

IN THE HON'BLE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA****M.A NO. OF 2023****IN****O.A NO. 88/ 2021/EZ****(M.A No. 32/2022/ EZ & M.A No. 35/2022/EZ**

In the matter of:

Talab Bachao Abhiyan (TBA)

...Applicant

Versus

Govt. of Bihar & Ors.

...Respondents

INDEX

Sl. No.	Particulars	Page No.
1.	INDEX	1-3
2.	MEMO OF PARTIES	4-7
3.	APPLICATION UNDER SECTIONS 26 R/W SECTION 28 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010 FOR NON-COMPLIANCE OF THE FINAL ORDER/ JUDGMENT DATED 23.02.2022 PASSED IN ORIGINAL APPLICATION NO. 88/2021/EZ ALONG WITH IN THE MATTER OF TALAB BACHAO	8-38

	ABHIYAN (TBA) VERSUS GOVERNMENT OF BIHAR & ORS. AND FOR OTHER DIRECTIONS.	
4.	ANNEXURE A-1 True copy of the final order/Judgment dated 23.02.2022 passed in original application No. 88/2021/EZ in the matter of Talab Bachao Abhiyan (TBA) versus Government of Bihar & Ors.	39-48
5.	ANNEXURE A-2 True copy of order dated 14.11.2022 passed by the Hon'ble NGT in M.A No. No.32/2022/EZ	49-51
6.	ANNEXURE A-3 True copy of the order dated 17.11.2022 passed in M.A No. 35/2022/EZ along with M.A No. 32/2022/EZ	52-54
7.	ANNEXURE A-4 True copy of the order dated 01.02.2023 passed in M.A No. 32/2022/EZ along with M.A No. 35/2022/EZ	55-62
8.	ANNEXURE A-5 True copy of the letter/ communication/ representation dated 27.05.2023 made to the Vice chancellor of the Lalit Narayan Mithila University Darbhanga	63-64

9.	ANNEXURE A-6 True copy of the letter/ communication/ representation dated 06.10.2023 made to the Vice chancellor of the Lalit Narayan Mithila University Darbhanga	65-67
10.	ANNEXURE A-7 True copy of the notice of contempt dated 25.10.2023	68-82
11.	Vakalatnama	83

FILED BY:



KAMLESH KUMAR MISHRA AND RENU
ADVOCATE FOR THE APPLICANT(S)
FOR CORPUS JURIS INDIA
346A, Lawyers Chamber Block I,
Delhi High Court, Delhi 110003
Kamlesh.legalaid@gmail.com
+91 9582388509

DATED: 14.11.2023
PLACE: NEW DELHI

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

M.A NO. OF 2023

IN

O.A NO. 88/ 2021/EZ

(M.A No. 32/2022/ EZ & M.A No. 35/2022/EZ

In the matter of:

Talab Bachao Abhiyan (TBA)

...Applicant

Versus

Govt. of Bihar & Ors.

...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

Versus

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

...Respondent No. 1

2. Vice Chancellor,
Lalit Narayan Mithila University,
Bihar-8465004
vc@lnmu.net.in;

...Respondent No. 2

3. District Magistrate,
Darbhanga, Darbhanga
dm-darbhanga.bih@nic.in;

...Respondent No. 3

4. SP
Commissioner Office,
4W72+V7C, PWD Colony,
Lakheriasarai, Darbhanga,
Bihar, Pin - 846001,
sp-darbhanga-bih@nic.in;

...Respondent No. 4

5. Ministry of Jal Shakti, Through Secretary,
2, Rafi Marg, Sansad Marg Area,
New Delhi-110001
secy-mowr@nic.in;

...Respondent No. 5

6. Ministry of Environment,
Forest and Climate Change,
Through Secretary, Jor Bagh,
Lodhi Colony,
New Delhi- 110003,
secy-moef@nic.in

...Respondent No. 6

7. Central Ground Water Board,
Through Regional Director,
Mid-Eastern Region, 6th & 7th Floor,
Lok Nayak Jai Prakash Bhawan,
Frazer Road, Dak Banglow, Patna
Pin – 800011
rdmer-cgwb@nic.in

...Respondent No. 7

8. Bihar State Pollution Control Board,

Parivesh Bhawan, Patna Mall Rod,
Patliputra Industrial Area,
Digha, Patna, Bihar-800010
bspcb@yahoo.com;

...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;

...Respondent No. 9

FILED BY:



KAMLESH KUMAR MISHRA AND RENU
ADVOCATE FOR THE APPLICANT(S)
FOR CORPUS JURIS INDIA
346A, Lawyers Chamber Block I,
Delhi High Court, Delhi 110003
Kamlesh.legalaid@gmail.com
+91 9582388509

DATED: 14.11.2023
PLACE: NEW DELHI

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

M.A NO. OF 2023

IN

O.A NO. 88/ 2021/EZ

(M.A No. 32/2022/ EZ & M.A No. 35/2022/EZ

In the matter of:

Talab Bachao Abhiyan (TBA)

...Applicant

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 23.02.2022 PASSED
IN ORIGINAL APPLICATION NO. 88/2021/EZ ALONG WITH 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 R/w sections 28 of the National Green Tribunal Act, 2010 for Non-

compliance of the final order/ judgment dated 23.02.2022 passed in original application No. 88/2021/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 23.02.2022 this Hon'ble Tribunal directed to remove the fire-baked bricks and the embankment of the and in question shall not be lined either with clay bricks or fire bricks or fire bricks but shall be an earth embankment with adequate plantation of grass and other plants on the sides of the pond which will help in the binding of the soil in the embankment and retention of moisture thereby preventing soil erosion along with certain other directions to the respondent/ contemnors. The relevant portion of the order is as under;

"...10. We, therefore, direct that the fire baked bricks shall be removed and the embankment of the pond in question shall not be lined either with clay bricks or fire baked bricks but shall be an earth embankment with adequate plantation of grass and other plants on the sides of the pond which will help in binding of the soil in the embankment and retention of moisture thereby preventing soil erosion.

Further, an eco-park may be created along the periphery of the lake towards aesthetic value and also biodiversity conservation.

11. We also direct the Respondent No.8, Bihar State Pollution Control Board, to carry out inspections in the quality of water of the pond from time to time to ensure that the pond is not polluted.

12. These works shall be completed within three months and an affidavit of compliance with photographic evidence shall be filed by 30.05.2022.

13. With the aforesaid directions, the Original Application is disposed of.

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

True copy of the final order/Judgment dated 23.02.2022 passed in original application No. 88/2021/EZ in the matter of Talab Bachao Abhiyan (TBA) versus Government of Bihar & Ors. is annexed herewith as **ANNEXURE A-1**

BRIEF FACTS OF THE CASE

3. The present application is being filed by Narayanji Choudhary Convenor of Talab Bachao Abhiyan.

4. 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)
5. The initiative began with generating awareness and mobilizing local people from all walks of life to join hands to save the lifeline of the fertile but flood prone region. Over the years, Choudhary led several sit-in protests (dharna), signature campaigns, poster exhibitions during popular festivals like Durga Puja and Chhath, protest marches and organised meetings with students and party leaders with the goal of saving ponds.
6. Today, the local community of Darbhanga is aware and motivated and people from different backgrounds, including a retired DRDO

scientist, reputed doctors, engineers, university teachers have all joined the initiative to protect water bodies for natural water harvesting and recharging the ground water level. People in urban as well as in rural areas of Darbhanga district have joined in peaceful protests against encroachment of water bodies and are working to revive them. "Now, people from villages and towns approach me regularly seeking help and information about how to save water bodies," Choudhary, now in his late 50s, said. Ponds, locally known as talab or pokhar, the common water bodies in water-rich Mithilanchal, are fast disappearing because of encroachment for constructing buildings. Even as climate change poses a threat of a water crisis, the importance of these natural sources of water is neglected.

7. ORDERS AGAINST ENCROACHMENT

In the context of encroachment of water bodies, there are no dearth of laws and regulations, but the will to enforce these is lacking.

Regarding demolition, road widening, removal of encroachment etc, in the case of Arun Kumar Mukherjee VS. State of Bihar (CWJC No. 2290 of 1996), the Patna High Court has repeatedly given orders and directions to the Bihar Government and all District Magistrates and other authorities concerned, asking for demolition and removing

of encroachments from public lands, roads and flanks of the road, parks, and green zones. Ironically, the pace of encroachments has doubled in places like Darbhanga.

Also, the Bihar Municipal Act 2007 highlights maintenance of pond & water bodies, pollution free pond, health & environment, safe disposal of sewage, garbage and medical waste, maintenance of greenery etc., under Section 47, Section 100, Section 185, Section 198, Section 230, Section 248, Section 249, Section 258.

But despite various orders, judgments and acts to protect and preserve water bodies like ponds, the Bihar government's apathy is worth noticing. If unabated encroachments of water bodies continue to feed the purpose of the land mafia, Bihar is not far from facing an unimaginable water scarcity.

8. various Articles/ Letter written by the applicant organisation have been published on different platforms shedding light on the applicant's efforts to preserve ponds and the dire need of beautification and safeguarding of these ponds, which are progressively vanishing due to encroachments and human disregard. This troubling trend involves the reckless dumping of waste, soil, and other detrimental materials into these invaluable water bodies.

9. The on 25.09.2021 applicant herein had filed an Original Application before the National Green Tribunal (East Zone) which is filed with regard to the concretization of the Natural Pond in Front of the European Guest House at Lalit Narayan University, Darbhanga, Bihar-846004. The outlet, which is the pass way of the pond has been blocked due to the construction of Girls Hostel 20 years ago. The details of the surroundings of the pond is as under;

The North of the Pond is the office of the Vice Chancellor & University staffs, in West of the Pond lies the European Guest House, in South of the Pond lays the Sukkhi Diggi Pond with an area of 700 Gajj and in East of the Pond is the University Stadium & Garden. The Pond is of 12ft depth and situated in an Area of 2.5 Acre Approx. There are 10 connected ponds with this pond.

10. That the Hon'ble NGT (EZ) vide order dated 23.02.2022 in OA NO. 88/2021/EZ in the matter of Tablab Bachao Abhiyan- TBA versus Govt. of Bihar & ors. had passed a detailed order with respect to the beautification of removal of bricks from the pond situated in front of European Guest House at Lalit Narayan Mithila University, Darbhanga, Bihar which is connected with 10 other ponds.

11. That thereafter the applicant had approached the concerned authorities/ contemnors to comply with the orders of the Hon'ble NGT however no action was taken by the contemnors.

12. That Suo-moto action has been taken by the Hon'ble NGT in Original Application No.88/2021/EZ having M.A. No.32/2022/EZ wherein vide order dated 14.11.2022 the Hon'ble NGT observed as follows;

"...The order of the Tribunal dated 23.02.2022 was challenged by the Respondent No.2, Vice Chancellor, Lalit Narayan Mithila University, before the Hon'ble Supreme Court in Civil Appeal No. 4053 of 2022 and the Hon'ble Supreme Court had disposed of the said Civil Appeal by its order dated 20.05.2022. The order of the Hon'ble Supreme Court reads as under:-

"Order Having heard Mr. Sukumar Pattjoshi, senior counsel appearing on behalf of the appellant, we find no error in the impugned order of the National Green Tribunal dated 23 February 2022. However, time for compliance shall stand extended until 30 September 2022. Subject to the aforesaid extension of time which was fixed in paragraph 12 of the NGT, the Civil Appeal

stand disposed of. Pending application, if any, stands disposed of.”

12. The date of filing of compliance report was extended by the Hon'ble Supreme Court upto 30th September, 2022. Till date no compliance report has been filed by the Bihar State Pollution Control Board.

13. Issue notice to the Bihar State Pollution Control Board.

14. Ms. Amrita Pandey, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Bihar State Pollution Control Board.

15. The Bihar State Pollution Control Board shall file compliance report by 17.11.2022.”

True copy of order dated 14.11.2022 passed by the Hon'ble NGT in M.A No. No.32/2022/EZ is annexed herewith as **ANNEXURE A-2**

13. That the applicant had filed an M.A on 29.09.2022 in Original Application No.88/2021/EZ having M.A No. 35/2021/EZ which has been taken up along with M.A No. 32/2021/EZ seeking compliance of order dated 23.02.2022 wherein the Hon'ble NGT passed directions to the respondent contemnors.

