chandradhari Museum:** This drain passes through the museum (GPS location: 26.152212, 85.906969). It receives waste water from ward no. 18 (P), 19 (P) of Darbhanga Municipal Corporation area and the Darbhanga Railway Station (P). Water hyacinth was were found at the confluence of the drain and the Dighi pond toward north-East corner. Sample of drain water was collected for analysis.
- b) **Shastri Chowk Drain:** This drain crosses the Shastri Chowk and meets with Dighi Pond. Drain sample was collected at GPS location 26.152942, 85.905292. Its catchment areas are ward No.-18 (P) & 19 (P) of Darbhanga Municipal Corporation area. Solid wastes were also found dumped in and around this rain.
- c) **Drain Near Professor Colony:** This drain joins with Dighi Pond and its catchment area is ward no.18 (P). Drain water sample was collected at 26.150856, 85.903562.
- d) **Drain Near Geeta Bhawan:** This drain joins with Dighi Pond. Its catchment area is Ward No.18 (P) of Darbhanga Municipal Corporation area. Drain sample was collected at 26.148695, 85.903548.
- e) **Drain Near Bhikha Shah Sailani Dargah (White House):** This drain joins with Dighi Pond, its catchment area is Ward No.10 (P), 11 (P), 17 (P), 18 (P), 20 (P), 21 (P) & 26 (P) of Darbhanga Municipal Corporation area. Drain water sample was taken at GPS location 26.146092, 85.903205.

Water sample from the outlet of Dighi Pond was also collected at GPS location 26.145532, 85.906893.

Encroachments were observed towards North-West, West, South and part of East side of the Dighi pond. Pucca houses are made and being used for residential and/or commercial purposes.

- 3. Ganga Sagar Pond:** Ganga Sagar pond is located at GPS location 26.140496, 85.905569 towards South of Dighi pond. Its area is 44.44 acres. It receives waste water from ward No.36,27 & 28 through 3 drains of Darbhanga Municipal Corporation area. It is also extended from South to North. A link drain was observed between Ganga Sagar

pond and Dighi pond. It is the outlet of Ganga Sagar pond. The detail of drains are mentioned below:-

- a) **Drain near Mata Janki/Mahadeo Mandir:** this drain joins with Ganga Sagar pond towards North West corner. Its catchment area is ward no.26 & 26 of Darbhanga Municipal Corporation area. The drain water sample was collected at GPS location 26.143332, 85.903981.
- b) **Drain near Marwari College:** This drain joins with Ganga Sagar Pond from the Western side of the pond. Its catchment area is ward no.26 (P), 27 (P), 28 (P) of Darbhanga Municipal Corporation area. The drain water sample was collected at GPS location 26.142362, 85.903543.
- c) **Drain near Kali Mandir:** This drain joins with Ganga Sagar pond toward West. Its catchment area is part of ward no.26 (P), 27 (P) & 28 (P) of Darbhanga Municipal Corporation area. The sample was collected at GPS location 26.140714, 85.903723.

There is a Alalpatti Ghat at Ganga Sagar. It is a cemented ghat and well developed but poorly maintained. There is no drain meeting nearby. A representative sample of the Ganga Sagar pond was collected at this site at GPS location 26.140014, 85.907205.

Encroachments were observed towards North-East, West and South of the Ganga Sagar lake. Pucca houses are constructed and being used for residential and/or commercial purposes.

The two link channels were made between these three ponds to maintain natural water flow as per the natural gradient.

#### **4. Analysis results of water samples of the drains &**

**Ponds:** Drain and pond samples were analyzed at the Central Laboratory of Bihar State Pollution Control board, Patna.

- a) **Harai Pond:** The Analysis reports of drains of Harai pond shows that BOD of the drain water sample ranged between 35-65 mg/L which is more than the **'General Standards for discharge of**

**environmental pollutants' Part-A of schedule-VI of the Environment (Protection) Rules, 1986 in the surface water (BOD<30mg/L).** The Total Coliform ranges between  $24 \times 10^8$  MPN/100 ml and  $92 \times 10^7$  MNP/100 ml whereas, Faecal Coliform ranges between  $54 \times 10^7$  MPN/100 ml and  $13 \times 10^8$  MNP/100 ml.

The Analysis reports of Harai pond shows that BOD of the pond water was 08mg/L which is more than the **'Primary Water Quality Criteria for bathing water'** notified vide notification no.GSR 742(E), Dated-25.09.2000 of the Ministry of Environment & Forests, Govt. of India (BOD <3 mg/L). The Total Coliform concentration was found 17000 MPN/100 ml whereas, Faecal Coliform concentration was found 11000 MPN/100 ml which are also beyond the prescribed limit of **'Primary Water Quality Criteria for bathing water'** (Fecal Coliform: Desirable 500 MNP/100 ml or Maximum Permissible 2500 MNP/100ml).

The Analysis reports of Harai outlet shows that BOD of the outlet water was found 07 mg/L which is more than the **'Primary Water Quality Criteria for bathing water'** (BOD<3 mg/L). the Total Coliform population was found 13000 MPN/100 ml whereas, Faecal Coliform population was found 4900 MPN/100 ml.

It is observed that the concentration of BOD and population of coliforms at the outlet of the pond is reduced to a significant level.

- b) **Dighi Pond:** The Analysis reports of the drains discharging into the Dighi pond shows that BOD of the drain water sample ranged between 11-45 mg/L, among which drains at Shastri Chowk and Professor Colony are more than the **'General Standards for discharge of environmental pollutants'** in the surface water (<30 mg/L). The Total Coliform ranges between  $35 \times 10^5$  MPN/100 ml and  $24 \times 10^8$  MNP/100 ml whereas,

Faecal Coliform ranges between  $21 \times 10^5$  MPN/100 ml and  $13 \times 10^8$  MNP/100 ml.

The Analysis reports of the Dighi outlet of the pond shows that BOD of the outlet water was 37 mg/L which is more than the '**Primary Water Quality Criteria for bathing water**' (<3 mg/L). the Total Coliform concentration was found 920000 MPN/100 ml whereas, Faecal Coliform concentration was found 350000 MPN/100 ml.

It is observed that the BOD load and concentration of coliforms received by the pond is reduced but not to a significant level.

- c) **Ganga Sagar Pond:** The Analysis reports of the drains discharging into the Gang Sagar pond shows that BOD of the drain water sample ranged between 45-94 mg/L which is more than the '**General Standards for discharge of environmental pollutants**' in the surface water (<30 mg/L). The Total Coliform ranges between  $35 \times 10^7$  MPN/100 ml and  $160 \times 10^7$  MNP/100 ml whereas, Faecal Coliform ranges between  $5.4 \times 10^5$  MPN/100 ml and  $92 \times 10^7$  MNP/100 ml.

The Analysis reports of the Ganga Sagar pond shows that BOD level in the pond water was 36 mg/L which is more than the '**Primary Water Quality Criteria for bathing water**' (<3 mg/L).

The Total Coliform population was found  $16 \times 10^6$  MPN/100 ml whereas, Faecal Coliform population was found 92000 MPN/100 ml.

Outlet of Gang Sagar pond leads into the Dighi pond through a linked channel.

It is observed that the BOD load and concentration of coliforms received by the Ganga Sagar Pond is reduced but not to a significant level. It may be due to the higher inflow of waste water in the pond.

##### 5. Observations:

- a) Untreated sewage drains are leading to all the three ponds under reference.

- b) According to the analysis reports, the water of Ganga Sagar Pond is most polluted among the three ponds, the Dighi Pond comes next and then the Harai Pond.
- c) During the joint inspection it was found that the government land around the three pond are illegally encroached by the residential and commercial establishments, which are adding pollution load on the three ponds under reference.
- d) It was also reported by the representatives of the Darbhanga Municipal Corporation, Darbhanga that the concerned authority issued the notices to the concerned encroachers and thereafter issued order to evict the encroached land around all the three ponds under reference.
- e) The encroachment around the Ganga Sagar Pond is maximum followed by the Dighi and Harai Pond.
- f) The domestic waste water from the encroachments are directly leading to the respective ponds.
- g) The link canal between Harai and Dighi Pond is choked by the dumping of solid waste.
- h) The Municipal solid wastes were found dumped at different places, around all the three ponds in patches.
- i) Sources of water for all the three ponds are waste water.

**6. Recommendations:**

- a) Encroachments around all the three ponds should be removed.
- b) Solid waste dumped in the drains and adjoining areas should be removed with immediate effect and the ULB (DMC) shall ensure that no solid waste is dumped in these drains.
- c) Flow of water through drains should be made hindrance free.
- d) Following short term measures may be taken up for the conservation of these three ponds:-
  - i. In-situ remediation of ponds should be adopted by having aeration facility using microorganisms to degrade the pollutants and to increase the dissolved oxygen.

- ii. *Using aquatic plants, aquatic animals and other biological techniques for In-situ remediation of the ponds can be undertaken.*
- iii. *Management of drainages especially from the nearby sources (from residential and commercial establishments around the ponds) may be ensured.*
- e) *The waste water flowing through the drains should be treated through adequate Sewage Treatment Plant of required capacity. Accordingly sewerage network and STP should be constructed to ensure proper treatment of sewage and restricting the waste water flow into ponds.*
- f) *An action plan should be developed for rejuvenation of these ponds as per 'Indicative guidelines for restoration of water bodies' published by Central Pollution Control Board.*
- g) *Re-demarcation of ponds should be carried out by the Land Revenue Department, Govt. of Bihar to verify the encroachment status taking note of previous demarcation survey conducted during 2014.*
- h) *The East Central Railway, Indian Railway Samastipur Division, Samastipur shall ensure the proper management of sewage/domestic waste water and solid waste, plastic waste generated from the Darbhanga Railway Station.*

**7. Photographs captured during the joint Inspection are enclosed as *Annexure-9.***"

12. The Darbhanga Municipal Corporation, Respondent No.5, has filed its affidavit dated 13.02.2023, stating therein that it has already initiated regular cleaning process of the three ponds and drains adjacent thereto and have removed garbage and solid waste from there.
13. The Ministry of Environment, Forests and Climate Change, Respondent No.7, has filed its counter-affidavit dated 13.03.2023, explaining the Environment (Protection) Act, 1986, and National Environment Policy, 2006, and also steps taken by it for

conservation of wetlands. It is also stated that the ponds in question, namely, Dighi, Harai and Ganga Sagar, located in Darbhanga District of Bihar, have not been notified as Wetlands under the Wetlands (Conservation and Management) Rules, 2017.

14. Counter-affidavit dated 21.03.2023 has been filed on behalf of the Respondent No.2, Collector-cum-District Magistrate, Darbhanga, wherein it is stated that the status of the encroachments on the ponds in question was called for from the Circle Officer, Darbhanga, by the District Magistrate vide his letter dated 06.03.2023 and the Circle Officer, Darbhanga, vide his report dated 07.03.2023 has stated that steps have been taken for removal of encroachments but in some cases encroachment has been kept in abeyance in view of interim order granted by the Hon'ble High Court, Patna. Two such orders dated 20.12.2019 and 18.06.2019 passed in CWJC No. 21009 of 2019 (*Pawan Mishra Vs. State of Bihar*) and CWJC No. 24638 of 2018 (*Sangita Devi & Ors. Vs. The State of Bihar & Ors.*), have been filed at page no. 406 and 408 of the paper book respectively. It is stated that the said cases are still pending before the Hon'ble High Court, Patna. Along with the affidavit, certain photographs have been filed to show cleaning works being carried out.
15. No counter-affidavit has been filed by the Respondent No.11, Railway Respondent, though he was a Member of the Committee constituted by the Tribunal.
16. The photographs filed with the Original Application at page no. 13 show that a building which is stated to be a Primary School, is literally jutting out of the Dighi Pond itself. There is a photograph of Prathmik Vidyalaya Mishtola Dighi Paschim at page no.14 of the

paper book. Thereafter, there are photographs at page nos. 15, 17, 18, 19, 22 and 23 of the paper book which have not been specifically dealt with by the Respondents in their counter-affidavits.

17. The Inspection Report paints a dismal picture of the three ponds. So far as Dighi Pond is concerned, it is mentioned that the link channel between Harai and Dighi Ponds was found filled with solid waste and soil etc. Solid waste was also observed in the link channel between Dighi and Ganga Sagar ponds. Solid waste was also found dumped in and around the Shastri Chowk Drain. The drain at Chandradhari Museum was also found completely covered with water hyacinth. The drain near the Kali Mandir joins with Ganga Sagar Pond towards the west. There is a Alapatti Ghat at Ganga Sagar which is a cemented ghat and well developed but poorly maintained. There is no drain meeting nearby. Encroachments were observed towards north-east, west and south of the Ganga Sagar Lake. Pucca houses have been constructed and are being used for residential and commercial purposes.
18. The Water Analysis Report shows the concentration of Total Coliform at Harai Pond was found 17000 MPN/100 ml whereas Feacal Coliform was found 11000 MPN/100 ml which are beyond the primary water quality criteria for bathing water. The Biological Oxygen Demand (BOD) of the Harai Pond drain water ranged between 35-65 mg/l which is also more than the general standards for discharge of environmental pollutants, Part-A of Schedule-VI of the Environment (Protection) Act, 1986. In Dighi Pond the concentration of Total Coliform was found 920000 MPN/100 ml whereas the Feacal Coliform was found 350000 MPN/100 ml which

are more than the primary water quality criteria for bathing water. The Biological Oxygen Demand (BOD) of the Pond water ranged between 14-45 mg/l which is also more than the general standards for discharge of environmental pollutants. For Ganga Sagar Pond the concentration of Biological Oxygen Demand (BOD) was found 36 mg/l which is more than the primary water quality criteria for bathing water. The concentration of Total Coliform was  $16 \times 10^6$  MPN/100 ml whereas Faecal Coliform was found 92000 MPN/100 ml.

19. The Committee reported that domestic waste water from the encroachments are directly leading into the respective ponds. The canal between Harai and Dighi ponds is chocked by dumping of solid waste.

20. Considering the conditions of the three ponds and the recommendations made by the Committee, we dispose of this Original Application with the following directions:-

A. We constitute a Committee under the Chairmanship of Additional Chief Secretary, Department of Environment, Government of Bihar. The other Members of the Committee shall be; the Principal Secretary, Urban Development Housing Department, Government of Bihar, Municipal Commissioner, Darbhanga Municipal Corporation, Member Secretary, Bihar State Pollution Control Board, Divisional Railway Manager, Samastipur Division, and the District Magistrate, Darbhanga.

B. The above Committee shall address itself to the observations and the recommendations made in the Inspection Report of the Committee constituted by the Tribunal and take expeditious remedial measures.

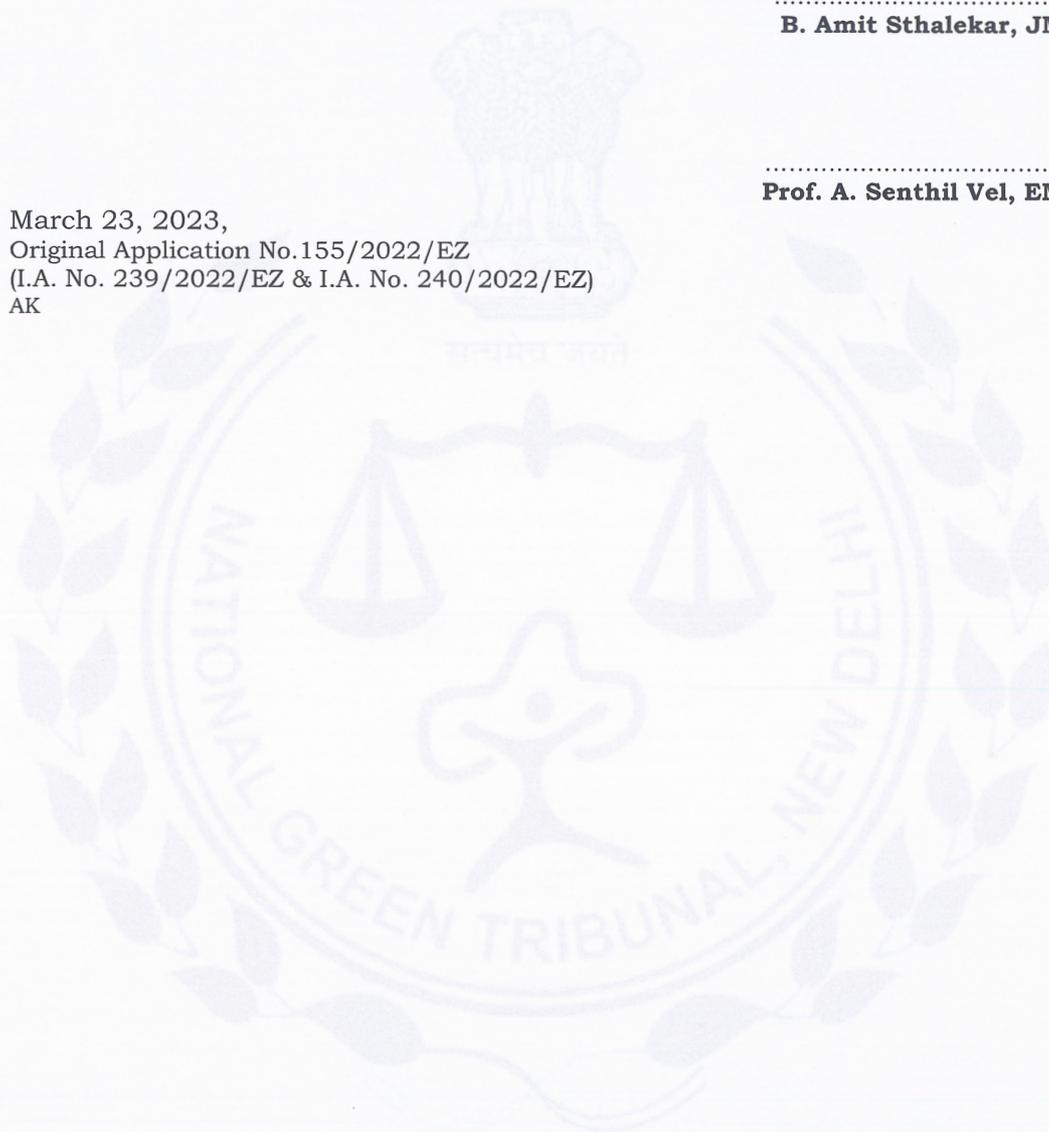
- C. The Committee shall also take steps to remove the encroachments expeditiously.
- D. The three ponds, namely, Dighi, Harai and Ganga Sagar, in Darbhanga District of Bihar, shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation.
- E. The Committee shall also ensure that drains leading into the three Ponds/Water Bodies are completely diverted from the said water bodies. Effective sewage management shall be put in place to ensure that no municipal waste is allowed to flow into the three ponds.
- F. The Committee shall hold its first meeting within fifteen days hereof and thereafter hold meetings regularly in every four months for appraisal of the remedial actions, proposed and taken from time to time.
- G. The Bihar State Pollution Control Board shall take water samples six monthly from the three ponds and if the water samples are found to be higher than the prescribed standard parameters, appropriate directions shall be issued to the concerned authorities for taking effective remedial actions forthwith.
- H. All illegal constructions leading into to three ponds and encroachments shall be removed within three months and those constructions which are governed by interim order of the Hon'ble High Court, Patna, shall be subject to any final order which may be passed by the Hon'ble High Court.

21. I.As., if any, also stand disposed of accordingly.
22. There shall be no order as to costs.

.....  
**B. Amit Sthalekar, JM**

.....  
**Prof. A. Senthil Vel, EM**

March 23, 2023,  
Original Application No.155/2022/EZ  
(I.A. No. 239/2022/EZ & I.A. No. 240/2022/EZ)  
AK



**NGT**

तालाब बचाओ अभियान  
TALAB BACHAO ABHIYAN (TBA)

C/o Maithili Sahitya Parishad

Off: Professor Colony, Dighi West, Near Primary School, Darbhanga - 846004, Bihar.

E-mail: [mgvp4water@gmail.com](mailto:mgvp4water@gmail.com), Mob: +919955344811

Date: 21/01/2023

To  
The Circle Officer (CO)  
Darbhanga Sadar  
Dist. Darbhanga.

Subject: Requesting for providing information, data and fact related to Harahi, Digghi & Ganagsagar Ponds.

Sir  
Greetings from TBA & Happy New Year 2023 !!!

You are requesting for providing us secondary information, data and fact related to Harahi, Digghi & Ganagsagar Ponds, which will be used by the 'CONCERN COMMITTEE' for the beautification of the three ponds. The beautification report will contain people's perspective and needs, which will be submitted to the DM, Darbhanga and the Committee formed by order of the Hon'ble National Green Tribunal (O.A. No. 155/2022/EZ) for the three ponds..

A Concern Committee for Harahi, Digghi and Gangasagar" has been formed for this purpose under the Chairmanship of Dr. R.B. Khetan, and whose members are:

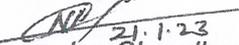
- |                               |  |
|-------------------------------|--|
| 1. Prof. Vidya Nath Jha       | 2. Prof. Prem Mohan Mishra                 |
| 3. Prof. Dharmendra Kumar     | 4. Prof Muneshwar Yadav                    |
| 5. Prof Sharda Nand Choudhary | 6. Dr. Ashok Kumar Singh                   |
| 7. Er. Mithileshwar Jha       | 8. Mr. Nadeem Ahamad Kazami,               |
| 9. Mrs. Indira Kumari         | 10. Adv. Ajit Kr Mishra, as a Coordinator. |

The members of Concern Committee will be highly obliged to you if you provide the following information/data/facts related to the three ponds:

- Total area of the 3 pond separately.
  - Area of the 3 pond according to their Structures(water area, inlet & outlet, angnai/courtyard, Bhind or Mahar if any portion/area is protected or under private control).
  - Any previous record/data related to encroachment's area/list of the 3 ponds.
- Looking forward to your kind and sensitive support for the causes of people & environment.

Regards.

Yours sincerely

  
Narayan Jee Choudhary  
Convenor, TBA.

Enclosed: Local News Paper Reports.  
Copy to: DM, Darbhanga.

# तालाब बचाओ अभियान

## TALAB BACHAO ABHIYAN (TBA)

C/o Maithili Sahitya Parishad

Off: Professor Colony, Dighi West, Near Primary School, Darbhanga – 846004, Bihar.

