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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN

MEMORANDUM OF APPLICATION

[Under Section 18 (1) read with sections 14, 15 16 and 17 of the National
Green Tribunal Act, 2010]

Original Application No.----- of 2023

Between:

Arsad Nasar.

.....Applicant.

AND

NMCG & Ors

.....Respondents

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Vakalatnama

46

PAUSHALI BANERJEE
Advocate
7A, Kiron Shankar Roy Road
Kolkata-700001

- 3 -

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Original Application No.----- of 2023

Between:

Arsad Nasar.

.....Applicant.

AND

NMCG & Ors

.....Respondents

SYNOPSIS

The applicant above named begs to present the Memorandum of application
against the inaction of the respondent authorities to protect river Ganga which

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flow through Sahibganj in Jharkand, the river bed of the holy river ganga (flood plains) are encroached by illegal dumping of stone chips and boulders throughout the stretch of the river bed, polluting the water of river Ganga which is the main source of drinking water for the people living in the district and also endangering the natural flora and fauna of the river resulting in deaths of Dolphins in the river, moreover the boats plying in the river for transportation of such stone chips and boulders are also polluting the river as the engine of the boats emit dangerous gas like Sulphur dioxide and Nitrogen Dioxide. There are also diesel engine boats are also responsible for leakage and spillage from the diesel engines polluting the river.

Being aggrieved and dissatisfied with the in action and/or action of the respondent authorities the Applicant begs to present the memorandum of application

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Kolkata-700001

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MEMORANDUM OF APPLICATION

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Original Application No.----- of 2023

Between:

Arsad Nasar.

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AND

NMCG & Ors

.....Respondent

LIST OF DATES

	Permission for Plying of Boat and transportation of stone chips and boulders to different	3/05/23
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	area	
	Permission for Plying of Boat and transportation of stone chips and boulders to different area extended	1/06/23
	Permission for Plying of Boat and transportation of stone chips and boulders to different area again extended	3/07/23
	Encroachment of floodplains of Ganga photographs taken by the Applicant	13/10/23

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN

MEMORANDUM OF APPLICATION

[Under Section 18 (1) read with sections 14, 15 16 and 17 of the National
Green Tribunal Act, 2010]

Original Application No.----- of 2015

Between:

Arsad Nasar, s/o- Syed Abu Nasar, 18, Gulibhatta Sadak, Sahibganj,
Jharkhand-816109.

....Applicant

AND

1. National Mission Clean Ganga ,Through the Director General, 1st Floor,
Major Dhyan Chand,National Stadium Gate, New Delhi-110002.
admin.nmcg@nie.in
2. The State Of Jharkhand, through The Chief Secretary, having its office at
Project Bhavan, P.O. – Dhurwa, P.S. – Jagarnathpur, District –Ranchi,
Pin – 834004. *CS-Jharkhand@nie.in*

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3. The Jharkhand State Pollution Control Board, Through its Member Secretary, Town Administration Building, H.E.C. Dhurwa, P.O. Dhurwa, P.S. Jagarnathpur, District – Ranchi, Pin-834004. *ranchiispcb@gmail.com*
4. Department of mines and & Geology, through the Director of Mines, Nepal House(Yojna Bhawan),Doranda, Ranchi-834002
director - mines@jarkhandmail.gov.in
5. Goutam Jha proprietor of G.K.Enterprise Malda ,WARD NO-2 RAMNAGAR KACHARI Malda, West Bengal, 732103
6. Executive Engineer, Flood Control Division, Kargola, District- Katihar, Bihar-854108. *ee floodmom03@gmail.com*
7. Deputy Commissioner, District- Sahebganje, Pin-816109. *dc-sah@nic.in*
8. District Transport Officer, District- Sahebganje, Pin-816109.
dto palamu03@gmail.com
9. Central Pollution Control Board through Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032. *mccb.cpcb@nic.in*

..... Respondents

MOST RESPECTFULLY SHEWETH:

1. The applicant is a citizen of India having address as stated above for the purpose of service of notices pertaining to the instant application.

2. The addresses of the respondents are stated above for the purpose of service of notices pertaining to the instant application. All the acts, actions and inactions of the respondent authorities are amenable to the jurisdiction of this Hon'ble Tribunal.

3. The applicant above named begs to present the Memorandum of application against the inaction of the respondent authorities to protect river Ganga which flow through Sahibganj in Jharkand, the river bed of the holy river ganga (flood plains) are encroached by stone crusher units spread throughout the stretch of the river bed, polluting the water of river Ganga which is the main source of drinking water for the people living in the district and also endangering the natural flora and fauna of the river , therefore this Application have been filed by the Applicant on the grounds set-out hereunder:

4. FACTS IN BRIEF :-

- (1) The applicant states that the applicant is a resident of District Sahibganj, Jharkhand. The Applicant's house is situated in the vicinity of Ganga river which is rampantly polluted as a result of dumping of stone chips and boulders on the river bed by the respondent no 5 with the connivance of district officials, the resultant effect of such air and water pollution is the deteriorating health of the residents of the area and also the untimely death of dolphins in the river.

Copy of Photographs depicting encroachment of Ganga river bed is annexed herewith and marked as Annexure A .

- (2) The applicant states that due to the illegal dumping of stone chips by the respondents number 5 , on the river bed of the river ganga in Sahebganj district. The waste water from the stone chips flowing down to the river is contaminating the water of the river , moreover the boats using adulterated oil carrying the stone chips and boulders cause these harmful waste entering in rivers are adsorbed onto particulate substances, dissolvable complexes that are accessible for and are take-up by aquatic living beings. That under such water system these

overwhelming pollutants uniquely influence the oceanic vegetation which through bio-amplification enters the advanced lifestyle and at any rate impact the general population.