14. That vide order dated 17.11.2022 passed in the Hon'ble NGT recorded the undertaking of Mr. Abdesch Chaudhary, Ld. Counsel for Lalit Narayan Mithila University, Darbhanga, Bihar respondent No.2 whereby time was granted to file the compliance affidavit in view of order dated 23.02.2022.

True copy of the order dated 17.11.2022 passed in M.A No. 35/2021/EZ along with M.A No. 32/2021/EZ is annexed herewith as

ANNEXURE A-3

15. That vide order dated 01.02.2023 the Hon'ble NGT directed the respondent/ contemnor Lalit Narayan Mithila University, Darbhanga, Bihar to remove all the bricks from embankment from the lake in question by 15.02.2023 with certain other directions the relevant portion of the same is as under;

"...19. In view of the above facts, we issue the following directions-

A. The University shall completely remove all the bricks from the embankment from the lake in question by 15.02 2023 if not already removed.

B. The University shall plant requisite quality of grass on the embankment to prevent erosion of soil and

also plant shrubs, bushes or trees for beautification of the embankment and also to prevent soil erosion.

20. Directions are also issued to the Bihar State Pollution Control Board that since there are ten ponds connecting the lake/ pond in question, the Bihar State Pollution Control Board shall conduct regular/monthly Water Analysis Tests and prepare Report and if the readings therein are found to be beyond the permissible limits, the Board shall take steps to give directions to the concerned violator for taking remedial measures and the Board shall also monitor the execution of remedial measures.

21 The Board shall also inspect the lake in question to ensure compliance of the directions given to the University in Para-18 hereinabove by this Tribunal and ensure compliance thereof With the aforesaid directions these M.A. No.32/2022/EZ and MA 22 No.35/2022/EZ are disposed of."

True copy of the order dated 01.02.2023 passed in M.A No. 32/2022/EZ along with M.A No. 35/2022/EZ is annexed herewith as **ANNEXURE A-4**

16. That thereafter on 27.05.2023 the applicant made a representation to the vice chancellor of Lalit Narayan Mithila University Regarding the removal of bricks from the pond for Beautification. Also, to draw attention to the order of the Hon'ble National Green Tribunal (O.A. No. 88/2021/EZ). The relevant portion of the representation is as under;

To,

Vice Chancellor Sir

Lalit Narayan Mithila University Darbhanga,

Bihar

Subject: Regarding the removal of bricks from the pond for Beautification. Also, to draw attention to the order of the Hon'ble National Green Tribunal (O.A. No. 88/2021/EZ)

Sir,

Order dated 22.02.2023 of the Hon'ble National Green Tribunal (OA No. 88/2021/EZ),

"10. We therefore, direct that the fire baked bricks shall be removed and the embankment of the pond in question shall not be lined either with clay bricks or fire baked bricks but shall be an earth embankment with adequate plantation of grass and other plants on the sides of the pond which

will help in binding of the soil in the embankment and retention of moisture thereby preventing soil erosion. Further, an eco-park may be created along the periphery of the lake towards aesthetic value and also biodiversity Conservation."

These works shall be completed within three months and an affidavit of compliance with photographic evidence shall be filed by 30.05 2022.

1. All the bricks should have been removed from the pond in front of the European Guest House by 30/5/2022, as per the order of the Honorable Court. But till now only about 40% has been removed. Therefore, it is requested that all the bricks be removed from the banks of the pond and the bed of the pond (there is a 5-6 feet wide brick layer in the bed) before the arrival of monsoon (i.e. before the last week of June) When all the bricks are removed, then the kapar/sleet soil of the pond should be renovated/strengthened as before and this old heritage should be conserved by planting katra grass or other grass on it with the advice of experts so that the trees on the banks of the pond can be protected. can also be saved.

After the start of rain, this work will face a lot of problems, hence it should be given priority.

2. Walkway has been built around the pond, but the walkway in the east is about one foot higher than the ground surface, due to which the rainwater (freshwater) from the field nearby will not be able to enter the pond. Therefore, it is requested that walkway should also be repaired so that the rainwater can easily flow into the pond so that the water of the pond can be refreshed.

3. Since the establishment of Lalit Narayan Mithila University (LNMU), the negligence and indifference that the university administration started towards the important heritages like botanical, zoological and water resources of its campus continue even today, while the university earns crores of rupees from these resources. Earned so far. We hope that under your effective and efficient leadership and guidance, the University will formulate a concrete policy and transparent program for the protection and

conservation of its heritage so that arbitrary, indiscriminate, and anti-environmental structural interventions do not take place in the future, for which Darbhanga and Mithila People will always be grateful to you.

Thank you.

Narayan Ji Chaudhary

True copy of the letter/ communication/ representation dated 27.05.2023 made to the Vice chancellor of the Lalit Narayan Mithila University Darbhanga is annexed herewith as **ANNEXURE A-5**

17. That the respondent/ contemnors have not responded to the above communication which constrained the applicant to make another communication/ letter dated 06.10.2023 to the vice chancellor of the Lalit Narayan Mithila University, Darbhanga, Bihar, District Collector Darbhanga, Bihar. Registrar, Mithila University, Darbhanga, Bihar, Secretary/ Scientist Bihar State Pollution Control Board Muzaffarpur Bihar. Relevant portion of the same is as under;

“Subject: Request for the expedited implementation of the beautification of the pond in front of the European Guest House in compliance with the orders and directives of the Hon’ble National Green Tribunal.

Reference;

Orders of the Hon'ble National Green Tribunal (O.A. No. 88/2021/EZ dated February 23, 2022) - "Save the Pond Campaign vs. Bihar Government and Others."

Orders of the Hon'ble Supreme Court (Civil Appeal No. 4053 of 2022 dated May 20, 2022) - "Vice-Chancellor Lalit Narayan Mithila University vs. Save the Pond Campaign."

Orders of the Hon'ble National Green Tribunal (M.A. No. 32/2022/EZ & M.A. No. 35/2022/EZ, In Original Application No. 88/2021/EZ dated November 17, 2022).

Respected Sir/Madam,

In order to comply with the orders and directives of the Hon'ble National Green Tribunal, the "Save the Pond Campaign" has already submitted a letter to you on May 27, 2023. We would like to draw your attention once again towards the following orders and directives of the Hon'ble Court concerning the pond situated at the university:

The order of the Hon'ble National Green Tribunal dated February 23, 2022.

"...Fire baked bricks, in our opinion, cannot be used for laying against the mud wall of a water body as it has retrograde effects in the preservation of moisture and also the growth of grass and other plants. We cannot ignore the fact that during the summer heat the said bricks will be absorbed the heat and reflect the same

thereby raising the temperatures which would, in turn, deter healthy growth of grass and trees around the pond in question"

10. We, therefore, direct that the fire baked bricks shall be removed and the embankment of the pond in question shall not be lined either with clay bricks or fire baked bricks but shall be an earth embankment with adequate plantation of grass and other plants on the sides of the pond which will help in binding of the soil in the embankment and retention of moisture thereby preventing soil erosion. Further, an eco-park may be created along the periphery of the lake towards aesthetic value and also biodiversity Conservation"

"12. These works shall be completed within three months and an affidavit of compliance with photographic evidence shall be filed by 30.05.2022"

In the above order, the Hon'ble Court has clearly said that applying brick layer on the banks of the pond will adverse effect on the vegetation, including grass and other plant life, and will exacerbate heat absorption from the surroundings in hot weather, which will have a detrimental impact on the flora and health of the nearby plants. Therefore, all bricks around the pond should be removed by June 30, 2022, and in the areas where they are removed, grass should be planted, and an eco-park should be developed around the pond. The primary intent of the orders and directives of the Hon'ble Courts is to keep the pond in its natural state.

2. The order of the Hon'ble Supreme Court dated May 20, 2022, in response to the Hon'ble National Green

Tribunal's order of February 23, 2022, against Lalit Narayan Mithila University's appeal (Civil Appeal No. 4053 of 2022). The Hon'ble NGT vide order dated 23.02.2022 has directed as under;

1 Having heard Mr Sukumar Pattjoshi, senior counsel appearing on behalf of the appellant, we find no error in the impugned order of the National Green Tribunal dated 23 February 2022 However, time for compliance shall stand extended until 30 September 2022

"2 Subject to the aforesaid extension of time which was fixed in paragraph 12 of the NGT, the Civil Appeal shall stand disposed of

"3 Pending application, if any stands disposed of"

3. The order of the Hon'ble National Green Tribunal was issued on November 17, 2022.

Furthermore, in the re-hearing of this case held in the Hon'ble National Green Tribunal on November 17, 2022, the following directives were given to Lalit Narayan Mithila University:

"9. Mr. Abdesh Chaudhary, learned Counsel appearing (in Virtual Mode) for Respondent No. 2 Lalit Narayan Mithila University prays for and is granted three weeks time to file affidavit of compliance showing compliance of the directions given by the Tribunal in Paragraph-10 of its judgment and order dated 23.03.2022 and also with regard to steps taken by the Lalit Narayan Mithila University for the upkeep of the water body in question and for prevention of sewage pouring into the water

body in view of the Water Analysis Report filed by the Bihar State Pollution Control Board"

In light of the above orders, it was expected that the compliance with the Hon'ble National Green Tribunal's order dated February 23, 2022, should have been fully executed by December 15, 2022. However, until now, these orders have not been adhered to by Lalit Narayan Mithila University.

In the context of the above orders of the Hon'ble Court and the current status of the pond, we make the following requests:

a) Remove all bricks from the periphery of the pond in front of the European Guest House and from the pond bed (there is a brick layer around all four sides within the water) promptly. Approximately 40% of the tiles have been removed so far.

b) When all the bricks are removed, the mud from the pond's embankment/slope should be rejuvenated/strengthened as per expert advice and embankment or other suitable reinforcement should be added, preserving this old heritage, which can also save the trees near the pond.

c) Walkways have been constructed around all sides of the pond. However, the walkway on the eastern side is elevated by approximately one and a half feet from ground level, causing rainwater (freshwater) from the adjacent fields not to enter the pond easily. Therefore, the walkway should be leveled to allow rainwater to flow effortlessly into the pond, refreshing its water.

d) The university should establish a University Environment Committee, in which teachers, especially from the Botany, Zoology, Geography departments, as well as students, environmental department, environmental activists, etc., participate. This committee should work to conserve critical assets of the university's premises, such as botanical, zoological, and water resources.

We hope that the university will develop a comprehensive and transparent policy and program for the preservation and protection of these heritage sites, as well as other heritage sites so that there will be no arbitrary, ill-considered, and environmentally detrimental construction in the future. Thank you.

Attached List:

A scanned copy of the representation submitted on May 27, 2023.

A photograph of the pond.

Narayan Ji Chaudhary

Coordinator

Date: 06/10/2023"

True copy of the letter/ communication/ representation dated 06.10.2023 made to the Vice chancellor of the Lalit Narayan Mithila University Darbhanga is annexed herewith as **ANNEXURE A-6**

18. That contempt notice was made to the respondent/ Contemnors on 25th October 2023 for compliance of orders passed by National Green Tribunal, Eastern Zone Bench, Bench, Kolkata, dated 23.02.2022 passed in O.A No. 88/2021/EZ along with order dated 01.02.2023 passed in M.A No. 32/2022/EZ & M.A No. 35/2022/EZ in the matter titled as Talab Bachao Abhiyan- TBA Versus Govt. Of Bihar & Ors. The relevant portion of the same is as under;

"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 appears that no action has been taken in compliance with the Order dated 23.02.2022 in the matter titled as Talab Bachao Abhiyan-TBA Versus Govt. Of Bihar & Ors. (OA No. 88/2021/EZ) and with the order dated 01.02.2023 in M.A No. 32/2022/EZ & 35/2022/EZ in the matter titled as Talab Bachao Abhiyan-TBA Versus

Govt. Of Bihar & Ors. The relevant portion of the order is as under:

**The relevant portion of the order dated
23.02.2022;**

"10. We, therefore, direct that the fire baked bricks shall be removed and the embankment of the pond in question shall not be lined either with clay bricks or fire baked bricks but shall be an earth embankment with adequate plantation of grass and other plants on the sides of the pond which will help in binding of the soil in the embankment and retention of moisture thereby preventing soil erosion. Further, an eco-park may be created along the periphery of the lake towards aesthetic value and also biodiversity conservation.

11. We also direct the Respondent No.8, Bihar State Pollution Control Board, to carry out inspections in the quality of water of the pond from time to time to ensure that the pond is not polluted.