E-mail: mgvp4water@gmail.com Mob: +919955344811

तारीख: 01/04/2023

सेवा में,  
जिलापदाधिकारी महोदय,  
दरभंगा, बिहार।

**विषय:** हराही, दिग्घी और गंगासागर के सौन्दर्यीकरण के संबंध में।

**सन्दर्भ:** माननीय नेशनल ग्रीन ट्रिब्यूनल में दायर केस संख्या 155/2022/EZ के सन्दर्भ में बिहार सरकार द्वारा तारीख 21/03/2023 को समर्पित शपथपत्र।

महोदय,

तालाब बचाओ अभियान के मार्गदर्शक, कार्यकर्ता और दरभंगा के नागरिक आपके आभारी हैं कि आपके प्रयास से हराही, दिग्घी और गंगासागर तालाब के जीर्णोधार और सौन्दर्यीकरण के लिए वित्तीय वर्ष 2022-23 में क्रमशः 271.93 लाख, 218.86 लाख और 271.93 लाख की स्वीकृति देते हुए तत्काल इन तीनों तालाबों के लिए क्रमशः 50 लाख, 50 लाख और 50 लाख स्वीकृत प्रदान की, जैसा कि उपर्युक्त शपथपत्र में जानकारी वर्णित है।

महोदय, इन तालाबों के जीर्णोधार और सौन्दर्यीकरण के संबंध में हम निम्नलिखित अनुरोध करते हैं:

1) इन तीनों तालाबों के जीर्णोधार और सौन्दर्यीकरण के लिए एक समग्र योजना बने जिसपर संसाधन के उपलब्धता के अनुसार चरणबद्ध तरीका से कार्य किया जाय। जीर्णोधार और सौन्दर्यीकरण के इस समग्र योजना को बनाने के लिए राष्ट्रीय स्तर के प्रसिद्ध पर्यावरणविद, जो जल और तालाब के इको-सिस्टम के विशेषज्ञ हों, के भागीदारी और मार्गदर्शन में बनाया जाय। विदित हो कि इस संबंध में श्री कुमार रवि, दरभंगा जिलापदाधिकारी, के समय में डॉ राजीव सिन्हा, डिपार्टमेंट ऑफ अर्थ, आई.आई.टी., कानपुर के साथ एक मीटिंग दरभंगा में हुई थी जिसके बाद विशेषज्ञों के टीम की एक सूची इस कार्य के लिए बनाया गया था, जिन्हें पुनः संपर्क किया जा सकता है।

2) सांस्कृतिक और परम्परागत तालाब और नदी में विष डालकर मछली मारने के प्रचलन के कारण अनुमानतः 50-60 से ज्यादा किस्म के मछलियाँ अब लुप्त हो चुकी हैं और कई लुप्त होने के कगार पर हैं। इसीलिए इन तीनों तालाबों को 'फिश कंजर्वेशन सेंक्चुरी' के लिए विकसित किया जाय। विदित हो कि सर्वेयर जनरल फ्रांसिस बुकानन के रिपोर्ट 1807 में 130 से ज्यादा किस्म के मछलियों के नाम का उल्लेख है।

3) इन तीनों तालाबों के इनलेट, आउटलेट, अंगनै, जल-क्षेत्र, तीनों तालाबों के जोड़ने के स्थलों और पार्क स्थलों, जिसे जिला प्रशासन और नगर निगम द्वारा कंट्रोल्ड क्षेत्र किया गया था, को बचाने के लिए आवश्यक कारवाई की जाय क्योंकि इन जगहों पर अतिक्रमण और निर्माण कार्य अभी भी हो रहा है, जो माननीय नेशनल ग्रीन ट्रिब्यूनल (केस संख्या 155/2022/EZ) के आदेश के विरुद्ध हो रहा है।

धन्यवाद।

नारायण जी चौधरी  
संयोजक

## हराही, दिग्घी और गंगासागर तालाब के लिए स्मार पत्र

तारीख : 18/04/2023

सेवा में  
जिलापदाधिकारी  
दरभंगा, बिहार।

विषय: माननीय नेशनल ग्रीन ट्रिब्यूनल (केस सं. 155/2022/EZ) के आदेश के आलोक में हराही, दिग्घी और गंगासागर के जीर्णोद्धार, संरक्षण और सौन्दर्यीकरण के लिए स्मार-पत्र।

महोदय,

हम अधोहस्ताक्षरित, राजनीतिक और सामाजिक कार्यकर्ता, गंगासागर, दिग्घी और हराही पोखर के जीर्णोद्धार, सौन्दर्यीकरण और सुरक्षा के लिए एक स्मार-पत्र इस पत्र के साथ संलग्न कर रहा हूँ। इस स्मार-पत्र के माध्यम से हमलोग इन तीन ऐतिहासिक तालाबों के संबंध में आपका ध्यान निम्न विषयों कि ओर आकर्षित करना चाहते हैं :

1. सबसे पहले इन तालाबों के विभिन्न संरचनाओं का सीमांकन किया जाय।
2. सीमांकन के बाद, चरणबद्ध तरीका से अतिक्रमण को हटाया जाय।
3. इनके सौन्दर्यीकरण के लिए समग्रता में प्लान बनाया जाय।
4. तालाब में जाने वाले प्रदूषित जल को रोकने के लिए वैकल्पिक व्यवस्था कि जाय।
5. तालाब को जोड़ने वाले स्थलों और पार्क स्थलों को अतिक्रमण मुक्त करने लिए विशेष पहल किया जाय।

उपर्युक्त विषयों के संबंध में विस्तृत जानकारी के लिए स्मार पत्र को देखा जाय एवं माननीय NGT के आदेश के आलोक में इन तालाबों के जीर्णोद्धार, सौन्दर्यीकरण और सुरक्षा के लिए आवश्यक कारवाई कि जाय।

धन्यवाद

निवेदक:

क्र.सं.	नाम	पार्टी/संस्था का नाम	पद	मोबाइल न.	हस्ताक्षर
1.	श्री. वि. वि. चौधरी	काका काका काका	काका	9471600964	1/1/1/1
2.	श्री. अ. अ. अ.	जिलापदाधिकारी	राजद, दरभंगा	7992384337	3/1/1/1
3.	Sandeep kochy	CPI(M)		9473268843	3/1/1/1
4.	Sharmistha Gupta				- प्रवेशिनी शर्मा
5.	श्री. वि. वि. चौधरी	CPI(M)			
6.	अमित कुमार			7859040340	
7.	नारायण जी चौधरी			9955344811	

## स्मार-पत्र

# गंगासागर, दिग्घी और हराही पोखर के जीर्णोद्धार, सौन्दर्यीकरण और सुरक्षा के लिए

### सन्दर्भ:

\* माननीय नेशनल ग्रीन ट्रिब्यूनल (केस संख्या 155/2022/EZ) के आदेश के आलोक में हराही, दिग्घी और गंगासागर के जीर्णोद्धार, संरक्षण और सौन्दर्यीकरण के संबंध में ।

### तालाब के सुरक्षा और संरक्षण के संबंध में पूर्व के आदेश:

\* माननीय उच्चतम न्यायालय के आदेश (Appeal (civil) 1132 of 2011).

\* माननीय नेशनल ग्रीन ट्रिब्यूनल, प्रिंसिपल बेंच के आदेश ( M.A. No. 26/2019 IN Original Application No. 325/2015, I.A. No. 700/2019 & MA. No. 252/2019 (With Report dated 22.05.2020)

\* माननीय पटना उच्च न्यायालय के आदेश (Civil Writ Jurisdiction Case No.9692 of 2015)

### गंगासागर, दिग्घी और हराही पोखर के ऐतिहासिक पृष्ठभूमि

दरभंगा शहर के गंगासागर, दिग्घी और हराही पोखर लगभग 800 से 900 वर्ष पुराने हैं । इन्हें राजा गंगसिंह देव (1136-48), राजा रामसिंह देव (1225-1276), राजा शक्रसिंह देव (1276-1303) और राजा हरिसिंह देव (1303-1324) ने बनाये थे । इन राजाओं को कर्णाटवंशीय राजा कहते हैं क्योंकि इनके पूर्वज राजा नान्यसिंह देव कर्नाटक से मिथिला आये थे ।

### तालाब के चारों तरफ पेड़-पौधा और बगीचा के बारे में

रियाज-ए-तिरहुत, लेखक अयोध्या प्रसाद 'बहार', प्रकाशन 1868, के पेज संख्या 50 के अनुसार :

“ तालाबों पर चक्कर की सड़क (प्रत्येक तालाब के चारों तरफ बनी हुई सड़क) बनी हुई है । लोग बगीचों में सुबह-शाम हवा खाने आते हैं; जी बहलाते हैं । मि. जी. ई. ग्रेहम साहब, साविक एसेस्टेंट कलक्टर वो मैजिस्ट्रेट बहादुर ने हाजी मोहम्मद वाहिद अली खान, जो कस्बा का राईस हैं, के सलाह और प्रबंध से यह चक्कर बनवाया गया था, ..... ” ।

इसी किताब के पेज संख्या 160 पर इन तीनों तालाबों के साथ-साथ पेड़-पौधा और बगीचा का भी एक एक नजरी नक्शा बना हुआ है । शहर के लोग कहते हैं कि 1985-90 तक इन तालाबों के आस-पास इतना घना बगीचा/पेड़-पौधा होता था कि लोग सूर्यास्त के बाद टहलने में भय महसूस करते थे । जमींदारी उन्मूलन के बाद इन तीनों तालाब और इसके चारों तरफ के सड़कों (चक्कर) का देखभाल स्थानीय प्रशासन के द्वारा होता था ।

### तालाब के रकबा के बारे में

1.2.1 रियाज-ए-तिरहुत के पेज संख्या 51 पर इन तीन तालाबों के रकबा का ब्यौरा इस प्रकार है :

क्र.सं.	तालाब का नाम	तालाब का रकबा/क्षेत्रफल		
		बिगहा	कट्ठा	धूर
1	हराही	62	10	--
2	दिग्घी/कुँवारी दिग्घी	112	10	10
3	गंगासागर	78	2	--
	कुल रकबा	253	02	10

1.2.2 दरभंगा नगर बोर्ड (अब नगर निगम) द्वारा सौन्दर्यीकरण के लिए चिन्हित नियंत्रित क्षेत्र (Controlled Area) का रकबा:

दरभंगा नगर बोर्ड, जो अब नगर निगम है, ने 1960-62 के बीच में इन तीनों तालाबों के जोड़ने और सौन्दर्यीकरण के लिए एक योजना बनाया जिसके लिए कुल रकबा 220 बिगहा, 3 कट्ठा और 1 धूर जमीन को चिन्हित कर उसे अपने नक्शा पर 'नियंत्रित क्षेत्र (Controlled Area)' घोषित किया था | कृपया नगर निगम के नक्शा को अनेक्सर 1 और 2 देखें |

संक्षेप में, दरभंगा शहरवाशियों को अपने पूर्वजों से ये तीनों तालाब और इनके चारों तरफ के पेड़-पौधा एवं बगीचा एक अनमोल धरोहर के रूप में मिला था, जिसके जीर्णोद्धार, सुरक्षा, संरक्षण और सौन्दर्यीकरण के लिए हमलोग आपसे निम्नलिखित अनुरोध करते हैं:

#### 1. तालाबों का सीमांकन हो

इन तीनों तालाबों के सुरक्षा, संरक्षण और सौन्दर्यीकरण के लिए यह आवश्यक है कि सबसे पहले इसके संरचनाओं का सीमांकन हो | इन तालाब के संरचनाओं को निम्न भाग में देखा जा सकता है :

- > जल-क्षेत्र,
- > अंगनै,
- > इनलेट और आउटलेट,
- > भिंडा,

तालाब के चारों तरफ के सड़क के अंदर के क्षेत्र में बचा हुआ भिण्डा या महाड़ और अंगनै का रकबा का सीमांकन हो |

#### 2. तालाब के अतिक्रमित संरचनाएं :

इन ऐतिहासिक तालाबों के निम्न जगहों/संरचनाओं पर अतिक्रमण किया गया है:

2.1 तालाब को जोड़ने वाला जगह और पार्क स्थल ।

2.2 तालाब के इनलेट और आउटलेट ।

2.3 तालाब के अंगनै ।

2.4 जल-क्षेत्र ।

इसके अलावे, तालाब के समीप का सड़क जो लोगों के लिए टहलने के लिए बनाया गया था, के अतिक्रमण ।

3. चरणबद्ध तरीका से अतिक्रमण को हटाया जाए:

3.1. प्रथम चरण में

अ) दरभंगा नगर निगम तालाब को जोड़ने और पार्क बनाने के लिए जिस स्थान को अपने नक्शा पर कंट्रोल्ड एरिया चिन्हित किया है उसे अतिक्रमणमुक्त हो ।

आ) इस कार्य के लिए नगर निगम जनहित के लिए अपने विशेषाधिकार का भी उपयोग करे क्योंकि अगर इन चिन्हित जगहों पर तालाबों को जोड़ने और पार्क बनाने का कार्य नहीं किया गया तो भविष्य में इस ऐतिहासिक धरोहर (तालाब) को नहीं बचाया जा सकता है । साथ ही, शहर में अब कहीं भी पार्क बनाने के लिए जगह नहीं है, जबकि इस शहर की आवादी लगभग 5-लाख है !

3.2. द्वितीय चरण में

इस चरण में हराही, दिग्घी और गंगासागर तालाब के अंगनै, जल-क्षेत्र और इसके समीप के सड़क को अतिक्रमण से मुक्त किया जाए । सबसे पहले हराही, उसके बाद दिग्घी और अंत में गंगासागर के अतिक्रमण को हटाया जाय ।

4. तालाब के जल को प्रदूषित करने वाले स्रोत को रोकने के संबंध में:

इन तालाबों के पानी अब इतना प्रदूषित और जहरीला हो गया है कि अब इसमें कुछ खास किस्म/ प्रजाति की मछलियाँ ही जीवित रहती हैं । तीनों तालाब एक-दूसरे से जुड़ी हुई है । इसीलिए अगर किसी एक तालाब के जल को प्रदूषित किया जाता है तो उसका प्रभाव दूसरे और तीसरे तालाब के जल पर भी होता है ।

कितने तरह के स्रोतों से इन तालाबों के जल प्रदूषित और विषैला हो रहा है, उसका संक्षिप्त व्यौरा नीचे के टेबल में है:

क्र.सं	प्रदूषण के स्रोत का नाम	हराही	दिग्घी	गंगासागर
1	दरभंगा रेलवे जं.	✓	✓	---
2	नगर निगम के सिवेज से गन्दा पानी	✓	✓	✓
3	होटल और दूकान	✓	✓	✓
4	घरेलु गन्दा पानी	✓	✓	✓
5	निजी हॉस्पिटल	✓	✓	✓

क्र.सं	प्रदूषण के स्रोत का नाम	हराही	दिग्घी	गंगासागर
6	बाइक और टैक्सी के सर्विस सेंटर से	---	√	---
7	सैकड़ों की संख्या में मूर्ति विसर्जन	√	---	√
8	मछली बाजार के गन्दा पानी एवं अवशेष	---	---	√
9	स्कूल के सौचालय	---	√	---
10	सार्वजनिक शौचालय, हराही स्टेशन के पास	√	---	---
11.	25-30 वर्षों से हीरो होंडा एजेंसी से मोबिल एवं अन्य कचरा			√

### 5. तालाब को सौन्दर्यीकरण हेतु सुझाव

राष्ट्रीय स्तर के प्रसिद्ध संस्थान और विशेषज्ञों, जिनका अनुभव जल, पर्यावरण, जलवायु परिवर्तन और जलीय इको-सिस्टम के संबंध में हो, के नेतृत्व में इन तीनों तालाबों को सौन्दर्यीकरण के लिए प्लान/योजना बनाया जाय | इन तीनों तालाबों को समग्रता में एक बाँडी या संरचना के रूप में देखा जाय क्योंकि ये तीनों आपस में एक-दूसरे से नाला के द्वारा जुड़े हुए हैं, जिसके कारण पानी का बहाव इन तालाबों के बीच आपस में होता रहता है |

श्री कुमार रवि, डी.एम. दरभंगा और डॉ राजीव सिन्हा, आई.आई.टी., कानपुर के बीच 2014 में इन तालाबों के सौन्दर्यीकरण के विषय पर दरभंगा में एक मिटिंग हुई थी | मिटिंग के बाद, डॉ सिन्हा ने उस समय निम्नलिखित एक्सपर्ट्स के नामों का सुझाव श्री कुमार रवि, डी.एम. को दिए थे:

#### 1. Dr. Rajiv Sinha

Professor and Head, Department of Earth Sciences, IIT Kanpur, Kanpur 208016

Email: [rsinha@iitk.ac.in](mailto:rsinha@iitk.ac.in), Phone+9935558218

#### 2. Dr. R.P. Mathur, Former Professor, Department of Civil Engineering, IIT Roorkee,

#### 3. Dr A P Sharma, Director Central Inland Fisheries Research Institute, Barrackpur

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#### 4. Dr Pramod Kumar Pande, Former Professor and Head, Civil Engineering Department. Email I

D [pandeptra@gmail.com](mailto:pandeptra@gmail.com) Phone +9410143632

जबतक इन तीनों तालाबों के लिए एक समग्र योजना नहीं बन जाता है तबतक मनमानी संरचनात्मक हस्तक्षेप नहीं किया जाय |

जिलाधिकारी महोदय या नगर आयुक्त फिर से डॉ राजीव सिन्हा से इन तालाबों को सौन्दर्यीकरण के लिए विशेषज्ञों के टीम गठन करने हेतु संपर्क पुनः संपर्क कर सकते हैं |

### 5. पारदर्शिता और लोगों की भागीदारी के लिए सुझाव:

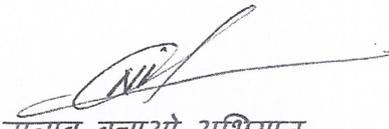
जिला के पोर्टल/वेबसाईट पर इन तालाबों को एतिहासिक और सांस्कृतिक धरोहर के श्रेणी में रखा जाय एवं इससे संबंधित निम्न विवरण उपलब्ध कराया जाय:

1	तालाब का नाम	
2	इसके बनाने वाले का नाम	
3	लगभग कितना वर्ष पुराना है	
4	इसके जल-क्षेत्र रकबा	
5	इसके अंगनै का रकबा	
6	इसके बचे हुए भिंडा का रकबा	
7	इसके समीप के सड़क का विवरण	
8	इसके इनलेट और आउटलेट के रकबा एवं अन्य विवरण	
9	इसके बगीचा और पेड़-पौधा का विवरण	
10	एक नक्शा जिसमें स्पष्ट रूप से 4 से 9 के जानकारी को दर्शाया गया हो ।	

माननीय नेशनल ग्रीन ट्रिब्यूनल ने तालाब का यू.आई.डी.(॥ नंबर बनाने के लिए सभी राज्यों को आदेश (M.A. No. 26/2019, ॥ O.A No. 325/2015, Report dated 22.05.2020) दिए हैं / अगर हम उपरोक्त जानकारी देकर तालाब का यू.आई.डी.(॥ तैयार करते हैं तो यह एक अच्छा उदाहरण होगा ।

संक्षेप में, दरभंगा शहर के लोग आपसे उम्मीद करता है कि माननीय नेशनल ग्रीन ट्रिब्यूनल (केस सं. 155/2022/EZ) के आदेश के आलोक में हराही, दिग्घी और गंगासागर तालाब के पुरानी भव्यता को फिर लौटाने के लिए उचित और आवश्यक प्रयास होगा ।

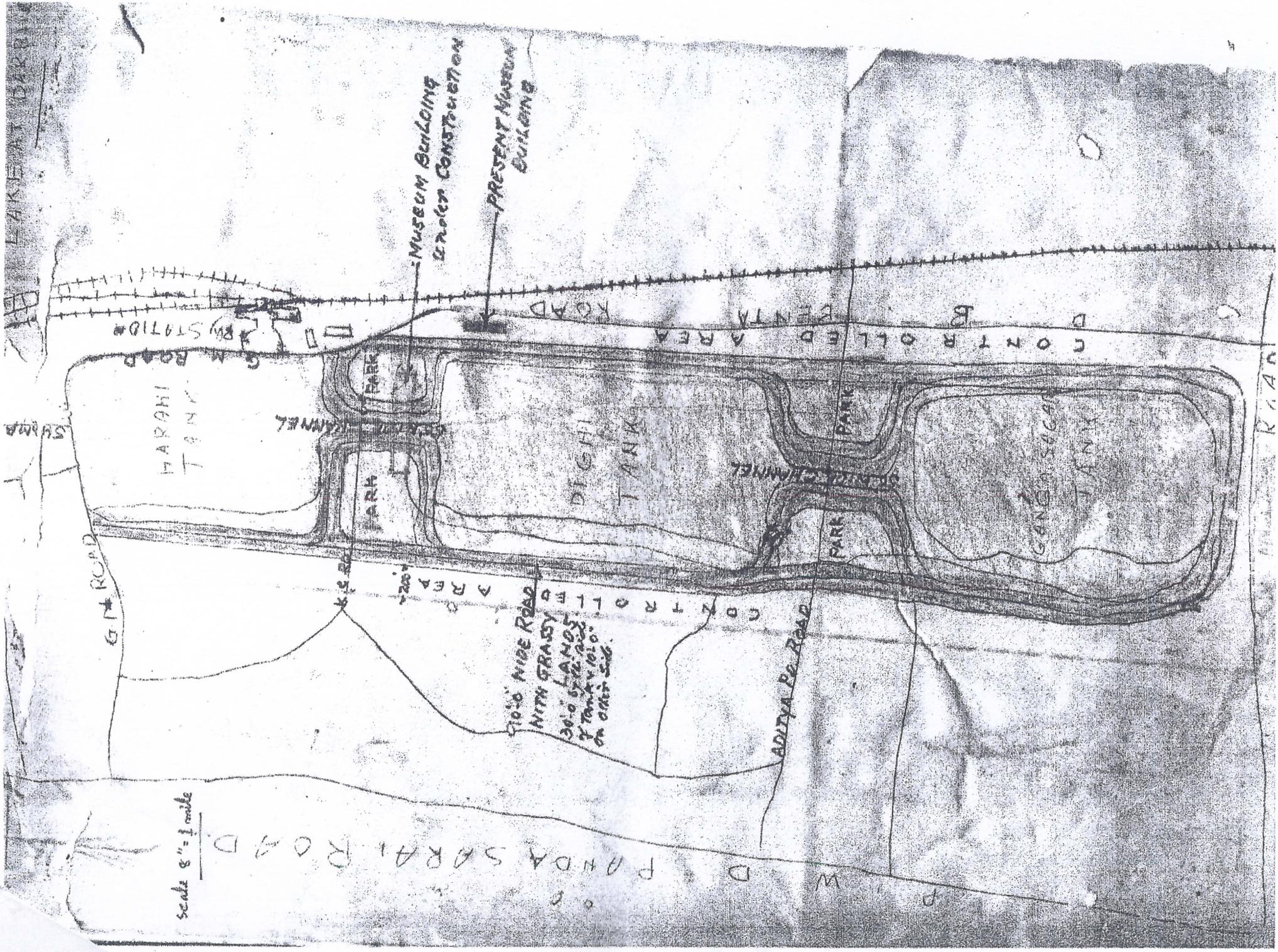
धन्यवाद ।



तालाब बचाओ अभियान  
दरभंगा

18/04/2023

9955344811



Scale 8" = 1 mile

PANDA SARAI ROAD

100' WIDE ROAD WITH GRASSY 300' LONG 7 TANKS 100' ON EACH SIDE

ADITYA P.D. ROAD

MARGHI TANK

DIGHI TANK

GANESHA SAGAR TANK

MUSEUM BUILDING UNDER CONSTRUCTION  
PRESENT MUSEUM BUILDING

RAILWAY STATION

CONTROLLED AREA

G.M. ROAD

SARAI

RAILWAY ROAD

# तालाब बचाओ अभियान

## TALAB BACHAO ABHIYAN (TBA)

C/o Maithili Sahitya Parishad

Off: Professor Colony, Dighi West, Near Primary School, Darbhanga – 846004, Bihar.

E-mail: mgvp4water@gmail.com Mob: +919955344811

Date: 20/04/2023

### URGENT

To

**The Principal Secretary**

Urban Development & Housing Department,

Government of Bihar,

Vikas Bhavan, Bailey Rd.,

Patna, Bihar, PIN: 800015.

**Through: DM/Collector, Darbhanga.**

**Subject: About Beautification of 1000 Year old Harahi, Digghi and Gangasagar Ponds.**

**Reference: 1. Order of Hon'ble National Green Tribunal, O.A. No. 155/2022/EZ.**

**2. Affidavit by DM, Darbhanga, dated 21/03/2023 for O.A. No. 155/2022/EZ.**

Sir,

Greetings from Talab Bachao Abhiyan, Darbhanga.

With reference to the above mentioned Hon'ble NGT order and the affidavit, I would like to draw your kind attention to the proposed schemes of the beautification of the three historical ponds in Darbhanga town under Jal-Jivan-Hariyali Abhiyan, which I came to know from the affidavit of the DM, Darbhanga and the Town Commissioner, Darbhanga, which have been submitted to the Hon'ble NGT in compliance of O.A. No. 155/2022/EZ.

With all humble request, on the behalf of Talab Bachao Abhiyan (TBA), I express my strong objection to the present proposal/scheme of the beautification of the three ponds because of the following reasons:

1. The concern engineer, who prepared plan, does not have proper information and knowledge of physical structure of the 3 ponds. For your kind information, physical structure of these ponds includes Water Area, Anganai (courtyard), inlet, outlet, Bhinda, catchment area of fresh water during the rainy season. How can a plan be developed without information of details of physical structures of the ponds in question?
2. These ponds are about 800 to 1000 years old. So, it needs disilting. Volume of silt deposited in the bed of ponds has been measured properly ?
3. These three ponds are inter-linked. So, the ponds should be considered as a single body. There should not be separate plan for beautification of the each pond because it will damage its aesthetic value.
4. The plan does not have any concern about the eco-system of the ponds.