- (3) The applicant states that the deputy commissioner Sahebgunge through memo no. 334 dated 3/05/23 allotted bank protection work and anti erosion work of Ganga to respondent no.5 with stipulated conditions. The conditions included that dumping would be done at a distance of 100meters from the side of the river Ganga. Copy of the letter no.334 dated 3/05/23 is annexed herewith and marked as annexure B.
- (4) That the applicant states that through memo no.396 dated 1/06/23 the permission of navigation of boat was extended upto 30/06/23 and extension of the period for protection work of river bank was also extended on the left side of Ganges river near Gandhitola under Manihari . Copy of Memo no.396 dated 1/06/23 is annexed herewith and marked as annexure C.

- (5) The applicant states that by memo dated 503 dated 3/07/23 time was extended for navigation of boat for implementation of flood protection work and anti erosion work of railway line and karicoshi coast on the left of the river Ganges near Gandhitola. Copy of the letter no 503 dated 3/07/23 is annexed herewith and marked as annexure D.
- (6) The Applicant states that the permission for navigation of boat was provided by the respondent no.6 with certain conditions including no objections from Indian Inland Waterway authority and Central Water Commission. It was specifically stated in the memo no.334 dated 3/05/23 that for supply of boulder for loading stone in the boat dumping should be done at a distance of 100 meters from the side of the river.
- (7) The Applicant states that in violation of the conditions the respondent no.5 have dumped the stone chips and boulders on the bank of the river Ganga and encroached the Flood Plain including the Ghats of the river Ganga causing pollution in the river and endangering the dolphin habitat of the river Ganga.

- (8) The Applicant states that the Flood Plains of Ganga and the Ganga Ghats of Madanshahi, Bada Toufir Ghat, Chota Toufir Ghat, Samdanala Ghat, Chanan Ghat, Soti Chowki Ghat, Sukar Bazar Ghat, Suksena Ghat which constitutes almost eighty three(83) kilometers of Ganga Ghat in Sahebgajge District are encroached by dumping stone chips by the respondent no.5 .
- (9) The Applicant states that the dust of the dumped stone chips are laden with silica, the stone chips are laden on boats on the river and transported to different area this activity of loading and unloading also generates dust which is precursor to the respiratory diseases caused to people living in the area.
- (10) The applicant states that the transportation of stone ships and boulders causes pollution in the river also from the engine of the boats that emits dangerous gas like Sulphur dioxide and Nitrogen Dioxide. There are also diesel engine boats and leakage and spillage from the diesel engines also cause pollution in the river.

(11) The Applicant states that Floodplains play significant role in maintaining the bio-diversity and aquatic life of the river. It's significance cannot be overlooked, in terms of environment and ecology. There are numerous dimensions involved while identifying the floodplains . The notification dated 07.10.2016 issued by the Ministry of Water Resources, River Development, and Ganga Rejuvenation, with respect to Ganga river, under the Environment (Protection) Act, 1986, prohibiting any construction in the active floodplain area of river Ganga or its tributaries. To reduce sources of pollution, pressure on floodplains and to maintain its natural groundwater recharging properties, this Hon'ble Tribunal directed that each State must constitute a River Rejuvenation Committee (RRC) to prepare appropriate action plan. The state of Jharkhand till date have not prepared any action plan to identify and protect the floodplains of Ganga.

(12) The applicant states that the river Ganges forming the northern boundary of the district enters at its north western corner and journeys eastward up to Sakrigali where it takes a turn to the south and forms the southern boundary of the district up to a little beyond Radhanagar in Rajmahal subdivision. The river has been drifting gradually to the north and the Sahibganj town, which was once on the riverbank, is now about a mile away. The average width of the Ganges in the district is about 4 and half kilometers. It generally swells during the rains and inundates the lowlands lying east of the Railway loop line. There are ferry services across the river between Sahibganj ghat in the Sahibganj district on this side and Manihari ghat in the Katihar district on the other side and Rajmahal ghat in the Sahibganj district and Manikchak ghat in the Maldah district of West Bengal. Country boats also ply in the river. The river encompasses the district throughout more or less 83 kilometres and several river ghats including Goram ghat, Madan Shahi, Bara Madan Shahi, Chota Madan Shahi, Bara Touphe, Chota Touphe, etc are the ghats where there are rampant illegal encroachments of the

flood plains as the stone chips that are dumped on the flood plains are ferried through large boats across the river to Bihar, Bengal .

(13) The applicant states that the drinking sources of water available in state of Sahibganj, Jharkhand, is Ganga river. The report of Central Pollution Control Board states that there is high level of coliform bacteria in the river. Out of 86 live monitoring stations installed in as many locations, only seven areas have been found to be fit for drinking after disinfection process, while 78 have been found unfit. It is evident from the report of Central Pollution Control Board that the river water is so polluted that it is unfit for bathing, let alone drinking.

(14) The existing water supply schemes in Jharkand essentially have two sources: tube well and river. In Sahibganj about 75% schemes are surface water (river) based , the remaining 25% schemes are ground water (river) based. Wetlands and Rivers perform vital ecological functions like flood mitigation, groundwater recharge, urban sewage treatment etc. Due to pollution in river water, the groundwater is also getting contaminated with arsenic and that with fluoride. The river that

is source of fresh water which is also getting contaminated due to dumping of untreated waste water from crusher units,sewerage and solid waste into the river makes its water unfit for drinking.

(15) The applicant states that despite such significance, the flood plains of the holy river ganga is illegally encroached. Such encroachment and pollution is being done by taking advantage of the lackadaisical attitude of the respondent authorities towards protection and preservation of the Ganga river. Although the very existence of aquatic life in the river is critically endangered, the respondent authorities, have choose to feign ignorance and remain inactive for reasons best known to them.