12. These works shall be completed within three months and an affidavit of compliance with

*photographic evidence shall be filed by
30.05.2022."*

**The relevant portion of the order dated
01.02.2023**

*In view of the above facts, we issue the following
directions:-*

*A. The University shall completely remove all the
bricks from the embankment from the lake in
question by 15.02.2023 if not already removed.*

*B. The University shall plant requisite quality of grass
on the embankment to prevent erosion of soil and
also plant shrubs, bushes or trees for beautification
of the embankment and also to prevent soil erosion.*

*20. Directions are also issued to the Bihar State
Pollution Control Board that since there are ten ponds
connecting the lake/ pond in question, the Bihar
State Pollution Control Board shall conduct
regular/monthly Water Analysis Tests and prepare
Report and if the readings therein are found to be
beyond the permissible limits, the Board shall take
steps to give directions to the concerned violator for
taking remedial measures and the Board shall also
monitor the execution of remedial measures.*

*21. The Board shall also inspect the lake in question
to ensure compliance of the directions given to the*

University in Para-18 hereinabove by this Tribunal and ensure compliance thereof.

That pursuant to the above order having been passed my client has also communicated to vide representation dated 27.05.2023 and 06.10.2023 whereby my client requested for the compliance of the aforementioned order passed by the Hon'ble Tribunal.

That however, from the latest inspection of the site by client it appears that no action whatsoever has been taken by the University and neither by the Bihar State Pollution Control Board towards the compliance of the order passed by the Tribunal.

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 of the Order 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 the concerned authorities. 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”

True copy of the notice of contempt dated 25.10.2023 is annexed herewith as **ANNEXURE A-7**

19. That the respondents more specifically the Vice-chancellor of Lalit Narayan Mithila University (Respondent No.2) & Bihar State Pollution Control Board (Respondent No. 8) had failed to comply with the directives passed by this Hon'ble Court vide order dated 23.02.2022 passed in O.A No. 88/2021/EZ along with order dated 01.02.2023 passed in M.A No. 32/2022/EZ & M.A No. 35/2022/EZ, furthermore both the above respondents are liable under section 26 of the NGT, Act, 2010 the relevant part of the section is as under;

26. Penalty for failure to comply with orders of

Tribunal (1) Whoever, fails to comply with any order or award or decision of the Tribunal under this Act, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may

extend to ten crore rupees, or with both and in case the failure or contravention continues, with additional fine which may extend to twenty-five thousand rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.

Provided that in case a company fails to comply with any order or award or a decision of the Tribunal under this Act, such company shall be punishable with fine which may extend to twenty-five crore rupees, and in case the failure or contravention continues, with additional fine which may extend to one lakh rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under this Act shall be deemed to be non-cognizable within the meaning of the said Code

This clause provides for penalty for failure to comply with the orders of the Tribunal. It provides that whoever, fails to comply with any order or award or decision of the Tribunal, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten crore rupees, or with both and in case the failure or contravention continues, with additional fine which may extend to twenty-five thousand rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.

It further provides that in case a company, fails to comply with any order or award or decision of the Tribunal under this Act, such company shall be punishable with fine which may extend to twenty-five crore rupees, and in case the failure or contravention continues, with additional fine which may extend to one lakh rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.

It also provides that notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offense under the Act shall be deemed to be non-cognizable within the meaning of the said Code. (Notes on Clauses)

20. 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 23.02.2022 passed by National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No. 88/2021/EZ in the matter titled as Talab Bachao Abhiyan-TBA Versus Govt. of Bihar & Ors.
- II. Pass an order directing the respondents to comply with the final Order/Judgement dated 01.02.2023 passed by National Green Tribunal, Eastern Zone Bench, Kolkata in M.A No. 32/2022/EZ & M.A No. 35/2022/EZ in the matter titled as Talab Bachao Abhiyan-TBA Versus Govt. of Bihar & Ors.
- III. Direct the respondent/ contemnor to pay penalty for non-compliance of orders dated 23.02.2022 & 01.02.2023 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.

- IV. Pass an order/ direction to the respondents to file the detailed action taken report in compliance of the order dated 23.02.2022 & 01.02.2023 passed by this Hon'ble Court in the matter of Talab Bachao Abhiyan-TBA Versus Govt. of Bihar & Ors.
- V. 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
346A, Lawyers Chamber Block I,
Delhi High Court, Delhi 110003
Kamlesh.legalaid@gmail.com
+91 9582388509

DATED: 14.11.2023
PLACE: NEW DELHI

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



M.A NO. OF 2023

IN

O.A NO. 88/ 2021/EZ

(M.A No. 32/2022/ EZ & M.A No. 35/2022/EZ)

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

Handwritten signature in red ink: Narayan Jee Choudhary

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.



**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH,
KOLKATA**

.....

ORIGINAL APPLICATION No. 88/2021/EZ

IN THE MATTER OF:

**Talab Bachao Abhiyan-TBA,
Through its Convener Narayan Jee Choudary,
C/o Maithili Sahitya Parishad, Professor Colony,
Dighi West, Near Primary School,
Darbhanga – 846004,**

सत्यमेव जयते

....Applicant(s)

Versus

- 1. Govt. of Bihar,
Through Chief Secretary,
Main Secretariat, Patna,
Pin – 800015,**
- 2. Vice Chancellor,
Lalit Narayan Mithila University,
Bihar – 8465004,**
- 3. District Magistrate, Darbhanga,
Darbhanga,**
- 4. SP
Commissioner Office,
4W72+V7C, PWD Colony, Lakheriasarai,
Darbhanga, Bihar,
Pin – 846001,**
- 5. Ministry of Jal Shakti,
Through Secretary,
2, Safi Marg, Sansad Marg Area,
New Delhi – 110001,**

6. **Ministry of Environment, Forest and Climate Change,
Through Secretary,
Jor Bagh, Lodhi Colony,
New Delhi – 110003,**
7. **Central Ground Water Board,
Through Regional Director,
Mid-Eastern Region, 6th & 7th Floor,
Lok Nayak Jai Prakash Bhawan,
Frazer Road, Dak Banglow,
Pin – 800011,**
8. **Bihar State Pollution Control Board,
Parivesh Bhawan, Patna,
Mall Rd, Patliputra Industrial Area,
Digha, Patna – 800010,**
9. **State Environment Impact Assessment Authority, Bihar,
2nd Floor, Beltron, Baldev Bhawan Rd,
Shastri Nagar,
Patna – 800023,**

....Respondent(s)

COUNSEL FOR APPLICANT:

Mr. Bibhuti Bhushan Mishra, Advocate

COUNSEL FOR RESPONDENTS :

**Mr. Surendra Kumar, Advocate for R-1, 3 & 4,
Mr. Ashok Prasad, Advocate for R-5,
Mr. Gora Chand Roy Choudhury, Advocate for R-6,
Mr. Adhendumauli Kumar Prasad, Advocate a/w Mr. Asish
Madan, Advocate for R-7,
Ms. Amrita Pandey, Advocate for R-8,
Ms Anamika Pandey, Advocate for R-9,**

JUDGMENT

PRESENT:

HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)
HON'BLE MR. SAIBAL DASGUPTA (EXPERT MEMBER)

Reserved On:- 8th February, 2022
Pronounce On:-23rd February, 2022

-
- | | |
|---|------------|
| 1. Whether the Judgment is allowed to be published on the net? | Yes |
| 2. Whether the Judgment is allowed to be published in the NGT Reporter? | Yes |
-

JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)

This Original Application has been filed by the Applicant alleging that there is a natural pond in front of the European Guest House at Lalit Narayan Mithila University, Darbhanga, Bihar, which pond has a depth of about 12 feet and covers an area of 2.5 acres. There are ten ponds which are connected with this pond but the outlet of the pond has been blocked due to construction of a Girls Hostel about twenty years ago. This pond also contains a wide variety of local fishes and other aquatic fauna, the names of which are given in paragraph 6 of the Original Application and which need not be reproduced here. It is stated that under the garb of beautification of the pond the University authorities have laid bricks and concrete about 15 feet wide at the alluvium and about 5 feet wide at the bed of the pond which has adversely affected the aquatic eco-system of the pond and the process of recharge of underground water. Photographic evidence has also been filed as Annexure A-14, (at page no. 250 of the paper book) showing that a

wide stretch of area has been covered by bricks around the periphery of the pond. The submission of the learned Counsel for the Applicant is that laying of brick is not permissible on the embankment of water bodies and, in fact, if the Administration wanted to protect the boundary of the pond, at the most, they could have planted natural grass in a scientific and eco-friendly manner. In any case, solid structure in the nature of brick or concrete could not have been put.

2. At the time of admission, the Tribunal issued notices to the Respondents and a counter-affidavit dated 10.12.2021 has been filed on behalf of the Respondent No.7, Central Ground Water Board, wherein it is stated that no permission has been granted by the Central Ground Water Board for construction/renovation/beautification of the pond in question. It is also stated that the matter relating to repair, restoration and renovation of water bodies is being dealt with by the Minor Irrigation (MI) Section, Ministry of Jal Shakti (Respondent No.5 herein).

3. A counter-affidavit dated 05.01.2022 has been filed on behalf of the Respondent No.5, Ministry of Jal Shakti, stating that under Entry 17 of the State List under Schedule-VII of the Constitution of India, 'water' is a State subject and water resources projects are planned, funded, executed and maintained by the State Governments themselves and, therefore, the issues involved in the present case are beyond the purview of the Respondent No.5.

4. A counter-affidavit dated 06.01.2022 has been filed on behalf of the Respondent No.9, State Environment Impact Assessment Authority (SEIAA), Bihar, wherein it is stated that SEIAA, Bihar, is only responsible for consideration and grant of Environmental Clearances as per Schedule-II under the Environment Impact Assessment Notification, 2006 and, therefore, SEIAA has no role to play in the present case.

5. One more counter-affidavit dated 07.01.2022 has been filed on behalf of the Respondent No.5, Bihar State Pollution Control Board, wherein it is stated that on 06.01.2022 an inspection of the site in question was carried out and its findings as noted by the Inspection Team has been mentioned in para 5 of the affidavit (page 324 of the paper book) which read as under:-

- i. The said pond is about 5960 sq. mt. in size and is 12 feet deep;*
- ii. That fish were noticed swimming in the pond;*
- iii. The university has undertaken beautification work of the pond, under which, a walkway of about 5 feet width has been constructed around the pond using fly-ash bricks and the 'inner slope of pond' has been covered with 'Clay Bricks';*
- iv. That the clay bricks has been arranged in such a way that there is sufficient gaps between the bricks for water to percolate;*
- v. The cement has not been used in 'Laying the bricks' at the inner slope of pond;*
- vi. That no work has been done in bed of the pond;*
- vii. That the work being done, does not in any way affect the Ground Water Level or Ground Water Recharge.*

6. The notes of the Inspection Team to the allegations made by the Applicant in the Original Application as noted by the Team in its report read as under:-

OA No.-88/2021/EZ तालाब बचाओ अभियान बनाम बिहार राज्य एवं अन्य के संबंध में माननीय एन.जी.टी. द्वारा पारित आदेश दिनांक 29.10.2021 का अनुपालन के आलोक में ललित नारायण मिथिला विश्वविद्यालय स्थित तालाबों का स्थल निरीक्षण प्रतिवेदन।