5. The plan is completely silence on post beautification activity for protection and conservation.

*Sir, on the name of beautification of the ponds, the administration has made unscientific and irrational structural intervention in these ponds previously, which has severely damaged the ponds' beauty and eco-sytem. This is a fact and ponds are witnessed of their damage and destruction, which we can see by visiting the spots. The proposed schemes have been prepared with same attitude, method and components of the beautification as previously has done, which will further aggravate the destruction of the ponds' beauty and eco-system.*

*Thus, Talab Bachoa Abhiyan (TBA) suggests the following actions/measures for the beautification of the ponds, which are just a list of possibility of process and components for intervention, and they should not be considered as a final list: ~*

*A) First step needs fixing the are of ponds' structures namely water area, angnai, inlet, outlet, bhinda, volume of silt, catchment area, etc as mentioned above.*

*B) Second step, removal of encroachment after fixing area of the ponds.*

*C) Third step can be disilting.*

*D) Fouth step can be repairing of Kachhar (slope of pond from its bank to pond-bed) and repairing the Bhinda including construction drainage for fresh water from river and surface area of catchment. Further, preventive measures for stopping polluted of sewage by installation of water treatment plant.*

*E) After removal of encroachments, we will have details of the area of pond's structure which needs beautification. Then, plan can be developed for the children parks, water fountain, fish sanctuary, park, boating, swimming place, demarcation of place for cultural activities etc.*

*F) Plan for pond protection and conservation after the beautification, say post beautification plan.*

*G) Brick, RCC and other structural area should be sensitive to the climate change and pond's ecosystem.*

*Sir, Darbhanga Town Planning and Development Committee (DTP&DC) developed a plan for the beautification of the three ponds in 1960 which was adopted by Municipal Board (Now Nagar Nigam) on 19 July 1960. it is an excellent plan. We should follow this plan with revision, if needed. Please find the map developed & adopted by the Municipal Board on 19 July 1960.*

*Regarding beautification of the ponds, a meeting was held in 2014 at Darbhanga between Mr. Kumar Ravi, DM, Darbhanga and Prof. Rajiv Sinha, Department of Earth, IIT Kanpur. Prof. Rajiv Sinha submitted a list of following experts for developing plan for the beautification:*

*1. Dr. Rajiv Sinha*

*Professor and Head, Department of Earth Sciences, IIT Kanpur, Kanpur 208016*

*Email: [rsinha@iitk.ac.in](mailto:rsinha@iitk.ac.in), Phone+9935558218*

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2. Dr. R.P. Mathur, Former Professor, Department of Civil Engineering, IIT Roorkee,
3. Dr AP Sharma, Director Central Inland Fisheries Research Institute, Barrackpur  
Email ID [apsharma1@hmail.com](mailto:apsharma1@hmail.com) Phone +9051787111
4. Dr Pramod Kumar Pande, Former Professor and Head, Civil Engineering Department, mail  
Id : [pandeptra@gmail.com](mailto:pandeptra@gmail.com) Phone +9410143632

Sir, Prof Rajiv Sinha can be contacted for this purpose again. You can also contact Prof Ramakar Jha in Patna for this task, who works perhaps in NIT, Patna. Frankly speaking, I did not find a single engineer in Bihar in last 12 years, who have understanding of Pond's ecosystem. The design of 'Adalat Ganj Talab' in Patna and 'Amrit Sarovar' are classical example of insensitivity of pond's eco-system and to the climate change. It will be pleasure for me to share the traditional knowledge of pond's making, its structure and Eco-system through PPT with your engineers, if you give consent for it.

Finally, 'Jal-Jival-Hariyali Mission' launched by our **Hon'ble Chief Minister, Sri Nitish Kumar** has been recognized at international level. He is is very sincere and sensitive to water, environment & ecology issue. He made announcements on 18/12/2021 for the linking/integration and beautification of Harahi, Dighi, and Ganga Sagar ponds in Darbhanga, the news of which was published in local newspapers.

Looking forward to your kind and sensitive response.  
Thanks & regards.

Yours sincerely

  
20.4.23

Narayan Jee Choudhary  
Convenor  
Talab Bachao Abhiyan,  
Darbhanga.  
Mob: 9955344811

**CC4HDG**  
*Report By Concern Committee*  
*For Harahi, Digghi & Gangasagar Ponds*  
 For  
*Protection, Conservation & Beautification of*  
*Three Historical & Cultural Ponds of Darbhanga Town*



*“These ponds are an exemplary work of engineering of its time. Therefore saving and preserving them is as important as saving the Taj Mahal or Lal Quila.”*

*Padma Shri Manas Bihari Verma,  
 Former DRDO Scientist, Progm Dir LCA/Tejas.*

*“These ponds are our priceless heritage with immense religious and cultural significance. We must care and protect them for our generation to come.”*

*Shri Ganapati Mishra  
 Noted physician of Bihar*

*Report Submitted By:*  
**Talab Bachao Abhiyan (TBA)**  
*Professor Colony, Digghi West, Near Primary School*  
*E-mail: [mgvp4water@gmail.com](mailto:mgvp4water@gmail.com), Mobile: 9955344811*

**A Report Prepared By**  
**The Concern Committee For Harahi, Digghi & Gangasagar for Protection,**  
**Conservation and Beautification of Three Historical ponds of Darbhanga Town**

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### 1. About the concern committee:

A public interest litigation was filed in the Hon'ble National Green Tribunal (EZ), in 2022 to save Harahi, Digghi and Ganga Sagar ponds from encroachments and pollution. The case (O.A. No. 155/2022/EZ) was heard on 8th of December 2022. To know the ground reality of the 3 ponds, the Hon'ble National Green Tribunal issued an order to constitute a committee comprising the district Magistrate of Darbhanga, Nagar Nigam of Darbhanga, Bihar State Pollution Control Board, Patna and Bihar State Wetland Development Authority. To facilitate the smooth functioning of this committee and to provide it all the cooperation it may need, the DM of Darbhanga has been directed to work as the Nodal Body for the same.

In the light of the order of the Hon'ble National Green Tribunal (NGT), the Talab Bachao Abhiyan convened a meeting of the concerned citizens, social activists and the environmentalists on 11 Dec. 2022 at Lakshmeshwar Public Library, Lalbagh, Darbhanga. After due discussions it was decided unanimously in that meeting that a 'Concern Committee for Harahi, Digghi & Gangasagar' comprising of citizens of Darbhanga should be constituted which can give its suggestions and share the local and traditional wisdom to the committee constituted by the order of Hon'ble NGT. The purpose of this concern committee is to assist the committee, constituted by order of Hon'ble NGT, in all possible manner for protection, conservation and beautification of the three historical ponds of Darbhanga town. and intent. The name of the committee members its chairperson and convener are given below:

SN	Name & Occupation	Designation
1	Dr. Vidyanath Jha Retd. Principal & Professor of Botany, LNMU, Darbhanga	Member
2	Dr. Dharmendra Kumar Rtd. Associate Professor in History, LNMU, Darbhanga.	Member
3	Dr. Sharda Nand Choudhary Rtd. Professor of Geography, LNMU, Darbhanga.	Member
4	Prof. Prem Mohan Mishra University Department of Chemistry, LNMU, Darbhanga	Member
5	Prof. Muneshwar Yadav University Department of Political Science, LNMU, Darbhanga.	Member
6	Dr. Ashok Kumar Singh Rtd. NSS Officer, K.S. College, LNMU, Darbhanga	Member

7	Er Mithileshwar Jha Rtd. Engineer, Darbhanga	Member
8	Mrs. Indira Kumari, Social Worker, Darbhanga	Member
9	Mr. Nadim Ahmad Kajmi Journalist, Darbhanga. Darbhanga	Member
10	Mr. Ajit Kumar Mishra Advocate, Darbhanga	Coordinator
11.	Dr. R.B. Khetan Consultant Orthopedic Surgeon, Indira Memorial Nurshing Home, Darbhanga	Chairman of the Committee

## 2. A brief Introduction of Talab Bachao Abhiyan

Talab Bachao Abhiyan is a social forum. It was founded under the illustrious leadership of Padma Shri Manas Behari Verma and noted physician Dr. Ganpati Mishra in 2012-13 to save ponds of Darbhanga which have been under severe attack from the local land mafias. Talab Bachao Abhiyan has a popular and continuous support from the teachers, academicians, environmentalists, students, youths and other sections of the society as well. The main objective of Talab Bachao Abhiyan is to protect the rich water heritage of Mithila. Some of the activities carried out by Talab Bachao Abhiyan are: peaceful dharana and procession, consultation with lawyers and environmentalists, advocacy on water and environment with political parties, lodging complaints with the local authorities about the encroachments, filing PIL in NGT, meeting with teachers and students and so on. So far, we have submitted two sets of memorandum to the district magistrate on the issue of encroachment and grabbing of ponds lands one in 2013 and the other in 2014. We organised a visit of Jal Purush Rajendra Singh and others as well.

## 3. Water fort, ponds and lakes of Darbhanga:

As per the written historical records about Darbhanga town, since 1100 Ad till the independence of Indian in 1947, has been the seat of power of many kingdoms. The town of Darbhanga is surrounded by rivers and riverines from all four sides. These rivers and riverine worked as the natural barrier and water-fort, and provided a good security to the town in ancient and mediaeval times. The rivers that surround Darbhanga are:

- \* Bagmati in the west
- \* Kamla in the east
- \* A riverine near the airport in the north
- \* A riverine in the south flowing alongside Laheriasarai.

It is worth mentioning here that the town of Darbhanga has 9 lake-size ponds namely, Harahi, Digghi, Ganga Sagar, Sukhi Digghi, Dalaahi Digghi, Laxmisagar, Mirja Khan Talaab, Laal Pokhar, Or Moin Pokhar (a pond created by river). Apart from these lake-size ponds, the Darbhanga town has, as per the district gazetteer 1960, some 350 ponds of medium and small size.

Here again to underline the paradox is worth mentioning that the town of Darbhanga which is dotted with ponds every five hundred metres, suffered from the acute drinking water crisis in recent years.

#### **4. The historical background of Harahi, Digghi and Ganga Sagar Talaab**

The Harahi, Digghi and Ganga Sagar Talab are 800 to 900 years old by the written historical records. The construction of these ponds were commissioned during the reign of Raja Gang Sing Dev, Raja Ram Singh Deo, Raja Shakrasingh Deo and Raja Hari Singh Deo, who ruled in Mithila in between 1136 to 1324. These kings are called Karnat dynasty as they came to Mithila from Karnataka.

According to Padmasri Manas Bihari Verma, Former Distinguished Scientist, DRDO, "these ponds are an exemplary work of great engineering of its time. Therefore saving and preserving them is as important as saving the Taj Mahal or Lal Quila.

The noted physician of Bihar Shri Ganpati Mishra was of the same view, "These ponds are our priceless heritage with immense religious and cultural significance. We must care and protect them for our future generation."

#### **5. Religious and cultural significance of Gangasagar Talab**

Ganga Sagar, as the name suggests, is supposed to be the most important talab when it comes to its religious and cultural significance. Taking a dip in a Gangasagar Talab is considered to be equal to taking a dip in the Ganges itself. Since in the old age it was not feasible for everyone, especially for the handicapped and poor, to travel to the Ganges, so the local king used to construct Ganga Sagar Talab so that even a crippled one could get the satisfaction of taking a dip in the Ganges. To achieve the sanctity and the prestige attached with this name was a hard task to perform. The Yajna and other religious ceremonies

performed before dedicating this category of pond for public use are quite special. It is said that performing Chatushcharan Yanjn was a must for naming a Talab Gangasagar. In Darbhanga Raja Gang Singh Deo and In Madhubani Raja Raja Rameshwar Singh got Ganga Sagar Talab constructed in these two towns of Mithila.

#### **6. Park and Gardens around Harahi, Digghi and Ganga Sagar:**

Published in 1868 noted author Ayodhya Prasad 'Bahar' wrote in his book titled 'Riaz-E-Tirhut, there is a circular road around these ponds. People come to have good air and good time at these ponds. This circular road was constructed with the fund and advice of Mohammad Wahid Ali Khan who was a noble man of the town by Mr. G E Grahm, the assistant collector and Magistrate of Darbhanga.

In the same book on page no. 160 there is a map indicating gardens. As late as 1980 and 1985 the gardens around these ponds were so dense that people would be scared to come after the sunset. These ponds and its adjoining gardens were taken good care of by local administration then.

#### **7. The similarities between the map mentioned in Riaz-E-Tirhut (1868) and the map prepared by Nagar Nigam Darbhanga in 1960 Pertaining to these ponds and their surrounding gardens:**

The map that Darbhanga Nagar Nigam prepared in 1960 is a refined version of the map given in Riaz-E-Tirhut (1868) Please see annexure 1 and 2 for both the maps. A cursory glance at these maps and the present landscape of these ponds shows that in last fifty years things have changed beyond recognition. The larger share of this deterioration can be attributed to the complete failure of local administrative bodies.

Darbhanga Nagar Nigam in its map prepared in 1960 had earmarked 50 foot wide channel for joining Harahi and Digghi with provision of parks on both sides of the channel. Similar provision for channel and parks had made for joining the Digghi and Gangasagar talab/ponds. The area around the three ponds including channels and parks were declared as the controlled area on the map, which meant that the land inside the controlled area should not be sold or purchased. But keeping every rule of law at bay the very controlled area earmarked for developing parks has been sold and a huge illegal construction is being built over there presently.

### 8. The physical structures of Harahi, Digghi and Ganga Sagar ponds

In order to preserve these ponds and its further beautification, it is important to understand the physical structures of these ponds. The physical structures of these ponds and their functions are as below:

S.N.	Structure Name	Function/Description
1	Water area	<p>The area where water is stored. The area may increase or decrease as per the amount of water in the pond.</p> <p>The water area is in dire need of di-silting as tons of plastic and other dissoluble pollutants have gathered under the waterbed for years now.</p>
2	Inlet and outlet	<p>These ponds have a proper mechanism of letting the rain water come and allowing the surplus water to flow out of the pond so that an optimum water is maintained while refreshing the water every year.</p> <p>Sadly these inlets and outlets have been blocked by the encroachers which is making the water stagnant. These inlets and outlets need to be cleared immediately.</p>
3	Anganai (Courtyard)	<p>Anganai is the area that lies between the mound and the water area. Anganai is a vital structure for lake size ponds. This is primarily a breeding ground for all the amphibians. This area is also used by fishermen for collecting the fish from pond by using nets.</p> <p>Anganai of Digghi Talab has also been used as a walking track and other physical activities. Sadly enough this vital part of Digghi has been sold off which is causing a great distress to the talab and its habitants.</p>
4	Mounds (Locally called Mahar or Bhinda)	<p>The mound, soil-wall around the pond, is the excavated soil deposited around a talab. Usually a mound is planted with trees and grass which saves the soil erosion and provides sanctuary to the birds which makes a perfect harmonious aquatic-ecosystem around the pond. This mound is a protection wall of the ponds. In order to preserve the mounds, the traditional wisdom forbids any cultivated farming around and over it.</p>

S.N.	Structure Name	Function/Description
5	Bank ( locally called kachhar & Kachhair)	The bank of a pond is also of crucial importance. A pond is a living thing which supports hundred of amphibian species. Some of these amphibians, such as crabs, turtles, frogs, snakes, insects and so on, live only on the banks of water bodies. Today in the name of beautification, projects are rolled out to concretise these banks which is having a catastrophic effects on these amphibians. Bank is breeding ground for many local fishes also. Banks of these ponds have to planted with grass and other vegetation and all attempts to concretise it should be stopped at once.

#### 9. Area of Harahi, Digghi and Ganga Sagar:

According to Riaz-E-Tirhut which was first published in 1868 from Muzaffarpur and and later edition was published in 1997 by Maharajdhiraj Kameshwar Singh Kalyani foundation Darbhanga, the area of the above mentioned three talab is as follows:

SN	Name of the pond	Bigha	Kattha	Dhoor
1	Harahi	62	10	
2	Digghi	112	10	10
3	Ganga Sagar	78	2	
	Total Area	253	02	10

Darbhanga District Town Planning & Development Committee prepared a plan for the beautification of the 3 pond by inter-linking them, which was adopted by Darbhanga Municipal Board on 19 July 1960 by preparing a map. Nagar Board which later became Darbhanga Nagar Nigam prepared a plan in 1960 to connect all three talab through a water channel. The Darbhanga Darbhanga Municipal Board has mentioned in its map the total combined area of these ponds is **220 Bigha, 3 kattha's and 1 Dhoor**. Please see the Map in Annexure 2.

**10. Name of main sources causing pollution of water of the 3 ponds:**

S.N	Polluting Unit	Harahi	Dighi	Gangasagar
1	Darbhanga Railway Station	√	√	---
2	Nagar Nigam	√	√	√
3	Restaurant and shops	√	√	√
4	Domestic sewage	√	√	√
5	Hospitals	√	√	√
6	Automobile service centres	---	√	---
7	Immersion of idols and other such waste	√	---	√
8	Wastage from fish markets	---	---	√
9	Schools	---	√	---
10	Sulabh Sauchalay	√	---	---
11.	Others			√

It is worth mentioning here that the water of these ponds has become so toxic that several species of fish could not survive in it.

**11. The structures of Talab that have been encroached**

11.1 The space earmarked for developing parks and connecting the ponds by channel.

11.2 Inlets and outlets of the ponds.

11.3 Anganai (courtyard) of the ponds.

11.4 some portion of water area also of these ponds.

11.5 The circular road which was constructed for walking purpose around the ponds.

**12. A few suggestion to clear off the encroachments and stopping the polluting of the water:**

Members of the 'concern committee' wish to make these suggestions to the newly constituted committee by order of the Hon'ble NGT:

**12.1 For Darbhanga Railway Junction :**

12.1.1 The committee should advise the railway to make an alternate arrangement of its sewage as early as possible. The railways with its huge resources can very well have a sewage water treatment plant installed towards eastern side of the station. Or it can take its drainage out through a canal towards Donar chowk and dump it there in the Nala/drainage

**12.1.2 For Darbhanga Nagar Nigam :**

Darbhanga Nagar Nigam should engage with experts from IIT and other technical institutes of higher order as it has failed so far to deal with even a small problem such as managing the garbage and city's drainage system. Darbhanga Nagar Nigam should immediately conduct a fresh land survey so that the natural flow of rain water to the ponds is ensured and it should immediately redirect its own sewage most of which end up in the ponds. The Nigam must address its hazardous garbage disposal mechanism. As of now it dumps tons of garbage into flowing rivers and on roadside here and there.

**12.2 Suggestions for removal of encroachments in a Phase wise strategy:**

Removing encroachments from ponds is a humongous and complicated task. Therefore it needs to be done in a systematic and phase wise manner.

**12.2.1 In the first phase:**

It should remove the encroachments from its controlled area which was earmarked for developing parks and connecting the three ponds by making 2 channels. Darbhanga Nagar Nigam can use the special power provided under the Municipal Act to create recreational and parks for a town which has a population of 4 to 5 lakhs people. This is to bring to your kind notice that the town has not even a single public space where families can go with their children for some time out.

**12.2.2 In the Second Phase:**

In the second phase, Nagar Nigam should take up the task of clearing off Anganai (courtyard) of Digghi Talab only, which has been heavily encroached from all three sides. By clearing off one pond's Anganai, dealing with the miscreants who have occupied the Anganai of other ponds will become easier.

**12.2.3 In the third phase :**

In the third phase, Nagar Nigam should take up the task of clearing off Anganai (courtyard) of Harahi and Gangasagar including encroachments from the circular roads around the 3 ponds.

**12.3 Suggestion for how to encourage people's participation and transparency:**

District administration should have a portal entirely dedicated to the pond cause. On this portal the administration should provide all these information which are given in the table below:

1	Name of the pond	Particulars
2	A brief history introduction/history/who got it constructed	
3	Water Area of the pond	
4	Area of its Anganai (courtyard)	
5	Area of its mounds (locally called Mahar or Bhinda)	
6	The landmarks around its boundary	
7	Area of its inlet and outlet and other details	
8	Description of roads around the 3 ponds	
9	Details of garden and plants/trees	
10	A detailed Map of the pond containing information mentioned above under 1 to 9 heads.	

Hon'ble National Green Tribunal in its order number M. A. 26/2019 Report dated 22/05/2020 issued a directive to generate UID numbers for each and every pond. By following the order in its letter and spirit and thus generating an UID for the ponds accordingly we can preserve our ponds forever from these land sharks. Haryana Government has successfully done this and we can very well do it as well.

**12.4 Suggestions for protecting the whistle blowers and punishing the offenders:**

There should be a mail id, mobile number and what-apps number at district and block level so that exclusively for pond's causes so that the whistle blower can registered their complaint easily and concern authority should be accountable for taking action against the pond's land grabbers within 4 to 6 weeks . The concern officer must inform the whistle-blower about his/her action taken for removal of pond's encroachment and punishment given to the guilty/pond mafia.

Polluters to pay is a principle in international environmental law where the polluting party pays for the damage done to the natural environment. Bihar Municipal Act, 2008 has provision of "**Section 264: Polluters to pay** - "The Municipality may, by regulations, provide for recovery of charges and imposition of penalty on those persons who are directly responsible for causing pollution of any kind referred to in this chapter." But it is anguish to say that in last 15 years during which more than dozens of ponds have been eradicated from the face of this earth, not a single person/ pond's land grabber has been held guilty or punished for the same under the "**Section 264: Polluters to pay**" in Darbhanga district .

Therefore it is very important to have an environment where a whistle-blower is protected and an offender is caught and punished. We can have a mechanism at district and block level where any person can lodge a complaint about the defacement of a pond and the identity of his or her is kept secret. The officials dealing with the redressal of these complaints have to be answerable and accountable so that a timely intervention is done from the government agency.

### **13. Suggestions for beautification of these ponds:**

#### **13.1 Demarcation of physical area of the ponds:**

Demarcation of physical area of the ponds is the first step for the beautification. The physical structure and area of the ponds include water area, area of angnai/courtyard, inlet, outlet, roads around them, catchment area for fresh water etc.

#### **13.2 If previous plan of 1960 needs revision:**

If planning for beautification of the 3 ponds prepared by Darbhanga Municipal Board (now Corporation) in 1960 needs revision, then an expert committee should be formed with participation of national reputed environmentalist, river or pond or water experts, social scientists and engineers for developing new plan for the beautification. The following components can be included in the 1960 plan of beautification:

##### **13.2.1 Sewage treatment plant**

With consultation of experts, sewage treatment plant can be installed for treatment of polluted water of town sewage.

##### **13.2.2 Harvesting of river water to fill the 3 ponds :**

River water from Hawaii Adda can be channelized to Dalahi-digghi pond, and from Dalahi Digghi to Sukhi Digghi to pond near University Thana to Harahi pond. River

water will flow from Harahi to Digghi and Gangasagar because these ponds are inter-connected. These ponds were filled by river water previously also.

### **13.2.3 Eco-Park & Eco-Friendly Design:**

The design for the beautification of the ponds must be sensitive to the climate change, pond's aquatic eco-system with provision of a eco-park.

An initiative was made in 2014 in this regard and a meeting took place between the then DM of Darbhanga, Mr. Kumar Ravi and Professor Rajiv Sinha of IIT, who was then heading the department of earth science at IIT Kanpur. Professor Sinha, after due consideration of the unique nature of the ponds of Darbhanga and its soil, gave a few names who can be of immense help in this regard. The name of experts suggested by Professor Sinha are:

#### **i. Dr. Rajiv Sinha**

Professor and Head, Department of Earth Sciences, IIT Kanpur, Kanpur 208016  
Email: [rsinha@iitk.ac.in](mailto:rsinha@iitk.ac.in), Phone+9935558218

ii. **Dr. R.P. Mathur**, Former Professor, Department of Civil Engineering, IIT Roorkee.  
Mail id: [rpm2k1@yahoo.com](mailto:rpm2k1@yahoo.com), Ph;9935168422

iii. **Dr A P Sharma**, Director Central Inland Fisheries Research Institute, Barrackpur  
Email I D [apsharma1@hmail.com](mailto:apsharma1@hmail.com) Phone +9051787111

iv. **Dr Pramod Kumar Pande**, Former Professor and Head, Civil Engineering Department, Email I D [pandeptra@gmail.com](mailto:pandeptra@gmail.com) Phone +9410143632

Prof. Rajiv Sinha is still available and can be contacted on the above address.