(16) The applicant states that despite commission of such illegal acts, the respondent authorities have preferred to sit tight over the matter and in effect, have recognised and acknowledged such illegality. Such lackadaisical attitude on the part of the respondent authorities is highly illegal. Such stoic silence on their part to prevent the river from being polluted, clearly smacks of malafide. It is not only astounding but also

beyond comprehension as to how such illegal act of pollution of river Ganga has been perpetrated in front the eyes of the respondent authorities.

5. Grounds:

- I. FOR THAT the respondent authorities have miserably failed to preserve the aquatic life of Ganga River and prevent illegal encroachment of the flood plains of river Ganga;
- II. FOR THAT the respondent authorities have failed to appreciate that it was incumbent upon them to protect and maintain the river as it is the main source of drinking water of the residents;
- III. FOR THAT the respondent authorities ought to have appreciated the environmental and socio-economical significance of the river Ganga and protected the same from being illegally encroached;

- IV. FOR THAT the respondent authorities ought to have taken adequate measures for preventing pollution of the river Ganga and encroachment of the flood plains which is High Biodiversity Rich Zone ;
- V. FOR THAT the respondent authorities have failed to appreciate that the illegal act of encroaching the flood plains of the river Ganga is in flagrant violation of the Environment (Protection) Act,1986 , Air (Prevention and Control of Pollution)Act,1981 and the rules framed thereunder and the Water(Prevention and Control of Pollution)Act,1974 and the rules framed thereunder;
- VI. FOR THAT the respondent authorities have failed to appreciate that such pollution of the holy river Ganga measures contemplated in the the Environment (Protection) Act,1986 , section 21 and 22 of Air (Prevention and Control of Pollution)Act,1981 and the rules framed

thereunder and section 25 of the Water(Prevention and Control of Pollution)Act,1974 and the rules framed thereunder;

VII. FOR THAT by remaining inactive and maintaining stoic silence with regard to the illegal encroachment of the flood plains of the river the respondent authorities have, in effect, abated such illegality and have made themselves liable to be proceeded against for such blatant defiance of the relevant provisions contemplated in the Environment (Protection) Act,1986 , Air (Prevention and Control of Pollution)Act,1981 and the rules framed thereunder and of the Water(Prevention and Control of Pollution)Act,1974 and the rules framed thereunder;

VIII. FOR THAT by allowing the encroachment of the river, the respondent authorities have acted in grave violation of their statutory duties;

- IX. FOR THAT the absolute lackadaisical attitude demonstrated by the respondent authorities in protecting the river Ganga, smacks of malafide attitude on their part;
- X. FOR THAT the inaction of the respondent authorities in preferring to sit tight over the matter, despite commission of such illegal act of pollution in the river endangering the health of the residents and the aquatic life, in effect, recognizes and acknowledges such illegality;
- XI. FOR THAT the inaction on the part of the respondent authorities in failing to prevent the encroachment of the flood plains of the river and protection of the almost extinct species of Gangetic Dolphins calls for immediate and strict intervention of this Hon'ble Tribunal;
- XII. FOR THAT the inaction on the part of the respondent authorities in failing to prevent pollution of the river Ganga, which is the source of life and is considered a holy river, is otherwise bad, illegal and can not sustain the test of legality;

6. LIMITATION:

The applicant declares that the cause of action in the instant case, accrues and continues from day-to-day. Such cause of action is renewing on a day-to-day basis and as such the question of applicability of the limitation prescribed in Section 14 (3) of the National Green Tribunal Act, 2010 does not arise.

7. Interim prayer:

Pending final disposal of the application the applicant seeks issuance of the following interim orders:

- a) An interim order of injunction directing the respondents and/or their servants and/or their employees and/or their agents to take adequate measures for protecting the flood plains and river bed of River Ganga from being encroached by dumping of Stone Chips and Boulders in any manner whatsoever, till the disposal of the instant application;

- b) Ad-interim order in terms of prayers (a) as above.

8. Prayer:

In view of the facts mentioned in paragraphs 4 & 5 above the applicant prays for the following reliefs :

- a) Mandatory order do issue commanding the respondents each one of them and their men, agents, assigns and subordinates to certify and transmit to this Hon'ble Tribunal all records forming the basis of their inaction regarding to take adequate measures for protecting and preserving the flood plains and river bed of River Ganga from being encroached by dumping of stone chips and boulders , so that conscionable justice may be rendered ;
- b) Direct the respondents each one of them and their men, agents, assigns and subordinates to take adequate measures to stop

encroaching the flood plains and river bed of River Ganga by dumping stones by respondent no.5 ;

- c) Mandatory order do issue commanding the respondents each one of them and their men, agents, assigns and subordinates to take steps to protect the almost extinct Dolphins of the river Ganga ;
- d) Mandatory order do issue commanding the respondents each one of them and their men, agents, assigns and subordinates to take adequate measures for purifying the water of the river Ganga so that the residents do not suffer health hazard from consuming the water;
- e) Mandatory order do issue commanding the respondents each one of them and their men, agents, assigns and subordinates to take adequate measures for preventing the River Ganga from being polluted any further, in any manner whatsoever;

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- f) Any other appropriate direction/directions and/or order/orders as this Hon'ble Tribunal may deem fit and proper;
- g) Cost of and/or incidental to the instant application;

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VERIFICATION

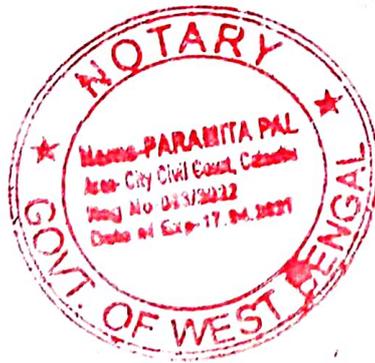
I, Syed Arsad Nasar, son of Syed Abu Nasar, aged about 50 years, by occupation - business, residing at 18, Gulibhatta Sadak, Sahibganj, Jharkhand, I am the Applicant of this instant Application, I do hereby verify that para 7, 8, 9, 15 of the Affidavit are true to the best of my belief, rest are humble submissions before this Hon'ble Court and no part of the report is false and nothing has been concealed therefrom.