1. शिकायत स्थल ललित नारायण मिथिला विश्वविद्यालय के प्रांगण में अवस्थित युरोपियन गेस्ट हाउस (वर्तमान नाम गोंधी सदन) के सामने बना प्राकृतिक तालाब के सौन्दर्यकरण तथा तालाब के जलिय परिस्थितिकी तंत्र पर प्रतिकूल प्रभाव के संबंध में दिनांक 05.01.2022 को शिकायत स्थल का निरीक्षण किया गया। निरीक्षण के दौरान विश्वविद्यालय के इंजिनियर श्री हसन इक्याल (मो0 नं0-8809660090) उपस्थित थे।
2. निरीक्षण से पूर्व विश्वविद्यालय के कुल सचिव, प्रो0 मुशताक अहमद (मो0 नं0-9431414586) शिकायत बिन्दु पर बार्ता की गयी। उन्होंने बताया कि युरोपियन गेस्ट हाउस के सामने बना तालाब का सौन्दर्यकरण का कार्य सिचाई विभाग दरभंगा द्वारा कराया गया है। इस तालाब से वर्तमान में कोई भी तालाब एक दूसरे से जुड़ा हुआ नहीं है। तालाब में बारिश का पानी इकट्ठा होता है, जिसके लिए दो पक्का नाला बनाकर इस तालाब से जोड़ दिया गया है। मानसून के समय वर्षा का पानी इसी नाले से होकर तालाब में जाता है। तालाब जब पानी से भर जाता है, तब ज्यादा पानी को बाहर निकालने के लिए हयुम पाईप बिछाकर गर्ल्स हॉस्टल के पश्चिम में अवस्थित दूसरे तालाब से जोड़ा गया है।
3. निरीक्षण के दौरान पाया गया कि युरोपियन गेस्ट हाउस (गोंधी सदन) के सामने अवस्थित तालाब (Co-ordinate 26.16214, 85.89711) जिसका क्षेत्रफल (245*250) 61250 स्क्वायर फीट है। तालाब में लगभग 12 फीट तक पानी भरा हुआ है। तालाब के चारों तरफ लगभग 5 फीट चौड़ा फलाई एस निर्मित ईट से बाकिंग पथ का निर्माण किया गया है तथा लगभग 20 फीट तालाब के स्लोप में लाल ईट से सोलिंग किया गया है। तालाब के बाकिंग पथ में लगभग 10-12 छोटे बड़े पेड़ लगे हुए पाये गये। देखने से तालाब का जल साफ दिखाई दे रहा था जिसमें छोटी मछलियां पायी गयी। इस तालाब का जल नमुना संग्रहण किया गया तथा जल के D.O (5.8) की भी जांच की गयी। इस तालाब को हयुम पाईप बिछाकर गर्ल्स हॉस्टल के पश्चिम में अवस्थित दूसरे तालाब (Co-ordinate 26.1630, 85.8969) से जोड़ा गया है।
4. गर्ल्स हॉस्टल लगभग 20 वर्ष पुराना है तथा इसके पश्चिम में स्थित तालाब का आउटलेट हयुम पाईप बिछाकर तीसरे तालाब (Co-ordinate 26.1633, 85.8964) जो हॉस्टल के सामने में स्थित है, में जाता है। इस तालाब का रख रखाव संस्कृत विश्वविद्यालय दरभंगा द्वारा किया जाता है।
5. निरीक्षण के दौरान विश्वविद्यालय परिसर में कुल 08 तालाब पाये गये। युरोपियन गेस्ट हाउस (गोंधी सदन) के सामने अवस्थित तालाब को छोड़कर अन्य सभी 07 तालाबों का सौन्दर्यकरण नहीं किया गया है। निरीक्षण के दौरान सारे तालाबों का जल नमुना संग्रहण किया गया साथ ही जल के D.O. की भी जांच की गयी है। संग्रहित जल नमूनों को विश्लेषण हेतु पर्वद मुख्यालय पटना को समर्पित किया गया है।

6. अनुशंसा - शिकायतकर्ता द्वारा किये गये शिकायत बिन्दुओं के संबंध में अवलोकन की विवरणी निम्न प्रकार है -

क्र०सं०	शिकायत की बिन्दु	अवलोकन
1.	ललित नारायण मिथिला विश्वविद्यालय के युरोपियन गेस्ट हाउस के सामने एक नेचुरल तालाब है जिसकी गहराई 12 फीट तथा क्षेत्रफल 25 एकड़ है। वहाँ 10 तालाब अवस्थित है जो इस तालाब से कनेक्टेड है। लेकिन 20 वर्ष पहले गर्ल्स हॉस्टल के निर्माण के क्रम में तालाब के निकास को बन्द कर दिया गया। इस तालाब में अनेको प्रकार की मछलिया तथा जलिये पौधे पाये जाते थे लेकिन विश्वविद्यालय प्रबंधन द्वारा तालाब के सौन्दर्यकरण के क्रम में 15 फीट स्लोप तथा 5 फीट चौड़ा तालाब के बेड को ईट एवं कंक्रीट किया गया है, जिसके वजह से जलिये जीव जन्तु एवं अण्डर ग्राउण्ड वाटर रिचार्ज पर प्रतिकूल प्रभाव पड़ रहा है।	निरीक्षण के दौरान युरोपियन गेस्ट हाउस के सामने अवस्थित प्राकृतिक तालाब जिसका क्षेत्रफल लगभग 61250 स्क्वायर फीट है, में लगभग 12 फीट गहराई तक जल भरा हुआ पाया गया। इस तालाब का सौन्दर्यकरण किया गया है जिसके क्रम में तालाब के चारों तरफ 5 फीट चौड़ा फ्लाईएस निर्मित पेभर ब्लॉक से वाकिंग पथ का निर्माण किया गया है तथा चारों ओर लगभग 20 फीट तालाब के स्लोप में लाल ईट से सोलिंग किया गया है। तालाब के निधले तल (भूतल) को यथावत छोड़ा गया है। जिससे भूगर्भ रिचार्ज प्रभावित नहीं हो। निरीक्षण के दौरान तालाब में छोटी छोटी मछलियाँ पायी गयी। विश्वविद्यालय परिसर में 8 तालाब अवस्थित है, जो आपस में जुड़े हुए नहीं हैं सिर्फ इस तालाब से गर्ल्स हॉस्टल के पश्चिम में अवस्थित तालाब को हयूम पाईप से जोड़ा गया है। ताकि बरसात के दिनों में अधिक जल होने पर दूसरे तालाब में भेजा जा सके।

निरीक्षण के दौरान लिये गये फोटो ग्राफ संलग्न।

उपरोक्त तथ्यों के आलोक में आवश्यक कारवाई की जा सकती है।

Ashok Kumar
86/01/2022
अशोक कुमार
(सोवै०पदा०)
मुजफ्फरपुर।

Shamby
06-01-2022
शिव शम्भू प्रसाद
(वैज्ञानिक)
मुजफ्फरपुर।

7. In the affidavit of the Bihar State Pollution Control Board, it is also stated that as per the National Plan for Conservation of Aquatic Ecosystem 2019, there is no restriction on laying of bricks on the 'inner slope of pond'.

8. We have heard the learned Counsel for the parties and perused the documents on record.

9. From the findings of the Inspection Team as noted hereinabove, what is noticed is that the University has undertaken beautification work of the pond in question by creating a walkway about five feet in width around the pond using fly-ash bricks and the inner slope of pond has been covered with clay bricks. It is also stated that clay bricks have been arranged in such a manner that there is sufficient gap between the bricks for water to percolate.

It is emphatically stated that cement has not been used in the laying of bricks on the inner slope of the pond and no work has been done in the bed of the pond. It is also stated that work being done by laying of bricks etc. does not in any way affect the groundwater level or ground water recharge. The photographic evidence which has been filed by the Applicant also show the walking path which has been created round the water body but what we noticed is that the bricks which have been used for laying against the wall of the pond are not clay bricks but they are fire baked bricks. Fire baked bricks, in our opinion, cannot be used for laying against the mud wall of a water body as it has retrograde effects in the preservation of moisture and also the growth of grass

and other plants. We cannot ignore the fact that during the summer heat the said bricks will be absorbed the heat and reflect the same thereby raising the temperatures which would, in turn, deter healthy growth of grass and trees around the pond in question.

10. We, therefore, direct that the fire baked bricks shall be removed and the embankment of the pond in question shall not be lined either with clay bricks or fire baked bricks but shall be an earth embankment with adequate plantation of grass and other plants on the sides of the pond which will help in binding of the soil in the embankment and retention of moisture thereby preventing soil erosion. Further, an eco-park may be created along the periphery of the lake towards aesthetic value and also biodiversity conservation.

11. We also direct the Respondent No.8, Bihar State Pollution Control Board, to carry out inspections in the quality of water of the pond from time to time to ensure that the pond is not polluted.

12. These works shall be completed within three months and an affidavit of compliance with photographic evidence shall be filed by 30.05.2022.

13. With the aforesaid directions, the Original Application is disposed of.

14. There shall be no order as to costs.

.....
B. AMIT STHALEKAR, JM

.....
SAIBAL DASGUPTA, EM

**Kolkata,
February 23, 2022,
Original Application No. 88/2021/EZ
AK**



NGT

Item No.01

ANNEXURE A-2

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

M.A. No.32/2022/EZ

In

Original Application No.88/2021/EZ

Tribunal on its own motion

Applicant(s)

Versus

Govt. Of Bihar & Ors.

Respondent(s)

Date of hearing: 14.11.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*

For Respondent(s) : Ms. Amrita Pandey, Adv. (in Virtual Mode) for Bihar SPCB,

ORDER

1. The Original Application No. 88/2021/EZ was disposed of by this Tribunal by its order dated 23.02.2022 with the following directions:-

“10. We, therefore, direct that the fire baked bricks shall be removed and the embankment of the pond in question shall not be lined either with clay bricks or fire baked bricks but shall be an earth embankment with adequate plantation of grass and other plants on the sides of the pond which will help in binding of the soil in the embankment and retention of moisture thereby preventing soil erosion. Further, an eco-park may be created along the periphery of the lake towards aesthetic value and also biodiversity conservation.

11. We also direct the Respondent No.8, Bihar State Pollution Control Board, to carry out inspections in the quality of water of the pond from time to time to ensure that the pond is not polluted.

12. These works shall be completed within three months and an affidavit of compliance with photographic evidence shall be filed by 30.05.2022.

13. With the aforesaid directions, the Original Application is disposed of.

14. There shall be no order as to costs.”

10. The Respondent No.8, Bihar State Pollution Control Board, was directed to carry out inspections in the quality of water of the pond from time to time and ensure that the pond is not polluted and to file an affidavit of compliance by 30.05.2022.
11. The order of the Tribunal dated 23.02.2022 was challenged by the Respondent No.2, Vice Chancellor, Lalit Narayan Mithila University, before the Hon’ble Supreme Court in Civil Appeal No. 4053 of 2022 and the Hon’ble Supreme Court had disposed of the said Civil Appeal by its order dated 20.05.2022. The order of the Hon’ble Supreme Court reads as under:-

“Order

Having heard Mr. Sukumar Pattjoshi, senior counsel appearing on behalf of the appellant, we find no error in the impugned order of the National Green Tribunal dated 23 February 2022. However, time for compliance shall stand extended until 30 September 2022.

Subject to the aforesaid extension of time which was fixed in paragraph 12 of the NGT, the Civil Appeal stand disposed of.

Pending application, if any, stands disposed of.”

12. The date of filing of compliance report was extended by the Hon’ble Supreme Court upto 30th September, 2022. Till date no compliance report has been filed by the Bihar State Pollution Control Board.
13. Issue notice to the Bihar State Pollution Control Board.

14. Ms. Amrita Pandey, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Bihar State Pollution Control Board.
15. The Bihar State Pollution Control Board shall file compliance report by **17.11.2022**.
16. **List on 17.11.2022.**

.....
B. Amit Sthalekar, JM

.....
Dr. Afroz Ahmad, EM

November 14, 2022
M.A. No.32/2022/EZ
In
Original Application No.88/2021/EZ
AK

ANNEXURE A-3

Item No.03

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

M.A. No.32/2022/EZ

&

M.A. No.35/2022/EZ

In

Original Application No.88/2021/EZ

Tribunal on its own motion

Applicant(s)

Versus

Govt. of Bihar & Ors.

Respondent(s)

Date of hearing: 17.11.2022

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

For Applicant(s) : *Suo Motu*

Mr. Kamlesh Kumar Mishra, Adv. for Talab Bachao
Abhiyan, (in M.A.)

For Respondent(s): Mr. Surendra Kumar, Adv. for R-1,3 & 4,
Mr. Ashok Prasad, Adv. for R-5,
Ms. Amrita Pandey, Adv. for R-8, (in Virtual Mode),
Ms. Anamika Pandey, Adv. for R-9 (in Virtual Mode),
Mr. Abdesch Chaudhary, Adv. for R-2, Lalit Narayan
Mithila University

ORDER

1. Mr. Kamlesh Kumar Mishra, learned Counsel is present (in Virtual Mode) for the Applicant in M.A. No.35/2022/EZ.
2. Compliance-affidavit dated 01.07.2022 has been filed by Respondent No.8 i.e., Bihar State Pollution Control Board; same is taken on record.
3. M.A. No.32/2022/EZ is being taken up along with M.A. No.35/2022/EZ. Both Miscellaneous Applications have been filed in Original Application No.88/2021/EZ seeking compliance of the judgment and order of the Tribunal dated 23.02.2022.