### **13.3 Stop Structural Intervention:**

No structural intervention should be done in the 3 ponds as long as a complete plan for the of the ponds' beautification is not prepared and finalized. If a complete plan is finalized, then we should make structural intervention in a phase wise manner or as per our resources.

### **13.4 Fish Sanctuary:**

More than 50 varieties of local fishes are on the verge of extinction. The 3 ponds should be developed as a fish sanctuary for protection of local fishes, which are more than 100 varieties.

**13.5 Friendly environment for migratory birds:**

Migratory birds used to come in these ponds in winter season up to 1090-95. Now the migratory birds do not come to these ponds due to pollution of water, cutting of the trees and encroachments of ponds' land. Visiting of migratory birds in these ponds were beauty and attraction of the town up to 1995.

**14. Pond's water & fishes should be tested**

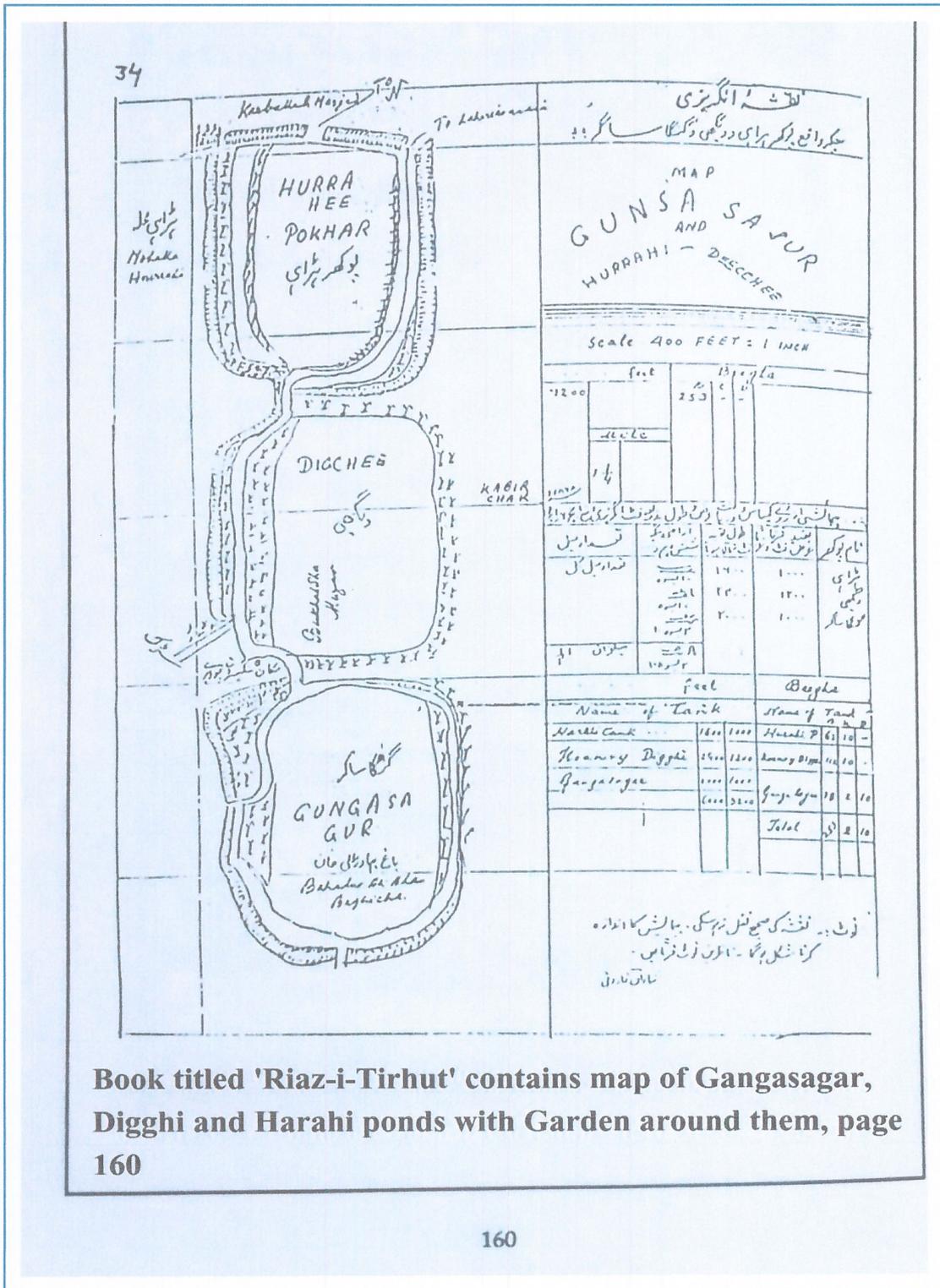
Water of the 3 ponds is considered as most polluted and poisonous. Up to 1990, more than 50 varieties of fishes were survived in these ponds. Now very selected fishes are survived, which are cultivated for commercial purposes. Whether these fishes are suitable for human health, is a matter of urgent concern and investigation.

Ajit Kumar Mishra  
Coordinator

Dr RB Khetan  
Chairman

Annexure-1

Riaz-i-Tirhut, published in 1868, page 160 contains map (hand sketch) of 3 ponds with roads and garden trees/plants.



Book titled 'Riaz-i-Tirhut' contains map of Gangasagar, Digghi and Harahi ponds with Garden around them, page 160

## Annexure-2

Page 14 of Riaz-i-Tirhut, published in 1868, contains details of area of the 3 ponds, namely Harahi, Digghi & Gangasagar.

Total Area as per the book is +253 Bigha = 230 Acres.

sides. People come and take a stroll on this road for fresh air. Mr. G.E.Graham, who was assistant collector and magistrate, had got this road encircling the tank, known as *chakkar*, i.e., circle, constructed. Haji Mohammad Wahid Ali Khan, a great zamindar and a bold and very respectable person of Darbhanga had advised him to do so and then had also undertaken the task of supervising the construction. The Government appreciated his efforts."

"There is a cremation ground (by the side of this road). At a little distance, there is a wine shop. There are houses of prostitutes and Nattins by the side of the road and their business is flourishing....."

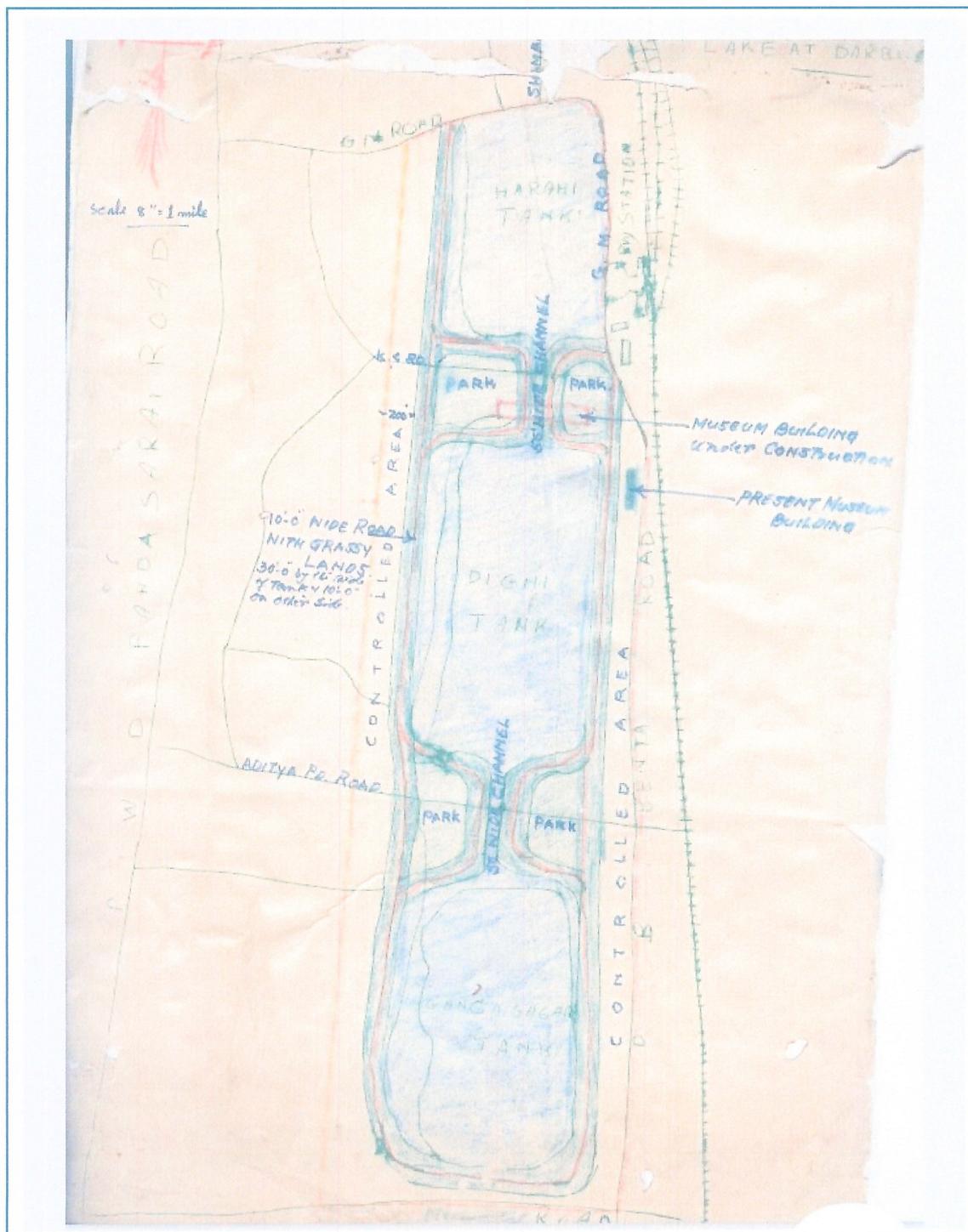
The book includes a map of the tanks. Shri Shadan Faruqui who copied the book by hand, also prepared a copy of the map by hand. However, it was not possible to do so very accurately and, therefore, this part has been excluded from the Hindi version of the text. The details mentioned in the book regarding the tanks are given below :

Tank	Width in ft. (from east to west)	Length in ft. (from north to south)	Area		
			Bigha	Kattha	Dhur
1. Harahi	1000	1600	062	10	—
2. Dighi	1200	2400	112	10	—
3. Ganga Sagar	1000	2000	078	02	10
Total			253	02	10

"There is Karbala Masjid at a little distance from the north-western corner of Harahi; in the west, there is Harahi mohalla; there is a road on its eastern side which goes to Laheriasarai; and at a short distance from its southern bank there is Dighi tank."

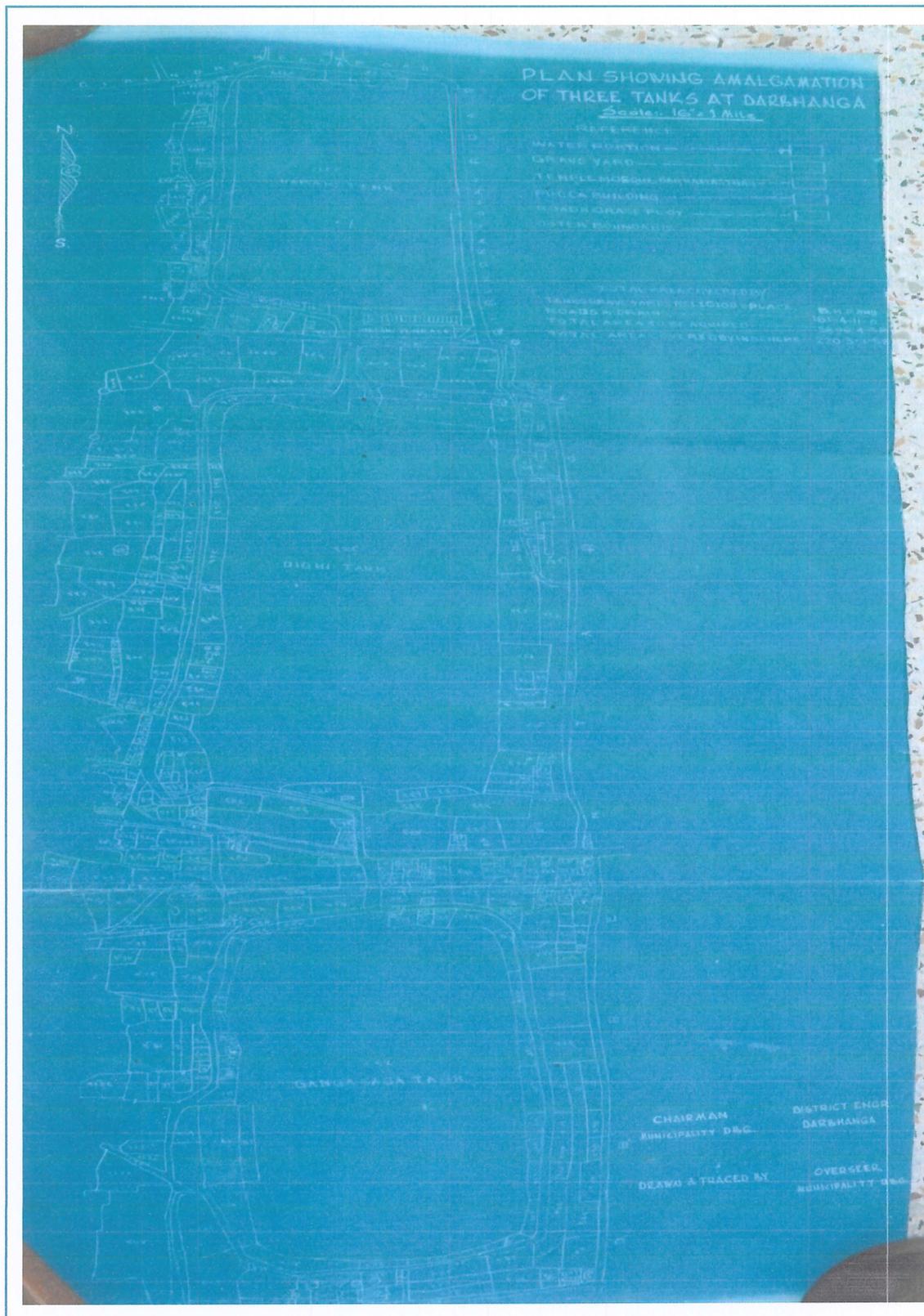
### Annexure-3

Map prepared by Darbhanga Municipal Board (Now Corporation) for Beautification of the 3 ponds, indicates 'Controlled Area' which means that the land of 'controlled area' cannot be sold & purchased. The map also indicates provision of 4 parks and 50 foot wide channel for linkage the ponds.



## Annexure-4

After zooming out on computer, the map reveals area identified for beautification (Amalgamation) of 3 ponds is more than 220 Bigha (Approx 200 acres).



## Annexure-5

### Previous Efforts & Declaration Made for the Beautification Of Harahi, Digghi and Gangasagar ponds

Talab Bachao Abhiyan (TBA) has gathered the following information about the beautification of the the 3 ponds from local media persons, researchers, senior citizens social workers:

#### **1. First Efforts for Beautification of the 3 ponds:**

Riaz-e-Tirhut, the book published in 1868, Author Ayodhya Prasad Bahar, says that Mr. G. E. Grahm, Assistant Collector had constructed roads around the 3 lakes so that people of the town can enjoy walking and recreational activities. The roads around the 3 lakes are called 'Chakkar'. A local landlord, Haji Md. Vahid Ali Khan had helped in developing the roads and garden around the lakes.

Please see Annexure-1 & 2, above.

#### **2. Second Effort for Beautification of the Lakes:**

Darbhanga Town Planning & Development Committee (DTP&DC) prepared a plan for beautification of the 3 lakes including developing parks and connecting the 3 lakes with 2 wide channels. The plan was adopted by the Darbhanga Municipal Board on 19 July 1960. The plan identified 220 Bigha Land and declared it as a Controlled Area on its map.

Please see Annexure-3 & 4 above.

#### **3. Third Efforts for the Beautification:**

Darbhanga Municipal Corporation (DMC), letter no. 1394 dated 15/05/2010, approved Rs. 5.19 lacs to NABARD Consultancy Services for developing DPR for beautification of the 3 lakes.

#### **4. Fourth Efforts for the Beautification/Restoration:**

According to the report published in The Hindustan Times, dated 29 August, 2014, Bihar Urban Infrastructure Development Corporation (BUIDCO) hired Sicon Private Limited, Bangalore to develop a DPR for the Beautification of the 3 Lakes. The company submitted its report to the Buidco, Patna, Govt of Bihar.

**5. Fifth Efforts/TBA Initiative:**

TBA took initiative and organized a meeting of Sri Kumar Ravi, DM Darbhanga with Prof Rajiv Sinha, Hod, Department of Earth, IIT Kanpur at Darbhanga in between 2014-15. Prof Sinha suggested the names of the following expert at the request of DM & Town Commissioner:

- i) Dr. R.P. Mathur, Former Professor, Department of Civil Engineering, IIT Roorkee, Roorkee  
Email: [rpm2k1@yahoo.com](mailto:rpm2k1@yahoo.com) Phone: +9935168422
- ii) Dr A P Sharma, Director Central Inland Fisheries Research Institute, Barrackpur  
Email I D [apsharma1@hmail.com](mailto:apsharma1@hmail.com) Phone +9051787111
- iii) Dr Pramod Kumar Pande, Former Professor and Head, Civil Engineering Department  
Email I D [pandeptra@gmail.com](mailto:pandeptra@gmail.com) Phone +9410143632
- iv) Dr. Rajiv Sinha, Professor and Head, Department of Earth Sciences, IIT Kanpur, Kanpur,  
Email: [rsinha@iitk.ac.in](mailto:rsinha@iitk.ac.in), Phone+9935558218

**6. Announcement by CM & Deputy CM of Bihar:**

As per report published in local news paper, The Chief Minister of Bihar and Deputy Chief Minister of Bihar made announcement on 18/12/2021 and 2 December 2018(DainikJagaran) for the Beautification of the 3 lakes.

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# तालाब बचाओ अभियान

## TALAB BACHAO ABHIYAN (TBA)

C/o Maithili Sahitya Parishad

Off: Professor Colony, Dighi West, Near Primary School, Darbhanga – 846004, Bihar.

E-mail: [mgvp4water@gmail.com](mailto:mgvp4water@gmail.com), Mob: +919955344811

Date: 09/11/2023

### Representation By E-mail

To,

1. The Chief Secretary, Patna, Govt. Of Bihar.
2. The Additional Secretary, Department of Environment, Govt of Bihar.
3. The Additional Secretary, Department of Art & Culture, Govt of Bihar.
4. Principal Secretary, Urban Development, Govt of Bihar.
5. The Member Secretary, Bihar State Wetland Development Authority.
6. The Member Secretary, BSPCB, Patna.
7. The DM/Collector, Darbhanga
8. The Town Commissioner, Darbhanga Municipal Corporation, Darbhanga.

**Subject:** Violation of the Hon'ble NGT Order for Protection of Harahi, Digghi & Ganga Sagar Lakes in Darbhanga Town.

**Reference:** The Hon'ble NGT Order, Dated 08/12/2022 and 23/03/2023 in O.A. No.155/2022/EZ (I.A. No. 239/2022/EZ, I.A. No. 240/2022/EZ).

### **Most Respected Sir/Madam,**

I am Narayan Jee Choudary, Convener of Talab Bachao Abhiyan - TBA C/o Maithilli Sahitya Parishad, Professor Colony, Dighi West, Near Primary School Darbhanga - 846004, Bihar. This letter is in continuation to our previous representations to the Principal Secretary, Urban Development; DM Darbhanga, Town Commissioner, Darbhanga and CO, Sadar Darbhanga, which are attached with this mail, to draw your kind attention for protection & restoration of 3 historical & cultural Lakes in Darbhanga town, which are about 900-1000 years old, built by rulers/kings of Karnat Dynasty in Mithila. Please find the following attachments of our previous representations:

### **1. Annexure-1, Concern Committee report, dated: 17/01/2023**

A Concern Committee (CC), consisted of Doctors, Professors, Professionals and activists, submitted its report to DM Darbhanga on 17/01/2023 with a request to share the suggestions of CC to the members of the 'Inspection Committee' formed by order of Hon'be NGT (O.A. No. 155/2022, Dt. 08/12/2022). The report wished to draw attention to the plan of 'Darbhanga Town Planning & Development Committee (DTPDC)' 1960 and Darbhanga Municipality for protection, restoration & beautification of the 3 lakes. Please see details in Annexure-1.

**2. Annexure-2, Letter to CO, Sadar Darbhanga on 21/01/2023**

A Letter wrote to Circle Officer (CO), Darbhanga Sadar on 21/01/2023, sought details information about area of **different structure the lakes separately**, which include Water Area, Inlet area, outlet area, Courtyard/Anganai area and Bhind/Mahar (Mud Wall area) with a view to identify the encroachments over the pond's land and develop suitable plan for its beautification after removal of encroachment.

Please see details in Annexure-2.

**3. Anneure-3, Letter to DM, Darbhanga, Date 01/04/2023**

TBA wrote a letter to the DM, Darbhanga on 01/04/2023, drawing his attention to the **on going encroachments & construction** of over the 3 lakes' land against the order of the Hon'ble NGT, also requested him to develop **integrated action plan** for beautification of the 3 ponds, avoiding separate plan for each pond. Also suggested names of **renowned experts for developing action plan** for restoration & beautification of the ponds. Please see details in Annexure-3.

**4. Annexure-4, Meeting With DM, Date: 18/04/2023**

Representatives of political and social workers, met DM Darbhanga on 18/04/2023, jointly submitted a Memorandum to the DM with 5 suggestions for protection & beautification of the 3 ponds. Please see details in Annexure-4.

**5. Annexure-5, Letter to PS through DM, Date: 20/04/2023**

Letter to Principal Secretary through DM, Darbhanga on 20/04/2023 highlighting faulty design of the beautification plan of the 3 lakes submitted to Hon'ble NGT by Darbhanga Municipal Corporation by an affidavit. Also suggested for the correction of the plan and requested to develop an integrated plan for the 3 ponds. Please see details in Annexure-5.

Please allow me to draw your kind attention to the order of the Hon'ble NGT dated 8/12/2023 and 23.03.2023 in O.A. N.155/2022/EZ (IA. No. 39/2022/EZ, I.A. No. 240/2022/EZ) for protection, restoration and beautification of Harahi, Digghi and Ganga sagar Lakes in Darbhanga town:

**6. On 8 December 2022, the Hon'ble NGT ordered:**

"12. In the meantime, we direct that there shall be a stay on all construction activities by way of encroachment on the three ponds in-question."

**7. On 23 March 2023, the Hon'ble NGT(EZ) ordered:**

The court quoted the report of the Inspection Committee, formed by order of the Hon'ble NGT on 8/12/2022, about the encroachments over the lands of the 3 Lakes/ponds are as follow:

**7.1 Harahi Lake, Page 6 of the Order:**

"Encroachments were observed towards South and part of Eastern side of the pond. It was observed that pucca houses have been constructed by the encroachers and are being used for residential and/or commercial purposes."