Verified at Kolkata on this 13th day of October, 2023.

Paustali Singh
Attorney

Syed Arshad Nasar

DEPONENT



13 OCT 2023

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AFFIDAVIT

I, Syed Arsad Nasar, son of Syed Abu Nasar, aged about 50 years, by occupation - business, residing at 18, Gulibhatta Sadak, Sahibganj, Jharkhand, I am the Applicant of this instant Application, I do hereby verify that para 7, 8, 9 & 15 of the Affidavit are true to the best of my belief, rest are humble submissions before this Hon'ble Court and no part of the report is false and nothing has been concealed therefrom.

Verified at Kolkata on this 13th day of October, 2023.

Paramita Pal
Notary

Syed Arsad Nasar

TRUE COPY
ATTESTED BY ME
Pal
PARAMITA PAL
City Civil Court
Kolkata
Reg No-003/2022 Govt. of W. Bengal

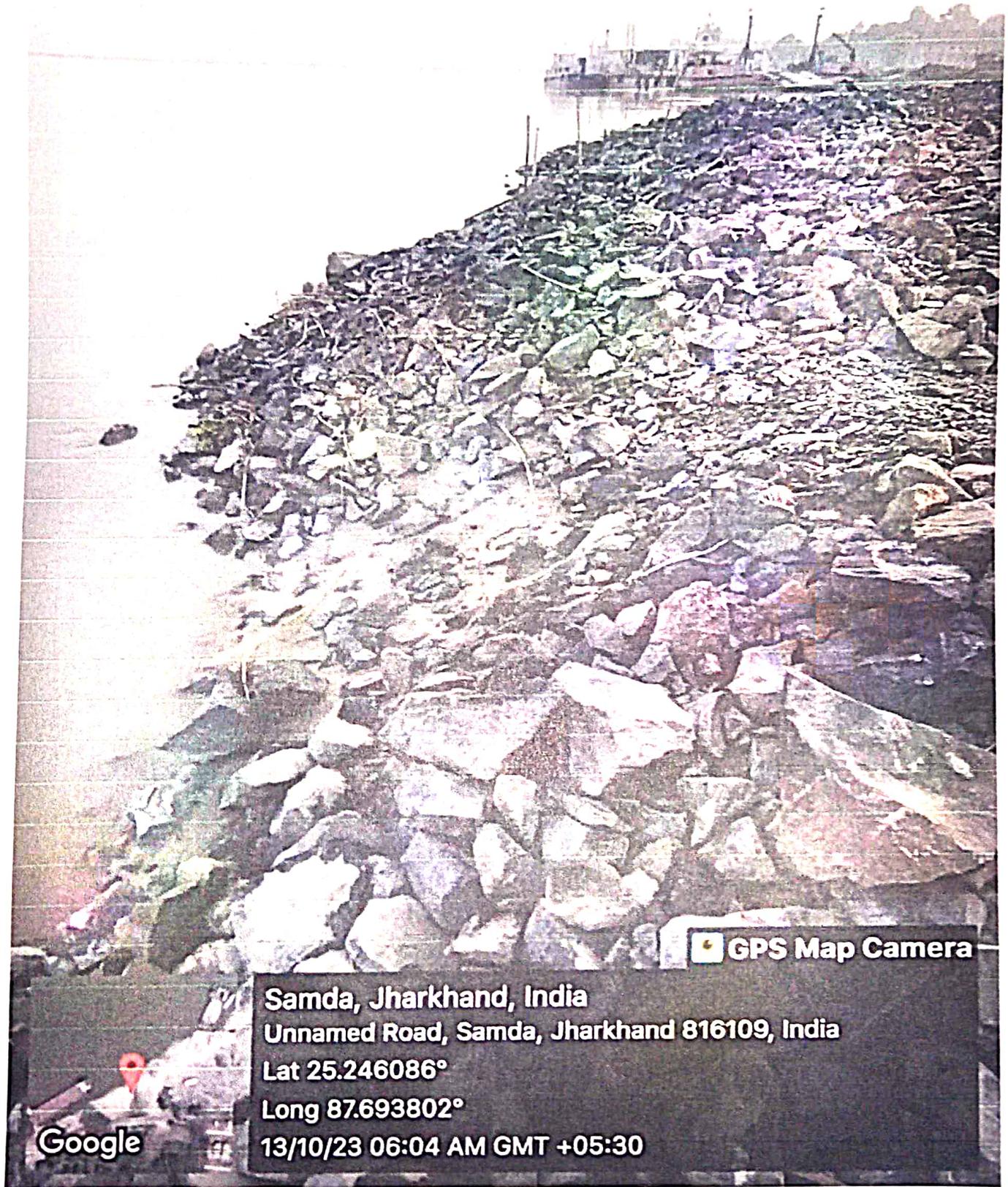
13 OCT 2023

DEPONENT



13 OCT 2023

Annexure - 'A' '28'



GPS Map Camera

Samda, Jharkhand, India
Unnamed Road, Samda, Jharkhand 816109, India
Lat 25.246086°
Long 87.693802°
13/10/23 06:04 AM GMT +05:30