4. M.A. No.32/2022/EZ has been taken up Suo Motu by the Tribunal whereas M.A. No.35/2022/EZ has been filed by the Applicant, of the O.A., Talab Bachao Abhiyan.
5. The affidavit dated 01.07.2022 filed by the Bihar Pollution Control Board along with Water Analysis Report shows Total Coliform (TC) to be 160000.0 and Faecal Coliform (FC) to be 92000.0. The Biological Oxygen Demand (BOD) level is shown as 2.0 and the Dissolved Oxygen level is shown as 7.1 which cannot be said to be correct when the Total Coliform (TC) and Faecal Coliform (FC) levels are extremely high as per the Water Analysis Report.
6. The Bihar State Pollution Control Board has also not given any suggestions for treatment of raw sewage and the source from where those are entering into the pond.
7. Bihar State Pollution Control Board being a regulatory authority is required to take appropriate statutory action against the violator, namely, Lalit Narayan Mithila University but the affidavit filed by the Bihar State Pollution Control Board is silent regarding action taken.
8. Ms. Amrita Pandey, learned Counsel appearing on behalf of Respondent No.8 i.e., Bihar State Pollution Control Board prays for and is granted four weeks further time to address the queries of the Court and show compliance of the directions of the Tribunal.
9. Mr. Abdesh Chaudhary, learned Counsel appearing (in Virtual Mode) for Respondent No.2, Lalit Narayan Mithila University prays for and is granted three weeks time to file affidavit of compliance showing compliance of the directions given by the Tribunal in Paragraph-10 of its judgment and order dated 23.03.2022 and also with regard to steps taken by the Lalit Narayan Mithila University

for the upkeep of the water body in question and for prevention of sewage pouring into the water body in view of the Water Analysis Report filed by the Bihar State Pollution Control Board.

10. **List on 20.12.2022.**

.....
B. Amit Sthalekar, JM

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

November 17, 2022

M.A. No.32/2022/EZ

&

M.A. No.35/2022/EZ

In

Original Application No.88/2021/EZ

BD

ANNEXURE A-4

Item Nos.01 & 02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

M.A. No.32/2022/EZ
&
M.A. No.35/2022/EZ
In
Original Application No.88/2021/EZ

In the Matter of:-*Tribunal on its own motion***Applicant(s)**

Ref: Talab Bachao Abhiyan-TBA,
Through its Convener Narayan Jee Choudhary,
C/o Maithilli Sahitya Parishad, Professor Colony,
Dighi West, Near Primary School,
Darbhanga-846004

Versus

1. Government of Bihar
Through Chief Secretary,
Main Secretariat, Patna,
PIN-800015,
2. Vice-Chancellor,
Lalit Narayan Mithila University,
Bihar-8465004,
3. District Magistrate, Darbhanga,
Darbhanga,
4. S.P.
Commissioner Office,
4W72+V7C, PWD Colony, Lakheriasarai,
Darbhanga, Bihar,
PIN-846k001,
5. Ministry of Jal Shakti,
Through Secretary,
2, Safi Marg, Sansad Marg Area,
New Delhi-110001,
6. Ministry of Environment, Forest and Climate Change,
Through Secretary,
Jor Bagh, Lodhi Colony,
New Delhi-110003,
7. Central Ground Water Board,
Through Regional Director,
Mid-Eastern Region, 6th & 7th Floor,
Lok Nayak Jai Prakash Bhawan,

Frazer Road, Dak Banglow,
PIN-800011,

8. Bihar State Pollution Control Board,
Parivesh Bhawan, Patna,
Mall Rd, Patliputra Industrial Area,
Digha, Patna-800010,
9. State Environment Impact Assessment Authority, Bihar,
2nd Floor, Beltron, Baldev Bhawan Rd,
Shastri Nagar, Patna-800023

Respondent(s)

Date of hearing: 01.02.2023.

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE, DR. AFROZ AHMAD, EXPERT MEMBER**

(M.A. No.32/2022/EZ)

For Applicant(s) : *Suo Motu*

For Applicant(s) : Mr. Bibhuti Bhushan Mishra, Adv. (in Virtual Mode) in O.A.

For Respondent(s) : Mr. Abdesh Chaudhary, Adv. for R-2 (in Virtual Mode),
Mr. Surendra Kumar, Adv. for R-1, 3 & 4 (in Virtual Mode),
Mr. Ashok Prasad, Adv. for R-5 (in Virtual Mode),
Ms. Amrita Pandey, Adv. for R-8 (in Virtual Mode),
Ms. Anamika Pandey, Adv. for R-9 (in Virtual Mode)

(M.A. No.35/2022/EZ)

For Applicant(s) : *Suo Motu*

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

For Respondent(s) : Mr. Abdesh Chaudhary, Adv. for R-2 (in Virtual Mode),
Mr. Surendra Kumar, Adv. for R-1, 3 & 4 (in Virtual Mode),
Mr. Ashok Prasad, Adv. for R-5 (in Virtual Mode),
Ms. Amrita Pandey, Adv. for R-8 (in Virtual Mode),
Ms. Anamika Pandey, Adv. for R-9 (in Virtual Mode)

ORDER

1. Mr. Bibhuti Bhushan Mishra, learned Counsel is present (in Virtual Mode) for the Applicant (in O.A. No.88/2021/EZ)
2. Mr. Kamlesh Kumar Mishra, learned Counsel is present (in Virtual Mode) for the Applicant (in M.A. No.35/2022/EZ).
3. Affidavit dated 04.11.2022 has been filed by Respondent No.2, Lalit Narayan Mithila University; the same is taken on record.
4. Affidavit dated 27.01.2023 has been filed by Respondent No.8, Bihar State Pollution Control Board; the same is taken on record.

5. Affidavit dated 02.02.2023 has been filed by Respondent No.8, Bihar State Pollution Control Board.
6. Original Application No.88/2021/EZ was filed by the Applicant (therein) alleging that there is a natural pond in front of the European Guest House at Lalit Narayan Mithila University, Darbhanga, Bihar, covering an area of 2.5 acres. It is stated there are 10 ponds which are connected with this pond but the outlet of the pond has been blocked due to construction of a Girls' Hostel. Allegation is that a wide stretch of area on the periphery of the pond has been covered by laying bricks which is not permissible on the embankment of water bodies.
7. The Original Application No.88/2021/EZ was disposed of by this Tribunal by its order dated 23.02.2022 with the following directions:-

“10. We, therefore, direct that the fire baked bricks shall be removed and the embankment of the pond in question shall not be lined either with clay bricks or fire baked bricks but shall be an earth embankment with adequate plantation of grass and other plants on the sides of the pond which will help in binding of the soil in the embankment and retention of moisture thereby preventing soil erosion. Further, an eco-park may be created along the periphery of the lake towards aesthetic value and also biodiversity conservation.

11. We also direct the Respondent No.8, Bihar State Pollution Control Board, to carry out inspections in the quality of water of the pond from time to time to ensure that the pond is not polluted.

12. These works shall be completed within three months and an affidavit of compliance with photographic evidence shall be filed by 30.05.2022.

13. With the aforesaid directions, the Original Application is disposed of.

14. There shall be no order as to costs.”

8. The order of the Tribunal dated 23.02.2022 was challenged by the Respondent No.2, Vice Chancellor, Lalit Narayan Mithila University, before the Hon'ble Supreme Court in Civil Appeal No. 4053 of 2022 and the Hon'ble Supreme Court had disposed of the said Civil Appeal by its order dated 20.05.2022. The order of the Hon'ble Supreme Court reads as under:-

“Order

Having heard Mr. Sukumar Pattjoshi, senior counsel appearing on behalf of the appellant, we find no error in the impugned order of the National Green Tribunal dated 23 February 2022. However, time for compliance shall stand extended until 30 September 2022.

Subject to the aforesaid extension of time which was fixed in paragraph 12 of the NGT, the Civil Appeal stand disposed of.

Pending application, if any, stands disposed of.”

9. The date of filing of compliance report was extended by the Hon'ble Supreme Court up to 30th September, 2022.
10. When no compliance report was filed by the Bihar State Pollution Control Board, the present M.A. No.32/2022/EZ was taken up by this Tribunal Suo Motu.
11. The Applicant of the O.A. also filed M.A. No.35/2022/EZ alleging non-compliance of the directions of the Tribunal. Therefore, both the M.A. No.32/2022/EZ and M.A. No.35/2022/EZ have been taken together for disposal.
12. Bihar State Pollution Control Board has filed affidavit dated 01.07.2022. Along with this affidavit a water analysis report has been filed. This report shows Total Coliform (TC) (MPN/100ml) to be 160000.0 and Faecal Coliform (FC) (MPN/100ml) to be 92000.0.

The Biological Oxygen Demand (BOD) (mg/L) level is shown as 2.0 and the Dissolved Oxygen (mg/L) level is shown as 7.1.

13. The University in question has filed its affidavit dated 04.11.2022 stating that after dismissal of the Civil Appeal No.4053/2022, a Review Petition has been filed by the University before the Honourable Supreme Court which is Diary No.24138/2022.
14. However, in this affidavit, it is also stated that in compliance of the order passed by the Honourable Supreme Court, the University has started the task of removing bricks but the process has been delayed due to labour issues.
15. The Bihar State Pollution Control Board has filed a further affidavit dated 27.01.2023. Along with this affidavit two Water Analysis Reports have been filed both dated 16.12.2022 marked as 'Annexure-2' and 'Annexure-3' respectively.
16. The Water Analysis Report of 'Annexure-2 shows the data collected for the month of August, September and October i.e., 15.08.2022, 20.09.2022 and 13.10.2022. 'Annexure-3' shows the data collected for the months of November and December collected on 22.11.2022, 26.11.2022, 02.12.2022 and 08.12.2022. In this report Dissolved Oxygen (mg/L) level is shown as 7.8; pH is 7.8, BOD (mg/L) is 2.1, Total Coliform (MPN/100ml) is 34 and Fecal Coliform (MPN/100ml) is 11 for the months of November and December though for the months of August, September and October 2022 the Report shows very high levels beyond the permissible limit.
17. The Respondent, Bihar Pollution Control Board has filed MoEF Notification dated 25.09.2000 which lays down the standard required criteria, namely, Primary Water Quality Criteria for

Bathing Waters (Water used for organized outdoor bathing) which reads as under:-

Table-1.

**PRIMARY WATER QUALITY CRITERIA FOR BATHING WATER
(Water used for organized outdoor bathing)**

CRITERIA	RATIONALE
<p>1. <i>Fecal Coliform</i> 500 (desirable) MPN/100ml: 2500(Maximum Permissible)</p> <p>2. <i>Fecal Streptococci</i> 100 (desirable) MPN/100ml: 500(Maximum Permissible)</p>	<p>To ensure low sewage contamination. Fecal coliform and fecal streptococci are considered as they reflect the bacterial pathogenicity.</p> <p>The desirable and permissible limits are suggested to allow for fluctuation in environmental conditions such as seasonal change, change in flow conditions etc.</p>
<p>3. <i>pH:</i> Between 6.5-8.5</p>	<p>The range provides protection to the skin and delicate organs like eyes, nose ears etc. which are directly exposed during outdoor bathing.</p>
<p>4. <i>Dissolved Oxygen:</i> 5mg/ l or more</p>	<p>The minimum dissolved oxygen concentration of 5mg/ l ensures reasonable freedom from oxygen consuming organic pollution immediately upstream which is necessary for preventing production of anaerobic gases (obnoxious gases) from sediment.</p>
<p>5. <i>Biochemical Oxygen Demand</i> 3mg/ l or less Demand 3 day, 27°C:</p>	<p>The Biochemical Oxygen Demand of 3 mg/ l or less of the water ensures reasonable freedom from oxygen demanding pollutants and prevent production of obnoxious gases.</p>

18. The comparison of the water analysis reports for the months of November and December show that the same are within the limit prescribed in the MoEF Notification dated 25.09.2000.
19. In view of the above facts, we issue the following directions:-
 - A. The University shall completely remove all the bricks from the embankment from the lake in question by 15.02.2023 if not already removed.
 - B. The University shall plant requisite quality of grass on the embankment to prevent erosion of soil and also plant shrubs, bushes or trees for beautification of the embankment and also to prevent soil erosion.
20. Directions are also issued to the Bihar State Pollution Control Board that since there are ten ponds connecting the lake/ pond in question, the Bihar State Pollution Control Board shall conduct regular/monthly Water Analysis Tests and prepare Report and if the readings therein are found to be beyond the permissible limits, the Board shall take steps to give directions to the concerned violator for taking remedial measures and the Board shall also monitor the execution of remedial measures.
21. The Board shall also inspect the lake in question to ensure compliance of the directions given to the University in Para-18 hereinabove by this Tribunal and ensure compliance thereof.
22. With the aforesaid directions these M.A. No.32/2022/EZ and M.A. No.35/2022/EZ are disposed of.