7.2 Digghi Lakes. Page: 7

*“Encroachments were observed towards North-West, West, South and part of East side of the Dighi pond. Pucca houses are made and being used for residential and/or commercial purposes.”*

7.3 Ganga Sagar Lake. Page 8:

*“Encroachments were observed towards North-East, West and South of the Ganga Sagar lake. Pucca houses are constructed and being used for residential and/or commercial purposes.”*

**8. The Hon’ble NGT (EZ) ordered on 23 March 2023:**

*“C. The Committee shall also take steps to remove the encroachments expeditiously.”*

*“D. The three ponds, namely, Dighi, Harai and Ganga Sagar, in Darbhanga District of Bihar, shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation.”*

*“E. The Committee shall also ensure that drains leading into the three Ponds/Water Bodies are completely diverted from the said water bodies. Effective sewage management shall be put in place to ensure that no municipal waste is allowed to flow into the three ponds.”*

*“F. The Committee shall hold its first meeting within fifteen days hereof and thereafter hold meetings regularly in every four months for appraisal of the remedial actions, proposed and taken from time to time.”*

*“G. The Bihar State Pollution Control Board shall take water samples six monthly from the three ponds and if the water samples are found to be higher than the prescribed standard parameters, appropriate directions shall be issued to the concerned authorities for taking effective remedial actions forthwith.”*

*“H. All illegal constructions leading into to three ponds and encroachments shall be removed within three months and those constructions which are governed by interim order of the Hon’ble High Court, Patna, shall be subject to any final order which may be passed by the Hon’ble High Court.”*

*But it is painful to say that the land of 3 lakes is being encroached and illegal constructions are going on over its land, which violates the order of the Hon’ble NGT date 8/12/2022 and 23/03/2023. Some photographs of the encroachments and construction are attached with this mail for your urgent actions to protect the lakes:*

**9. Annexure-6, Photographs of Encroachment & Construction over Harahi, Digghi & Ganga Sagar Lakes.**

**10. Annexure-7, Photographs of Encroachment/construction over Park Place, towards north-west of Digghi Lake, which is declared as 'Controlled Area' as per plan of Darbhanga Town Planning & Development Committee, the plan adopted by Darbhanga Municipal Board on 19 July 1960.**

**11. Annexure-8, Dying of Fishes due to dangerous level of water pollution of Ganga Sagar Lake, Immersion of hundred idols every year into the lakes' water, and bathing of children in the same water.**

*Sir, deepening crisis of drinking water in the country and impact of climate change, the Hon'ble Supreme Court has repeatedly ordered for protection of environment and water-bodies. I would like to draw your kind attention to the following order of Hon'ble Supreme Court for early intervention to protect the 3 historical lakes of Darbhanga town:*

**12. The Hon'ble SC Order in M.I. Builders (P) Ltd. vs. Radhey Shyam Sahu, 1999(6) SCC 464:**

*The Hon'ble Supreme Court ordered restoration of a park after demolition of a shopping complex constructed at the cost of over Rs.100 crore for protection of common land in the interest of common people .*

**13. The Hon'ble SC Order in Appeal (civil) 4787 of 2001, on 25 July 2001, Para 3 of Page 4 of the Order:**

*"It is important to note that material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enable people to enjoy a quality life which is essence of the guaranteed right under Article 21 of the Constitution. The Government, including revenue authorities, i.e. respondents 11 to 13, having noticed that a pond is falling in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of public at large. Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites."*

**14. The Hon'ble SC Order in Civil Appeal No.1132/2011 @ SLP(C) No.3109/2011, Date of Hearing 28/01/2011**

*"16. The present is a case of land recorded as a village pond. This Court in Hinch Lal Tiwari vs. Kamala Devi, AIR 2001 SC 3215 (followed by the Madras High Court in L. Krishnan vs. State of Tamil Nadu, 2005(4) 8CTC 1 Madras) held that land recorded as a pond must not be allowed to be allotted to anybody for construction*

of a house or any allied purpose. The Court ordered the respondents to vacate the land they had illegally occupied, after taking away the material of the house. We pass a similar order in this case.”

**“23. Let a copy of this order be sent to all Chief Secretaries of all States and Union Territories in India who will ensure strict and prompt compliance of this order and submit compliance reports to this Court from time to time.”**

**“24. Although we have dismissed this appeal, it shall be listed before this Court from time to time (on dates fixed by us), so that we can monitor implementation of our directions herein. List again before us on 3.5.2011 on which date all Chief Secretaries in India will submit their reports.”**

**Note: Court Order under above paras are Highlighted & underlined by TBA.**

**15. The Hon’ble SC Order in Writ Petition (Civil) No. 230/2001, Date of Hearing 26/03/2009:**

*“The present Writ Petition under Article 32 of the Constitutions of India relates to conservation of wetlands which in our opinion would include ponds, tanks, canals, creeks, water channels, reservoirs, rivers, streams and lakes. Although, the writ petition as framed related to protection of wetlands in the country for preservation of the environment and maintaining the ecology, we have suo motu expanded its scope as mentioned below. There is acute shortage of water in our country and one of the main reasons for that is that most of the water conservation bodies in our country such as ponds, tanks, small lakes etc. have been filled up in recent times by some greedy persons and such persons have constructed buildings, shops etc. on the same.”*

**16. The Hon’ble SC Order in Writ Petition(s) (Civil) No(s) 230/2001, Date: 08/02/2017:**

*“The apprehension expressed by learned counsel for the petitioners is that **with the passage of time there is a possibility that some of the wetlands may disappear.** On a reading of the Information Brochure, this apprehension is not unfounded.*

**Accordingly, we direct the application of the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 to these 2,01,503 wetlands that have been mapped by the Union of India.** The Union of India will identify and inventorize all these 2,01,503 wetlands with the assistance of the State Governments and will also communicate our order to the State Governments which will also bind the State Governments to the effect that these identified 2,01,503 wetlands are subject to the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010, and Management) Rules, 2010, that is to say .....

Besides the orders of the Hon'ble Supreme Court as quoted in above paras, several orders with many directions have been given by Hon'ble NGT for protection, restoration and conservation of water-bodies. I would like to draw your kind attention to the following orders of the Hon'ble NGT for protection and restoration of Harahi, Digghi and Ganga Sagar lakes/ponds of Darbhanga town:

**17. The Hon'ble NGT Order, Principal Bench, New Delhi.**

O. A. No. 351/2019 (With reports dated 30.10.2021 and 15.11.2021). Date: 25.11.2021:

"We further direct the State Governments that have not complied with earlier orders or directions given by the Central Government should do so within a period of four weeks from today failing which we will be constrained to require the presence of the Chief Secretaries of the State Governments in addition to imposition of heavy costs keeping in mind the necessity of conserving whatever water bodies are left in the country."

**18. The Hon'ble NGT Order, Principal Bench, New Delhi.**

M.A. No. 26/2019 IN Original Application No. 325/2015 (I.A. No. 700/2019) M.A. No. 252/2019, Date of hearing: 25.02.2020:

"6. There can be no dispute that the water bodies play significant role in recharge of ground water, preventing soil erosion, harnessing rain water and maintaining micro-climate in the area. Need for conservation and protection of water bodies is thus obvious. This requires involvement not only at the level of the State but also **at the level of the community for which State needs to take initiative.** The threat caused to the water bodies is by dumping of waste, discharge of effluents and encroachments. The steps required for restoration will include preparation and implementation of catchment area treatment plans, setting up of green belt and wherever viable setting up of bio-diversity parks around the water bodies, cleaning up of the garbage/debris and demarcation by the Revenue Department on identification survey and demarcation. Each water body is required **to be given a geo-referenced-UID** and an action plan is required for restoration and protection of each of the water bodies. In this view of the matter, need for conservation and protection of water bodies is not confined to the State of Haryana alone but extends to the whole country."

"10. .... We also note the guidelines for National Lake Conservation Plan prepared by MoEF&CC in May 2008 as well as National Plan for Conservation of Aquatic Ecosystem (NPCA) prepared by MoEF&CC in November, 2016. Irrespective of the subject being covered by a particular State statute, the protection of water bodies is an essential need for protection of environment as held in Hinch Lal

*Tiwari (Supra). Such requirement is covered by the 'Precautionary' principle as well as the 'Sustainable Development' principle which are required to be enforced by this Tribunal under Section 20 of the NGT Act, 2010. ...."*

*"11 ..... If all water bodies including ponds of lesser area than 0.5 acre are not covered, this will affect the environment including recharge of ground water, harnessing of rain water, prevention of soil erosion and maintaining the micro climate. We may, however, clarify that focus may be on ponds, etc. recorded in the revenue record."*

**Note: Court Order under above paras are Highlighted & underlined by TBA.**

**19. The Hon'ble NGT Order, Principal Bench, New Delhi.**

**M.A. No. 26/2019 IN Original Application No. 325/2015, I.A. No. 700/2019 & MA. No. 252/2019 (With Report dated 22.05.2020), Date of Hearing: 01.06.2020:**

*"1. This order is being passed in continuation of order dated 25.02.2020. The issue for consideration in the original application was identification, protection and restoration of water bodies in the State of Haryana. However, in the light of proceedings which took place, the scope of the application was extended to the entire country, in the interest of protection of environment."*

*"6. .... apart from setting up of additional water bodies/water harvesting structures wherever viable, utilizing available funds including under MGNREGA and involving the community at large at every level. Gram Panchayats can certainly play a significant role in the matter. Once adequate capacity enhancement of waterbodies takes place, excess flood/rain water can be channelized by using appropriate water harvesting techniques. This action needs to be coordinated by the District Magistrates in coordination with the Department of Irrigation and Flood Control or other concerned Departments such as Department of Rural Development/Urban Development/Local Bodies/Forests/Revenue etc. The District Magistrate may as far as possible hold a meeting of all the stakeholders for the purpose as per the District Environment Plan or Watershed Plan within one month from today. The District Magistrates may also ensure that as far as possible at least one pond/water body must be restored in every village, apart from creation of any new pond/water body."*

*"7. .... A copy of this order be sent to CPCB, **Chief Secretaries**, State PCBs/PCCs of all States/UTs for being forwarded to all the **District Magistrates** and other concerned Departments and further action in above terms. The District Magistrates may thereupon forward this order to all the levels of Panchayati Raj in their respective Districts."*

*"The Chief Secretaries may also forward this order to their respective Extension/ Public Relation Departments for awareness and publicity."*

**Note: Court Order under above paras are Highlighted & underlined by TBA.**

**20. Bihar State Wetland Authority's (BSWA) Response to the orders of the Hon'ble SC, Hon'ble NGT, Principal Bench and Hon'ble NGT (EZ):**

**20.1 An Affidavit by Bihar State Wetland Authority (BSWA) to NGT(EZ) on 8/3/2023:**

*Please see para no. 10 of the Hon'ble NGT Order in O.A. No. 155/2022/EZ, Dated March 23, 2023, which is as follows:*

*"10. A counter-affidavit dated 08.02.2023 has been filed on behalf of the Respondent No.3 & 12, Environment, Forests and Climate Change Department, Government of Bihar, and Bihar State Wetland Authority respectively, stating therein that the plots in question, namely, Dighi, Harai and Ganga Sagar located in Darbhanga District of Bihar are not notified as Wetlands under the Wetland (Conservation and Management) Rules, 2017."*

**20.2 BSWA Submitted Names of Harahi, Digghi & Ganga Sagar Lakes to Govt. Of India on 10/03/2018:**

*A list of 28 Wetlands in 12 districts of Bihar has submitted by the Director, Dept of Environment & Forest, Govt of Bihar through letter no. 346, dated 10/03/2018, to the Joint Director of MoEFCC, Govt of India. The list contains names of Harahi, Digghi and Gangasagr lakes.*

*> Page no. 1, para no. 5 of the letter say, "Detail information about 28 wetlands in 12 district of Bihar collected and compiled (list attached)".*

*> Further, the table of the Attached List (page no. 9 &10) contains names of Harahi, Digghi & Ganga Sagar Lakes besides the other lakes/wetlands.*

**20.3 The Principal Secretary, DoEFCC, Govt of Bihar submitted the List of 28 wetlands in 12 districts of Bihar to NGT through CPCB on 29/10/2020:**

*The Principal Secretary, DoEFCC, Govt of Bihar submitted the List of 28 wetlands in 12 districts of Bihar to NGT through CPCB. The CPCB submitted a consolidated report, received from different States, to Hon'ble NGT on 29/10/2020. In the consolidated report, the CPCB has mentioned that, "In the first phase, 28 wetlands in 12 districts of Bihar have been delineated with their respective Direct Zone of Influence."*

*Sir, 28 wetlands in 12 districts of Bihar submitted by CPCB to NGT is the same list as furnished by the Director, Dept of Environment & Forest, Govt of Bihar through letter no. 346, dated 10/03/2018, to the Joint Director of MoEFCC, Govt of India. letter, dated 19/03/2018. Thus BSWA needs correction of its affidavit*

*Thus, affidavit submitted to Hon'ble NGT(EZ) on 08.02.2023 by the BSWA & Department of Environment & Forest, Govt of Bihar needs correction. From 2001 to onward, several rounds of meeting, discussions and hearing in the court of Hon'ble SC and Hon'ble NGT were held for protection of water-bodies and wetlands in the broader context of water, environment, ecology, bio-diversity, right to life, Sustainable Development, Precautionary Principles and Public Trust Doctrine.*

*It is responsibility of Bihar State Wetland Authority to protect all wetlands in its State as per order of the Hon'ble SC and Hon'ble NGT. Please go through the following orders of the Hon'ble Courts:*

**20.4 Hon'ble SC Order for Protection of Wetland:**

*In Writ Petition(s)(Civil) No(s).230/2001, M.K. BALAKRISHNAN & ORS. Petitioner(s) VS UNION OF INDIA & ORS., Date 08/02/2017:*

*"..... Accordingly, we direct the application of the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 to **these 2,01,503 wetlands** that have been mapped by the Union of India. The Union of India will identify and inventorize all these 2,01,503 wetlands with the assistance of the State Governments and will also communicate our order to the State Governments which will also bind the State Governments to the effect that these identified 2,01,503 wetlands are subject to the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010, that is to say.....:*

**Further, on 04.10.2017, the Hon'ble Supreme Court ordered in Writ Petition(s) (Civil) No(s). 230/2001:**

*"We make it clear and reiterate that in terms of our order dated 8th February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010."*

**20.5 The Hon'ble NGT Order (O.A. No. 351/2019 , Lt. Col. Sarvadaman Singh Oberoi Versus Union of India & Ors. (With reports dated 30.10.2021 and 15.11.2021), Date of hearing: 25/11/2021):**

*"17. The suggestion of the applicant is that significant wetlands need not be limited to 363 and more wetlands on examinations be added to the list from time to time for better protection by preparing appropriate action plans under the programme for protection of the significant wetlands. Further, apart from figure of 2.01 lakh wetlands already mapped, to which the Wetland Rules, 2017 are applicable even if no separate Notification in terms of 2017 Rules in view of directions of the Hon'ble Supreme Court in M.K. Balakrishnan, supra, it may be possible to identify more such wetlands. **In fact, the report of the MoEF&CC itself mentions that some States have already identified larger number of wetlands than earlier mapped. In UP itself, 133484 wetlands are entered in the Revenue Records which are being protected by the State. On the same pattern, all the States/UTs need to map all available wetlands in their jurisdiction and file report with the National Wetland Authority so that National Wetland Authority can prepare an exhaustive inventory of wetlands in the country and extend protection to all such wetlands. These suggestions need to be considered by the MoEF&CC.**"*

*"18. **District Environment Plan of each District** in terms of order of this Tribunal dated 05.07.2021 in OA 360/2018, Shree Nath Sharma vs. Union of India & Ors. should also cover the wetlands in the District. **If necessary, the said plans be revised accordingly by the District Magistrates concerned by providing that the core activity for conservation and protection of wetlands may primarily focus on not discharging of sewage, disposal of solid waste and other wastes, preventing siltation, demarcation of wetlands/flood protection zone and removal of encroachments. There should be regular monitoring of water quality under water quality management programme at strategic locations (around 10 locations) to ensure that it is compliant with TC/FC norms. Water quality of the wetlands with respect to BOD needs to be less than 3 mg/l, faecal coliform should meet norms and contamination due to toxic constituents either directly or through runoff from the catchment should be prevented. Biodiversity of the wetlands needs to be maintained. Monitoring of steps for compliance of Rules in relation to such Wetlands ought to be at District level by the District Magistrate, at State level by State Wetland Authority and at National level by National Wetland Authority. We are confident that such initiatives in monitoring will go a long way in protecting the Wetlands which have significant environmental functions.**"*

**Note: Court Order under above paras are Highlighted & underlined by TBA.**

*Sir, It is very clear from the above orders of the Hon'ble SC and Hon'ble NGT, mentioned above under para no. 20.4 and 20.5, that all wetlands need to be protected, whether they are notified or not, as members of TBA understand the*

court orders. Further, it is responsibility of Bihar State Wetland Authority to add the names of Harahi, Digghi and Ganga Sagar Lakes, If they are not mapped previously.

### **21. Submissions:**

As per written historical records, Harahi, Digghi and Ganga Sagar Lakes/Talab are 900 to 1000 years old. The construction of these ponds were commissioned during the reign of Raja Gang Sing Dev(1136 - 1148 A.D), Raja Ram Singh Deo, Raja Shakra Singh Deo (1288 - 1304 A.D) and Raja Hari Singh Deo (1288 - 1304 A.D), who ruled in Mithila in between 1136 to 1324. These kings are called Karnat Dynasty as they came to Mithila from Karnataka.

According to Padmasri Manas Bihari Verma, Former Distinguished Scientist, DRDO, "these ponds are **an exemplary work of great engineering** of its time. Therefore saving and preserving them is as important as saving the Taj Mahal or Lal Quila.

The noted physician of Bihar Shri Ganpati Mishra was of the same view, "These ponds are our **priceless heritage of our ancestors, with immense historical and cultural significance**. We must care and protect them for our future generation."

So, the 3 lakes have historical and cultural importance not for the people of Darbhanga & Mithila but for Bihar also. Your sensitive response and kind attention are requested to consider the following submissions for protection and restoration of glory of 3 historical lakes:

#### **21.1 Immediate Stay on Encroachment & Construction:**

Please direct the CO Darbhanga Sadar or concern officer for immediate stay on all construction activities by way of encroachment on the three ponds in-question, as ordered by the Hon'ble NGT on 8/12/2022 and 23/03/2023.

#### **21.2 Removal of Encroachment in a Phase-Wise Manner with a view to minimize the Social & Political Complication:**

##### 21.2.1 In First Phase, Digghi Lake & Park Place are Proposed for Removing Encroachment:

Digghi Lake is in between Harahi and Ganga Sagar Lake. **CO, Sadar block** be instructed to measure the area of different structures of Digghi Lake. The structure of Digghi Lake includes Water Area, Angnai/Courtyard, Inlet & Outlet areas, Mud-wall or Bhinda/Mahar. Further, roads around the lake were built for recreational activities, morning & evening walking purposes and enjoying beauty of the Lake. The measurement of different structure will help us to identify the encroachments as well as to develop suitable plan for its beautification.

##### 21.2.2 For Parks & Connecting Channels:

North and South ends of Digghi Lake have provision of developing parks including connecting/amalgamating the 3 lakes by creating 50 foot wide channels as per plan

of Darbhanga Town Planning and Development Committee (DTP&DC),. The plan of DTP&DC was adopted by Darbhanga Municipal Board (now Corporation) on 19 July 1960 for developing the parks and beautification of the 3 lakes.

About 220 Bigha Lands were identified and declared as 'CONTROLLED AREA' for developing parks, beautification of the 3 lakes and creation of 2 channels for connecting the 3 lakes. Please see the maps of the beautification plan developed by Darbhanga Town Planning & Development Committee (DTP&DC) and adopted by Darbhanga Municipal Board on 19 July 1960.

**Please see the Maps in Annexure-9 & 10.**

**21.3 Second Phase for Removing the Encroachment:**

Second Phase of drive for Encroachment Removal will include Harahi and Ganga Sagar Lakes by following the same process as implemented & experienced in Digghi Lake.

**21.4 For Involvement of TBA Members:**

Representatives of Talab Bachao Abhiyan (TBA) should be involved at all level of the activities, if possible. The Hon'ble NGT, Principal Bench, New Delhi ordered to involve community and Gram Panchayat at all level of activities for protection of water-bodies in M.A. No. 26/2019 IN Original Application No. 325/2015, dated 01/06/2020 And in M.A. No. 26/2019 IN Original Application No. 325/2015 (I.A. No. 700/2019) M.A. No. 252/2019, Date of hearing: 25.02.2020. Please see above.

**21.5 Formation of an Expert Committee to Develop Restoration/Beautification Plan:**

To form a Committee of Expert after removal of all types of encroachments, for developing an action plan for restoration, beautification, conservation and protection of the 3 lakes, as per 'Indicative Guidelines developed in compliance of NGT Order, Principal Bench'. The expert committee will have member/expert of Climate change, Bio-diversity, Lake Eco-system, Earth Science etc.

**21.6 Harvesting of River Water:**

The Beautification plan should have a provision of linking the 3 lakes with nearby river for harvesting river water in rainy season for refreshing the lakes' water every year.

**21.7 Bihar State Wetland Authority (BSWA) needs to submit a fresh affidavit to NGT(EZ) as mentioned above under paras no. 20.**

Further, TBA seeks information & facts from BSWA, which were collected & compiled by the it for submission to CPCB & NGT (For Reference: letter no. 346, dated 10/03/2018, addressed to the Joint Director of MoEFCC, Govt of India)

**21.8 Polluters to pay:**

Polluters to pay is a principle in international environmental law where the polluting party pays for the damage done to the natural environment. **Bihar Municipal Act,**

*2008 has provision of "Section 264: Polluters to pay - "The Municipality may, by regulations, provide for recovery of charges and imposition of penalty on those persons who are directly responsible for causing pollution of any kind referred to in this chapter." The encrocher of lakes/ponds' land should be punished with 'Polluters Pay' provision of Municipality Act. It will discourage the polluters/encroachers in future.*

*Members of Talab Bachao Abhiyan (TBA) will be highly obliged to you if you share us a copy of progress report, action taken by the Committee formed by order of the Hon'ble NGT dated 8/12/2022 and 23/3/2023.*

*With Thanks & Regards.*

*Narayan Jee Choudhary  
Convenor, TBA, DBG.*



## Fwd: Seeking Attention to the Order of Hon'ble NGT for Protection of Harahi Digghi & Ganga Sagar Lakes in Darbhanga Toiwn

Narayan Jee Choudhary <mgvp4water@gmail.com>  
To: Advocate Renu <adv.renu.98@gmail.com>

Tue, Dec 5, 2023 at 6:12 PM

----- Forwarded message -----

From: **Narayan Jee Choudhary** <mgvp4water@gmail.com>

Date: Fri, Nov 10, 2023, 5:26 PM

Subject: Seeking Attention to the Order of Hon'ble NGT for Protection of Harahi Digghi & Ganga Sagar Lakes in Darbhanga Toiwn

To: <cmbihar@nic.in>, <efd-bih@nic.in>, <urbansec-bih@nic.in>, <msbspb-bih@gov.in>, <bspb@yahoo.com>, <ccfcc.bih@gmail.com>, <secart-bih@gmail.com>, <dm-darbhangabih@nic.in>, <darbhanga.ulb@gmail.com>

Cc: <codarb-dar.bih@nic.in>

### **Respected Sir/Madam**

*Please allow me to draw your kind attention to the order of the Hon'ble NGT, Eastern Zone, dated 8/12/2023 and 23.03.2023 in O.A. N.155/2022/EZ (IA. No. 39/2022/EZ, I.A. No. 240/2022/EZ) for protection and restoration of Harahi, Digghi and Ganga sagar Lakes in Darbhanga town:*

### **On 8 December 2022, the Hon'ble NGT (EZ) ordered:**

*"12. In the meantime, we direct that there shall be a stay on all construction activities by way of encroachment on the three ponds in-question."*

### **On 23 March 2023, the Hon'ble NGT ordered:**

*Besides the other directions, the Hon'ble Court ordered:*

*"C.The Committee shall also take steps to remove the encroachments expeditiously."*

*"D. The three ponds, namely, Digghi, Harai and Ganga Sagar, in Darbhanga District of Bihar, shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation."*

*In the background of the order of Hon'ble NGT, Talab Bachao Abhiyan (TBA) submitted the following representations with a view to support the administration for protection of the 3 lakes & restoration of their pristine glory::*

- 1. Annexure-1, Concern Committee report, dated: 17/01/2023*
- 2. Annexure-2, Letter to CO, Sadar Darbhanga on 21/01/2023*
- 3. Annexure-3, Letter to DM, Darbhanga, Date 01/04/2023*
- 4. Annexure-4, Meeting With DM, Date: 18/04/2023*
- 5. Annexure-5, Letter to PS through DM, Date: 20/04/2023*

*But, it is painful to say that the land of 3 lakes is being encroached and illegal constructions are going on over its land, which violates the order of the Hon'ble NGT dated 8/12/2022 and 23/03/2023. Some photographs of the encroachments and construction are attached with this mail for your urgent actions to protect the lakes:*

1. **Annexure-6**, Photographs of Encroachment & Construction over Harahi, Digghi & Ganga Sagar Lakes. 106
2. **Annexure-7**, Photographs of Encroachment/construction over Park Place, towards north-west of Digghi Lake,
3. **Annexure-8**, Photographs of dying Fishes due to dangerous level of water pollution of Ganga Sagar Lake, Immersion of hundred idols every year into the lakes' water, and bathing of children in the same polluted water.