Google



 **GPS Map Camera**

Samda, Jharkhand, India
Unnamed Road, Samda, Jharkhand 816109, India
Lat 25.246196°
Long 87.694043°
13/10/23 05:58 AM GMT +05:30



Google

-30-



 **GPS Map Camera**



Samda, Jharkhand, India
Unnamed Road, Samda, Jharkhand 816109, India
Lat 25.246237°
Long 87.694075°
13/10/23 05:59 AM GMT +05:30

-31-



 GPS Map Camera



Samda, Jharkhand, India
Unnamed Road, Samda, Jharkhand 816109, India
Lat 25.246191°
Long 87.694001°
13/10/23 06:12 AM GMT +05:30



साहेबगंज समाहरणालय

(जिला राजस्व शाखा)

-: आदेश :-

कार्यपालक अभियंता, बाढ़ नियंत्रण प्रमंडल, काढ़ागोला, जिला- कटिहार (बिहार) का पत्रांक- 500, दिनांक- 18.04.2023 द्वारा प्रख्यात मनिहारी अन्तर्गत गाँधी टोला के समीप गंगा नदी के बाँये किनारे रेलवे लाईन एवं कारी कोशी तटबंध की सुरक्षा हेतु बाढ़ सुरक्षात्मक कार्य/कटाव निरोधी कार्य (एजेंडा संख्या-199/8/2023) को क्रियान्वयन क्रम में स्टॉन बोल्टर की ढुलाई हेतु नाव परिचालन हेतु अनुमति प्रदान किये जाने हेतु नाव का पंजीकरण की सूची ग्रुपवार सलगन के आधार पर साहेबगंज से बोल्टर की ढुलाई हेतु अनुरोध किया गया है।

उल्लेखनीय है कि सलगन पत्र के आलोक में विषयांकित कार्यों के सुरक्षात्मक कार्य/कटाव निरोधक कार्य के निष्पादन हेतु चार ग्रुप अन्तर्गत 01, 02 एवं 03 का कार्य मेसर्स जी0 के0 इन्टरप्राइजेज, मालदा (पश्चिम बंगाल) एवं ग्रुप 04 का कार्य मेसर्स माँ तारा कॅन्स्ट्रक्शन मुजफ्फरपुर (बिहार) को आवंटित किया गया है।

उल्लेखित कार्यों के निष्पादन हेतु उपरोक्त एजेन्सी के द्वारा आवेदन समर्पित किया गया है।

जिला पदाधिकारी, कटिहार (बिहार) का पत्रांक- 341/आ0प्र0, दिनांक- 21.04.2023 द्वारा किये गये अनुरोध के परिप्रेक्ष्य में दिनांक- 25.04.2023 को सम्पन्न जिलास्तरीय आपदा प्रबंधन प्राधिकार की आहुत बैठक की कडिका-4 अन्तर्गत तटबंध को कटाव से सुरक्षा प्रदान करने तथा बाढ़ नियंत्रण को दृष्टिपथ में रखते हुये अगले तीन महीने तक साहेबगंज से बोल्टर आपूर्ति एवं बोल्टर ढुलाई हेतु सूचीनुरूप प्राधिकृत नाव मालिकों को नाव परिचालन की अनुमति-सशर्त प्रदान की गयी है कि यह अनुमति केवल नाव से बोल्टर ढुलाई के लिए दिया जा रहा है तथा भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण एवं केन्द्रीय जल आयोग से स्वयं अनापत्ति प्राप्त कर लेंगे तथा जिला परिवहन पदाधिकारी, साहेबगंज, अनुमंडल पदाधिकारी, साहेबगंज एवं राजमहल तथा जिला खनन पदाधिकारी, साहेबगंज आपूर्तित बोल्टर एवं ढुलाई का पर्यवेक्षण सुनिश्चित करेंगे।

अतएव उपरोक्त के आलोक में समाहर्ता, कटिहार (बिहार) का पत्रांक- 341/आ0प्र0, दिनांक- 21.04.2023 द्वारा समर्पित अनुरोध पत्र एवं जिला आपदा प्रबंधन प्राधिकार द्वारा लिये गये निर्णय के आलोक में शर्तानुसार साहेबगंज से तटबंध की सुरक्षात्मक कार्यों हेतु बोल्टर की ढुलाई एवं सूचीनुरूप नावों के परिचालन की स्वीकृति प्रदान की जाती है -

1. बोल्टर की ढुलाई वैध चालानों के साथ करेंगे।
2. बोल्टर आपूर्ति हेतु नावों से पत्थर लोड हेतु नदी के किनारे से 100 मीटर की दूरी पर डम्पिंग की कार्यवाई करेंगे।
3. परिचालित किए जा रहे नवों की संख्या एवं भारित क्षमता के अनुसार लोड की जा रही बोल्टर के मात्रा का विधिवत खनिज समनुदान नियमावली के नियम के अनुसार चालान संबंधित खादानों से बोल्टर उठाव के समय प्राप्त कर विधिवत यंजी में दर्ज करेंगे ताकि राजस्व की क्षति न हो।
4. हवा, धारा या मौसम अनुकूल न हो तो नाव/वोटों का परिचालन नहीं करेंगे।