23. There shall be no order as to costs.

.....
B. Amit Sthalekar, JM

February 01, 2023
M.A. No.32/2022/EZ
&
M.A. No.35/2022/EZ
In
Original Application No.88/2021/EZ
BD

.....
Dr.Aforz Ahmad, EM

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: 27/05/2023

सेवा में
कुलपति महोदय
ललित नारायण मिथिला विश्वविद्यालय,
दरभंगा, बिहार।

विषय-: LNMU द्वारा किये गये सौन्दर्यीकरण वाले तालाब से ईट हटाने के संबंध में माननीय नेशनल ग्रीन ट्रिब्यूनल के आदेश (O.A. No. 88/2021/EZ) पर ध्यानाकर्षण।

महोदय,

माननीय नेशनल ग्रीन ट्रिब्यूनल के फरबरी 23, 2022 के आदेश (O.A. No. 88/2021/EZ) के 10 और 12 पैराग्राफ पर आपका ध्यानाकर्षित करना चाहूँगा, जो इस प्रकार है:

“10. We, therefore, direct that the fire baked bricks shall be removed and the embankment of the pond in question shall not be lined either with clay bricks or fire baked bricks but shall be an earth embankment with adequate plantation of grass and other plants on the sides of the pond which will help in binding of the soil in the embankment and retention of moisture thereby preventing soil erosion. Further, an eco-park may be created along the periphery of the lake towards aesthetic value and also biodiversity conservation”.

These works shall be completed within three months and an affidavit compliance with photographic evidence shall be filed by 30.05.2022”.

माननीय न्यायलय के उपर्युक्त आदेश के आलोक में आपसे निम्नलिखित अनुरोध है:

1. यूरोपियन गेस्ट हाउस के सामने के तालाब से समस्त ईट को 30/5/2022 तक हटा जाना चाहिए था, जैसा कि माननीय न्यायलय का आदेश है। लेकिन वह अभी तक मात्र लगभग 40% ही हटाया गया है। अतः अनुरोध है कि तालाब के किनारे एवं तालाब के बेड (बेड में 5-6 फिट चौड़ा ब्रिक लेयर है) से सभी इंटों को मानसून आने से पहले (अर्थात् जून के अंतिम सप्ताह से पूर्व) ही हटा लिया जाय।

27/05/2023
Surenra Paswan
L.D.C.
V.C. Secretary
L.N.M.U. Darbhanga

जब समस्त ईंटों को हटा लिया जाएगा तब तालाब के कछार/स्लोप की मिटटी को पूर्व की भांति पुनर्नवीकरण/मजबूत कर इस पर एक्सपर्ट के सलाह से कतरा घास या अन्य घास लगाकर इस पुरानी धरोहर का संरक्षण किया जाए जिससे कि तालाब के किनारे लगे पेड़ों को भी बचाया जा सकता है | वर्षा शुरू होने के बाद इस कार्य में बहुत दिक्कत का सामना करना पड़ेगा, इसीलिए इसे प्राथमिकता दिया जाय |

2. तालाब के चारों तरफ घुमन्त-पथ (Walkway) बनाया गया है, लेकिन पूरब में जो घुमन्त-पथ है वह जमीन के सतह से लगभग एक फिट ऊँचा है जिसके कारण उसके समीप के फिल्ड से वरसाती पानी (फ्रेश वाटर) तालाब में नहीं जा पाएगा | अतः अनुरोध है कि उस घुमन्त-पथ को भी ठीक किया जाय ताकि वरसाती पानी सहजता से तालाब में जा सके जिससे कि तालाब का पानी रिफ्रेश हो सके |

ललित नारायण मिथिला विश्वविद्यालय (LNMU) के स्थापना के बाद से ही विश्वविद्यालय प्रशासन अपने केम्पस के बॉटैनिकल, जूलॉजिकल और जल संसाधन जैसे महत्वपूर्ण धरोहरों के प्रति जो लापरवाही और उदासीनता शुरू किया वह आज भी कायम है, जबकि विश्वविद्यालय इन संसाधनों से करोड़ों रुपया की आय अभी तक अर्जित किया है |

हम उम्मीद करते हैं कि आपके प्रभावशाली और कुशल नेतृत्व एवं मार्गदर्शन में विश्वविद्यालय अपने इन धरोहरों के सुरक्षा और संरक्षण हेतु एक ठोस नीति और पारदर्शी कार्यक्रम तैयार करेगा ताकि भविष्य में मनमानी, अविवेकपूर्ण और पर्यावरण विरोधी संरचनात्मक हस्तक्षेप न हो सके, जिसके लिए दरभंगा और मिथिला के लोग आपका सदा आभारी रहेंगे |

धन्यवाद |

 27.5.23

नारायण जी चौधरी
संयोजक

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: 06/10/2023

सेवा में,

- * कुलपति महोदय, ललित नारायण मिथिला विश्वविद्यालय, दरभंगा, बिहार |
- * जिला पदाधिकारी, दरभंगा, बिहार |
- * रजिस्ट्रार, ल. ना. मिथिला विश्वविद्यालय, दरभंगा, बिहार |
- * सचिव/वैज्ञानिक, बिहार स्टेट पोल्यूशन कण्ट्रोल बोर्ड, मुजफ्फरपुर, बिहार |

विषय:- यूरोपियन गेस्ट हाउस के सामने के तालाब का सौन्दर्यीकरण के संबंध में माननीय नेशनल ग्रीन ट्रिब्यूनल के आदेश और निर्देश का शीघ्र पालन हेतु निवेदन |

सन्दर्भ:

1. माननीय नेशनल ग्रीन ट्रिब्यूनल के आदेश (O.A. No. 88/2021/EZ, तारीख: फरबरी 23, 2022), तालाब बचाओ अभियान वनाम बिहार सरकार एवं अन्य |
2. माननीय सर्वोच्च न्यायालय के आदेश (Civil Appeal No 4053 of 2022, तारीख: मई 20, 2022), वाइस चांसलर, ललित नारायण मिथिला विश्वविद्यालय वनाम तालाब बचाओ अभियान |
3. माननीय नेशनल ग्रीन ट्रिब्यूनल के आदेश (M.A. No.32/2022/EZ & M.A. No.35/2022/EZ, In Original Application No.88/2021/EZ, Date: 17.11.2022) |

महोदय,

माननीय नेशनल ग्रीन ट्रिब्यूनल के आदेश और निर्देश के पालन हेतु तालाब बचाओ अभियान ने 27/05/2023 को भी एक रिमाइंडर आपको दे चुका है | हम पुनः आपका ध्यान विश्वविद्यालय स्थित तालाब के संबंध में माननीय न्यायालय के निम्न आदेश और निर्देश के तरफ आकर्षित करना चाहते हैं :

1. माननीय नेशनल ग्रीन का आदेश, फरबरी 23, 2022:

"9. Fire baked bricks, in our opinion, cannot be used for laying against the mud wall of a water body as it has retrograde effects in the preservation of moisture and also the growth of grass and other plants. We cannot ignore the fact that during the summer heat the said bricks will be absorbed the heat and reflect the same thereby raising the temperatures which would, in turn, deter healthy growth of grass and trees around the pond in question" .

"10. We, therefore, direct that the fire baked bricks shall be removed and the embankment of the pond in question shall not be lined either with clay

bricks or fire baked bricks but shall be an earth embankment with adequate plantation of grass and other plants on the sides of the pond which will help in binding of the soil in the embankment and retention of moisture thereby

preventing soil erosion. Further, an eco-park may be created along the periphery of the lake towards aesthetic value and also biodiversity Conservation”.

“12. These works shall be completed within three months and an affidavit of compliance with photographic evidence shall be filed by 30.05.2022”.

उपर्युक्त आदेश में माननीय न्यायालय ने स्पष्ट रूप से कहा है कि तालाब के किनारे (स्लोप) इंट का लेयर लगाने से घास एवं अन्य पौधा के जीवन पर प्रतिकूल असर पड़ेगा एवं गर्मी के मौषम में इंट वातावरण से ताप का अवशोषण करके जो उत्सर्जन करेगा उसका आस-पास के वनस्पतियों कि जीवन और स्वास्थ्य पर प्रतिकूल असर होगा | इसीलिए तालाब से सभी इंटों को 30 जून 2022 तक हटाया जाय, जिस जगह से इंट हटाया जाएगा उस जगह पर घास लगाया जाय एवं तालाब के चारो तरफ इको पार्क का निर्माण किया जाय | कुल मिलाकर माननीय न्यायालय के आदेश का मुख्य भावना तालाब को प्राकृतिक रूप में ही रखने के लिए आदेश और निर्देश दिए हैं |

2. माननीय सर्वोच्च न्यायालय का आदेश, मई 20, 2022:

माननीय नेशनल ग्रीन ट्रिब्यूनल के फरबरी 23, 2022 के आदेश के खिलाप ललित नारायण मिथिला विश्वविद्यालय ने माननीय सर्वोच्च न्यायालय में आपिल (Civil Appeal No 4053 of 2022) दायर की जिसमें माननीय सर्वोच्च न्यायालय ने मई 20, 2022 के अपने आदेश में माननीय नेशनल ग्रीन ट्रिब्यूनल के 23 फरबरी 2022 के आदेश को बरकरार रखते हुए निम्नलिखित निर्देश दिये हैं:

“1 Having heard Mr Sukumar Pattjoshi, senior counsel appearing on behalf of the appellant, we find no error in the impugned order of the National Green Tribunal dated 23 February 2022. However, time for compliance shall stand extended until 30 September 2022”.

“2 Subject to the aforesaid extension of time which was fixed in paragraph 12 of the NGT, the Civil Appeal shall stand disposed of”.

“3 Pending application, if any, stands disposed of ”.

3. माननीय नेशनल ग्रीन ट्रिब्यूनल का आदेश, नवम्बर 17, 2022:

पुनः इस केस कि सुनवाई माननीय नेशनल ग्रीन ट्रिब्यूनल में 17 नवम्बर 2022 को हुई, जिसमें ललित नारायण मिथिला विश्वविद्यालय को निम्नलिखित आदेश मिला:

“9. Mr. Abdesch Chaudhary, learned Counsel appearing (in Virtual Mode) for Respondent No.2, Lalit Narayan Mithila University prays for and is granted three weeks time to file affidavit of compliance showing compliance of the directions given by the Tribunal in Paragraph-10 of its judgment and order dated 23.03.2022 and also with regard to steps taken by the Lalit Narayan Mithila University for the upkeep of the water body in question and for prevention of sewage pouring into the water body in view of the Water Analysis Report filed by the Bihar State Pollution Control Board”.