Further, two Maps prepared for beautification of the 3 lakes of Darbhanga town, as per plan of Darbhanga Town Planning & Development Committee (DTP&DC), which was adopted by Darbhanga Municipal Board (Now Corporation) on 19 July 1960, are attached in **Annexure-9 & 10**.

Looking forward to your kind & sensitive response to our fresh **Representation-9/11/2023**, which is attach with this mail..

With thanks & Regards.

Yours sincerely

Narayan Jee Choudhary

Convenor, TBA, DBG

[Quoted text hidden]

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#### 10 attachments

-  **REPRESENTATION.pdf**  
175K
-  **Annex-1 CC4HDG Report in English.pdf**  
1167K
-  **Annex-2 Letter to CO 21 Jan 2023 Scan.pdf**  
710K
-  **Annex-3 Letter to DM 1 April 2023 Scan.pdf**  
824K
-  **Annex-4 Letter to DM 18 April 2023 Scan.pdf**  
6710K
-  **Annex-5 Scan.pdf PS through DM 20 April 2023.pdf**  
2176K
-  **Annex-6 Encroachment of HDG Lakes Photo.pdf**  
1840K
-  **Annex-7 Digghi North Park.pdf**  
150K
-  **Annex-8 Water Pollution Fish Dyingof GS.pdf**  
803K
-  **Annex-9 & 10.docx**  
420K

**KAMLESH KUMAR MISHRA**Advocate, Supreme Court of India

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17<sup>th</sup> November, 2023

REGD POST/E-MAIL/MOST URGENT

## NOTICE OF CONTEMPT

To,  
SHRI. SUDHIR KUMAR  
Department of Environment  
Government of Bihar  
Rajbansi Nagar,  
Patna, Bihar 800015

AND

To,  
Sri Santosh Kumar Mall, I.A.S.  
Principal Secretary  
Urban Development and Housing Department,  
Government of Bihar, Patna,  
1st Floor, Vikas Bhawan, New Secretariat,  
Patna-800015  
[urbansec-bih@nic.in](mailto:urbansec-bih@nic.in);

AND

To  
SRI NAGENDRA KUMAR SINGH  
Dr. Devendra Kumar Shukla  
Darbhanga Municipal Corporation Office,  
Mirzapur, Lal Bagh, Darbhanga,  
Bihar-846004

AND

To,  
SRI S. CHANDRASEKAR, IFS

Member Secretary  
Bihar State Pollution Control Board,  
Parivesh Bhawan, Patna Mall Rod,  
Patliputra Industrial Area,  
Digha, Patna, Bihar-800010

AND

To,  
R.K. Jain  
Divisional Railway Manager,  
Samastipur Division,  
East Central Railway,  
Railway Colony, Samastipur,  
Bihar-848101

AND,

To,  
SHRI CHANDRASHEKHAR SINGH  
District Magistrate, Darbhanga District,  
Collectorate, Darbhanga,  
Bihar-846001

Subject: Notice of Contempt and request for compliance of the order passed by National Green Tribunal, Eastern Zone Bench, Bench, Kolkata, dated 23.03.2023 passed in O.A No. 155/2022/EZ in the matter titled as Talab Bachao Abhiyan- TBA Versus Govt. Of Bihar & Ors.

Reference:

1. Final Order and Judgement dated 23.03.2023 passed by National Green Tribunal, Eastern Zone Bench, Bench, Kolkata in Original Application No. 155/2022/EZ in the matter titled as Talab Bachao Abhiyan-TBA Versus Govt. Of Bihar & Ors.

Most Respected Madam/Sir,

I am writing to you on behalf of my client, Mr. Narayan Jee Choudary C/o Maithilli Sahitya Parishad, Professor Colony, Dighi West, Near Primary School, Darbhanga-846004 who is the Convenor of Talab Bachao Abhiyan (TBA).

This notice is being sent to you as it is apparent that the Order dated 23.03.2023 passed by the Hon'ble NGT, Kolkata Bench in the matter titled as Talab Bachao Abhiyan-TBA Versus Govt. Of Bihar & Ors. (OA No. 155/2022/EZ) has not been complied with by you the Noticees till date. The relevant portion of the orders compliance of which is being sought for is as under;

**The relevant portion of the order dated 23.03.2023;**

*“Considering the conditions of the three ponds and the recommendations made by the*

*Committee, we dispose of this Original Application with the following directions:-*

*A. We constitute a Committee under the Chairmanship of Additional Chief Secretary, Department of Environment, Government of Bihar. The other Members of the Committee shall be; the Principal Secretary, Urban Development Housing Department, Government of Bihar, Municipal Commissioner, Darbhanga Municipal Corporation, Member Secretary, Bihar State Pollution Control Board, Divisional Railway Manager, Samastipur Division, and the District Magistrate, Darbhanga.*

*B. The above Committee shall address itself to the observations and the recommendations made in the Inspection Report of the Committee constituted by the Tribunal and take expeditious remedial measures.*

*C. The Committee shall also take steps to remove the encroachments expeditiously.*

*D. The three ponds, namely, Dighi, Harai and Ganga Sagar, in Darbhanga District of Bihar, shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to*

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Advocate, Supreme Court of India

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*provide an eco-friendly landscape which can be used by the public for recreation.*

*E. The Committee shall also ensure that drains leading into the three Ponds/ Water Bodies are completely diverted from the said water bodies. Effective sewage management shall be put in place to ensure that no municipal waste is allowed to flow into the three ponds.*

*F. The Committee shall hold its first meeting within fifteen days hereof and thereafter hold meetings regularly in every four months for appraisal of the remedial actions, proposed and taken from time to time.*

*G. The Bihar State Pollution Control Board shall take water samples six monthly from the three ponds and if the water samples are found to be higher than the prescribed standard parameters, appropriate directions shall be issued to the concerned authorities for taking effective remedial actions forthwith.*

*H. All illegal constructions leading into to three ponds and encroachments shall be removed within three months and those constructions which are governed by interim order of the Hon'ble High Court, Patna, shall be subject to any final order which may be passed by the Hon'ble High Court.*

...”

That however from the latest inspection of the site by my client it appears that no action whatsoever has been taken by the Committee formed by the Hon’ble National Green Tribunal and by the Bihar State Pollution Control Board towards the compliance of the order passed by the Tribunal.

That for your convenience the status of compliance with the aforementioned orders in terms of the inspection and observation of my client is as under;

Sl. No	Directions of Tribunal vide order dated 23.03.2023 in O.A No. 155/2022/EZ	Status of Compliance of the order	Remarks
1.	<i>We constitute a Committee under the Chairmanship of Additional Chief Secretary, Department of Environment, Government of Bihar. The other Members of the Committee shall be; the Principal Secretary, Urban Development Housing Department, Government of Bihar,</i>	Based on the Knowledge of my client the Committee has been formed by the Tribunal, However, the function of the committee isn’t available in the public Domain	The members of the committee represents a distinct area of expertise and authority. The combined knowledge and experience of these members allow the committee to approach its tasks comprehensively however the function of this committee as

	<i>Municipal Commissioner, Darbhanga Municipal Corporation, Member Secretary, Bihar State Pollution Control Board, Divisional Railway Manager, Samastipur Division, and the District Magistrate, Darbhanga</i>		well as the action taken by the committee are not visible to the public.
2.	<i>The above Committee shall address itself to the observations and the recommendations made in the Inspection Report of the Committee constituted by the Tribunal and take expeditious remedial measures.</i>	The function of the committee is not accessible to the public	
3.	<i>The Committee shall also take steps to remove the encroachments expeditiously.</i>	No steps have been taken to remove the encroachments.	It has now been a span of over 8 months since the Hon'ble Tribunal passed an order dated 23rd of March 2023, directing the removal of

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encroachments.

Despite the considerable passage of time, it is disheartening to note that the committee responsible for executing this order has yet to initiate any actions in furtherance of this directive. This prolonged inaction raises concerns regarding the efficacy and timeliness of the committee's response to the Tribunal's order, and it may necessitate a closer examination of the reasons behind the delay. Such delays in implementing crucial orders can have far-reaching implications, potentially affecting

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			not only the intended goals of the Tribunal but also the broader interests of the community and the rule of law itself.
4.	<i>The three ponds, namely, Dighi, Harai and Ganga Sagar, in Darbhanga District of Bihar, shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation.</i>	with the direction pertaining to the restoration of the three ponds, namely Dighi, Harai, and Ganga Sagar, situated in Darbhanga District, Bihar. No steps so far has been taken by the concerned authorities for the restoration of above said three ponds.	This direction underscores the importance of returning these ponds to their natural, pristine state and reinforcing their embankments through the planting of grass, natural shrubs, and trees, thus creating an eco-friendly landscape accessible for public recreational use. However, the non-function of the authorities/ committee led to the

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			non-restoration of these ponds.
5.	<i>The Committee shall also ensure that drains leading into the three Ponds/Water Bodies are completely diverted from the said water bodies. Effective sewage management shall be put in place to ensure that no municipal waste is allowed to flow into the three ponds.</i>	No effective sewage management has taken place and these ponds are still subject to the drain waste.	Despite the Tribunal's directive to reroute the drainage systems away from these three ponds, there has been a notable lack of effective sewage management. Regrettably, this situation has persisted, and the ponds continue to be exposed to the inflow of sewage waste. The non-compliance with the Tribunal's orders has led to an ongoing environmental concern, where the ponds remain vulnerable to pollution from sewage drainage systems.

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6.	<i>The Committee shall hold its first meeting within fifteen days hereof and thereafter hold meetings regularly in every four months for appraisal of the remedial actions, proposed and taken from time to time.</i>	As this direction is with respect to the meetings of the committee my client is not having any knowledge of the same.	As this direction is with respect to the meetings of the committee my client is not having any knowledge of the same.
7.	<i>The Bihar State Pollution Control Board shall take water samples six monthly from the three ponds and if the water samples are found to be higher than the prescribed standard parameters, appropriate directions shall be issued to the concerned authorities for taking effective remedial actions forthwith.</i>	In the knowledge of my client, no sample has been taken from the three ponds mentioned above.	In the knowledge of my client, no sample has been taken from the three ponds mentioned above.
8.	<i>All illegal constructions leading into to three ponds and</i>	Illegal Construction and Encroachment have not removed	Photographs attached with the present notice would show the

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<p><i>encroachments shall be removed within three months and those constructions which are governed by interim order of the Hon'ble High Court, Patna, shall be subject to any final order which may be passed by the Hon'ble High Court.</i></p>	<p>since the Hon'ble Tribunal passed the order dated 23.03.2023</p>	<p>non-compliance of the order passed by the Tribunal.</p>
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That my client made several representations to you the noticee for compliance of order dated 23.03.2023 highlighting the suggestions for the removal of encroachment from the three ponds i.e Harahi, Digghi, and Ganga Sagar and for their beautification. Relevant portion of the same is as under;

Suggestions for beautification of these ponds:

“...13.1 Demarcation of physical area of the ponds: Demarcation of physical area of the ponds is the first step for the beautification. The physical structure and area of the ponds include water area, area of angnai/courtyard inlet, outlet, roads around them, catchment area for fresh water etc.

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13.2 If previous plan of 1960 needs revision:

If planning for beautification of the 3 ponds prepared by Darbhanga Municipal Board (now Corporation) in 1960 needs revision, then an expert committee should be formed with participation of national reputed environmentalist, river or pond or water experts, social scientists and engineers for developing new plan for the beautification. The following components can be included in the 1960 plan of beautification:

13.2.1 Sewage treatment plant With consultation of experts, sewage treatment plant can be installed for treatment of polluted water of town sewage

13.2.2 Harvesting of river water to fill the 3 ponds:

River water from Hawai Adda can be channelized to Dalahi-digghi pond, and from Dalahi Digghi to Sukhi Digghi to pond near University Thana to Harahi pond. River water will flow from Harahi to Digghi and Gangasagar because these ponds are

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inter-connected. These ponds were filled by river water previously also.

### 13.2.3 Eco-Park & Eco-Friendly Design:

The design for the beautification of the ponds must be sensitive to the climate change, pond's aquatic eco-system with provision of a eco-park

An initiative was made in 2014 in this regard and a meeting took place between the then DM of Darbhanga, Mr. Kumar Ravi and Professor Rajiv Sinha of IIT, who was then heading the department of earth science at IIT Kanpur Professor Sinha, after due consideration of the unique nature of the ponds of Darbhanga and its soil, gave a few names who can be of immense help in this regard. The name of experts suggested by Professor Sinha are:

L. Dr. Rajiv Sinha Professor and Head,  
Department of Earth Sciences, IIT Kanpur,  
Kanpur 208016 Email: [rsinha@litk .ac.in](mailto:rsinha@litk.ac.in),  
Phone+9935558218

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IL Dr. R.P. Mathur, Former Professor, Department of Civil Engineering, IIT Roorkee Mail id rpm2k1@yahoo.com, Ph.9935168422

iii. Dr. A P Sharma, Director Central Inland Fisheries Research Institute, Barrackpur Email ID apsharma1@hmail.com Phone +9051787111

iv. Dr Pramod Kumar Pande, Former Professor and Head, Civil Engineering Department, Email ID pandeptra@gmail.com Phone +9410143632

Prof. Rajiv Sinha is still available and can be contacted on the above address

### 13.3 Stop Structural Intervention:

No structural intervention should be done in the 3 ponds as long as a complete plan for the of the ponds' beautification is not prepared and finalized. If a complete plan is finalized, then we should make structural intervention in a phase wise manner or as per our resources

### 13.4 Fish Sanctuary:

More than 50 varieties of local fishes are on the verge of extinction. The 3 ponds should be

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developed as a fish sanctuary for protection of local fishes, which are more than 100 varieties.

13.5 Friendly environment for migratory birds: Migratory birds used to come in these ponds in winter season up to 1090-95. Now the migratory birds do not come to these ponds due to pollution of water, cutting of the trees and encroachments of ponds land. Visiting of migratory birds in these ponds were beauty and attraction of the town up to 1995.

14. Pond's water & fishes should be tested

Water of the 3 ponds is considered as most polluted and poisonous. Up to 1990, more than 50 varieties of fishes were survived in these ponds. Now very selected fishes are survived, which are cultivated for commercial purposes. Whether these fishes are suitable for human health, is a matter of urgent concern and investigation.”

That my client would further draw your attention towards the orders passed by the Hon'ble Supreme court from time to time for the preservation/ protection of common land, ponds, forests etc. relevant portion of the orders are as under;

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# KAMLESH KUMAR MISHRA

Advocate, Supreme Court of India

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***In M.I. Builders (P) Ltd. vs. Radhey Shyam Sahu  
1999(6) SCC 464***

*The Hon'ble Supreme Court ordered restoration of a park after demolition of a shopping complex constructed at the cost of over Rs.100 crore for protection of common land in the interest of common people*

The Hon'ble Supreme court in **Appeal (civil) 4787 of 2001**.  
Observed as under:

*"It is important to note that material resources of the community like forests, tanks, ponds, hillocks, mountains etc. are nature's bounty They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enable people to enjoy a quality life which is essence of the guaranteed right under Article 21 of the Constitution. The Government, including revenue authorities, ie respondents 11 to 13, having noticed that a pond is falling in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of public at large.*

# KAMLESH KUMAR MISHRA

Advocate, Supreme Court of India

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*Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites."*

14. The Hon'ble SC Order in **Civil Appeal No.1132/2011 @ SLP(C) No.3109/2011**. Date of Hearing 28/01/2011

"16. The present is a case of land recorded as a village pond. This Court in Hinch Lal Tiwan vs. Kamala Devi, AIR 2001 SC 3215 (followed by the Madras High Court in L Krishnan vs. State of Tamil Nadu, 2005(4) 8CTC 1 Madras) held that land recorded as a pond must not be allowed to be allotted to anybody for construction of a house or any allied purpose. The Court ordered the respondents to vacate the land they had illegally occupied, after taking away the material of the house. We pass a similar order in this case"

In **Writ Petition (Civil) No. 230/2001**. The Hon'ble Supreme Court observed as under;

"The present Writ Petition under Article 32 of the Constitutions of India relates to conservation of wetlands which in our opinion would include ponds, tanks, canals, creeks, water channels, reservoirs, rivers, streams and lakes. Although, the writ petition as framed related to protection of wetlands in the country for preservation of the environment and

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# KAMLESH KUMAR MISHRA

Advocate, Supreme Court of India

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maintaining the ecology, we have suo motu expanded its scope as mentioned below. There is acute shortage of water in our country and one of the main reasons for that is that most of the water conservation bodies in our country such as ponds, tanks, small lakes etc. have been filled up in recent times by some greedy persons and such persons have constructed buildings, shops etc. on the same”

That you the notice deliberately and willfully had not complied with the direction of the Hon’ble Tribunal As also with the orders of the Hon’ble Apex court wherein the court, on various occasions, explicitly directed the preservation and safeguarding of ponds, wetlands, lakes, forests, and similar natural resources.

That the photographs enclosed with this notice provide visual evidence of a critical issue: the detrimental impact of water pollution on Ganga Sagar Lake. The images illustrate the distressing consequence of fish mortality, directly attributed to the disposal of Chura Mill ashes. Additionally, the pictures reveal unauthorized construction activities occurring at Harahi Pond, raising concerns about the adverse effects on the ecosystem. Furthermore, illegal construction, specifically the erection of a Bamboo wall, is observed at Digghi Pond, emphasizing the urgency of addressing these environmental pollution.

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# KAMLESH KUMAR MISHRA

Advocate, Supreme Court of India

---

Thus, I am constrained to issue the present notice of contempt for immediate compliance of the orders passed by the Hon'ble Tribunal.

Therefore, I request you to take action and ensure compliance with the Orders passed by the National Green Tribunal, Eastern Zone Bench, Bench, Kolkata, failing which My Client would be left with no other option apart from taking further legal action against you the noticee.

Take notice accordingly.

Thanking you,



KAMLESH KUMAR MISHRA & RENU

**CORPUS JURIS INDIA**

346A, Lawyers Chamber Block I,

Delhi High Court, Delhi 110003

Kamlesh.legalaid@gmail.com

+91 9582388509

Attachments:

1. Final Order and Judgement dated 23.03.2023 passed by National Green Tribunal, Eastern Zone Bench, Bench, Kolkata in Original Application No. 155/2022/EZ in the matter titled as Talab Bachao Abhiyan-TBA Versus Govt. Of Bihar & Ors.
2. Photographs of the ponds highlighting the present status of the three ponds.

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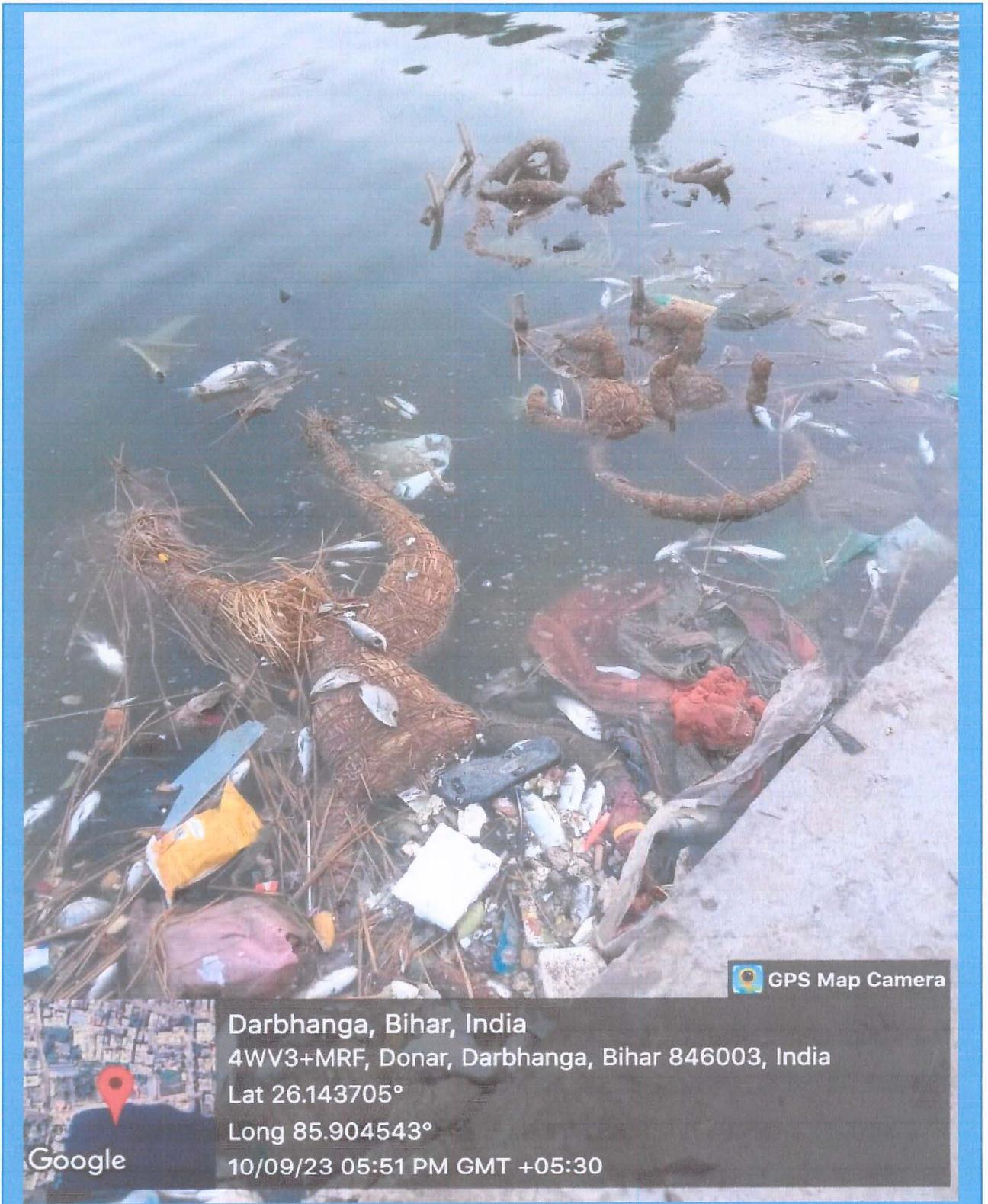
[Corpusjurisindia@gmail.com](mailto:Corpusjurisindia@gmail.com) [kamleshkumarmishra@live.co.uk](mailto:kamleshkumarmishra@live.co.uk)