5. जीवन रक्षार्थ सामग्री का उपयोग परिचालन की स्थिति में करेंगे।
6. कोई ऐसा तरल पदार्थ जो जल को जीव के लिए हानिकारक हो को गंगा में प्रवाहित नहीं करेंगे।
7. निरीक्षी पदाधिकारी की उपस्थिति में यदि पंजी आदि की मांग करें, तो निरीक्षण हेतु उपलब्ध करायेंगे।
8. कार्यपालक अभियंता, बाढ़ नियंत्रण प्रमंडल, काढागोला, जिला- कटिहार (बिहार) का पत्रांक- 500, दिनांक- 18.04.2023 द्वारा दिनांक- 01.06.2023 के पूर्व कार्यों के निष्पादन के क्रम में स्वीकृत अवधि दिनांक- 01.06.2023 तक निष्पादित की गयी है। उक्त निर्धारित अवधि के बाद भी यदि सामग्रियों की आवश्यकता है, तो सामग्री के अंश पत्र उपलब्ध कराये जाने पर अवधि विस्तारित की जा सकती।

यदि ऐसा पाया जाता है कि उपरोक्त शर्तों का अनुपालन आपके द्वारा नहीं किया जा रहा है तो अनुमति रद्द करने की कार्यवाही प्रारंभ की जायेगी।

विश्वासभाजन,

उपायुक्त
साहेबगंज।

ज्ञापांक 334 / रा0, साहेबगंज, दिनांक 03/05/23

प्रतिलिपि :- मेसर्स 10के0 इन्टरप्राइजेज, मालदा (पं0 बंगाल) एवं मेसर्स माँ तारा कन्स्ट्रक्शन, मुजफ्फरपुर (बिहार) को सूचनार्थ एवं अनुपालनार्थ प्रेषित।

प्रतिलिपि :- अंचल पदाधिकारी, मनिहारी को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रतिलिपि :- कार्यपालक अभियंता, बाढ़ नियंत्रण प्रमंडल, काढागोला, जिला- कटिहार (बिहार) को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रतिलिपि :- जिला परिवहन पदाधिकारी, साहेबगंज, अनुमंडल पदाधिकारी, साहेबगंज/राजमहल एवं जिला खनन पदाधिकारी, साहेबगंज को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।
निदेश दिया जाता है कि संलग्न सूची के अनुसार दुलाई कार्य हेतु प्रयुक्त वाहन एवं नावों के परिचालन का सतत पर्यवेक्षण करते हुये वांछित प्रतिवेदन से अद्योहस्ताक्षरी को अवगत करना सुनिश्चित करेंगे।

प्रतिलिपि :- पुलिस अधीक्षक, साहेबगंज को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रतिलिपि :- जिला पदाधिकारी, कटिहार (बिहार) को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रेषित।


उपायुक्त,
साहेबगंज।

-34-
Type and Translated copy

Emblem

Sahebgunge Collectorate

(District Revenue Branch)

Order

By letter No. 500 Dated 18.04.2023 of Executive Engineer Flood Control Division Karagola, District - Katihar, Bihar by the site of the river Ganges near Gandhitola under Manihari Block for the protection of the Railway line and Tarikoshi - Post river site in force of flood protection activities / anti erosion activities (Implementation of Agenda No. 199/8/2023) for the transport of stone bolder for giving permission of boat on the basis of the Registration of the job enclosed request has been made for supply and transport of bolder from Sahebgunge.

It is to be mentioned that in the light of the letter enclosed for the protection work and anti erosion work, the work under four groups 01 02 03 has been allotted to M/S. G. K. Enterprises Malda West Bengal and the work of group 4 has been allotted to M/S. Maa Tara Construction, Muzaffarpur, Bihar for

the execution of the said work Application has been submitted by the aforesaid agencies.

In the context of the request made by letter No. 341/ DIMA Dated: 21.04.2023 of District Magistrate Katihar (Bihar). In Para 4 proceedings of the meeting held by the District label disaster management authority on 25.04.2023 in the context of the request made by letter No. 341/ DIMA Dated: 21.04.2023 for supplying Bolder and transport of Bolder for next three months in view of the protection of control of flood permission for Navigation of boat is given to the boat owners and this permission is given for the transport of stone by the boat and they will obtain no objection certificate from Indian Inland water way authority and Central water Commission and the District Transport officer Sahengunge and from Sub-Divisional officer Sahebgunge and Rajmahal and District Mining officer Sahebgunge for the bolder supplied and will ensure the transport of the same.

Hence in the light of the aforesaid on the request by letter No. 341/ DIMA Dated: 21.04.2023 of the Collector Katihar, Bihar and in the light of the

decision taken by District disaster management authority for the protection work of the coast from Sahebgunge sanction of transport of bolder and Navigation as per the Schedule is being given.

1) Transport of bolder will be done with valid Challan.

2) For supply of bolder for loading stone from the boat dumping should be done at a distance of 100 meters from the side of the river.

3. The number of the boat being run according to load capacity and the quantity of the bolder being loaded should be obtained of the time of loading bolder from the concerned where is according to the Challan under Minerals Exemption Rules and will entire in the Registered Lawfully so that Revenue loss is not done.

4) If the weather pleasant and is not favorable then boats will not be operated.

- Page: 2 -

5) Will use the life saving articles in the emergency situation.

6) Will not carry any liquid substance which is

harmful for the water animals.

7) In presence of the Inspection Officer if Registered etc. is asked for then the same should made available for inspection.

8) In Execution of the work prior to Dated 01.06.2023 by letter No. 500 Dated 18.04.2023 of the Executive Engineer Flood Control Division Karagola District - Katihar, Bihar. The period has been fixed up to 01.06.2023 if even after the said specified period the goods are require then the recommendation letter available the period maybe extended. If it is found that the aforesaid conditions are not being complied with by you then the permission steps for cancelling the permission may be taken.

Yours faith fully

Sd/- illegible

Deputy Commissioner

Sahebgunge

Memo No. 334/Revenue

Sahebgunge

Dated 03.05.23

JK
29

Copy:

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G. K. Enterprise, Malda, West Bengal and M/S. Maa Tara Construction Muzaffarpur, Bihar for information and Compliance

M/S. G. K. Enterprises Malda West Bengal and M/S. Maa Tara Construction, Muzaffarpur, Bihar.