उपर्युक्त आदेशों के आलोक में 15 दिसम्बर 2022 तक माननीय नेशनल ग्रीन ट्रिब्यूनल के फरबरी 23, 2022 के आदेश का पूर्णतः पालन हो जाना चाहिए था लेकिन अभी तक उन आदेशों का पालन ललित नारायण मिथिला विश्वविद्यालय द्वारा नहीं किया गया है।

4. अनुरोध/सुझाव:

माननीय न्यायलय के उपर्युक्त आदेश और तालाब के वर्तमान हालात के सन्दर्भ में निम्नलिखित अनुरोध करते हैं:

अ) यूरोपियन गेस्ट हाउस के सामने के तालाब के किनारे एवं तालाब के बेड (पानी के अन्दर चारों तरफ 6 फिट चौड़ा ब्रिक लेयर है) से सभी इंटों को शीघ्र हटा लिया जाय। अभी तक कुल इंट के लगभग 40% ही हटाया गया है।

आ) जब समस्त इंटों को हटा लिया जाएगा तब तालाब के कछार/स्लोप की मिटटी को पूर्व की भांति पुनर्नवीकरण/मजबुत कर इस पर एक्सपर्ट के सलाह से कतरा घास या अन्य घास लगाकर इस पुरानी धरोहर का संरक्षण किया जाए जिससे कि तालाब के किनारे लगे पेड़ों को भी बचाया जा सकता है।

इ) तालाब के चारों तरफ घुमन्त-पथ (Walkway) बनाया गया है। लेकिन पूरब में जो घुमन्त-पथ है वह जमीन के सतह से लगभग एक-दो फिट ऊँचा है जिसके कारण उसके समीप के फिल्ड से वरसाती पानी (फ्रेश वाटर) तालाब में नहीं आता है। अतः उस घुमन्त-पथ को भी ठीक किया जाय ताकि वरसाती पानी सहजता से तालाब में जा सके जिससे कि तालाब का पानी रिफ्रेश हो सके।

ई) विश्वविद्यालय अपने परिसर के बॉटैनिकल, जूलॉजिकल और जल संसाधन जैसे महत्वपूर्ण धरोहरों को बचाने के लिए शिक्षकों, खासकर बॉटनी, जूलॉजी, भूगोल विभागों के शिक्षक, छात्र, पर्यावरण विभाग, पर्यावरण कार्यकर्ता आदि के प्रतिनिधि की भागीदारी से एक 'विश्वविद्यालय पर्यावरण समिति' बनाएं जो विश्वविद्यालय के परिसरों के बॉटैनिकल, जूलॉजिकल और जल संसाधन जैसे महत्वपूर्ण धरोहरों की वर्तमान स्थिति पर रिपोर्ट तैयार करे एवं उसे बचाने के लिए शीघ्र काम करे, क्योंकि कई चीजें अब समाप्त होने के कगार पर हैं।

हम उम्मीद करते हैं कि विश्वविद्यालय अपने इन धरोहर के साथ-साथ अन्य धरोहरों के सुरक्षा और संरक्षण हेतु एक ठोस नीति और पारदर्शी कार्यक्रम तैयार करेगा ताकि भविष्य में मनमानी, अविवेकपूर्ण और पर्यावरण विरोधी संरचनात्मक हस्तक्षेप न हो सके।

धन्यवाद।

संलग्न सूची:

1. 27 मई 2023 को सौंपे गये रेप्रेजेंटेशन का स्कैन कॉपी।
2. तालाब का फोटोग्राफ।

नारायण जी चौधरी
संयोजक
तारीख : 06/10/2023

ANNEXURE A-7
KAMLESH KUMAR MISHRA⁶⁸
Advocate, Supreme Court of India

28th October, 2023

REGD POST/E-MAIL/MOST URGENT

NOTICE OF CONTEMPT

To,
Prof. Surendra Pratap Singh
The Vice Chancellor
Lalit Narayan Mithila University,
Kameshwaranagar, Darbhanga,
Bihar (INDIA)-846004

AND

To,
Dr Mushtaq Ahmad.
Registrar of
Lalit Narayan Mithila University,
Kameshwaranagar, Darbhanga,
Bihar (INDIA)-846004
9431414586

AND

To
Dr. Devendra Kumar Shukla
The Chairman
Bihar, State Pollution Control Board
PARIVESH BHAWAN, PLOT NO. NS-B/2
PALIPUTRA INDUSTRIAL AREA,
PATLIPUTRA, PATNA (BIHAR)-800 010
E-MAIL-



Subject: Notice of Contempt and request for compliance of the order passed by National Green Tribunal, Eastern Zone Bench, Bench, Kolkata, dated 23.02.2022 passed in O.A No. 88/2021/EZ along with order dated 01.02.2023 passed in M.A No. 32/2022/EZ & M.A No. 35/2022/EZ in the matter titled as Talab Bachao Abhiyan- TBA Versus Govt. Of Bihar & Ors.

Reference:

1. Final Order and Judgement dated 23.02.2022 passed by National Green Tribunal, Eastern Zone Bench, Bench, Kolkata in Original Application No. 88/2021/EZ in the matter titled as Talab Bachao Abhiyan-TBA Versus Govt. Of Bihar & Ors
2. Final Order and Judgement dated 01.02.2023 passed by National Green Tribunal, Eastern Zone Bench, Bench, Kolkata in M.A No. 32/2022/EZ & M.A No. 35/2022/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 apparent that the Order dated 23.02.2022 & 01.02.2023 on the Hon'ble NGT, Kolkata Bench in the matter titled as Talab Bachao Abhiyan-TBA Versus Govt. Of Bihar & Ors. (OA No. 88/2021/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 23.02.2022;

“10. We, therefore, direct that the fire baked bricks shall be removed and the embankment of the pond in question shall not be lined either with clay bricks or fire baked bricks but shall be an earth embankment with adequate plantation of grass and other plants on the sides of the pond which will help in binding of the soil in the embankment and retention of moisture thereby preventing soil erosion. Further, an eco-park may be created along the periphery of the lake towards aesthetic value and al so biodiversity conservation.



11. We also direct the Respondent No.8, Bihar State Pollution Control Board, to carry out inspections in the quality of water of the pond from time to time to ensure that the pond is not polluted.

12. These works shall be completed within three months and an affidavit of compliance with photographic evidence shall be filed by 30.05.2022."

The relevant portion of the order dated 01.02.2023

In view of the above facts, we issue the following directions:-

A. The University shall completely remove all the bricks from the embankment from the lake in question by 15.02.2023 if not already removed.

B. The University shall plant requisite quality of grass on the embankment to prevent erosion of soil and also plant shrubs, bushes or trees for beautification of the embankment and also to prevent soil erosion.

20. Directions are also issued to the Bihar State Pollution Control Board that since there are ten ponds connecting the lake/ pond in question, the Bihar State Pollution Control Board shall conduct



regular/monthly Water Analysis Tests and prepare Report and if the readings therein are found to be beyond the permissible limits, the Board shall take steps to give directions to the concerned violator for taking remedial measures and the Board shall also monitor the execution of remedial measures.

21. The Board shall also inspect the lake in question to ensure compliance of the directions given to the University in Para-18 hereinabove by this Tribunal and ensure compliance thereof.

That pursuant to the above order having been passed my client has also communicated to you the noticee vide representation/ communication/ letter dated 27.05.2023 and 06.10.2023 whereby my client requested for the compliance of the aforementioned orders passed by the Hon'ble Tribunal underscoring the current condition of the pond. Consequently, my client has made the following requests;

a) Remove all bricks from the periphery of the pond in front of the European Guest House and from the pond bed (there is a brick layer around all four sides within the water) promptly. Approximately 40% of the tiles have been removed so far.



b) *When all the bricks are removed, the mud from the pond's embankment/slope should be rejuvenated/strengthened as per expert advice and embankment or other suitable reinforcement should be added, preserving this old heritage, which can also save the trees near the pond.*

c) *Walkways have been constructed around all sides of the pond. However, the walkway on the eastern side is elevated by approximately one and a half feet from ground level, causing rainwater (freshwater) from the adjacent fields not to enter the pond easily. Therefore, the walkway should be leveled to allow rainwater to flow effortlessly into the pond, refreshing its water.*

d) *The university should establish a University Environment Committee, in which teachers, especially from the Botany, Zoology, Geography departments, as well as students, environmental department, environmental activists, etc., participate. This committee should work to conserve critical assets of the university's premises, such as botanical, zoological, and water resources.*

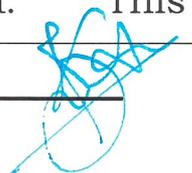


That however from the latest inspection of the site by client it appears that no action whatsoever has been taken by the University and neither by the Bihar State Pollution Control Board towards the compliance of the order passed by the Tribunal.

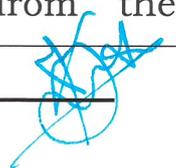
That for your convenience the status of compliance with the aforementioned orders in terms of the inspection and observation of my client is as under;

Sl.	Relevant para & portion of the order	Status of compliance	Remarks
1.	23.02.2022; <i>“10. We, therefore, direct that the fire baked bricks shall be removed and the embankment of the pond in question shall not be lined either with clay bricks or fire baked bricks but shall be an earth embankment with adequate plantation of grass and other plants on the sides of the pond which will help in binding of the soil in the</i>	Form the Pond’s Bed there is No removal of Bricks. On the western side of the pond, no bricks has been removed as can be seen in the photographs. On the Eastern side of the pond 70% of the bricks has been removed. from the Southern side 40% of the	Non-compliance with the order becomes evident when assessing the progress of the brick removal and plantation efforts. In the sloped area, where the directive was to remove all the fire-backed bricks, only 40% of these resilient bricks have been taken out. This incomplete removal implies that a

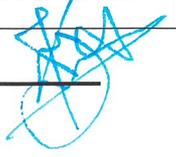
<p><i>embankment and retention of moisture thereby preventing soil erosion. Further, an eco-park may be created along the periphery of the lake towards aesthetic value and al so biodiversity conservation.</i></p>	<p>bricks has been removed. From the northern side 30% of the bricks has been removed. Overall we can say only 40% bricks has been removed.</p>	<p>substantial number of these bricks, with their potential use or significance, continue to occupy the area, thus indicating that the task remains unfinished and necessitates further attention and follow-through.</p> <p>Similarly, in the context of the pond's southern side, the order was to remove all the bricks and replace them with a green landscape through plantation. However, only a portion of the bricks has been removed, while grass plantation has been initiated in the area. This</p>
--	---	--



			divergence from the initial instruction reflects non-compliance as the removal process is incomplete, and the intended transformation has been only partially realized. It emphasizes the need for a more comprehensive adherence to the original order to achieve the desired outcome.
2.	order 01.02.2023 <i>In view of the above facts, we issue the following directions:-</i> <i>A. The University shall completely remove all the bricks from the embankment from the lake in question by</i>	As of October 2023, a mere 40% of the bricks have been extracted from the pond's bed, indicating a substantial backlog in the removal process that persists.	Continuing into October 2023, the progress report underscores the persisting non-compliance with the order, specifically regarding the removal of bricks from the



<p>15.02.2023 if not already removed.</p> <p><i>B. The University shall plant requisite quality of grass on the embankment to prevent erosion of soil and also plant shrubs, bushes or trees for beautification of the embankment and also to prevent soil erosion.</i></p> <p><i>20. Directions are also issued to the Bihar State Pollution Control Board that since there are ten ponds connecting the lake/ pond in question, the Bihar State Pollution Control Board shall conduct regular/monthly Water Analysis Tests and prepare Report and if the readings therein are found to be beyond the permissible limits, the Board shall take steps to</i></p>	<p>Furthermore, limited progress has been made in implementing plantation efforts, with the southern side of the pond being the sole area where some planting has occurred. However, the same isn't adequate to prevent erosion of soil.</p>	<p>pond's bed. By this date, merely 40% of the bricks have been successfully extracted, revealing a substantial backlog in the removal process. This statistic reaffirms the need for heightened efforts to bring the operation closer to completion, as a significant number of bricks still remain embedded in the pond's bed, thereby impeding the intended restoration.</p> <p>Additionally, while some plantation has been initiated on the southern side of the pond, it becomes evident that these efforts fall short of the</p>
--	--	---



<p><i>give directions to the concerned violator for taking remedial measures and the Board shall also monitor the execution of remedial measures.</i></p> <p><i>21. The Board shall also inspect the lake in question to ensure compliance of the directions given to the University in Para-18 hereinabove by this Tribunal and ensure compliance thereof.</i></p>	<p>original objectives. The incomplete nature of the plantation indicates that it may not provide the required level of soil stabilization, leaving the area susceptible to erosion. As such, the initial intention of preventing soil erosion through the establishment of green cover remains inadequately fulfilled. Further actions and enhancements are essential to ensure the pond's ecosystem is safeguarded as originally intended.</p>
---	--