# GANGA SAGAR LAKE

Dangerous Water Pollution Causing Fish to Die

Hundred of Idols Are Immersed into the Water Every Year

Photo on 10/09/2023



# GANGA SAGAR LAKE

Dangerous Water Pollution Causing Fish to Die

*Solid Waste Causing Pollution*

Photo on 10/09/2023



GPS Map Camera



Darbhanga, Bihar, India

4WV3+8GQ, Marwari College Rd, Laheriasarai, Darbhanga, Bihar 846003, India

Lat 26.143642°

Long 85.904037°

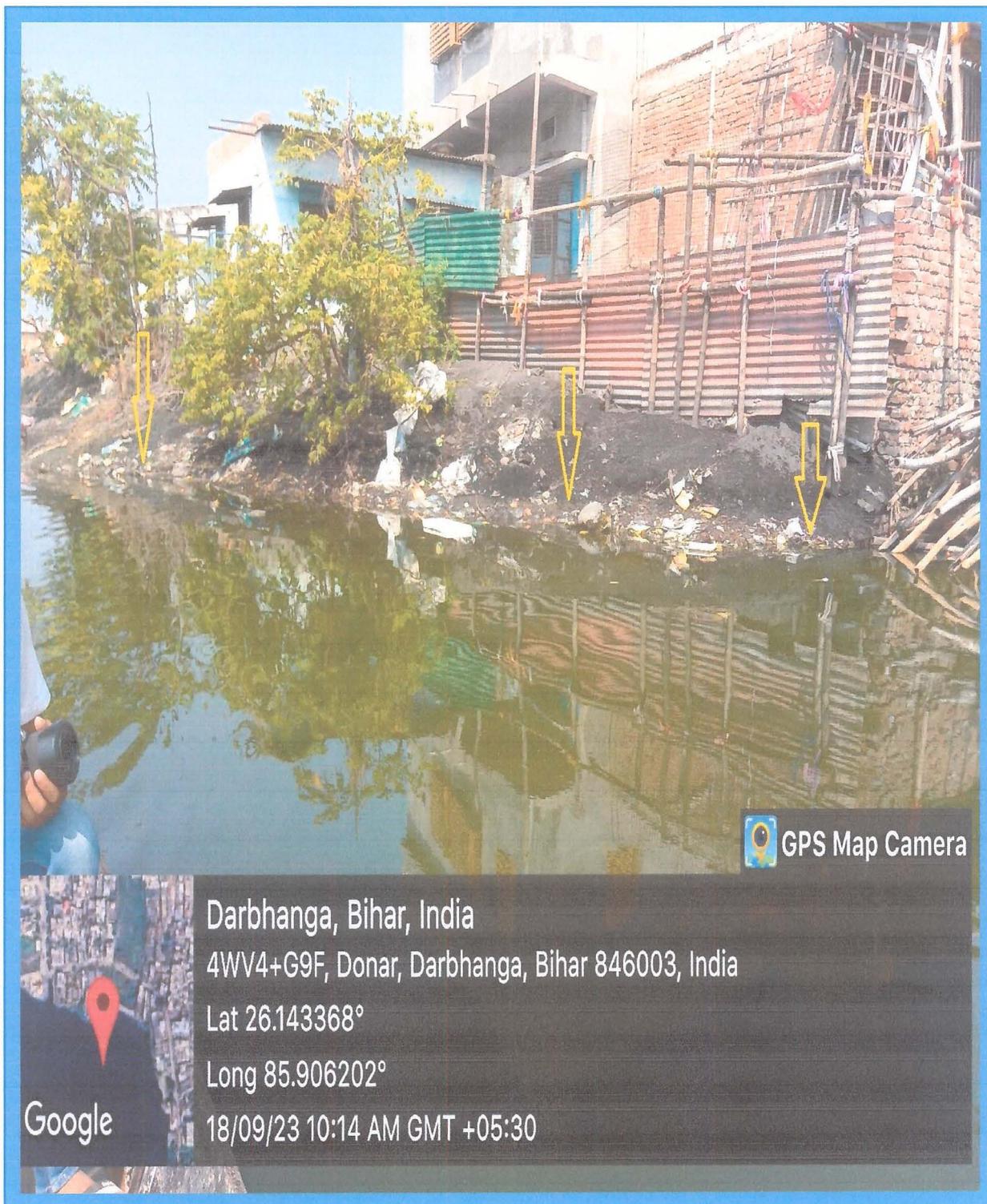
10/09/23 05:46 PM GMT +05:30

Google

## GANGA SAGAR LAKE

*Burnt Ashes of a Chura Mill (चुड़ा मिल) is Dumped into the Water,  
Yellow Arrow Indicated the Dumped Ash*

Photo Taken on 18/09/2023



# GANGA SAGAR LAKE

May God Protect the Children Bathing in Ganga Sagar Lake

Photo Taken on 10/09/2023

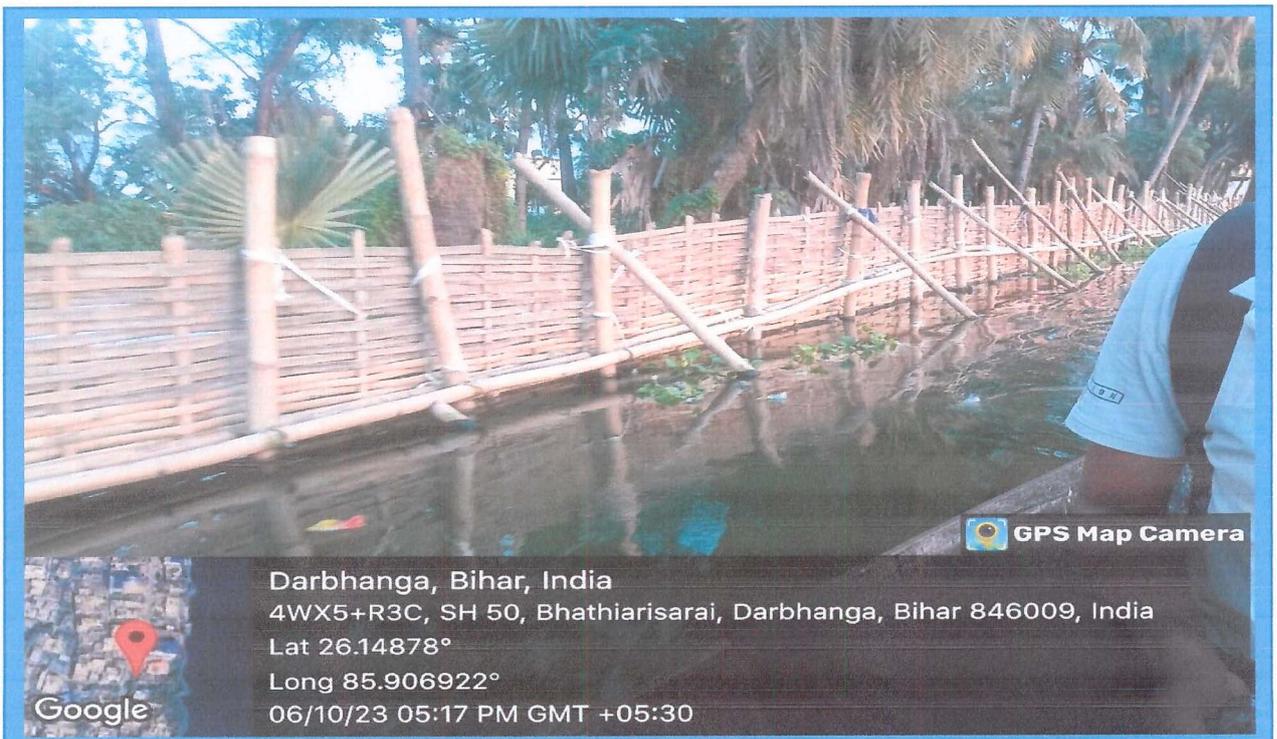
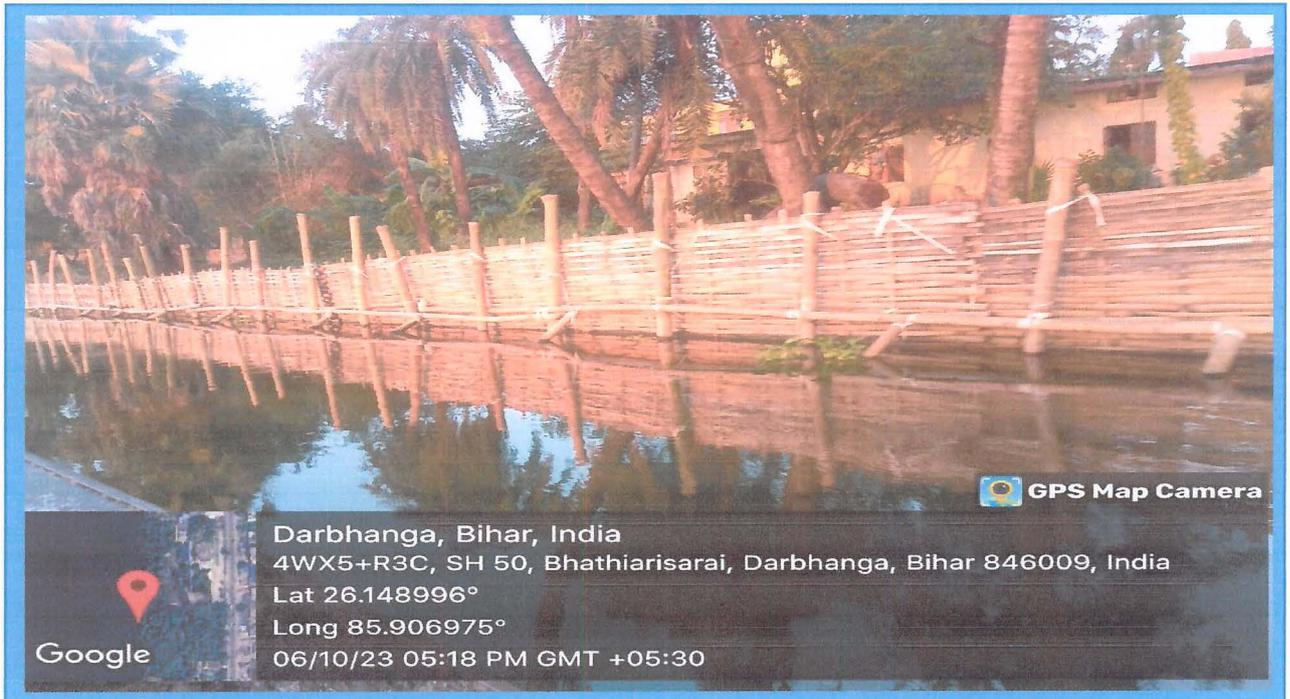


***Fresh Encroachment of Digghi, Gangasagar & Harahi Lakes***

Photo -1 & 2,

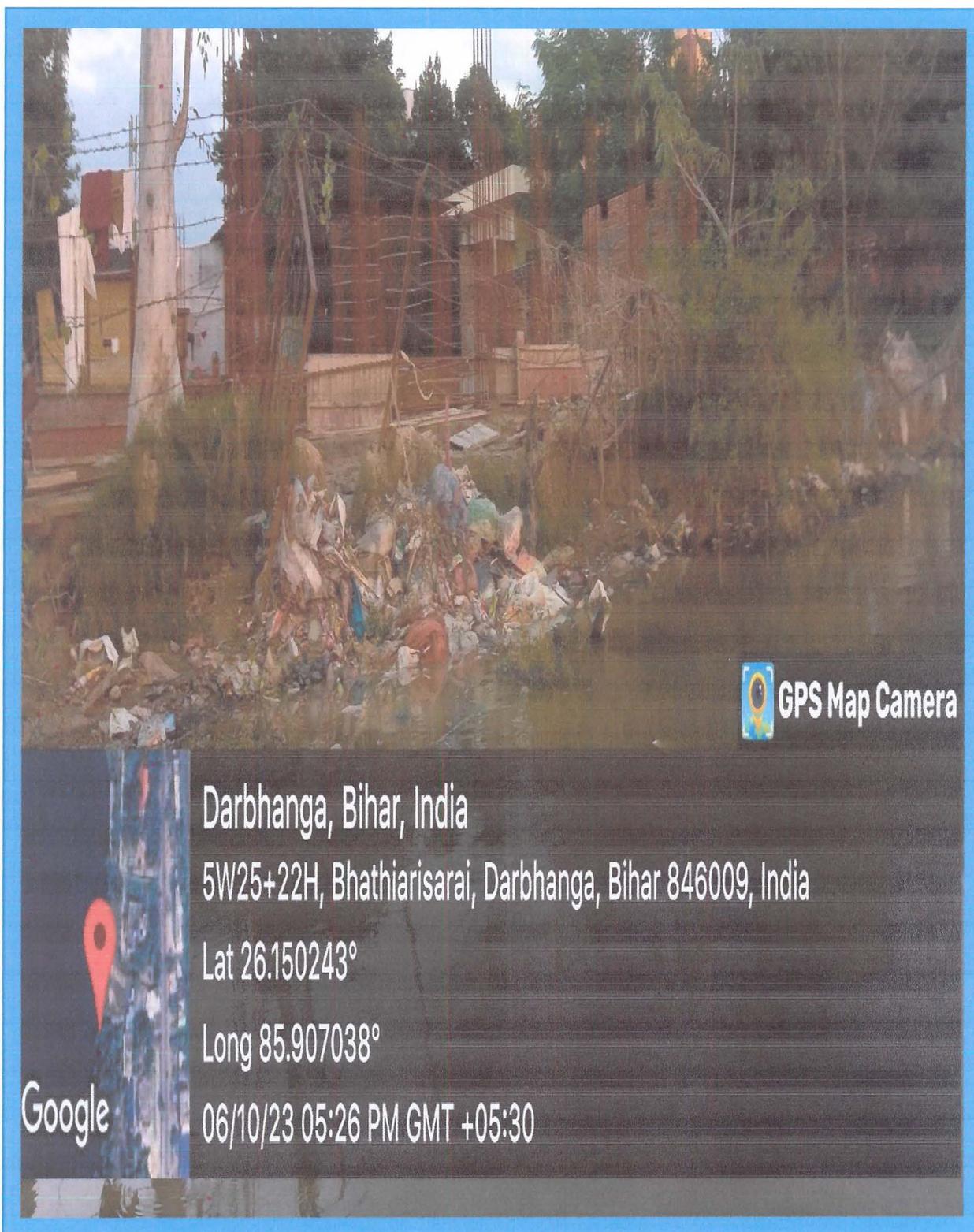
***Digghi Lake, Photo on 6/10/2023, Eastern Bank of Lake  
Preparation for Encroachment & Construction***

***Bamboo-strip Wall Erected to Fill Earth for Construction Works***



*Digghi Lake. Photo 3*

*Museum Building is Being Constructed by Bihar Government,  
Dept. of ART Culture & Youth, North-Eastern Side of the Lake  
Violation of NGT Order to Maintain BUFFER ZONE.*



*Digghi Lake, Photo 4 & 5,*  
*Private Construction in Western Side of the Digghi Lake*  
 Photo on 10/09/2023



*Photo No. 6,  
Ganga Sagar Fresh Encroachment*

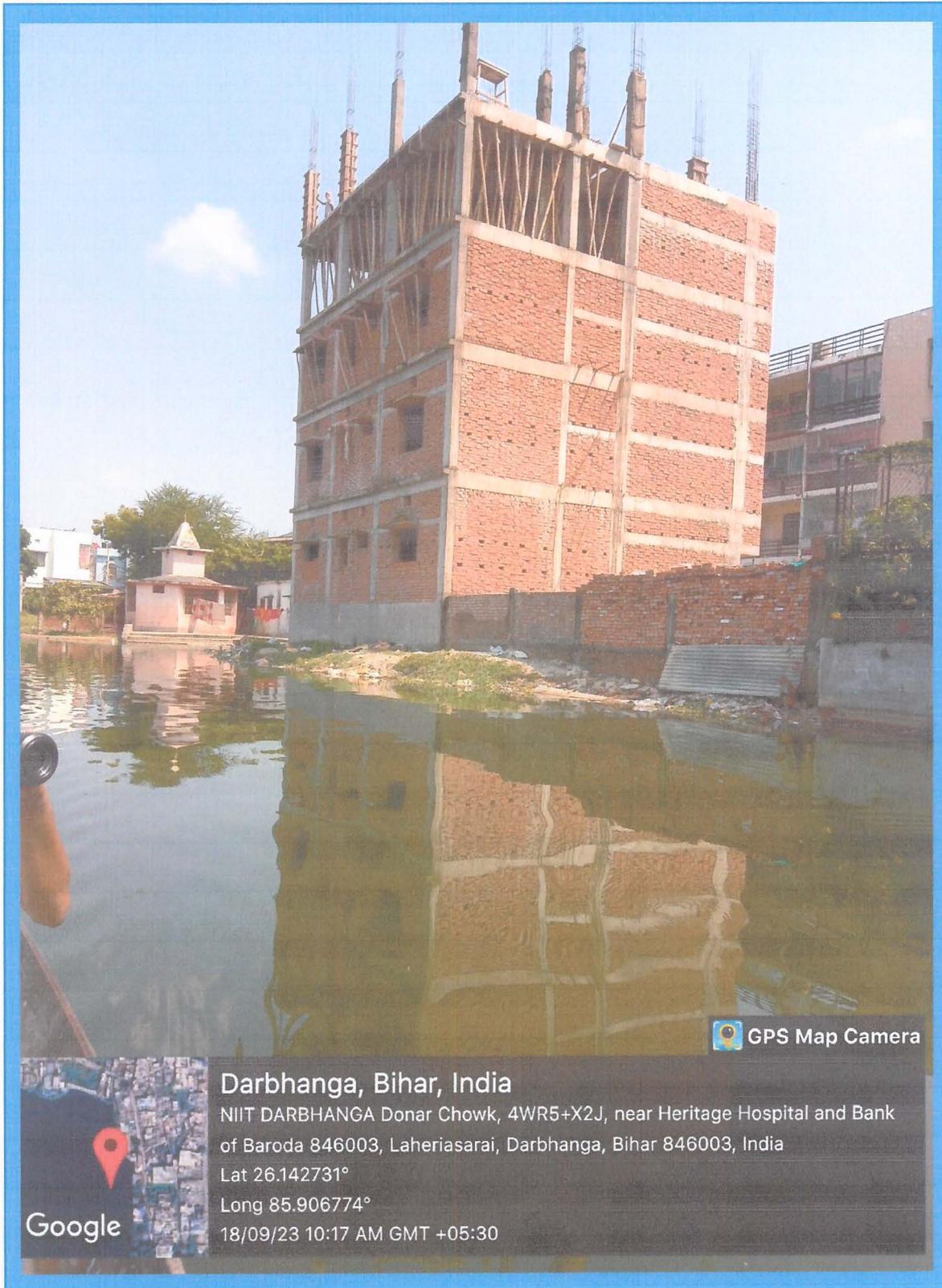


Photo No. 7,  
**Ganga Sagar Lake, Fresh Encroachment**



 GPS Map Camera



Darbhanga, Bihar, India

Ward No.10, Laheriasarai, Darbhanga, Bihar 846009, India

Lat 26.140163°

Long 85.904084°

18/09/23 10:02 AM GMT +05:30

*Photo No. 8,  
Harahi Lake, Fresh Encroachment  
Which Department Gave Permission  
to Construct the Religious Structure*



<Track on www.indiapost.gov.in>  
(Dial 1800766868) (Near Mask Stay Safe)



ED500155315 (Vr:6968500155315)  
SP DELHI HIGH COURT SQ (110003)  
Counter No: 2, 20/11/2023, 10:46  
To: SRI SUDHIR KUMAR ..  
PIN: 800015, Patna Sectt SO  
From: KAMISH KUM. 346A B-1 DHC  
Wt: 250gms  
Amt: 70.00 (Cash) Tax: 10.00

<Track on www.indiapost.gov.in>  
(Dial 1800766868) (Near Mask Stay Safe)



ED500155195 (Vr:6968500155195)  
SP DELHI HIGH COURT SQ (110003)  
Counter No: 2, 20/11/2023, 10:46  
To: R K JAIN ..  
PIN: 843101, Samastipur HO  
From: KAMISH KUM. 346A B-1 DHC  
Wt: 250gms  
Amt: 70.00 (Cash) Tax: 10.00

<Track on www.indiapost.gov.in>  
(Dial 1800766868) (Near Mask Stay Safe)



ED500155213 (Vr:6968500155213)  
SP DELHI HIGH COURT SQ (110003)  
Counter No: 2, 20/11/2023, 10:46  
To: SRI CHANDRA SHEKHAR SINGH ..  
PIN: 846001, Lahartasarai HO  
From: KAMISH KUM. 346A B-1 DHC  
Wt: 250gms  
Amt: 70.00 (Cash) Tax: 10.00

<Track on www.indiapost.gov.in>

<Track on www.indiapost.gov.in>  
(Dial 1800766868) (Near Mask Stay Safe)



ED500155001 (Vr:6968500155001)  
SP DELHI HIGH COURT SQ (110003)  
Counter No: 2, 20/11/2023, 10:46  
To: SRI MADHUSHA KUMAR SINGH ..  
PIN: 846004, Haridwara HO  
From: KAMISH KUM. 346A B-1 DHC  
Wt: 250gms  
Amt: 70.00 (Cash) Tax: 10.00

<Track on www.indiapost.gov.in>

<Dial 1800766868> (Near Mask Stay Safe)



ED500155327 (Vr:6968500155327)  
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Counter No: 2, 20/11/2023, 10:46  
To: SRI SANTOSH KUMAR MALL ..  
PIN: 800015, Patna Sectt SO  
From: KAMISH KUM. 346A B-1 DHC  
Wt: 250gms  
Amt: 70.00 (Cash) Tax: 10.00

<Track on www.indiapost.gov.in>

<Dial 1800766868> (Near Mask Stay Safe)



ED500155379 (Vr:6968500155379)  
SP DELHI HIGH COURT SQ (110003)  
Counter No: 2, 20/11/2023, 10:46  
To: SRI CHANDRA SHEKHAR SINGH ..  
PIN: 846001, Lahartasarai HO  
From: KAMISH KUM. 346A B-1 DHC  
Wt: 250gms  
Amt: 70.00 (Cash) Tax: 10.00

ED500155315IN IVR:6968500155315  
SP DELHI HIGH COURT SO (110003)  
COUNTER NO.2, 20/11/2023.10:46  
TO: SHRI SUDIR KUMAR  
PIN:800015, PATNA SECTT SO  
FROM KAMLESH KUM. 346A, B-1 DHC  
WT.250GMS  
AM:70.00 (CASH) TAX:10.00  
TRACK ON WWW.INDIAPOST.GOV.IN  
DIAL 18002666868 (WEAR MASK, STAY SAFE)

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SP DELHI HIGH COURT SO (110003)  
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TO: R K JAIN  
PIN:848101, SAMASTIPUR HO  
FROM KAMLESH KUM. 346A, B-1 DHC  
WT.250GMS  
AM:70.00 (CASH) TAX:10.00  
TRACK ON WWW.INDIAPOST.GOV.IN  
DIAL 18002666868 (WEAR MASK, STAY SAFE)

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SP DELHI HIGH COURT SO (110003)  
COUNTER NO.2, 20/11/2023.10:46  
TO: CHANDRA SEKHAR SINGH  
PIN:846001, LAHERIASARAI HO  
FROM KAMLESH KUM. 346A, B-1 DHC  
WT.250GMS  
AM:70.00 (CASH) TAX:10.00  
TRACK ON WWW.INDIAPOST.GOV.IN  
DIAL 18002666868 (WEAR MASK, STAY SAFE)

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SP DELHI HIGH COURT SO (110003)  
COUNTER NO.2, 20/11/2023.10:46  
TO: NARENDRA KUMAR SINGH  
PIN:846004, DARBHANGA HO  
FROM KAMLESH KUM. 346A, B-1 DHC  
WT.250GMS  
AM:70.00 (CASH) TAX:10.00  
TRACK ON WWW.INDIAPOST.GOV.IN  
DIAL 18002666868 (WEAR MASK, STAY SAFE)

ED50015227IN IVR:6968500155227  
SP DELHI HIGH COURT SO (110003)  
COUNTER NO.2, 20/11/2023.10:46  
TO: SANTOSH KUMAR MALL  
PIN:800015, PATNA SECTT SO  
FROM KAMLESH KUM. 346A, B-1 DHC  
WT.250GMS  
AM:70.00 (CASH) TAX:10.00  
TRACK ON WWW.INDIAPOST.GOV.IN  
DIAL 18002666868 (WEAR MASK, STAY SAFE)

ED500155329IN IVR:6968500155329  
SP DELHI HIGH COURT SO (110003)  
COUNTER NO.2, 20/11/2023.10:46  
TO: SRI CHANDRASEKHAR IFS  
PIN:800010, SADAQUAT ASHRAM SO  
FROM KAMLESH KUM. 346A, B-1 DHC  
WT.250GMS  
AM:70.00 (CASH) TAX:10.00  
TRACK ON WWW.INDIAPOST.GOV.IN  
DIAL 18002666868 (WEAR MASK, STAY SAFE)



दूरभाष/फैक्स :- 06272-221218

व्हाट्सप नं०-6202777740

# दरभंगा नगर निगम

## दरभंगा

Email us: darbhanga.ulb@gmail.com स्थापित - (1982)

पत्रांक 6141

दिनांक 05.01.24

प्रेषक,

नगर आयुक्त,  
दरभंगा नगर निगम, दरभंगा।

सेवा,

1. कमलेश कुमार मिश्रा  
Advocate Supreme Court Of India  
346A Vlock I, Delhi High Court, New Delhi  
Mob-23387815, 82388509  
Corpusjurisindia@gmail.com
2. एन. जवाहर बाबू  
प्रधान मुख्य वन संरक्षण,  
पर्यावरण, जलवायु परिवर्तन एवं आर्द्रभूमि,  
बिहार, पटना।
3. प्रधान सचिव  
नगर विकास एवं आवास विभाग  
बिहार, पटना।
4. सदस्य सचिव  
बिहार राज्य प्रदूषण नियंत्रण पर्वद  
पटना।

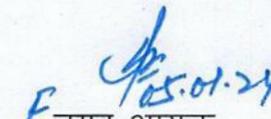
विषय : माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कोलककाता में दायर  
O.A No 155/2022/EZ तालाब बचाव अभियान बनाम बिहार राज्य व अन्य में  
Notice of Contempt के अनुपालन के संबंध में।

प्रसंग :- भवदीय पत्रांक पर्या0/जल0/परि0-69/2021- 600/प0व0ज0प0  
दिनांक 04.12.2023

महाशय,

उपर्युक्त विषयक प्रसंगाधीन पत्र के आलोक में माननीय राष्ट्रीय हरित  
न्यायाधिकरण, पूर्वी बेंच, कोलककाता में दायर O.A No 155/2022/EZ तालाब बचाव  
अभियान बनाम बिहार राज्य व अन्य में Notice of Contempt के अनुपालन इस पत्र के साथ  
कर अग्रेतर कारवाई हेतु भेजी जाती है।

अनुलग्नक : यथोक्त

  
नगर आयुक्त,  
दरभंगा नगर निगम, दरभंगा।

Date: 26<sup>th</sup> December, 2023

To,

**Kamlesh Kumar Mishra**

Advocate Supreme Court Of India  
346A Vlock I, DELhi High Court, New Delhi  
Mob-23387815, 82388509  
Corpusjurisindia@gm,ail.com

62 142

Sub: Compliance report/status report in connection to O.A. No. 155 of 2022/EZ, in the matter of: Talab Bachao Abhiyan Versus State of Bihar & Ors.