Copy To:

Anchal Officer Manihar for information and necessary action.

Copy To:

Executive Engineer Flood Control Division Karagola, District - Katihar, Bihar for information and necessary action.

Copy To:

District Sub-Divisional Officer Sahebgunge / Rajmahal and District Mining Officer Sahebgunge for information and necessary action.

It is directed that the Vehicle used for transportation as per the list enclosed. The report

after observing the transport work as per the list enclosed and operation of boat be made available to the under sign.

Copy To:

Superintendant of Police, Sahebgunge for information and necessary action.

Copy to:

District Magistrate, Katihar, Bihar for information and necessary action.

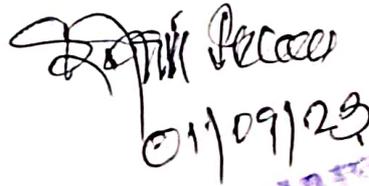
Sd/- illegible

Deputy Commissioner

Sahebgunge

03.05.2023

Certified to be the English translation of an Order
in Hindi.


01/09/23

R. Islam
Rtd. Senior Interpreting Officer
O.S. High Court, Sahibganj



:- आदेश :-

जिला पदाधिकारी, कटिहार का पत्रांक-494/आ0प्र0, दिनांक-29.05.2023 द्वारा कटिहार जिला के मनिहारी प्रखंड अन्तर्गत गाँधी टोला के समीप गंगा नदी के बांये किनारे रेलवे लाईन एवं कारो कोशी तटबंध की सुरक्षा हेतु बाढ़ सुरक्षात्मक कार्य/कटाव निरोधी कार्य के क्रियान्वयन हेतु स्टोन बोल्टर की डुलाई के लिए नाव परिचालन की अनुमति को दिनांक-30.06.2023 तक अवधि विस्तार किये जाने हेतु अनुरोध किया गया है।

उल्लेखनीय है कि अधोहस्ताक्षरी का आदेश, ज्ञापांक-334/रा0, दिनांक-03.05.2023 द्वारा दिनांक-01.06.2023 तक अनुमति प्रदान सशर्त की गयी है।

अतएव अवधि विस्तार हेतु किये गये अनुरोध के आलोक में इस कार्यालय द्वारा निर्गत आदेश, ज्ञापांक-334/रा0, दिनांक-03.05.2023 में उल्लेखित शर्तों के अधीन तटबंधों की सुरक्षात्मक कार्य हेतु बोल्टर की डुलाई सूचीनुरूप(संलग्न) नावों से परिचालन हेतु अवधि विस्तार की स्वीकृति प्रदान की जाती है जिसकी वैधता अवधि दिनांक-30.06.2023 तक होगी। यदि निर्धारित अवधि के बाद भी यदि तटबंधों की सुरक्षा हेतु सामग्रियों की आवश्यकता प्रतीत होती है, तो अवधि विस्तार हेतु अनुशंसा उपलब्ध कराना सुनिश्चित करेंगे।

८५/-

उपायुक्त,
साहेबगंज।

ज्ञापांक 396 /रा0, साहेबगंज, दिनांक- 01/6/2023

प्रतिलिपि-अंचल अधिकारी, साहेबगंज/जिला परिवहन पदाधिकारी, साहेबगंज/अनुमंडल पदाधिकारी, साहेबगंज/राजमहल एवं जिला खनन पदाधिकारी, साहेबगंज को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रतिलिपि- पुलिस अधीक्षक, साहेबगंज को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रतिलिपि-जिला पदाधिकारी, कटिहार को उनके पत्रांक-494/रा0, दिनांक- 29.05.2023 के क्रम में सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

८६/१५
उपायुक्त,
साहेबगंज।

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Type and Translate copy

Emblem

Sahebgunge Collectorate
(District Revenue Branch)

Order

By letter No. 594 APR Dated 29.05.2023 of the District Magistrate Katihar for the implementation of Flood protection activities / anti erosion activities for protecting Railway line and Karokoshi coast on the left side of Ganges River near Gandhitola under Manihari - Block District - Katihar for the transport of stone Bolder request was made for extending the permission of Navigation of boat up to 30.06.2023

It is to be mentioned that by Order memo 334/RE Dated 03.06.2023 of the under sign. The permission has been given up to 01.06.2023 with condition.

Hence in the light of be a request made for extension of the period for the protection work of coastal Guard sanction for extension of period for Navigation of boat is given as per the list of transport of bolder annexed for the protection work validity of which will be up to 30.06.2023 if even after the fixed specified period the necessity of the

P1

Q3

materials appears to be there for the protection of the coastal guard then it will be the recommendation for the extension of the period should be made available.

Sd/- illegible
Deputy Commissioner
Sahebgunge

Memo No. 396/RE Sahebgunge

Dated 1.06.2023

Copy To:

Anchal Officer Sahebgunge / District Transport Officer Sahebgunge / Sub-Divisional Officer Sahebgunge / Rajmahal and District Mining Officer Sahebgunge for information and necessary action.

Copy To:

Superintendent of Police Sahebgunge for information and necessary action.

Copy To:

District Magistrate Katihar
pursuant please letter 484/RE Dated 29.05.2023 for information and necessary action.

Sd/- illegible
Deputy Commissioner
Sahebgunge
01.06.2023

Certified to be the English translation of an Order
in Hindi.