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

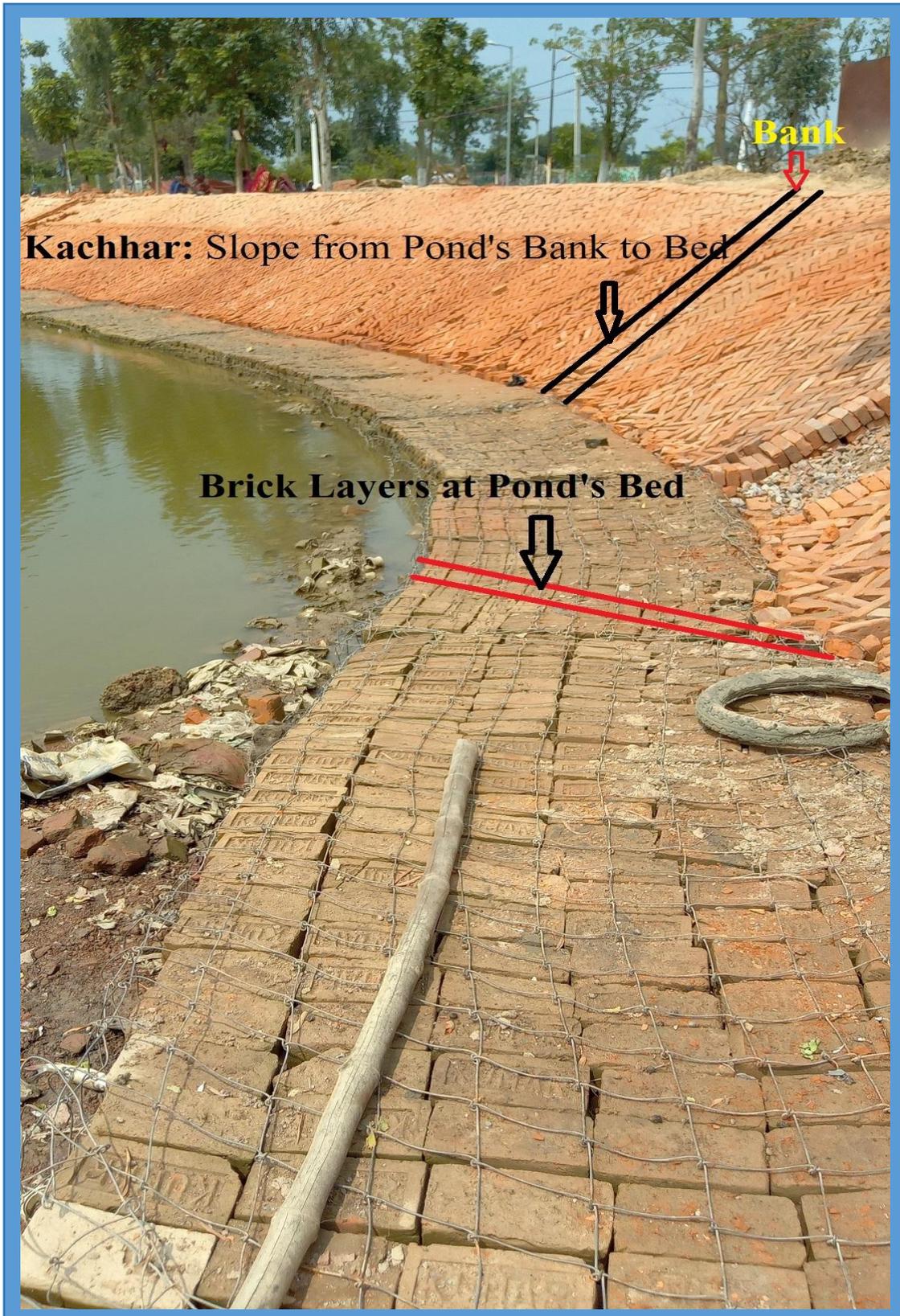
KAMLESH KUMAR MISHRA
ADVOCATE, SUPREME COURT
D/3242/2013
346A, BLOCK-1, DELHI HIGH COURT
NEW DELHI-110003
M: +91-9582388509
kamlesh.legalaid@gmail.com

346A, Lawyers Chamber Block I,
Delhi High Court, Delhi 110003
Kamlesh.legalaid@gmail.com
+91 9582388509

Attachments:

1. Final Order and Judgement dated 23.02.2022 passed by National Green Tribunal, Eastern Zone Bench, Bench, Kolkata in Original Application No. 88/2021/EZ in the matter titled as Talab Bachao Abhiyan-TBA Versus Govt. Of Bihar & Ors
2. Final Order and Judgement dated 01.02.2023 passed by National Green Tribunal, Eastern Zone Bench, Bench, Kolkata in M.A No. 32/2022/EZ & M.A No. 35/2022/EZ in the matter titled as Talab Bachao Abhiyan-TBA Versus Govt. Of Bihar & Ors.

**Photograph Reveals Construction Area Before Removal of Brick
Pond's Bed: No brick has been removed so far.
Pond's Slope: Brick has Removed From About 40% of Area of Slope .**



Photographs Taken in the Month of May-June, 2023.

Pond's Bed: No Removal of Brick at all.

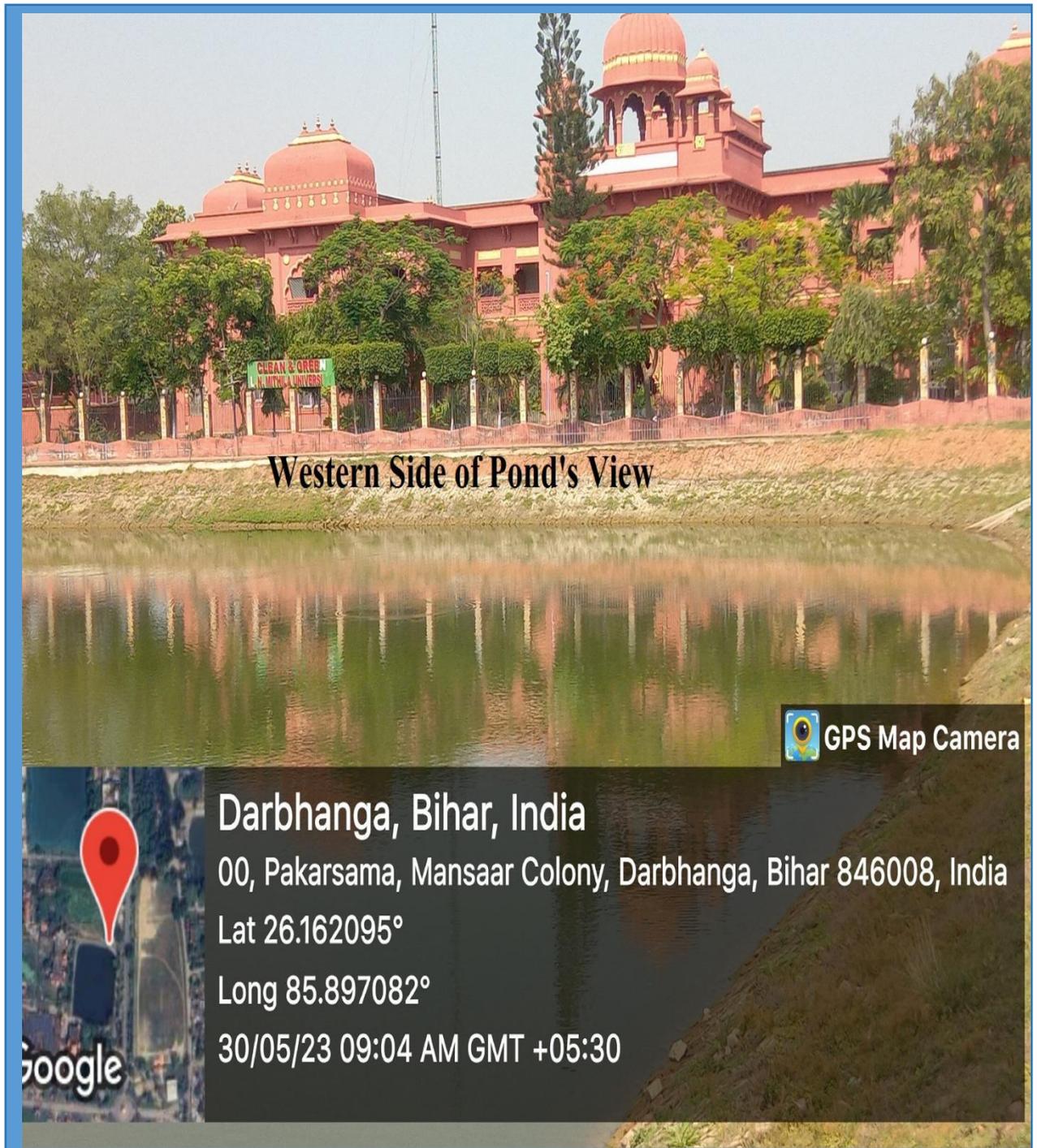
Western Side: No Removal of Brick at all.

Eastern Side: About 70% Brick has removed.

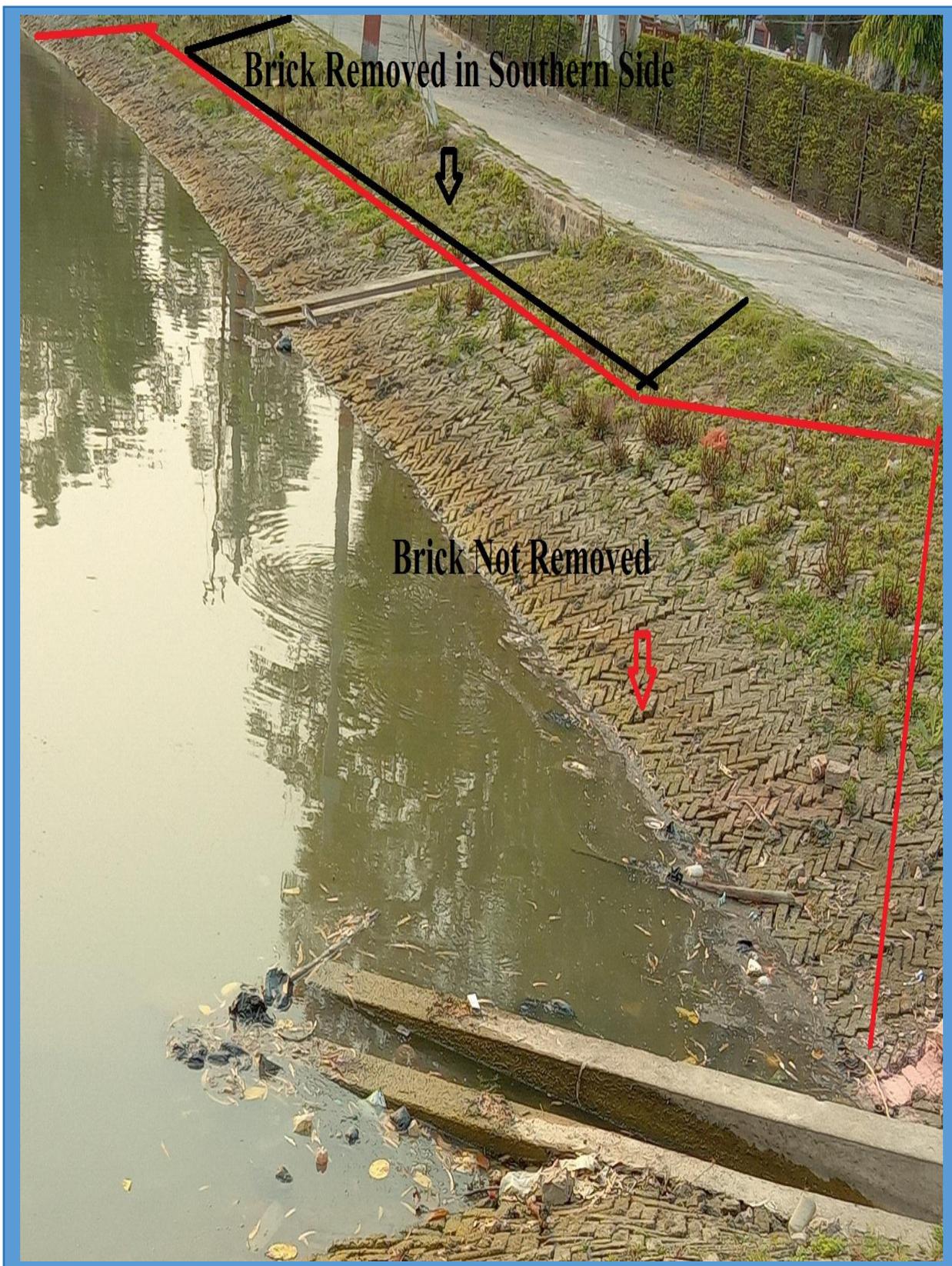
Southern Side: 40% Brick has Removed.

Northern Side: 30% Brick has removed.

Overall 40% of total brick of SLOPE AREA has removed so far.



Removal of Brick from Southern Side



IN THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA
IN THE MATTER OF: MA no - 9 2023

Talab Bachao Abhiyan (TBA)
Versus

...Petitioner 83

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 Bhawan, Hofeno colony, Dighi West, Regd
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 Corpusjrisindia@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 1st 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: 10-11-23

Kemp
D/9604/22

[Signature]
D/3242/23

Identified Kemp
D/9604/22
[Signature]

Advocate Signature

Client's Signature