Ref: Notice dated 11<sup>th</sup> December, 2023, issued by Additional Director  
Cum Nodal officer.

Sir(s),

This is to bring to your kind notice that in the above-mentioned matter in compliance to the Solemn order dated 23<sup>rd</sup> March, 2023, as per the recommendations and directions passed by the Hon'ble National Green Tribunal, Eastern Zone, as stated below:

Recommendations of the Hon'ble NGT, EZ;

- a) Encroachments around all the three ponds should be removed.
- b) Solid waste dumped in the drains and adjoining areas should be removed with immediate effect and the ULB (DMC) shall ensure that no solid waste is dumped in these drains.
- c) Flow of water through drains should be made hindrance free.
- d) Following short term measures may be taken up for the conservation of these three ponds:-
  - i. In-situ remediation of ponds should be adopted by having aeration facility using microorganisms to degrade the pollutants and to increase the dissolved oxygen.
  - ii. Using aquatic plants, aquatic animals and other biological techniques for In-situ remediation of the ponds can be undertaken.
  - iii. Management of drainages especially from the nearby sources (from residential and commercial establishments around the ponds) may be ensured.

Furthermore, paragraph 20 of the Solemn order lays down certain directions as mentioned herein below:

Considering the conditions of the three ponds and the recommendations made by the Committee, we dispose of this Original Application with the following directions:-

- A. We constitute a Committee under the Chairmanship of Additional Chief Secretary, Department of Environment, Government of Bihar. The other Members of the Committee shall be; the Principal Secretary, Urban Development Housing Department, Government of Bihar, Municipal Commissioner, Darbhanga Municipal Corporation, Member Secretary, Bihar State Pollution Control Board, Divisional Railway Manager, Samastipur Division, and the District Magistrate, Darbhanga.
- B. The above Committee shall address itself to the observations and the recommendations made in the Inspection Report of the Committee constituted by the Tribunal and take expeditious remedial measures.
- C. The Committee shall also take steps to remove the encroachments expeditiously.
- D. The three ponds, namely, Dighi, Harai and Ganga Sagar, in Darbhanga District of Bihar, shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation.
- E. The Committee shall also ensure that drains leading into the three Ponds/Water Bodies are completely diverted from the said water bodies. Effective sewage management shall be put in place to ensure that no municipal waste is allowed to flow into the three ponds.
- F. The Committee shall hold its first meeting within fifteen days hereof and thereafter hold meetings regularly in every four months for appraisal of the remedial actions, proposed and taken from time to time.
- G. The Bihar State Pollution Control Board shall take water samples six monthly from the three ponds and if the water samples are found to be higher than the prescribed standard parameters, appropriate directions shall be issued to the concerned authorities for taking effective remedial actions forthwith.
- H. All illegal constructions leading into to three ponds and encroachments shall be removed within three months and those constructions which are governed by interim order of the Hon'ble High Court, Patna, shall be subject to any final order which may be passed by the Hon'ble High Court.

In view of this recommendation and direction passed by the Hon'ble National Green Tribunal, Eastern Zone Kolkata, the Darbhanga Nagar Nigam, have taken appropriate steps and have prepared the action plan for Rejuvenation of the three ponds of Darbhanga as stated below:

1. Introduction: The three water bodies namely Harahi, Dighi and Ganga sagar in Darbhanga, Bihar These ponds are precious, historical, and cultural heritage not only for Darbhanga but also for the state of Bihar. That these 3 ponds together cover a length of 1.8 kilometres from south to north direction.
2. The Ponds being the Harahi, Dighi and Ganga Sagar pond are Located in Darbhanga City as below:
  - (i) Harahi ponds:- At GPS Location 26.155885, 185.905420. Harahi ponds is having a total area of 30.70 acre.
  - (ii) Dighi pond:- Dighi pond is located at GPS 26.148890. 85905585 South of Harahi Near Darbhanga Railway Station at Darbhanga, It's area is about 53.69 acre.
  - (iii) Ganga sagar ponds: Ganga sagar ponds is Located at GPS Location 26.140496., 85.905569 toward South of dighi ponds. It's area is 44.44 acre.
3. Pond Profiling: -
  - a) Source of Pollution: Sewage form nearby wards through drains in the said drains are stated below:
    - i. Harahi Pond: As per the detailed enquiry it was found that the drains meeting with Harahi pond are as follows:-
      - The drains from Darbhanga Railway Station: It receives waste water from Darbhanga Railway Station's platform and circulatory area of railway station and also from ward no. 1 of Darbhanga Municipal Corporation area.
      - The drain near Akashwani Road/Bahu Uddeshiya Bhawan: This drain is joining the Harahi pond at GPS location at 26.157533, 85.903927. It receives waste-water from ward no. 12 (P) & other wards of Darbhanga Municipal Corporation area.
      - The drain near Law College: This said drain joins the pond at GPS location: 24.154253, 85.903780. It receives waste water from ward no. 12(P) & 19(P) of Darbhanga Municipal Corporation area.
    - ii. Dighi pond: Dighi pond is located at GPS 26.148890, 85.905585 near Darbhanga Railway Station at Darbhanga. Its area is about 53.69 acres. It receives waste water from ward no. 10, 11, 17, 18, 19, 20, 21, 26 and part of the Darbhanga Railway Station. Its outlet passes through Donar and Chaprar Ghat and ultimately meets with the Kamla river. It also connected with Harahi pond by a linked channel towards north side. The detail of the drains meeting Dighi pond are mentioned below:-

- Drain at Chandradhari Museum: This drain passes through the museum (GPS Location: 26.152212, 85.906969). It receives waste water from ward No. 17 (P), 18 (P) and 19 (P) of Darbhanga Municipal Corporation area and the Darbhanga Railway Station (P). Water hyacinth was found at the confluence of the drain and the Dighi pond toward North-East corner.
  - Shastri Chowk Drain: This drain crosses the Shastri Chowk and meets with Dighi Pond. Drain sample was collected at GPS location 26.152942, 85.905292. Its catchment areas are ward No.-18 (P) & 19 (P) of Darbhanga Municipal Corporation area.
  - Drain Near Professor Colony: This drain joins with Dighi Pond and its catchment area is ward no. 18 (P).
  - Drain Near Geeta Bhawan: This drain joins with Dighi Pond. Its catchment area is Ward No. 18 (P) of Darbhanga Municipal Corporation area.
  - Drain Near Bhikha Shah Sailani Dargah (White House): This drain joins with Dighi Pond. Its catchment area is Ward No. 10 (P), 11 (P), 17 (P), 18 (P), 20 (P), 21 (P) & 26 (P) of Darbhanga Municipal Corporation area.
- iii. Ganga Sagar Pond: Ganga Sagar pond is located at GPS location 26.140496, 85.905569 towards South of Dighi pond. Its area is 44.44 acres. It receives waste water from ward no. 26, 27 & 28 through 3 drains of Darbhanga Municipal Corporation area.
- Drain near Mata Janki/Mahadeo Mandir: This drain joins with Ganga Sagar pond towards North West corner. Its catchment area is ward no. 26 & 26 of Darbhanga Municipal Corporation area.
  - Drain near Marwari College: This drain joins with Ganga Sagar Pond from the Western side of the pond. Its catchment area is ward no. 26 (P), 27(P), 28(P) of Darbhanga Municipal Corporation area.
  - Drain near Kali Mandir: This drain joins with Ganga Sagar pond towards West. Its catchment area is part of ward no. 26 (P), 27 (P) & 28 (P) of Darbhanga Municipal Corporation area.

- b) Other major problems: Solid waste materials.
  - c) Topography: Slope-South to North
  - d) Challenges: Major encroachment from East and South side.
  - e) Area available for possible intervention: Nil.
  - f) Detailed scientific study
4. The undersigned would like to state that as per the analysis results of water samples of the drains & Ponds: The Drains and pond samples were analyzed at the Central Laboratory of Bihar State Pollution Control Board, Patna, wherein it was found as followed:

**a. Harahi Pond:**

- i. The Analysis reports of drains of Harahi pond shows that BOD of the drain water sample ranged between 35-65 mg/L which is more than the 'General Standards for discharge of environmental pollutants' Part-A of schedule-VI of the Environment (Protection) Rules, 1986 in the surface water (BOD <30 mg/L) (Annexure- 6). The Total Coliform ranges between 24x10<sup>8</sup> MPN/100 ml and 92x10<sup>7</sup> MNP/100 ml whereas, Faecal Coliform ranges between 54x10<sup>7</sup> MPN/100 ml and 13x10<sup>8</sup> MNP/100 ml.
- ii. The Analysis reports of Harahi pond shows that BOD of the pond water was 08 mg/L which is more than the 'Primary Water Quality Criteria for bathing water' notified vide notification no. GSB 742(F) dated 25.09.2000 of the Ministry of Environment & Forests, Government of India BOD <3 mg/L) (Annexure- 7). The Total Coliform concentration was found 17000 MPN/100 ml whereas, Faecal Coliform concentration was found 11000 MPN/100 ml which are also beyond the prescribed limit of 'Primary Water Quality Criteria for bathing water' (Fecal Coliform: Desirable 500 MNP/100 ml or Maximum Permissible 2500 MNP/100 ml).
- iii. The Analysis reports of Harahi outlet shows that BOD of the outlet water was found 07 mg/L which is more than the 'Primary Water Quality Criteria for bathing water' (BOD<3 mg/L). The Total Coliform population was found 13000 MPN/100 ml whereas, Faecal Coliform population was found 4900 MPN/100 ml. It is observed that the concentration of BOD and population of coliforms at the outlet of the pond is reduced to a significant level.

**b. Dighi Pond:**

- i. The Analysis reports of the drains discharging into the Dighi pond shows that BOD of the drain water sample ranged between 11-45 mg/L, among which drains at Shastri Chowk and Professor Colony are more than the 'General Standards for discharge of environmental

pollutants' in the surface water (<30 mg/L). The Total Coliform ranges. between 35x10<sup>5</sup> MPN/100 ml and 24x10<sup>8</sup> MNP/100 ml whereas, Faecal Coliform ranges between 21x10<sup>5</sup> MPN/100 ml and 13x10<sup>8</sup> MNP/100 ml.

- ii. The Analysis reports of the Dighi outlet of the pond shows that BOD of the outlet water was 37 mg/L which is more than the 'Primary Water Quality Criteria for bathing water' (<3 mg/L). The Total Coliform concentration was found 920000 MPN/100 ml whereas, Faecal Coliform concentration was found 350000 MPN/100 ml.
- iii. It is observed that the BOD load and concentration of coliforms received by the pond is reduced but not to a significant level.

**c. Ganga Sagar Pond:**

- i. The Analysis reports of the drains discharging into the Ganga Sagar pond shows that BOD of the drain water sample ranged between 45-94 mg/L which is more than the 'General Standards for discharge of environmental pollutants' in the surface water (<30 mg/L). The Total Coliform ranges between 35x10<sup>7</sup> MPN/100 ml and 160x10<sup>7</sup> MNP/100 ml whereas, Faecal Coliform ranges between 5.4x10<sup>5</sup> MPN/100 ml and 92x10<sup>7</sup> MNP/100 ml.
- ii. The Analysis reports of the Ganga Sagar pond shows that BOD level in the pond water was 36 mg/L which is more than the 'Primary Water Quality Criteria for bathing water' (<3 mg/L). Pa
- iii. The Total Coliform population was found 16x10<sup>6</sup> MPN/100 ml whereas, Faecal Coliform population was found 92000 MPN/100 ml. Outlet of Ganga Sagar pond leads into the Dighi pond through a linked channel. It is observed that the BOD load and concentration of coliforms received by the Ganga Sagar pond is reduced but not to a significant level. It may be due to the higher inflow of waste water in the pond.

5. Observations:

- a) Untreated sewage drains are leading to all the three ponds under reference.
- b) According to the analysis reports, the water of Ganga Sagar pond is most polluted among the three ponds, the Dighi pond comes next and then the Harahi pond.
- c) During the joint inspection it was found that the government land around the three pond are illegally encroached by the residential and commercial establishments, which are adding pollution load on the three ponds under reference.

- d) It was also reported by the representatives of the Darbhanga Municipal Corporation, Darbhanga that the concerned authority issued the notices to the concerned encroachers and thereafter issued order to evict the encroached land around all the three ponds under reference.
  - e) The encroachment around the Ganga Sagar pond is maximum followed by the Dighi and Harahi pond.
  - f) The domestic waste water from the encroachments are directly leading to the respective ponds.
  - g) The link canal between Harahi and Dighi pond is choked by the dumping of solid waste.
  - h) The Municipal solid wastes were found dumped at different places, around all the three ponds in patches.
  - i) Sources of water for all the three ponds are waste water.
  - j) Designing and implementation of proposed restoration and rejuvenation project.
6. Adoption of In-situ techniques for in-situ remediation of ponds or lakes
- a) Physical treatment approaches:

Aeration (using surface aerators or, submerged aerators or a combination of both may be used to increase the dissolved oxygen in the water body, which is used by microorganisms to degrade the pollutants. Aeration also aids in mixing the different thermal layers of the water body, resulting in de-stratification, exposing the lower-most layers to atmospheric air. The need and extent of aeration is calculated based on the water quality parameters, depth of water body, ambient temperatures, wind conditions etc..

- b) In-situ Conservation:

In-situ conservation measures involve prevention of pollution in the water body like cleaning of water bodies. This includes de-silting, de-weeding, aeration, removal of invasive plant species and reduction of nutrients. Some of the measures are:-

- i. Sedimentation Basin: The first flush of storm water brings in organic content and silts into the lake, which change the water chemistry as well and is hazardous in nature. Sedimentation basins are created to arrest this content to enter the lake at the space before the entry point using a biological approach.
- ii. Green Bridge: This measure includes formation of bridged using Cellulosic or fibrous materials like coconut coir or dried-up water hyacinth and strengthening them by stones or sand. The bridge helps in trapping the coarse pollutants thereby maintaining the turbidity of water of the water bodies.

- iii. Using aquatic plants (Macrophytes such as water hyacinth (*Eichhornia crassipes*) and water lettuce (*Pistia stratiotes*), Whorlleaf watermilfoil (*Myriophyllum verticillatum*), pondweed (*Potamogeton* spp.), common reed (*Phragmites communis*), cattail (*Typha latifolia*), duckweed (*Lemna gibba*), Canna *Canna indica* and Umbrella Palm *Cyperus alternifolius*).
  - iv. Using aquatic animals such as clams, snails and other filter-feeding shellfish, Using biological techniques may be used to decompose, transform and absorb water pollutants. However, concentration and frequency of dosing of the microbial cultures is decided based on the volume of the water body, water quality parameters, ambient temperatures and extent of algal growth (i) an enzyme namely Phycoplus and the nutrients are mixed thoroughly and sprayed into the pond within 2-3 weeks a time significance difference may be seen; (ii) treatment method based on hydroponics technique that cleans the lake by absorbing nutrients dissolved in the water and thereby supporting living species inside the lake; (iii) floating treatment wetlands (FTW) which are artificial islands made of chemically inert materials, gravel having floating characteristics with plants that stay afloat on the lake or ponds such as wetland plants, water hyacinth, mosquito repellents and ornamental plants like cattails, bulrush, citronella, canna, hibiscus, fountain grass, flowering herbs, tulsi and ashwagandha) which helps in cleaning the lake or pond through hydroponics system, (iv) Introduction of mixture of nutrients to grow algae formed by diatoms (the most basic, single-cell life form found in water bodies) which helps in release of oxygen into water and in turn aerobic bacteria present in water body helps to break down the organic matter and convert the pollutants to base constituents and also reduces odors from the lakes or ponds. The diatoms are eaten by zooplanktons that are, in turn, consumed by fish].
- c) Rainwater Harvesting: Harvesting storm water is a practice for in-situ augmentation. The rainwater can be collected from the catchments and by creating storm water storage in the flow accumulation points.
  - d) Chemical treatment approaches: Flocculation using chemicals like alum and neutralizing chemicals especially during acidification (increase in pH level of the stagnated water body)

While keeping in mind of the difficulties being faced by the authorities due to the lack of area (space), public awareness and also while

considering the analysis, observations and recommendations for restoring and rejuvenating the three (3) ponds, the Municipal Corporation, Darbhanga based on the Central Pollution Control Board guidelines, have formulated the time frame and/or the action plan for the Restoration of the water bodies as stated below:

Sl. No.	Key activities and components	Proposed Time Frame for Implementation Completion of activities (Start and End Date)
Implementation of Action Plan Phase		
1.	Adoption of In-situ techniques for in-situ remediation of ponds or lakes	
<b>A. PHYSICAL TREATMENT APPROACHES.</b>		
I.	Aeration (using surface aerators or submerged aerators or a combination of both may be used to increase the dissolved oxygen in the water body, which is used by microorganisms to degrade the pollutants. Aeration also aids in mixing the different thermal layers of the water body, resulting in de-stratification, exposing the lower-most layers to atmospheric air. The need and extent of aeration is calculated based on the water quality parameters, depth of water body, ambient temperatures, wind conditions etc.	30.06.2024
II.	proper maintenance of drainage channels or feeder channels also helps in increase in dissolved oxygen	Regularly
<b>B. IN-SITU CONSERVATION</b>		
I.	Sedimentation Basin: The first flush of storm water brings in organic content and silts into the lake, which change the water chemistry as well and is hazardous in nature. Sedimentation basins are created to arrest this content to enter the lake at the space before the entry point using a biological approach.	Request letter sent to be Concerned Department for completing the said basin within four month approximately after getting the land position.
II.	Green Bridge: This measure includes formation of bridges using Cellulosic or fibrous materials like coconut coir or dried-up water hyacinth and strengthening them by stones or sand. The bridge helps in trapping the coarse pollutants thereby maintaining the turbidity of water of the water bodies.	30.06.2024
III.	Using aquatic plants (Macrophytes such as water hyacinth (Eichhornia crassipes) and water lettuce (Pistia stratiotes), Whorlleaf watermilfoil	30.06.2024

	(Myriophyllum verticillatum), pondweed (Potamogeton spp.), common reed (Phragmites communis), cattail (Typha latifolia), duckweed (Lemna gibba), Canna Canna indica and Umbrella Palm Cyperus alternifolius	151
IV.	Using aquatic animals such as clams, snails, and other filter-feeding shellfish.	Request Letter to be send to fishery Department
<b>C.</b>	<b><u>RAINWATER HARVESTING:</u></b> Harvesting storm water is a practice for in-situ augmentation. The rainwater can be collected from the catchments and by creating storm water storage in the flow accumulation points.	Applicable in rainy season.
<b>D.</b>	<b><u>CHEMICAL TREATMENT APPROACHES:</u></b> Flocculation using chemicals like alum and neutralizing chemicals especially during acidification (increase in pH level of the stagnated water body)	30.06.2024

**Copy of the Action Plan for Rejuvenation of the Three (3) ponds of Darbhanga, is annexed hereto and marked with the letter A.**

As such majority of the actions/approaches can be completed within the tentative timeline i.e. 30<sup>th</sup> May, 2024, and the Darbhanga Municipal Corporation and its officers/representatives with their utmost dedication and sincerity have tried to come up with this tentative timeline while taking note of the difficulties and problems in procuring the land (area).

This is for your kind information and record and taking appropriate action.

This is without prejudice to the other rights and contentions in law.

Thanking You,

Yours Sincerely,

*[Signature]*  
2024.01.24  
Municipal Commissioner  
Darbhanga Municipal Corporation  
Government of Bihar.

प्रतिलिपि : एन. जवाहर बाबू, प्रधान मुख्य वन संरक्षण, पर्यावरण, जलवायु परिवर्तन एवं आर्द्रभूमि, बिहार पटना को सादर सूचनार्थ प्रेषित।

*[Signature]*  
2024.01.24  
Municipal Commissioner  
Darbhanga Municipal Corporation  
Government of Bihar.

Talab Bachao Abhiyan (TBA)  
Versus

...Petitioner

Govt. of Bihar & ors.

...Respondents

**VAKALATNAMA**

Know all to whom these presents shall come that I Nareyan Joe. Chaudhary, convener of Talab Bachao Abhiyan-TBA  
do Mathili Sahitya Parishad, Hofeno colony, Dighi West, Regr  
primary school Durbanga - 846004.

The above-named \_\_\_\_\_ do hereby appoint

**CORPUS JURIS INDIA**

MR. Kamlesh Kumar Mishra D/3242/2013, Mr. Anurag Ojha D/2191/2013; Mr. Rahul Kumar D/7106/17; Ashish Pal D/5798/17; Mr. Rohit Kalra D/4878/18; Ms. Kriti Kumari D/6439/2018; Mr. KRISHAN VEER SINGH D/2659/2014 Mr. Bibhuti Bhushan Mishra D/5513/2019; Ms. Shivalika 5682/2019, NITIN KUMAR NAYAK 2988/2013, PRAGYA DUBEY UP/06897/2021; ADITYA PH/6951/2019. RENU D/9604/2022

**Ch. 346A, Block 1, Lawyers Chamber, Delhi High Court, New Delhi 110013, +91 9582388509, +91 8285469010, +91 9971607485 Corpusjurisindia@gmail.com; Kamlesh.legalaid@gmail.com;**

Advocate(s), to be my/ our true and lawful attorney (s), in the matter noted above, to do all the following acts, deeds and things, or any of them, (jointly and severally) and also ratify anything already done on our behalf that is to say: -

1. To sign, verify and present and send notices, replies rejoinders, pleadings, appeals, cross-objections or petitions for execution, review, revision, other petitions or affidavit or other documents as shall be deemed necessary or advisable for the prosecution of the case or in relation thereto in all its stages.
2. To appear, act, and plead in the above-mentioned case in any court or tribunal etc, in which the same be heard or tried in the 1<sup>st</sup> instance or in appeal or review or revision or execution or in any other stage of its progress until its final decision.
3. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise to or in any manner relating to the said case.
4. To receive documents, papers, records, orders etc. and to do all other acts all things, which may be necessary or proper to be done for the progress and in all course of the prosecution of the said case.
5. To employ any other legal practitioner, advocate or consultant authorizing him to exercise the power and authority hereby

Date: 29.03.2024

Kemp  
D/9604/22

[Signature]  
D/3242/13

Identified Kemp  
D/9604/22

[Signature]

Advocate Signature

Client's Signature