10/09/23

Rtd. Senior Interpreting Officer (C)
O.S. High Court, Calcutta

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Annexure - 'D'



साहेबगंज समाहरणालय

(जिला राजस्व शाखा)

पत्रसंख्या- 503 /रा0

पेपर,

अपर समाहारा,
साहेबगंज।

सेवा में,

जिला पदाधिकारी,
कटिहार।

साहेबगंज, दिनांक - 03/07/2023

विषय :-

कटिहार जिला के मनिहारी प्रखंड अन्तर्गत गौधी टोला के समीप गंगा नदी के बायें किनारे रेलवे लाईन एवं कारी कोशी तटबंध की सुरक्षा हेतु बाढ़ सुरक्षात्मक कार्य/कटाव निरोधी कार्य(एषेण्डा सं0-199/08/2023) के क्रियान्वयन हेतु स्टोन बोल्डर की बुलाई हेतु नाव परिचालन का अवधि विस्तार के संबंध में।

प्रमाण:-
महाराज,

मखदोय पत्रांक-646/अ1099, दिनांक-27.06.2023

उपर्युक्त विषयक प्रासंगिक पत्र के संदर्भ में फरमान है कि कटिहार जिला के मनिहारी प्रखंड अन्तर्गत गौधी टोला के समीप गंगा नदी के बायें किनारे रेलवे लाईन एवं कारी कोशी तटबंध की सुरक्षा हेतु बाढ़ सुरक्षात्मक कार्य/कटाव निरोधी कार्य के क्रियान्वयन हेतु स्टोन बोल्डर की बुलाई के लिए नाव परिचालन हेतु दिनांक-29.07.2023 तक अवधि विस्तार किये जाने हेतु अनुरोध किया गया है।

उल्लेखनीय है कि उपर्युक्त, साहेबगंज का आदेश, ज्ञापक-396/रा0, दिनांक-01.06.2023 द्वारा दिनांक-30.06.2023 तक अनुमति सशर्त प्रदान की गयी है। यहाँ उल्लेख करना है कि गंगा का जलस्तर दिन- प्रतिदिन घटती हो रही है।

अतएव निदेशानुसार अवधि विस्तार हेतु किये गये अनुरोध के आलाोक में इस कार्यालय द्वारा निर्गत आदेश, ज्ञापक-334/रा0, दिनांक-03.05.2023 एवं ज्ञापक-396/रा0, दिनांक-01.06.2023 में उल्लेखित शर्तों के अर्धीन शटवनों की सुरक्षात्मक कार्य हेतु बोल्डर की बुलाई सूचीनुरूप(संलग्न) नावों से परिचालन हेतु दिनांक-10.07.2023 तक अवधि विस्तार की स्वीकृति प्रदान की जाती है।

सादर सूचनाार्थ समर्पित।

प्रा.सि.का.ज.न.
अपर समाहारा,
साहेबगंज।

Type and Translate copy

Emblem

Sahebgunge Collectorate

(District Revenue Branch)

Letter No. 503/RE

From Additional Collector, Sahebgunge

To

District Magistrate Katihar

Sahebgunge

Dated: 03.07.2023

Subject: Regarding extension time of Navigation of boat for Transport of stone bolder for implementing flood protection work / anti erosion (Agenda No. 199/08/2023) for the protection of Railway line and Karicoshi coast on the left of the River Ganges near Gandhitola under Block Manihari in the District of Katihar.

Your reference letter No. 646/DIMA Dated 27.08.2023

Sir,

With reference to the letter relating to the aforesaid subjects this to state that by the left side of the Ganges River near Gandhitola under Manihari -

Block in the District of Katihar for the protection of Railway line and Karokashi coast for implementing the fold protection steps and anti erosion measures request was made for extending the time of operation of boat up to 27.20.23 for Transport of stone bolder.

It is to be mention that by order of the Deputy Commissioner Sahebgunge Memo No. 398/RE Dated 01.06.2023 permission was given with condition up to 30.06.2023 here it is to be mentioned that the label of water of the River Ganges is increasing day by day.

Hence in the light of the request for extension of period as per the direction this office by under the condition mention in Order issued Memo No. 334/RE Dated 03:05.2023 and Memo No. 396/RE Dated 01.06.2023 sanction for extension of period for operation of boat as per the list of transport of bolder annexed (is extended up to 10.07.2023)

Submitted for your kind information.

Your faith fully
Sd/- illegible
03.07.23

Additional Collector, Sahebgunge

Certified to be the English translation of an Order in
Hindi.

R. Islam

01/09/23
R. Islam
Rtd. Senior Interpreting Officer (C)
O.S. High Court, Calcutta

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VAKALATNAMA

IN THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

District: _____

OA/MA/RA/Contempt No. _____ of 20 _____

ArSad Nasar

{Appellant
{Petitioners

- Versus -

NMCG & ors.

{Respondent
{Opposite Party

Vakalatnama on behalf of Applicant

Know all men by these presents that by Vakalatnama, I/We appoint the Advocates noted below or any one of them my/our lawful Advocate or Advocates for all the purposes as stated or within of appearing appearance in the above matter for appearing conducting and arguing the same for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and for putting in papers, petitions etc. On my/ our behalf for filing, taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suit etc. For signing and filling petitions of compromise in connections with the said matter and for taking copies of paper from the Record and I / We further say that any act. Done by my / our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocates his or their fees as settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocates to conduct the case properly. Failing which the said Advocates after notice to me/us will be at liberty to withdraw from further conducting the case.

IN WITNESS WHERE OF I/WE sign and execute this Vakalatnama on this
the 13th day of October 2023

Paushali Banerjee
Name of Advocates

Ms. Paushali Banerjee,
High Court, Calcutta,
NPS Business Centre,
Ground Floor, Kolkata - 700001
M- 9433253274

*Received & accepted
on behalf of petitioner
Paushali Banerjee
Advocate*

Syed Arshad Nasar